

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VI, 1934

(16th July to 3rd August, 1934)

EIGHTH SESSION

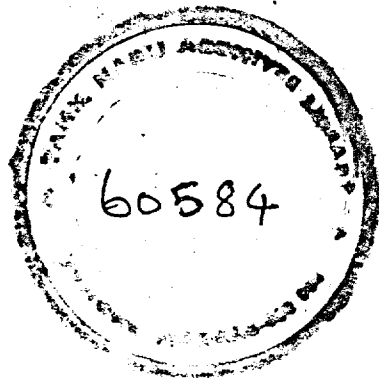
OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1934**



NEW DELHI
GOVERNMENT OF INDIA PRESS
1934

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Legislative Assembly.

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THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.,

Deputy President:

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CORRIGENDA.

In the Legislative Assembly Debates, Simla Session, 1934—

(1) Vol. VI, No. 3, dated the 18th July, 1934—

(i) page 199, lines 11 and 12, for “and upon or” read “and/or.”

(ii) page 246, in the first column of the statement, line 5, for “than as” read “thanas.”

(2) Vol. VI, No. 4, dated the 19th July, 1934,—

(i) page 354, line 2, for “answers” read “answered.”

(ii) page 378, delete “Appeared before Unit Advisory Committee on the 24th August, 1933.”

(iii) page 413, in the statement laid on the table in reply to starred question No. 333, parts (a) and (e), line 1, for “have the reason” read “have no reason.”

(iv) page 418, in the statement laid on the table in reply to starred question No. 414, part (b), line 7, for “services” read “service.”

(v) page 462, line 8 from the bottom, for “curiosity” read “curiosity.”

(3) Vol. VI, No. 6, dated the 24th July, 1934, page 550, first headline, for “promised to reply given to” read “promised in reply to.”

(4) Vol. VI, No. 8, dated the 26th July, 1934, page 711, line 19, for “dection” read “election.”

(5) Vol. VI, No. 9, dated the 30th July, 1934,—

(i) page 745, answer to starred question No. 292, parts (e) and (h),—

(a) line 2, delete “only.”

(b) line 6, delete “therefore.”

(ii) page 746, answer to starred question No. 295, part (c), line 6, for “these” read “the.”

(6) Vol. VI, No. 11, dated the 1st August, 1934, page 875, line 9, for “benefit” read “benefits.”

(7) Vol. VII, No. 1, dated the 6th August, 1934,—

(i) page 1022, insert “List of Publications,” as heading on the top of the statement.

(ii) page 1036, insert “Leakage of Carriages on the Bombay Suburban Service.” as heading to starred question No. 394.

(iii) page 1037, delete the heading “Leakage of Carriages on the Bombay Suburban Service” at the top of the page.

(8) Vol. VII, No. 2, dated the 7th August, 1934,—

(i) page 1128, lines 8 and 9, for “reference this Corps” read “reference to this Corps.”

(ii) page 1148, line 13 from the bottom, for “than” read “that.”

(9) Vol. VII, No. 3, dated the 8th August, 1934, page 1240, line 15, for “pround” read “proud.”

(10) Vol. VII, No. 5, dated the 13th August, 1934,—

(i) page 1369, line 5, for “time or war” read “time of war.”

(ii) page 1404, line 15 from the bottom, delete the word “of” where it occurs for the second time.

(11) Vol. VII, No. 6, dated the 14th August, 1934,—

(i) page 1447, line 4, for “Proposal” read “A proposal.”

(ii) page 1482, line 5 from the bottom, for “claims” read “chains.”

(12) Vol. VII, No. 7, dated the 15th August, 1934, page 1528, line 9 from the bottom, for "decease" read "deceased."

(13) Vol. VII, No. 8, dated the 16th August, 1934, page 1589, line 28, for "this" read "his."

(14) Vol. VII, No. 11, dated the 22nd August, 1934,—

(i) page 1959, line 7, for "in" read "is."

(ii) page 1971, line 5 from the bottom, for "of their" read "of their own."

(iii) page 1975, line 14, for "plus 1 times" read "plus 1½ times."

(15) Vol. VIII, No. 1, dated the 23rd August, 1934,—

(i) page 1987, line 2 from the bottom, for "it is duty" read "it is the duty."

(ii) page 2019, line 4, for "they" read "thy."

(16) Vol. VIII, No. 2, dated the 25th August, 1934,—

(i) page 2051, line 11, for "necessary" read "necessity."

(ii) page 2054, line 6, for "natural" read "nature."

(iii) page 2073, line 16, for "to" read "of."

(17) Vol. VIII, No. 28th August, 1934, page 2200, line 6, for "varoius" read "various."

(18) Vol. VIII, No. 5, dated the 29th August, 1934, page 2273, lines 11 and 12 from the bottom, for "legislation my Government had no previous intimation" read "legislation. My Government had no previous intimation."

(19) Vol. VIII, No. 6, dated the 30th August, 1934,—

(i) page 2328,—

(a) line 16 from the bottom, for "information I have already given" read "information I have, I have already given."

(b) line 9 from the bottom, for "Rs. 15,025, which is contrary to the rule of the Great Indian Peninsula" read "Rs. 15,025 has been received by the Great Indian Peninsula Railway from."

(ii) page 2385, line 14, insert "we" before "are."

(iii) page 2399, line 23, for "January, 1932" read "January, 1934."

(20) Vol. VIII, No. 7, dated the 31st August, 1934, page 2490, line 16, for "batterment" read "betterment."

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So far as Government Bills are con-
cerned, the Member in charge of a
Bill is deemed to be any one acting
on behalf of Government for the
purpose. 1530.

The third reading of a — must be
confined to the principles arising
from the clauses of the —. 428.

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Demand(s) for Grant(s)—

The Government of India are not
precluded to bring forward or the
Legislative Assembly to pass a
Demand for Grant for a specific
object which is within the purview
of the Provincial Government.
2156.

Demands for Supplementary Grants—

Token cuts for discussion of policy
cannot be permitted on —. 2130.

The Indian Army (Amendment) Bill—

The amendment of Sir Abdur Rahim
seeks to define the status and
powers of the Indian Commissioned
officers who are to be created by
the present Bill, and it is open to
this Legislature to define what the
power and status of those officers
will be. This House has, therefore,
got the right to define the status
and powers of the Indian Com-
missioned Officers. 1542-44.

Indian Iron and Steel Duties Bill—

The only principle to which the
Legislative Assembly will be com-
mitted, by referring the — to a
Select Committee, is that the iron
and steel industry of India requires
protection. 986.

Indian Naval (Discipline) Bill—

According to section 66 of the
Government of India Act, the
Indian Legislature is empowered to
adapt the Naval Discipline Act of
England with such modifications to
suit Indian conditions as the
Indian Legislature may deem ex-
pedient. Therefore, when the —
is before the Select Committee, it
would be perfectly open to any
Member in the Select Committee
to ask for the incorporation of any
section of the Naval Discipline
Act, either wholesale or with such
modifications as he wants to make.
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the Chair, whether it is the Presi-
dent or the Deputy President.
1974.

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tion of the ruler of an Indian State.
1457.

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A votable expenditure must ulti-
mately be sanctioned by a vote of
this House. If, on the strength
of the Standing Finance Com-
mittee's approval, Government
proceed with the expenditure on a
particular item and then come for
the vote of the House subsequently,
then it is perfectly open to the
House to reject that vote. In that
case, unless that vote has been
legalised by some other section of
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It is perfectly in order if any Honour-
able Member voted wrongly and
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THE
**LEGISLATIVE ASSEMBLY
 DEBATES**
 (OFFICIAL REPORT OF THE EIGHTH SESSION OF THE
 FOURTH LEGISLATIVE ASSEMBLY)

VOLUME VI—1934.

LEGISLATIVE ASSEMBLY.

Monday, 16th July, 1934.

The Assembly met in the Assembly Chamber in Simla, at Eleven of the
 Clock, being the First Day of the Eighth Session of the Fourth Legislative
 Assembly, pursuant to Section 63-D (2) of the Government of India Act.
 Mr. President (The Honourable Sir Shanmukham Chetty, K.C.I.E.) was in
 the Chair.

MEMBERS SWORN.

The Honourable Sir Nripendra Nath Sircar, Kt. (Law Member) ;
 The Honourable Sir Percy James Grigg, K.C.B. (Finance Member) ;
 Mr. L. C. Buss, M.L.A. (Nominated Non-Official) ;
 Lieut.-Colonel Arthur Friedrich Rawson Lumby, C.I.E., O.B.E.,
 M.L.A. (Army Secretary) ;
 Mr. George Hemming Spence, C.I.E., M.L.A. (Secretary, Legislative
 Department) ;
 Mr. Abraham Jeremy Raisman, C.I.E., M.L.A. (Government of India :
 Nominated Official) ;
 Mr. Edward William Perry, C.I.E., M.L.A. (Government of India :
 Nominated Official) ;
 Mr. Chandulal Madhavlal Trivedi, O.B.E., M.L.A. (Government of
 India : Nominated Official) ;
 Mr. Kodikal Sanjiva Row, M.L.A. (Government of India : Nominated
 Official) ;
 Khan Bahadur Mir Zyn-ud-din, M.L.A. (Madras : Nominated
 Official) ;
 Rao Bahadur Krishna Raddi Basappa Bhadrappur, M.L.A. (Bombay :
 Nominated Official) ;
 Mr. Hamid Moizuddin Abdul Ali, M.L.A. (Bombay : Nominated
 Official) ;
 Shams-ul-Ulema Mr. Kamaluddin Ahmad, M.L.A. (Bengal : Nomi-
 nated Official) ;
 Khan Bahadur Abu Abdullah Muhammad Zakaullah Khan, M.L.A.
 (United Provinces : Nominated Official) ;
 Mr. Dionys John Norris Lee, M.L.A. (Central Provinces : Nominated
 Official) ; and
 Mr. Walter Lawrence Scott, C.I.E., M.L.A. (Assam : Nominated
 Official).

QUESTIONS AND ANSWERS.

COUNTING TOWARDS PENSION OR GRATUITY OF THE SERVICES OF DISMISSED POSTAL EMPLOYEES.

1. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state what rule or policy they adopt in regard to counting towards pension or gratuity, the previous service of a Government servant in the Postal Department, who has been dismissed after putting in some years' service and is again employed in Government service ?

(b) If Government do not count such service towards pension or gratuity, will they be pleased to state their reasons for not doing so ?

(c) If they do take into consideration such service, will Government be pleased to state if such a rule is followed in practice ?

The Honourable Sir Frank Noyce : (a) and (b). The rule which is applicable to all Government Departments and is laid down in Article 418 (a) of the Civil Service Regulations is that dismissal from Government service entails forfeiture of past service and ordinarily disqualifies from future re-employment.

(c) Does not arise.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether that service would be counted again or not.

The Honourable Sir Frank Noyce : I will read the answer again :

"The rule which is applicable to all Government Departments and is laid down in Article 418 (a) of the Civil Service Regulations is that dismissal from Government service entails forfeiture of past service and ordinarily disqualifies from future re-employment.

(c) Does not arise."

Mr. Lalchand Navalrai : One supplementary question, Sir : Does the Honourable Member know that there are two methods in connection with the dismissal of public servants ? One method is that when an officer is dismissed, his dismissal is notified in the Gazette ; and the other method is that when such a dismissal is notified in the Gazette, the notification in the Gazette says that he will not be taken up in service. I would like to know whether the rule that the Honourable Member is referring to applies to both classes of dismissals or to only one class ?

The Honourable Sir Frank Noyce : That, Sir, is a question which could more suitably be answered by my Honourable colleague, the Finance Member, as it deals with the interpretation of Civil Service Regulations, for which I am not responsible, but I take it that this rule applies to both the classes mentioned by the Honourable Member opposite. He will notice that the words used are "ordinarily disqualifies from future re-employment". There may be cases in which there is no disqualification from future re-employment.

Mr. Lalchand Navalrai : I will not disturb the Honourable the Finance Member on the very first day, but I would like to know from the Honourable Member himself whether any such instances have occurred in the Postal Department where people had actually asked that their service should be counted and it has been counted ?

(2)

QUESTIONS AND ANSWERS.

3

The Honourable Sir Frank Noyce : I should certainly require notice of that question.

Mr. Lalchand Navalrai : I would also request the Honourable Member to consider this question from the viewpoint of both the methods I have mentioned and give me a reply later on, if not now.

APPOINTMENT OF GUARDS IN THE DINAPUR DIVISION, EAST INDIAN RAILWAY.

2. *Pandit Satyendra Nath Sen : (a) Is it a fact that in response to a representation made last year the Railway Board passed orders that no direct appointment of guards should be made in the higher grade ?

(b) Is it a fact that two Anglo-Indian guards were appointed in April, 1934, by the Divisional Superintendent, Dinapur, in Grade A, and that the claims of about 50 B class Indian guards, who have been drawing maximum salary for many years, were ignored ?

Mr. P. R. Rau : (a) I am not aware of any orders issued last year on the subject. Perhaps my Honourable friend is thinking of the rules for recruitment issued in 1931, where it is provided that direct appointment to the highest grade of guards will not be made.

(b) In accordance with the policy of the East Indian Railway to offer employees, who fail in eye test, employment on pay as near to their original pay as possible, one Anglo-Indian fireman and one Anglo-Indian shunter who were in receipt of Rs. 120 and Rs. 150 respectively and who failed to pass the periodical re-test of eye-sight in Class A1, but were certified as fit for Class A2, were absorbed as guards grade I.

Pandit Satyendra Nath Sen : May I know if the claims of the Indian guards were ignored in the two cases cited by the Honourable Member ?

Mr. P. R. Rau : I have just stated that these two persons were offered employment, because they had failed in the eye tests for their previous posts and were absorbed in some other posts for which their eyes were suitable.

Mr. M. Maswood Ahmad : Had they passed the examination for posts of guards ?

Mr. P. R. Rau : I am afraid I must ask for notice.

Mr. Muhammad Azhar Ali : Are those orders still in force ?

Mr. P. R. Rau : That is the general rule.

MALADMINISTRATION IN THE DINAPUR DIVISION, EAST INDIAN RAILWAY.

3. *Pandit Satyendra Nath Sen : (a) Will Government please state if it is the policy of the Railway Board not to interfere in matters of administration ?

(b) Are Government aware that the attention of the Railway Board has been drawn to various cases of maladministration in the Dinapur Division of the East Indian Railway, by a large number of questions asked by various Members of this House during the last twelve months ?

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(c) If the answer to part (b) be in the affirmative, will Government please state if the Railway Board have taken any action in any matter? If they have, what action has been taken, and in which cases?

Mr. P. R. Rau : (a) It is the policy of the Railway Board not to interfere ordinarily in matters which lie within the competence of Agents of State-managed Railways.

(b) Government are aware that a number of questions have been asked, for many of which, I believe, my Honourable friend himself was responsible, about the Dinapur Division of the East Indian Railway.

(c) Government obtained information from the Agent in certain cases and after examination they came to the conclusion that their interference was not called for.

Pandit Satyendra Nath Sen : Will the Honourable Member kindly explain the meaning of the word "ordinarily"?

Mr. P. R. Rau : I would suggest to my Honourable friend that he should consult a dictionary.

Mr. Lalchand Navalrai : May I know if the Honourable Member and the Railway Board have laid down a dictionary meaning for the words "ordinary" and "extraordinary", and if they have been sending for reports relating to "ordinary" cases and "extraordinary" cases?

Mr. P. R. Rau : May I ask the Honourable Member to repeat the question?

Mr. Lalchand Navalrai : May I know the meaning of the words "ordinary" and "extraordinary" according to the Railway Board's dictionary?

Mr. P. R. Rau : The Railway Board have not published a dictionary of their own.

Mr. Lalchand Navalrai : Have they laid down any policy in black and white with regard to their interference in "ordinary" and "extraordinary" matters?

Mr. P. R. Rau : No, Sir; we follow the ordinary dictionary meaning.

Mr. Lalchand Navalrai : May I know if since the last Session there have been any cases in which the Honourable Member himself treated ordinary cases as extraordinary after calling for reports from the Agents?

Mr. P. R. Rau : My Honourable friend who put the question knows that because he was very insistent on a particular case being re-examined, it was re-examined by Mr. Colvin, a Member of the Railway Board.

Mr. Lalchand Navalrai : To the credit of the Honourable Member I must say that he also did interfere.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Dr. Ziauddin Ahmad : In view of the fact that all questions relating to the subordinates in the Railway service cannot be asked in any Provincial Council except in this House, is it not a fact that the Railway Board is responsible for the action of all their subordinates to this House?

Mr. P. R. Rau : Sir, I have pointed out many times on the floor of this House that to discharge that responsibility the Railway Board must delegate certain powers to their Agents.

Dr. Ziauddin Ahmad : That is not my question. Delegation is an internal arrangement between the Railway Board and their Agents with which we are not concerned. What we are concerned with is this. The Railway Board is responsible to the Legislature for all the action taken by their subordinates in the Railway Department as distinct from the general administration for which the local officers are responsible?

Mr. P. R. Rau : These questions ordinarily relate to matters which are within the province of the local administration.

Dr. Ziauddin Ahmad : Certain questions were asked about the Dinapur Division of the East Indian Railway. Then the Honourable Member cannot shove the responsibility to the Agent, because the Agent cannot answer any of those questions in the Legislature and so the Railway Board is responsible for all the actions of their subordinates here, and I should like to say that they should not shirk their responsibility to the House.

RE-ARRANGEMENTS OF THE GANDHARA AND PRE-HISTORIC GALLERIES.

4. ***Mr. Gaya Prasad Singh :** (a) With reference to their reply to question No. 550 given on the 27th March, 1934, will Government be pleased to state which officer is responsible for the recent re-arrangements of the Gandhara and pre-historic Galleries? Is it the Superintendent of Archaeological Section, Indian Museum, or is it the Assistant Superintendent, Archaeological Survey, Eastern Circle?

(b) Is it a fact that the Central Iron Screen, arranged in a square, in the Gandhara Gallery has reliefs, etc., hanging on it on both sides without any common background to these sculptures?

(c) Are the other sculptures in the Gandhara Gallery placed at a right angle to the windows or along the walls? Are Government aware that light is very important for the effect of sculptures?

(d) Were these changes in the Gandhara Gallery, detailed in parts (b) and (c), carried out under the instructions or with the approval of the Director General of Archaeology?

Mr. G. S. Bajpai : (a) and (d). The Galleries in question were re-arranged by Mr. N. G. Majumdar under the instructions of the Director General of Archaeology in India. Mr. Majumdar was entrusted with the completion of the Guide Books to the collection of antiquities in the Archaeological Section of the Indian Museum and it was considered that the task could most suitably be entrusted to him. The superintendents concerned concurred in this arrangement.

(b) Yes. The present arrangement is not ideal but cannot be improved on, partly because of the limitations of space and partly for lack of funds which prevents acquisition of suitable show-cases.

(c) The larger sculptures in the Gandhara gallery are arranged on masonry benches, along the four walls, and parallel to them and every endeavour has been made to utilise the lighting capacity of the rooms to their best advantage.

RECRUITMENT OF INDIANS IN THE INDIAN LAC RESEARCH INSTITUTE.

5. *Mr. K. C. Neogy : With reference to the answers given on the 27th November, 1933, to the starred question No. 1181 and the supplementary questions connected therewith, regarding advertising the posts in the Indian Lac Research Institute and recruitment of Indians when the contracts of the present incumbents expired, will Government be pleased to state whether the Lac Cess Committee was duly apprised of the desirability of taking action on the lines suggested ? If so, with what result ?

Mr. G. S. Bajpai : Yes. The matter will be considered by the Lac Cess Committee at their next meeting which will be held in October or November.

PROTEST BY MUSLIMS AGAINST THE SACRILEGE OF THE GRAVES AND MOSQUES IN DELHI.

6. *Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that in 1930 when the work of clearing the site for the Irwin Hospital in New Delhi was taken in hand, the Muslim community of Delhi had made a vehement protest against the sacrilege of the graves and mosques situated there ? Is it also a fact that Government had to stop the work under orders of the Deputy Commissioner, Delhi, which read as follows ?—

“All work that was being carried out on the site of the New Hospital has been stopped until the issues that have cropped up now are not thoroughly investigated. The issues will be decided in consultation with respectable members of the Muslim community.”

(Sd.) A. H. LAYARD,

Deputy Commissioner, Delhi.”

Dated 16th September, 1930.

(b) Is it a fact that several notice boards bearing these orders were fixed at the site, and that a few of them are still in tact at the site ?

(c) Is it a fact that in pursuance of the notice referred to in part (a) above, the Local Government held three meetings on the 4th November, 1930, the 19th November, 1930, and the 3rd December, 1930, for consultation with the Muslims of Delhi ?

(d) Is it a fact that at these meetings the Muslims made the following demands, viz. :

(i) re-construction of the demolished mosques,

(ii) reservation of the rights of public entry therein, and

(iii) preservation of their present approach roads to the places ?

(e) Is it a fact that at the meetings referred to in part (c) above, the Muslims submitted the Fatwas of the Ulemas, as well as the proceedings of a special meeting held at Jama Masjid, Delhi, as appeared in the *Aljamiat* of Delhi, dated the 13th and the 18th November, 1930, to impress upon Government the consensus of opinion of their religious leaders and the public with regard to their demands ?

(f) Is it a fact that at the last meeting held on the 3rd December, 1930, the Chief Commissioner, Delhi, promised to consider the results achieved by the discussion with the Muslim leaders and to make his recommendations to the Government of India ?

(g) If the replies to parts (a) to (f) above be in the affirmative, will Government please state whether the Chief Commissioner, Delhi, made any recommendations to the Government of India in the matter ? If he did, what were his recommendations and what orders were passed thereon by the Government of India ? Were the orders of the Government of India communicated to the Muslim leaders who took part in the proceedings of the meetings held by the Local Government ? If not, why not ?

Mr. G. S. Bajpai : (a) to (f). Yes.

(g) No orders were passed on the suggestions made by the Chief Commissioner in 1930, as, on account of financial stringency, the execution of the project had to be postponed. In the revised lay-out every attempt will be made to give effect to those suggestions as far as possible.

Lieut. Nawab Muhammad Ibrahim Ali Khan : With regard to part (d) of the question, may I know how many mosques have been demolished and under what authority ?

Mr. G. S. Bajpai : So far as my information goes, not a single mosque has been demolished, and, therefore, the question of authority does not arise.

Sirdar Harbans Singh Brar : May I know if the Gurdwara in the locality of the Lady Reading Hospital will be treated as any other Moslem monument ?

Mr. G. S. Bajpai : So far as I am aware, there is no Gurdwara situated in this particular locality.

Sirdar Harbans Singh Brar : There is litigation going on there.

Mr. G. S. Bajpai : Neither my local knowledge of the particular place nor the information that has been supplied to me by the P. W. D. shows that there is any Gurdwara in that locality.

Sirdar Harbans Singh Brar : But I may inform the Honourable Member that the Gurdwara is situated very near the Lady Reading Hospital.

Mr. G. S. Bajpai : The question is not about the Lady Reading Hospital, but about the Irwin Hospital.

GRAVEYARD OF MEHDIAN AND THE DURGAH OF KHWAJA MIR DARD IN DELHI.

7. *Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) Will Government please state if the present routes branching from the circular road outside Delhi and Turkman Gates for approaching the three mosques which are situated on that land, the grave-yard of Mehdian and the Durgah of Khwaja Mir Dard Dehlvi, which have been shown as preserved monuments in the revised plan of the site, have also been kept in view ? If not, why not ?

(b) Are Government aware that the grave-yard of Mehdian is the burial place of the renowned Muslim doctors of Divinity like Maulana Shah Abdul Aziz Mohaddis, Dehlvi and others, and is for this reason held sacred by the entire Muslim community in India and visited frequently by pilgrims ?

(c) Are Government aware that the Durgah of Khwaja Mir Dard Dehlvi is for similar reasons as mentioned in part (b) above held sacred by the Muslim community?

(d) Are Government aware that the religious feelings of the Muslim community will be severely injured if they are deprived of their right of visiting the shrines, which have been proposed to be blocked up by enclosing them within Government buildings without leaving any access to them?

(e) Is it a fact that both the shrines mentioned in parts (b), (c) and (d) are admitted to be preserved monuments of Class d (iii) in the Government publication of the Archaeological Department named "Mohamedan and Hindoo Monuments of Delhi Zail", Volume II, page 65, like the Gurdwaras of Bangla Sahib and Rakab Ganj mentioned on pages 10 and 229 *ibid*, as well as Hanuman Temple and Jain Aggarwal Temple shown on pages 9 and 14 *ibid*?

(f) Is it a fact that the Gurdwaras and the temples referred to in part (e) above have been allowed large compounds, boundary walls and access by main roads?

(g) If the replies to parts (e) and (f) be in the affirmative, will Government please state why the shrines referred to in part (e) above have not been equally enclosed within boundary walls and by providing them with suitable approach roads?

(h) Is it a fact that the shrine mentioned in part (b) above has been surrounded by clerks' quarters in such a way that it has become totally invisible to the visitors from outside, and that a cattle byre is proposed to be built in its vicinity with a gate just opposite to the shrine?

Mr. G. S. Bajpai: (a) The three mosques in the first part of this question presumably refer to the graves and mosques mentioned in his preceding question, I have dealt with them in the answer which I have just given. The grave-yard of Mehdian and the Durgah of Khwaja Mir Dard Dehlvi are quite outside the lay-out of the proposed Irwin Hospital, which in no way interferes with the approach to these two monuments.

(b) and (c). Government are aware of the sentiments of the Muslim community.

(d) Does not arise.

(e) Yes.

(f) Government have not allotted any areas to the Gurdwara or any other shrine. The space left unbuilt on at any point, and the fencing, etc., have been adapted mainly to the general lay-out of adjacent roads and buildings.

(g) Suitable means of access will be provided to the two Muslim monuments referred to in part (a) of the answer, and it is also intended to enclose them.

(h) This shrine has been surrounded by new quarters, but an adequate space has been left on all sides, and roads giving access to it from the east, the south and the west are under construction. The proposal to build a cattle byre in the vicinity has emanated from the New Delhi Municipality. Government will consider whether the byre cannot be located elsewhere.

REDUCTION IN THE STRENGTH OF THE RAILWAY GANGMEN ON THE NORTH WESTERN RAILWAY.

8. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if it is a fact that the strength of the Railway gangmen on the North Western Railway lines has recently been reduced from 20 men per four miles to 15 men?

(b) Is it also a fact that instead of the old system of through backing on the line, batch-backing, wherever necessary, has been introduced?

(c) Is it also a fact that the gangmen have been ordered to work in the station yards on particular days? If so, why?

(d) Is it a fact that this system was introduced by Mr. Robi while he was acting in place of the permanent Chief Engineer, Lieut.-Colonel W. Macrae, R.E.? If so, what were his reasons for doing so?

(e) Are Government aware that the Permanent Way Inspectors, who actually work on the spot, find the new system inefficient, harmful and inconvenient?

(f) Do Government propose to go into this matter and issue proper and suitable orders so as to make the system safe and efficient?

Mr. P. R. Rau: (a) Government are informed that this has been done on some sections.

(b) Through packing as a regular yearly operation has been suspended. Maintenance of track is now done according to a time-table which includes all the necessary operations, such as patch packing.

(c) Yes, station yards also require maintenance.

(d) The new system was proposed by Mr. E. B. Robey and was introduced by Lieut.-Colonel W. Macrae in order to reduce expenditure on maintenance without materially impairing efficiency.

(e) No reports to this effect have been received by the Railway administration.

(f) Government see no reason to interfere.

Mr. Lalchand Navalrai: May I know whether the present Agent, Lieut.-Colonel Macrae, is also of the same opinion?

Mr. P. R. Rau: I have just stated that the change was introduced by Lieut.-Colonel Macrae.

Mr. Lalchand Navalrai: I did not hear the Honourable Member's reply to part (e). May I know whether the permanent way inspectors were against this system and even now they do not think that that is a suitable system?

Mr. P. R. Rau: I am not a technical man; neither, I believe, is my Honourable friend. But I prefer to trust to the opinion of our expert advisers, the Chief Engineers of the line, and I do not think I can take the opinion of permanent way inspectors as against the opinion of Chief Engineers.

Mr. Lalchand Navalrai: May I also know from the Honourable Member if, when these people are working in the station yard, their work is not suffering on that account?

Mr. P. R. Rau : I am sure, the administration will take sufficient steps to see that no necessary work is neglected.

AMALGAMATION OF THE QUETTA AND KARACHI DIVISIONS OF THE NORTH WESTERN RAILWAY.

9. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state the number of line-clear stations in the Quetta Division of the North Western Railway ?

(b) Are Government aware that in comparison to the other Divisions of the North Western Railway the Quetta Division is too small to remain as a separate Division ?

(c) Are Government aware that the present Divisional system on the North Western Railway is not approved by the public and by those who are in the know of its internal working ?

(d) If the reply to part (c) above be in the affirmative, are Government prepared to undertake an enquiry to find out whether or not it would be advantageous if the Quetta and Karachi Division offices be re-organized, and a head office of both the Divisions created and located at Sukkur, which is the central place ? If not, why not ?

(e) Are Government aware that several suitable and commodious buildings of the Lloyd Barrage are at present lying vacant and could be profitably obtained by the North Western Railway and used for locating the proposed head office of both the Karachi and Quetta Divisions ? If so, do Government propose to move in the matter ?

Mr. P. R. Rau : (a) 51.

(b) Quetta is a comparatively small division but owing to its geographical position cannot be amalgamated with any other division.

(c) The question of reduction in the number of divisions on the North Western Railway was re-examined in detail by the Railway Board recently. They also obtained the opinion of Mr. Pope on the subject. Mr. Pope's opinion was that it would be a mistake at the present time to embark upon a reorganisation of divisional boundaries with its resultant upheaval and change of control. The Railway Board agree with this view and decided to drop for the time being the proposal to reduce the number of divisions on State-managed Railways.

(d) and (e). A division formed by the amalgamation of Quetta and Karachi Divisions would be unwieldy and impossible to manage. The fact of buildings being available at a certain place cannot obviously be a deciding consideration in fixing the headquarters of a division.

Mr. Lalchand Navalrai : May I ask if my Honourable friend knows that Sukkur is the central place in the railway section of Sind, and why advantage has not been taken of the Barrage buildings and the central office located there ?

Mr. P. R. Rau : I believe everybody will recognise that Karachi is the most important place in the Karachi Division.

Mr. Lalchand Navalrai : I do recognise that Karachi may be central, but it may not be convenient for all.

Mr. M. Maswood Ahmad : Are Government aware that the shifting of the divisional headquarters from Karachi to Sukkur Barrage is not liked by the majority community in Sind ?

Mr. P. R. Rau : I am not aware of that, but I think it would not be liked by anybody.

Dr. Ziauddin Ahmad : I did not follow the answer to part (c). Are Government aware that the present divisional system on the North Western Railway is not approved by the public and by those who are in the know ?

Mr. P. R. Rau : Government are not aware of that.

Dr. Ziauddin Ahmad : Do the Government agree ?

Mr. P. R. Rau : Government do not agree at all.

Mr. Lalchand Navalrai : May I ask my Honourable friend, Mr. Maswood Ahmad, whether he is in possession of anything to show that the majority community is against the division being located at Sukkur ?

Mr. M. Maswood Ahmad : Certain friends have informed me that Muslims do not like.

Mr. Lalchand Navalrai : I think you are incorrect if you rely on their opinion.

REFUSAL OF THE COMMISSIONER OF INCOME-TAX TO REFER CERTAIN CASES OF SIND TO THE HIGH COURT.

10. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that prior to the decision of the Court of the Judicial Commissioner of Sind in the case of Bulchand Keshavdas *versus* Commissioner of Income-tax, Bombay (25 Sind Law Reporter, page 182) the Commissioner of Income-tax had refused to refer to the High Court under section 66 of the Indian Income-tax Act questions of law raised by appellants from Sind on the plea that no reference lay to the Court of Judicial Commissioner ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the number of cases for each year separately in which the Commissioner refused to refer such questions for the decision of the Court of Judicial Commissioner, Sind, on the above plea ?

(c) Will Government be pleased to state why no reference was made by the Commissioner to the High Court of Bombay, which was also within his jurisdiction, and whether they consider the Commissioner acted properly in refusing such applications ?

The Honourable Sir James Grigg : The answer to the first part of the question is in the negative and the other two parts do not therefore arise.

Mr. Lalchand Navalrai : There is no definition in the Income-tax Act whether High Court means a Chartered High Court, and, therefore, may I take it that, when references are made to the High Court, they could be made to the Sind High Court which is not a chartered High Court ?

The Honourable Sir James Grigg : It does not seem to me to arise out of this question, and, therefore, I must ask for notice.

AMENDMENT OF SECTION 9 OF THE INDIAN INCOME-TAX ACT.

11. *Mr. Lalchand Navalrai : Will Government be pleased to state if it is contemplated to amend section 9 of the Indian Income-tax Act, 1922, in view of the divergent rulings of the various High Courts, especially the following :

- (i) In the matter of Chuni Mal (A. I. R., 1929, Lahore, 503) ;
- (ii) Mahomed Naqi *versus* Commissioner of Income-tax, Punjab, A. I. R., 1931 (Lahore, 656) ;
- (iii) Chunamal Saligram *versus* Commissioner of Income-tax, Punjab (A. I. R., 1931, Lahore, page 433) ; and
- (iv) in the matter of Krishnalal Seal (A. I. R., 1932, Calcutta, page 886) ?

If not, why not ?

The Honourable Sir James Grigg : No. Of the four cases mentioned by the Honourable Member barring case (ii), *viz.*, of Mahomed Naqi which appears to refer to a different matter, cases (i) and (iii) were decided by the Punjab High Court and case (iv) subsequently by the Calcutta High Court. The latter Court has fully considered the previous judgments of the Punjab High Court and disagreed therefrom giving reasons therefor. The Government of India agree with the Calcutta High Court and in consequence consider that there is no necessity to legislate as there is nothing in the Income-tax Act in this connection which needs any amendment.

GRIEVANCES OF THE PRINCES OF THE MOGHAL DYNASTY.

12. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state whether they have received a copy of the *Oudh Akhbar*, dated the 2nd May, 1934, in which was published an article on the troubles of the princes of the Moghal dynasty, and in which Government have been requested to bestow their best consideration on the said matter ? If so, will Government please place a copy of the same on the table for the information of the Members of this House ?

(b) Will Government please state plainly whether the whole case, as prepared by Kudratullah Siddiqui and printed in the said paper, or any part thereof is correct ?

(c) Will Government also please state the steps they are taking to remove the said difficulties and troubles ?

Mr. H. A. F. Metcalfe : With your permission, Sir, I will answer questions Nos. 12—15 together. The information is being collected, and will be given to the House in due course.

PENSIONS PAID TO THE MEMBERS OF THE OLD ROYAL FAMILY OF DELHI.

†13. *Seth Haji Abdoola Haroon : Will Government be pleased to state if the members of the old royal family of Delhi who are residing in this province are receiving Rs. 5 or Rs. 6 per month as pension from Government ? Is that pension being paid from the Government Treasury,

†For answer to this question, see answer to question No. 12.

or from the properties of the members themselves or from the money which the late Bahu Begum Saheba, mother of the late Nawab Vazir Asafuddowlah, had deposited with Government and the interest of which is thus being paid ?

LOAN TAKEN BY GOVERNMENT FROM THE LATE BAHU BEGUM, MOTHER OF THE LATE NAWAB VAZIR ASAFUDDOWLAH.

†14. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state if they had taken a loan of one crore, eight lakhs and fifty thousand rupees in 1814 from the late Bahu Begum Saheba, mother of the late Nawab Vazir Asafuddowlah, and if a mention of the fact is made in the Treaty No. 38 ?

(b) Will Government be pleased to state what portion of the interest on the above amount is now being paid to the descendants of Mirza Sulaiman Shikoh, Prince of Delhi, who went and resided at Lucknow (Oudh) and whose name is to be found at the top of the list attached with the said treaty, and who was the recipient of the biggest portion of the interest ? If nothing is being paid to any of his descendants, what is the amount of the accumulated interest, and, out of the said amount, what work is being done in the interest of public or Government ?

MONEY EARMARKED BY A VAZIR OF OUDH FOR THE PENSION OF PRINCE JEHANDAR SHAH'S DESCENDANTS.

†15. *Seth Haji Abdoola Haroon : (a) Is it a fact that Nawab Vazir Saadat Ali Khan, Vazir of Oudh, earmarked a portion of the money mentioned in the Treaty of 1801, amounting to Rupees two lakhs four thousand yearly for the pension of one of the Princes of Delhi, stationed in the United Provinces at Benares and named Jehandar Shah, and laid down that this amount should be paid from the income of some villages handed over to Government for the said purpose ?

(b) Is the amount mentioned in part (a) still being paid to any of Prince Jehandar Shah's descendants ? If so, to whom and what amount ? If it is not being paid, how is this money being utilised ?

ALLOWANCE PAID TO MR. KUDRATULLAH SIDDIQUI OF LUCKNOW FOR DOING LOYAL PROPAGANDA FOR THE BRITISH GOVERNMENT.

16. *Seth Haji Abdoola Haroon : Will Government be pleased to state if Mr. Kudratullah Siddiqui of Lucknow, United Provinces, is paid any allowance for doing loyal propaganda for the British Government among the depressed classes and ex-royal families of India ?

The Honourable Sir Harry Haig : The answer is in the negative.

TRADE DELEGATION SENT TO KABUL.

17. *Mr. M. Maswood Ahmad : (a) Is it a fact that a trade delegation was sent to Kabul ?

(b) Will Government be pleased to state the names of the members of the delegation and the result of the negotiations ?

†For answer to this question, see answer to question No. 12.

Mr. H. A. F. Metcalfe : (a) Yes.

(b) The members of the delegation were :

Mr. W. W. Nind.

Lala Shri Ram.

K. B. Syed Maratib Ali.

They were accompanied by Mr. W. D. M. Clarke, His Majesty's Trade Commissioner in Bombay, who had been nominated by His Majesty's Government to represent British trade interests.

The delegation has submitted a report to the Government of India, which is under consideration.

Mr. M. Maswood Ahmad : Will Government be pleased to lay a copy of the report in the Library of the House ?

Mr. H. A. F. Metcalfe : I am afraid that is not possible at present.

Mr. B. Das : May I know whether that report will some day see the light of day so that the mercantile community may take advantage of that trade mission's report ?

Mr. H. A. F. Metcalfe : We may all hope so, Sir.

IMPORT OF FOREIGN RICE INTO INDIAN PORTS.

18. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the result of their negotiations in regard to import of foreign rice into Madras Presidency ?

(b) What steps have been taken by the Government of India and by the India Office in regard to import of foreign rice into Indian ports ?

(c) What quantity of foreign rice has been imported into India since January, 1934 ?

(d) Do Government propose to impose import duty on rice to safeguard the interests of Indian rice-growers ?

Mr. G. S. Bajpai : (a), (b) and (d). The negotiations have not yet been completed. The question as to what action, if any, should be taken is still under consideration.

(c) A statement is laid on the table.

Statement showing the quantity of foreign rice imported into India since January,

Mr. Vidya Sagar Pandya : May I ask when we may expect the result to be known to the public ?

Mr. G. S. Bajpai : I am afraid I cannot fix the actual time.

Mr. M. Maswood Ahmad : Is it a fact that this question was discussed in a Conference a month or two ago ?

Mr. G. S. Bajpai : This question, that is to say, the question of the rice crop, along with that of a number of other important crops, was considered by the Crop Planning Conference last month.

Mr. M. Maswood Ahmad : What is the recommendation of the Conference in connection with the import duty on rice ?

Mr. G. S. Bajpai : My Honourable friend already seems to be aware of their recommendations. If he wants the precise terms, I will lay a copy of the report in the Library of the House.

Mr. M. Maswood Ahmad : Do the Government agree to the recommendation of the Conference in connection with the import duty on rice ?

Mr. G. S. Bajpai : That is asking for an expression of opinion. The Government are merely considering the recommendations at this stage.

INDIANS IN CERTAIN PARTS OF YEMEN.

19. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state how many Indians were in Hodeida, Sanaa and in other parts of Yemen in the end of April, 1934 at the time of attack by Saudi army ?

(b) Will Government be pleased to state what steps were taken to save the lives and properties of Indians ?

(c) Will Government be pleased to state briefly the condition in Yemen ?

Mr. H. A. F. Metcalfe : (a) 300 at Hodeida, five at Sanaa and four in the Yemeni Part of Luheiya.

(b) With regard to Hodeida the Honourable Member's attention is invited to the Press communiqué on the subject, dated the 14th June, 1934, a copy of which is laid on the table. No steps were necessary to protect Indian subjects in other parts of the Yemen.

(c) So far as Government are aware the condition in Yemen is peaceful, peace having been concluded between His Majesty King Ibn Saud and the Imam of Yemen.

Press Communiqué.

Intimation has been received that the merchants of Aden, who have commercial interests in Hodeida, addressed a letter to the Chief Commissioner, Aden, on the 14th May, 1934, expressing their gratitude for the arrangements made for the protection of the lives and properties of British subjects at Hodeida during the period between the Yemeni evacuation and the Sa'udi occupation of that town.

A copy of the letter received follows :

"After tendering due respects, we beg to submit our thanks to Your Excellency for the necessary arrangements you have kindly made for the protection of the lives of the subjects of the British Government and their properties at Hodeida. Had you not taken interest in making these arrangements, looting and killing, would have

taken place in the country. By means of your endeavours, both the British subjects and other inhabitants there have been saved of looting and killing.

We therefore offer you our sincere thanks for the same. All the Muslims in the other countries are also thankful to you.

We request you kindly to convey our thanks to the Commander of H. M. S. 'Penzance' for the interest and energy he has taken in protecting the interests of the inhabitants."

A. F. EMMER,

Assistant Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT,

SIMLA;

The 14th June, 1934.

STEP TAKEN BY THE BENGAL GOVERNMENT FOR SALT MANUFACTURE IN BENGAL.

20. *Mr. M. Maswood Ahmad : (a) Are Government aware of the steps taken by the Bengal Government for the salt manufacture in Bengal ?

(b) Will Government be pleased to state in what way the money which has been given to the Bengal Government out of the salt duty, has been spent by them ?

The Honourable Sir James Grigg : (a) Yes.

(b) I would invite the attention of the Honourable Member to the statement laid on the table of the House on the 24th January, 1934, by my predecessor in reply to parts (c) and (d) of Mr. S. C. Mitra's starred question No. 1437, dated the 16th December, 1933.

COCHIN HARBOUR CHANNEL LIGHTING SCHEME.

21. *Mr. M. Maswood Ahmad : (a) Is it a fact that the Government of India have sanctioned the Cochin Harbour Channel Lighting Scheme ?

(b) Will Government be pleased to state (i) what the cost will be and (ii) who will bear the cost ?

The Honourable Sir Joseph Bhoré : (a) The scheme has been sanctioned by the Government of Madras.

(b) The estimated cost of the scheme is Rs. 1,39,952. The expenditure will be met from the Cochin Port Fund.

(b) At about 7-15 P.M. on that day a North Western Railway engine which had come into a siding to remove a wagon adjacent to a dead end burst into the wagon, resulting in two of the Port Trust staff receiving bruises and other minor injuries. The matter is being investigated.

Mr. Lalchand Navalrai : Have these people been given any compensation ?

The Honourable Sir Joseph Bhoré : I am not aware of that, Sir, but I informed the House that the matter was still being investigated.

VALUE OF GOLD EXPORTED FROM INDIA.

23. *Mr. M. Maswood Ahmad : Will Government be pleased to state the value of gold which has been exported from India since Britain went off gold standard, up to the 30th June, 1934 ?

The Honourable Sir James Grigg : Approximately 200 crores.

Mr. Lalchand Navalrai : May I know the policy of the Government of India and also the policy of the Honourable Member himself as to whether the Government are going to allow any further exports of gold ?

The Honourable Sir James Grigg : That anticipates question No. 25.

Mr. S. G. Jog : May I know at least the views of the Honourable the Finance Member as to whether there is going to be a change in the policy as regards the export of gold, or is the said policy to continue ?

The Honourable Sir James Grigg : I can only repeat that that arises on question No. 25 and I would ask the Honourable Member to wait for the answer to that.

Dr. Ziauddin Ahmad : Are Government contemplating putting an embargo on gold exports as distinct from....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. That question will arise on question No. 25.

CHANGES IN THE COURSES OF INSTRUCTION IN THE DELHI UNIVERSITY.

24. *Mr. M. Maswood Ahmad : (a) Do Government propose to shorten the secondary course and to have a three years higher secondary course for a smaller number of students in the Delhi University ?

(b) Do Government propose to make arrangements for teaching all subjects except English through vernacular ?

(c) What changes are Government contemplating in the courses of reading of the Delhi University ?

Mr. G. S. Bajpai : (a), (b) and (c). The Honourable Member presumably refers to certain suggestions made in paragraphs 11 and 12 of a letter addressed by the Government of India in the Department of Education, Health and Lands to the Chief Commissioner, Delhi. As indicated in that letter, Government have invited the opinion of the University on these suggestions and await a reply. No decisions will be reached until the views of the University have been considered.

IMPOSITION OF AN EXPORT DUTY ON GOLD.

25. *Mr. M. Maswood Ahmad : Do Government propose to impose duty on the export of gold from India ?

The Honourable Sir James Grigg : I would refer the Honourable Member to the reply which my predecessor gave to question No. 340 asked by Mr. Badri Lal Rastogi on the 1st September, 1933. (Laughter.)

Mr. B. Das : May I ask the Government of India whether it will not be advantageous to them, by putting an embargo on gold exports,.....

Mr. President (The Honourable Sir Shanmukham Chetty) : That is asking for an opinion.

Mr. B. Das : May I inquire if Government are at present considering any policy of putting an export duty on gold as they put on gold mined in India ?

The Honourable Sir James Grigg : If the Honourable Member will refer to the answer to which I have already referred, part (b) thereof says that " Government do not give intimation in advance of their intentions about taxation ".

Mr. B. Das : Had Government put a duty of ten per cent. only, they would have got Rs. 20 crores to meet the deficit Budget of the Government of India.

Mr. S. G. Jog : Is it not the case that the old policy of the Government in the matter of the export of gold needs review and revision in view of the present circumstances ?

The Honourable Sir James Grigg : That is evidently the Honourable Member's own opinion, and I think he will not expect me either to agree or to disagree with him.

Mr. H. P. Mody : Do Government regard with undiluted satisfaction the continued draining away of gold from this country ?

The Honourable Sir James Grigg : That amounts to an expression of opinion.

Mr. Vidya Sagar Pandya : Has there been any correspondence with the Secretary of State in the matter of imposing a duty on gold, and may I ask if that correspondence can be laid on the table of the House ?

The Honourable Sir James Grigg : I must have notice of that. There has certainly not been any correspondence in the last ten weeks.

Sir Abdur Rahim : Do Government propose to take any action with respect to the export of gold that is going on for nearly two years now ?

The Honourable Sir James Grigg : That is precisely the question that I answered in reply to question No. 25.

Dr. Ziauddin Ahmad : In view of the statement made by His Excellency the Viceroy at the time of the depression that we must depend upon our reserves of gold—and that was made at a time when the export of gold amounted to 125 crores, while now it has risen to 200 crores—may I ask whether the time has not come when you should put an embargo on gold exports ?

The Honourable Sir James Grigg : The Honourable Member is again asking me to go beyond the answer I have already given, and I am not prepared to do that.

Sir Abdur Rahim : Do I take it that the Government wish to continue the same policy ?

The Honourable Sir James Grigg : That also is a question which I have already answered.

Mr. Vidya Sagar Pandya : May I ask if the Honourable Member will be able to publish the previous correspondence, that is, that took place before the last ten weeks for the information of the House ?

The Honourable Sir James Grigg : I must look up whether any exists before I can answer that question.

Mr. M. Maswood Ahmad : Is it a fact that the reason for not imposing a duty on the export of gold is that the Secretary of State does not want any duty on the export of gold ?

The Honourable Sir James Grigg : The Honourable Member is expressing his own opinion.

Mr. M. Maswood Ahmad : I want to know the fact—whether that is a fact or not.

The Honourable Sir James Grigg : Perhaps the Honourable Member will be good enough to put that question on the paper.

Mr. T. N. Ramakrishna Reddi : In view of the fact that several new Honourable Members have come in, will the Honourable Member kindly read out the answer to the question of Mr. Rastogi, instead of referring to the answer given some time ago ?

The Honourable Sir James Grigg : Shall I read out the answer to the relevant part of the question ? It is this :

" Government do not give intimation in advance of their intentions about taxation."

Mr. Lalchand Navalrai : I will repeat my question. I want to know whether the Honourable Member is going to pursue the same policy to which he has referred and which was adopted by the former Finance Member, or whether he has now thought out the problem afresh to see if he can now change it.

The Honourable Sir James Grigg : I have already answered that question to the maximum extent I am capable of answering it.

Dr. Ziauddin Ahmad : Has there been any communication between the Government of India and the Secretary of State about this export of gold ?

The Honourable Sir James Grigg : That question has been answered.

Mr. Gaya Prasad Singh : Are Government aware of the strong feeling that exists in this country with regard to the unrestricted export of gold out of this country ?

The Honourable Sir James Grigg : Government are aware of all relevant considerations.

Mr. Gaya Prasad Singh : Including the strong feeling that exists in this country ?

The Honourable Sir James Grigg : Yes, and of every other relevant consideration.

Mr. B. Das : Are Government aware that the statement in the Controller of Currency's report that a very little percentage of this 200 crores of exported gold is distress gold is untrue and that the belief of the mercantile community is that more than fifty per cent. of this gold is distress gold ?

The Honourable Sir James Grigg : I am aware of the opinion expressed in the statement of the Controller of the Currency, and I am aware that different opinions are held by other people.

Mr. H. P. Mody : Have Government any information as to whether all this gold is distress gold or comes out of surplus hoards ? Are Government in a position to say anything with regard to the quantity of gold which still remains ?

The Honourable Sir James Grigg : The only official information is that contained in the report of the Controller of the Currency.

STRIKES OF THE TEXTILE WORKERS OF BOMBAY.

26. **Mr. M. Maswood Ahmad :** (a) Will Government be pleased to make a full statement about the strikes of the textile workers of Bombay ?

(b) Will Government be pleased to state (i) whether they have received any correspondence from the Local Government in this connection, (ii) the reasons and the extent of the strike, (iii) the action taken by the Local and the Central Government, (iv) the demands of the labourers, (v) the number of the lathi charges made by the police, (vi) the action taken by the millowners to meet the labour grievances, and (vii) whether the trade unions of the workers have been recognised by the employers ?

The Honourable Sir Frank Noyce : I have called for certain information from the Government of Bombay and will lay a reply on the table of the House in the course of the next few days.

Mr. S. G. Jog : May I know what action precisely has been taken by the Government of India and by the Local Government, so far as these strikes are concerned ?

The Honourable Sir Frank Noyce : I venture to think that, that question would be more relevant after I have laid the reply which I propose to lay on the table of the House.

Mr. B. Das : Has the attention of the Honourable Member been drawn to a Press report issued two or three days ago that the Bombay Government are contemplating to have another inquiry regarding the wages of the workers of the Bombay mills ?

The Honourable Sir Frank Noyce : The Bombay Government have already had an inquiry regarding the wages that are paid in the cotton textile industry of Bombay, and the report on that subject has already been published.

Mr. B. Das : Is the Press report correct that the Bombay Government are contemplating a fresh inquiry on the wages of the textile workers ?

The Honourable Sir Frank Noyce : I have no information at present on that subject.

Mr. M. Maswood Ahmad : Are Government aware that more than a month ago notice of this question was given ?

The Honourable Sir Frank Noyce : Yes, and action was taken immediately. The Honourable Member will understand that the situation in Bombay has changed considerably from time to time. I was very anxious to give him the latest information on the subject.

Mr. M. Maswood Ahmad : But the result is that we did not get any information.

LETTING VALUE LEVIED BY THE MUNICIPAL CORPORATIONS OF BOMBAY AND KARACHI FROM LANDLORDS ON ACCOUNT OF MUNICIPAL TAXES.

27. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state the percentage of annual letting value allowed to *bona fide* landlords in the cities of Bombay and Karachi respectively, as allowance on account of repairs in connection with the payment of income-tax under the head "Property" ?

(b) What is the percentage of letting value, respectively, levied by the Municipal Corporations of Bombay and Karachi from *bona fide* landlords on account of municipal taxes ?

(c) Has the attention of Government been drawn to the fact that, in view of the heavy municipal taxes on house property in the cities of Bombay and Karachi, the allowance referred to in part (a) is miserably insufficient ?

(d) Do Government propose to amend section 9 of the Indian Income-tax Act, 1922, so as to make due provision for an allowance with regard to the municipal taxes also ?

The Honourable Sir James Grigg : (a) One-sixth of the annual letting value is to be allowed on account of repairs in all cases where repairs are to be executed by the landlord concerned.

(b) 16 per cent. on gross rental valuation for Bombay and 14 per cent. for Karachi, as far as the Income-tax Department is able to ascertain.

(c) No. An allowance on account of repairs has, as a matter of fact, nothing to do with the payment of municipal taxes.

(d) No.

INEQUITY IN THE MATTER OF THE LEVY OF INCOME-TAX IN CONNECTION WITH THE OWNERS OF HOUSE PROPERTY.

28. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state the percentage of income permitted to owners of house property as allowance exempt from the payment of income-tax to Government ?

(b) What is the percentage of income permitted to owners of business as allowance exempt from the payment of income-tax to Government ?

(d) Do Government propose to do away with the inequity in the matter of the levy of income-tax in connection with the owners of house property?

The Hon'ble Sir James Grigg : (a), (c) and (d). The Income-tax Act does not prescribe any such percentages. The last two parts of the question do not therefore arise.

(b) The various allowances to be made in computing (a) income chargeable under the head "Property" and (b) business income, are laid down in sections 9 and 10 of the Act, respectively.

TRANSFER OF THE POST OFFICE AT NIBKARORI IN THE DISTRICT OF
FARRUKHABAD.

29. ***Lala Hari Raj Swarup :** (a) Are Government aware that the Post Office at Nibkarori in the District of Farrukhabad, Tehsil Farrukhabad, where it was located for 60 years was removed to Bihar, another village, about two years ago? If so, what were the reasons for its removal to that place?

(b) Are Government aware that on a representation being made by the residents of Nibkarori in the matter, an enquiry was made by the District Magistrate through the Tehsildar, who reported that Nibkarori was a much larger village with a larger population and a market?

(c) Are Government aware that the Tehsildar also reported that Nibkarori has better claims for a Post Office than Bihar?

(d) Are Government aware that the Post Master General passed an order for the retransfer of the Post Office to Nibkarori?

(e) Are Government aware that the order was not carried out?

(f) Are Government aware that it is a fact that the District Magistrate twice recommended for the retransfer of the Post Office to Nibkarori, and that his recommendation was not heeded, and the Post Master General, United Provinces, revoked his previous order?

(g) Are Government aware that a representation was again made in March, 1934, for the location of the Post Office at Nibkarori?

(h) Will Government be pleased to state what steps, if any, are being taken on that representation?

The Honourable Sir Frank Noyce : (a) A permanent post office was opened at Nibkarori on the 1st April, 1902. As it was found in 1931, that it was working at a loss, the question of reducing its cost was taken up. The Extra Departmental Branch Postmaster of the office did not agree to any reduction in his allowance and as no other suitable man could be found for the charge of the office at Nibkarori it was, with the concurrence of the District Magistrate, removed to Bihar on the 11th March, 1932.

(b) to (e). In consequence of representations received from the residents of Nibkarori, the Postmaster-General, United Provinces, made further enquiries into the case through the district authorities and on the recommendation of the District Magistrate ordered the removal of the post office from Bihar to Nibkarori. The residents of Bihar, however, protested and the Divisional Superintendent of Post Offices was

asked to investigate the case personally. He recommended that the post office should remain at Bihar, but that the residents of Nibkarori should get a daily delivery of their letters. Arrangements accordingly were made and the orders for the removal of the post office to village Nibkarori were cancelled.

(f) Conflicting recommendations have been made by the District Officers at different times as to the relative suitability of Bihar and Nibkarori for the location of the post office. The circumstances in which the Postmaster-General cancelled his order for the shifting of the post office from Bihar to Nibkarori have been explained in the reply to the previous parts of the question.

(g) Yes.

(h) It is under the consideration of the Postmaster-General, United Provinces.

FREE SUPPLY OF STATISTICAL PUBLICATIONS TO UNIVERSITIES.

30. ***Lala Hari Raj Swarup :** (a) Will Government be pleased to state what statistical publications of the Government of India used to be supplied free to the various Indian Universities?

(b) Is it a fact that recently Government have passed orders stopping the free supply of such publications to the Universities?

(c) Are Government prepared to consider the advisability of re-starting the free supply of statistical publications to Universities which often carry researches in various directions?

Mr. G. S. Bajpai : In the existing procedure which has been in vogue since 1928, the Universities can purchase publications of the Government of India at concessional rates, i.e., ordinary published prices less 25 per cent. discount, if applications are made through, and supported by, the Local Government concerned. Some of the publications, which are of interest to Universities, are being supplied free or on exchange basis. No orders have been issued since 1928, altering this practice or discontinuing the free supply of statistical or other publications, where made. Steps are being taken by some Departments to resume the free supply of certain statistical publications to Universities, which was discontinued in 1928. The lists of publications asked for in (a) of the Honourable Member's question are not readily available.

ABSENCE OF SENIORITY LIST ON THE EAST INDIAN RAILWAY.

31. ***Dr. Ziauddin Ahmad :** (a) Are Government aware that there exists great dissatisfaction among the officers of the East Indian Railway on account of the absence of a seniority list?

(b) Is it a fact that none can say who is senior to whom?

Mr. P. R. Rau : (a) No. There is at present a seniority list. Certain representations have been made regarding the information shown in this list. These are under examination by the Railway Board in consultation with the Public Service Commission.

(b) No.

Mr. Lalchand Navalrai : May I ask, Sir, whether these seniority lists are revised ?

Mr. P. R. Rau : I have just informed the House that certain people have represented against that seniority list and its revision is now under consideration.

Dr. Ziauddin Ahmad : When do the Government hope to publish this seniority list, the absence of which is a source of great confusion ?

Mr. P. R. Rau : As soon as the seniority has been fixed after consultation with the Public Service Commission.

Dr. Ziauddin Ahmad : How long will it take ? Will it take an infinity ?

Mr. P. R. Rau : I cannot say when it will be published, but it will certainly not take infinity.

TENURE OF OFFICE OF THE AGENTS OF RAILWAYS.

32. *Dr. Ziauddin Ahmad : Are Agents of Railways appointed for a period of five years, or without time limit ?

Mr. P. R. Rau : No tenure has been fixed for these posts.

Mr. Lalchand Navalrai : May I know, Sir, why the tenure has not been fixed when we know that even the tenure of the Executive Members is fixed ?

Mr. P. R. Rau : There are many posts for which no tenure has been fixed.

Dr. Ziauddin Ahmad : In view of the fact that the Board does not interfere in the work of the Agent, why should we not be given longer time to understand his business ? Is it not a fact that most of these Agents have been there only for a short period, and during this time they are incapable of initiating any new reform except one, namely, to manipulate for their successor ?

Mr. P. R. Rau : I am replying to that question in the next question.

AGENTS OF THE EAST INDIAN RAILWAY.

33. *Dr. Ziauddin Ahmad : Will Government be pleased to state the names of the Agents and the periods of their service in the East Indian Railway since 1924 ?

Mr. P. R. Rau : Sir George Colvin was the Agent of the East Indian Railway from the 30th September, 1921, to the 28th March, 1933, a period of nearly 12 years ; Sir Hugh Hannay from the 29th March, 1933, to the 29th April, 1934 ; Mr. A. V. Venables was appointed to officiate from the 29th April, 1934.

Dr. Ziauddin Ahmad : Is not Mr. Venables going to retire next year and another man will be appointed for another year ?

Mr. P. R. Rau : I am afraid I do not know when Mr. Venables is due to retire.

ALTERATION OF AGE OF PERSONS IN THE RAILWAY SERVICE.

34. *Dr. Ziauddin Ahmad : (a) What is the method of altering the age in case of persons already in Railway Service ?

(b) Has the attention of Government been drawn to the alteration of the age of Mr. L. Robinson by ten years (*vide* classified list of subordinate officers, East Indian Railway, 1924, page 37) ?

Mr. P. R. Rau : (a) No specific evidence has been prescribed, but it must be such as will satisfy the sanctioning authority, *e.g.*, a birth certificate.

(b) The Agent, East Indian Railway, reports that no alteration has been made in the date of birth of Mr. Robinson.

Mr. Lalchand Navalrai : May I know, Sir, if the age is decided on the certificates of registered Surgeons or registered medical practitioners or only by the Railway Surgeons ?

Mr. P. R. Rau : It has nothing to do with the Railway Surgeons. I was talking of a birth certificate.

Dr. Ziauddin Ahmad : I have given the chapter and the verse in this particular case, and hence the opinion of the Agent was unnecessary. Did the Honourable Member consult the particular reference that I gave in my question ?

Mr. P. R. Rau : The Agent has reported that no alteration was made and that is, I think, conclusive.

Dr. Ziauddin Ahmad : May I ask whether the Honourable gentleman consulted the classified list of subordinate officers of the East Indian Railway, page 37 ?

Mr. P. R. Rau : I cannot see how, by consulting a particular classified list, I can find out whether an alteration has been or not.

Dr. Ziauddin Ahmad : If the Honourable gentleman had consulted the classified list of 1924 and the present classified list, he would have found the discrepancy. In this particular case, it is a question of printed facts.

Mr. P. R. Rau : Then it must be a clerical error.

Dr. Ziauddin Ahmad : Does the Honourable Member mean to say that the reports published by Government contain clerical errors ?

Mr. P. R. Rau : Surely my friend is aware that even in printed reports there may be mistakes.

Dr. Ziauddin Ahmad : Do Government propose now to consult the classified list ?

Mr. P. R. Rau : For what purpose ?

Dr. Ziauddin Ahmad : If the reports published by the Railway Board are full of clerical errors, then we will not know where the Administration is, and where we are ?

Mr. P. R. Rau : There may be clerical mistakes in any printed report.

METHOD OF PROMOTIONS ON THE EAST INDIAN RAILWAY.

35. *Dr. Ziauddin Ahmad : On what principle are promotions given on the East Indian Railway—seniority or efficiency ?

Mr. P. R. Rau : Both factors are taken into consideration.

Mr. S. G. Jog : Is there any third element ?

Mr. P. R. Rau : I am not aware of any.

CERTAIN CONCESSIONS GRANTED TO THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

36. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to refer to my unstarred question No. 187, answered on the 13th March, 1934, and furnish more elaborate reply giving the names of those employees who got the concessions although they (i) were actually employed in Director General, Posts and Telegraphs Camp Office, Simla/Delhi, (ii) were actually employed after the issue of the letter, (iii) were actually transferred to Director General's office from some other office after the issue of the letter, (iv) were actually holding temporary appointment in the Director General's Camp Office or at headquarters on and after the date of the issue of the letter, and (v) never maintained their homes in or in the neighbourhood of Calcutta ?

(b) If the concessions were granted to any of those mentioned in (i) to (v) of part (a) above, will Government be pleased to furnish details of their eligibility in accordance with the letter ?

(c) Will Government be pleased to quote the names of those employees who were refused the concessions although, prior to the issue of the letter, (i) they were made permanent, (ii) they were actually employed in Director General's office at Calcutta, and (iii) they maintained homes in or in the neighbourhood of Calcutta ?

(d) If the concessions were refused to any of those mentioned in (i) to (iii) of part (c) above, will Government be pleased to furnish details about their ineligibility in accordance with the letter ?

(e) Will Government please state more elaborately the reasons for refusing the grant of concessions to certain non-concessionists on their permanent transfer from Simla to Delhi and for not compensating them for their annual loss of at least Rs. 1,000 each which they drew as part of their pay in the shape of allowances, etc., from the date of their employment, that is, continuously for more than ten years and in some cases 20 years ?

The Honourable Sir Frank Noyce : (a) to (d). The concessions referred to were sanctioned by Government in 1926 subject to the conditions laid down in the Department of Industries and Labour letter No. 17-P.T.E., dated the 5th August, 1926, a copy of which was appended to the reply to the Honourable Member's previous unstarred question No. 187 in this House on the 13th March, 1934. Those clerks who satisfied the conditions received the concessions. So long an interval of time has elapsed that the collection of the details asked for by the Honourable Member would involve an expenditure of time and trouble incommensurate with the value of the results.

(e) The concessions were refused in the case of 19 clerks for the reasons explained in the replies given in this House to Mr. Anwar-ul-Azim's starred question No. 482 on the 19th March, 1928, and to the cut motion moved by the Honourable Member himself on the 13th March, 1931. As regards the question of compensation the position was fully explained in part (b) of the replies to starred questions Nos. 134, 135 and 953 in this House on the 4th September, 1929 and the 16th March, 1931, respectively. There is nothing I could usefully add to these explanations.

ADVANCES FOR HOUSE BUILDING.

37. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to refer to the reply given to starred question No. 386, dated the 20th February, 1930, regarding advances for house building and state if the replies are based on practice or on any rule ? Is that practice or rule still in force, or has any modification been made ? If the latter, what are the modifications ?

(b) If advances for building houses outside New Delhi area are not granted to employees of the Government of India, will Government be pleased to state for what purpose Chapter 9, Article 155 (a), of the Civil Account Code, Volume I, has been made and what is the necessity for inserting Note 3 to Rule VII of the Article, *vide* correction slip bearing No. 173, dated the 9th July, 1928 ?

(c) Is it a fact that the allotment of plots of land in New Delhi area are now made by public auction only ?

(d) Do Government propose to consider the matter soon and make necessary provision in the rules to enable those ministerial staff of the Government of India and Attached Offices who, without additional hardship, are unable to meet the recurring expenditure of paying house-rent from their pay below Rs. 200 per mensem, to purchase land from Government on considerably low price within their means *with inheritory right* in New Delhi for building their own houses, if so desired ? If not, why not ?

The Honourable Sir James Grigg : (a) The reply given to parts (b), (c) and (d) of question No. 386 was based on Articles 154 and 155 of the Civil Account Code. As regards parts (c) and (d) the rate of interest is fixed annually on the basis of current borrowing rates of the Government of India. The reply given to part (a) was based on executive orders. The order prohibiting the grant of advances for the construction of houses in old Delhi has been relaxed in a few exceptional cases, but it has recently been decided that it must now be more strictly enforced in view of the re-opening of the New Capital Project.

(b) Article 155 (a) of the Civil Account Code does not apply only to the headquarters of the Government of India. Note 3 to Rule VII of that Article was inserted because under the existing rules a house-building advance could only be granted to a person who possessed full proprietary rights in the land upon which he intended to build or had a lease which was not due to expire for a considerable number of years. Under the rules relating to the allocation of sites in the New Capital, perpetual leases could only be granted on production by the applicant of a certificate signed by the Chief Commissioner certifying that the buildings had been

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completed in accordance with the agreed conditions, and it was therefore necessary to amend the rules to enable advances to be given in such cases.

(c) Yes, except in certain reserved areas.

(d) I would invite the attention of the Honourable Member to part (g) of the statement which was laid on the table on the 27th of March, 1934, with reference to his starred question No. 378.

38.*

Mr. President (The Honourable Sir Shanmukham Chetty) : With regard to question No. 38, the Chair has to inform the House that under Legislative Rule 8 (2), His Excellency the Governor General has decided that it infringes Rule 8 (1). The question has, therefore, been disallowed.

Mr. Gaya Prasad Singh : But you, Sir, admitted the question.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may refer to the Legislative Rules in which it is pointed out that wherever there is any doubt with regard to the applicability of Rule 8 (1), the decision of the Governor General shall be final, and, in accordance with that power, His Excellency the Governor General has held that this comes under the mischief of Rule 8 (1).

Mr. Gaya Prasad Singh : May I know who referred the case to the Governor General ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has explained the proceedings to the Honourable Member. Apparently he is not acquainted with the rules.

Mr. Gaya Prasad Singh : Not quite.

Mr. President (The Honourable Sir Shanmukham Chetty) : Then he must refer to the rules.

MEMORANDUM SUBMITTED BY THE ALL-INDIA POLICE ASSOCIATION TO THE SECRETARY OF STATE FOR INDIA.

39. *Mr. Gaya Prasad Singh : Will Government kindly make available the memorandum submitted by the All-India Police Association to the Secretary of State for India, protesting against the proposal to transfer police force to a responsible Indian Minister ?

The Honourable Sir Harry Haig : The attitude of the Indian Police Association in regard to the transfer of law and order is indicated in paragraph 2 of the memorandum submitted by them to the Joint Select Committee. The memorandum is included in Volume IIA of the Committee's Minutes of Evidence, a copy of which is available in the Library of the House.

Sir Abdur Rahim : Was the memorandum submitted by the Members who are actually in service ?

The Honourable Sir Harry Haig : I think the memorandum is intended to represent the views of all serving Members. The Indian Police Association is an Association in the main at any rate of serving Members.

EMPLOYMENT OF PANAMA NATIVES BY THE SIND INDIAN MERCHANTS.

40. *Mr. Gaya Prasad Singh : (a) Are Government aware that the Panama Government have served notice on Sind Indian merchants residing there to employ in each firm three natives of the place, and that those Indian merchants who have refused to abide by this order have been asked to vacate the island within a prescribed period ?

(b) Do Government propose to make an enquiry into this matter ?

Mr. H. A. F. Metcalfe : Government have received no information beyond that laid on the table in answer to starred question No. 275 asked by Mr. Lalchand Navalrai during the Simla Session of 1933.

(d) Enquiry is being made from His Majesty's Minister in Panama and the result will be communicated to the House in due course.

Mr. Lalchand Navalrai : May I ask if there is any agreement or convention with the Panama Government that the merchants who settle down there should be allowed to do so without any restrictions ? Have any restrictions been since placed upon them ?

Mr. H. A. F. Metcalfe : I am not aware of any particular convention. If the Honourable Member will put down a question, I will obtain information for him.

Mr. Lalchand Navalrai : The question arises out of the question I have already put. If I put down a separate question, it may take some time to be admitted.

Mr. H. A. F. Metcalfe : I am not at all sure that the Honourable Member's supplementary question arises out of the original question.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether it does not take a long time to have correspondence with the Panama Government and in the interval the merchants there are suffering. Will it not be a quicker process if the Honourable Member would communicate by telegram with the Panama Government ?

Mr. H. A. F. Metcalfe : We have written to the Minister, and we hope to get a reply by telegram.

WITHDRAWAL OF THE CONCESSION OF FREE RAILWAY JOURNEY FROM PERSONS TRAVELLING FOR ANTI-RABIC TREATMENT.

41. *Mr. Gaya Prasad Singh : (a) Are Government aware that the concession of free railway journey to indigent persons in Bihar and Orissa, travelling for anti-rabic treatment hitherto granted by the railway administrations, has been withdrawn from the 1st July, 1934, and that the local bodies in the province have accordingly been warned that from this date they will have to bear extra charges on account of railway fare of indigent patients within their respective areas proceeding for anti-rabic treatment ?

(b) Why has this concession been withdrawn by the railway administrations ?

(c) How many such indigent persons in Bihar and Orissa have been allowed this concession every year during the last five years by the railway administrations ?

Mr. P. R. Rau : (a) and (b). The Indian Railway Conference Association decided recently to withdraw the concession of free travel for such journeys on the ground that if free travel was necessary it is for Local Governments to defray the cost of such journeys. The sacrifice of railway revenue involved could not be justified on commercial grounds.

(c) Government have no information. I may add that it was estimated that the loss to all railways by the grant of the concession was in the neighbourhood of Rs. 35,000 per annum. The annual number of free tickets issued was in 1931 about 14,000.

Mr. Bhuput Sing : Do Government realise that in Bihar and Orissa, owing to the earthquake, the local bodies have been hard hit, and they have suffered a great deal on account of the withdrawal of this concession ?

Mr. P. R. Rau : I am not sure whether this concession is asked for only for the province of Bihar and Orissa, and not for all other provinces. We could not possibly make a distinction between one province and another in this matter.

Mr. Bhuput Sing : Has this concession been withdrawn from all Local Governments ?

Mr. P. R. Rau : Yes, Sir.

Mr. B. Das : Did the Railway Board write to all Local Governments requesting them to defray the railway journey expenses of indigent persons ?

Mr. P. R. Rau : I think the decision to withdraw the concession was communicated to all Local Governments.

Mr. Bhuput Sing : Do Government realise that, before withdrawing the concession, the local bodies were not warned to make provision in their budgets, and not having done so, will Government advise the Railway Board to give this concession till the next budget of the local bodies is framed ?

Mr. P. R. Rau : My Honourable friend is probably not aware that due notice was given of the withdrawal of this concession.

Dr. Ziauddin Ahmad : Was the fact of withdrawal of concession communicated to the Education Department who are managing the Kasauli Institute at great expense, as the question of abolition of this Institute may arise ?

Mr. P. R. Rau : The question of abolition of this Institute does not arise.

Dr. Ziauddin Ahmad : Was the fact of withdrawal of concession communicated to the Education Department ?

Mr. P. R. Rau : Certainly.

FRESH BATCH OF POLITICAL PRISONERS SENT TO THE ANDAMANS.

42. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that a fresh batch of political prisoners has been sent to the Andamans by the middle of May ? If so, on what date and how many ?

(b) Will Government please supply the names of the prisoners sent in the batch referred to in part (a) above ?

(c) Is it a fact that formerly the local Governments used to publish the names of political prisoners who were sent to the Andamans ? Why is this procedure not being observed at present ?

(d) Have Government considered the fact that most of the relatives of the prisoners cannot avail themselves of any chance of interviewing the prisoners before they leave the shores of India ? If so, are Government prepared to announce the names of the transported prisoners so as to afford to the relatives the facility of knowing the movements of the prisoners ?

The Honourable Sir Harry Haig : (a) I presume the Honourable Member refers to terrorist prisoners. 17 such prisoners were sent to the Andamans on the 13th May, 1934.

(b) Government are not prepared to publish the names of the prisoners.

(c) Government are not aware of any such practice as is mentioned in the first part of the question. The second part does not arise.

(d) Arrangements are made for the relatives of prisoners earmarked for the Andamans to have an opportunity of interviewing them before deportation.

Mr. Gaya Prasad Singh : Were the relatives of these prisoners informed that these terrorist prisoners have been transferred to the Andamans ?

The Honourable Sir Harry Haig : I said :

“ Arrangements are made for the relatives of prisoners earmarked for the Andamans to have an opportunity of interviewing them before deportation.”

Mr. Lalchand Navalrai : In view of the fact that terrorism has gone down, may I know if the Honourable Member is going to change his policy and not send these prisoners to Andamans ?

The Honourable Sir Harry Haig : There is no suggestion of changing the policy.

TRANSFER OF MR. BIMALENDU CHAKRAVARTY, A POLITICAL PRISONER, FROM THE ANDAMANS TO THE ALIPORE CENTRAL JAIL.

43. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : Is it a fact that S. Bimalendu Chakravarty, a political prisoner, has been brought back to the Alipur Central Jail from the Andamans ? If so, when, and what is the reason for his transfer ?

The Honourable Sir Harry Haig : The prisoner was returned to Bengal on May 3, 1934, as he is suffering from mania.

WITHDRAWAL OF PERMISSION OF INTERVIEW GRANTED TO MR. SUSIL DAS GUPTA, A POLITICAL PRISONER IN THE ANDAMANS.

44. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the permission granted by the Chief Commissioner, Andamans, to interview S. Susil Das Gupta, a political prisoner, was subsequently withdrawn by the same officer without assigning any reason ?

(b) Have Government any objection to state the reason for withdrawing the permission to interview political prisoner, S. Susil Das Gupta once granted by the Chief Commissioner to Mr. Benoy Das Gupta ?

The Honourable Sir Harry Haig : (a) and (b). On an application by Mr. Benoy Das Gupta, for an interview with Mr. Susil Das Gupta, a terrorist prisoner in the Andamans, the Chief Commissioner informed the applicant that an interview would be permitted provided the Bengal Police raised no objection. On receipt of the views of the Deputy Inspector-General, Criminal Investigation Department, Intelligence Branch, Bengal, the Chief Commissioner decided that it was not expedient to grant an interview.

CERTAIN FACILITIES TO DIVISION III PRISONERS IN THE ANDAMANS.

45. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the political prisoners in the Andamans are not allowed to have money deposited in their names with the jailor ? If so, how can the Division III Prisoners get the necessary stationery at their own expense ?

(b) Is it a fact that in reply to my starred question No. 609 of the 4th April, 1934, Government said that the Division III prisoners in the Cellular Jail, Andamans, are permitted to buy stationery at their own expense, and will Government please state what facilities the prisoners have to do so ?

(c) Are Government aware that under the Bengal Jail Code the deposit of money with the jailor for all classes of prisoners is permissible ?

(d) Are Government prepared to see their way to permitting the same facilities to the prisoners in the Andamans, who enjoyed this privilege in Indian jails ?

The Honourable Sir Harry Haig : (a) I would refer the Honourable Member to the rules for the treatment of terrorist prisoners in the Andamans, a copy of which was laid on the table of the House on February 16, 1934. It is not a fact that C class prisoners are not allowed to have money in the custody of the Superintendent of the Jail. The second part does not arise.

(b) The answer to the first part is in the affirmative. As regards the second part, permission for the purchase of any article of stationery is granted by the Superintendent of the Jail.

(c) Yes.

(d) Does not arise, in view of my reply to part (a) above.

LIGHTS ALLOWED TO PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

46. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Are Government aware that under the Bengal Jail Code, lights are allowed to be used by the prisoners at any time at night and there are similar rules in other provinces also ?

(b) Will Government please state why lights are allowed in the Cellular Jail, Andamans, only up to 10 P.M. ?

(c) Are Government aware that the prisoners in the above Jail suffer difficulty for want of light after 10 P.M. in case of going to the latrine, etc. ?

(d) Do Government propose to remove this difficulty and allow lights being used at any time at night ?

The Honourable Sir Harry Haig : (a) I presume the Honourable Member refers to lights for reading ; if so, the answer is in the negative.

(b) Lights for reading are allowed in the cells up to 10 P.M., but the lights in the corridors and yards of the Cellular Jail, Port Blair, are kept burning throughout the night for general supervision.

(c) No.

(d) Does not arise.

Mr. S. G. Jog : Does the Honourable Member remember that last year, when we discussed the situation in Andamans, the Honourable Member promised to look into the matter of making more concessions as regards rules in the matter of lights and giving them more time to read during nights ?

The Honourable Sir Harry Haig : A very substantial concession was made by allowing lights for reading up to 10 P.M.

RELEASE OF MR. NIKHIL GUHA ROY, A POLITICAL PRISONER IN THE ANDAMANS.

47. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : Will Government please refer to my question No. 955 of the 15th September, 1933, and state what action has been taken to release S. Nikhil Guha Roy, now in the Andamans ?

The Honourable Sir Harry Haig : The Honourable Member's attention is invited to the statement laid on the table on the 5th December, 1933.

REFUSAL OF A PASSPORT TO REVEREND B. OTTAMA.

48. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that a passport has been denied to the Reverend Bikkhu Ottama, the famous Buddhist monk of Burma, desirous of visiting America and Europe on Buddhist mission for the last four years ?

(b) Will Government please state if anything unconstitutional, illegal or seditious has been found in the conduct of the said monk during the last four years ?

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(c) Are Government aware that the Reverend Ottama is even willing to give his word of honour or undertaking to take no part in any political work whilst outside India in order to facilitate grant of a passport?

(d) Do Government propose now to reconsider the question of granting a passport to the Reverend Ottama for his religious mission?

The Honourable Sir Harry Haig : (a) Yes. I would refer the Honourable Member to the replies given in this House to question No. 1068 on the 23rd March, 1931, and to question No. 682 on the 23rd September, 1932.

(b) Government are satisfied that there has been no change in his views or intentions.

(c) Yes.

(d) No.

Mr. B. Das : Is it not a fact that Rev. Bikkhu Ottama is an anti-separationist, and, therefore, the Government of Burma refused a passport to him to go abroad?

The Honourable Sir Harry Haig : No, Sir. These are not the grounds on which the passport has been refused.

UNSTARRED QUESTIONS AND ANSWERS.

LLOYD BARRAGE SCHEME AT SUKKUR.

1. Mr. Lalchand Navalrai : (a) With reference to the statement laid on the table on the 18th December, 1933, in reply to my starred question No. 22, dated the 23rd August, 1933, will Government be pleased to state what the boat traffic below Sukkur was before it was impeded by the Sukkur Barrage?

(b) How much goods, so impeded since the construction of the barrage has been diverted to the railway?

(c) What will be the cost if a lock system is established now in the Sukkur Barrage?

The Honourable Sir Frank Noyce : (a) and (b). I regret that no information is available, beyond that already communicated to the Honourable Member.

(c) In 1919, the cost of a lock was estimated at Rs. 15 to 20 lakhs, and it was anticipated that the cost of maintenance would be high. Government adhere to the view that the benefit of a lock system would be quite incommensurate with the expenditure which such a system would involve.

APPLICATIONS FOR REFERENCE OF CASES IN SIND TO THE HIGH COURT UNDER SECTION 66 OF THE INDIAN INCOME-TAX, ACT.

2. Mr. Lalchand Navalrai : Will Government be pleased to lay on the table of this House a statement showing for each year separately

the following information in connection with the applications for reference to the High Court under section 66 of the Indian Income-tax Act, 1922?

Year.	Number of applications for Sind for reference to High Court.	Number of applications from the rest of the Presidency.	Total applications for reference under section 66.
1930-31	..	..	..
1931-32	..	..	..
1932-33	..	..	..
1933-34	..	..	..

The Honourable Sir James Grigg : The required information is not available, and as its compilation from thousands of revision petitions for the past four years will entail enormous labour, it is regretted that it cannot be supplied. On account of drastic retrenchment, the staff employed is barely strong enough to cope with its ordinary duties and without serious detriment thereto, it cannot be asked to do any such extraneous work. Assessors do not, as a rule, put in separate applications for a reference to the High Court. The majority of them simply put in petitions for revision of their assessments under section 33 of the Income-tax Act and add a request for a reference to the High Court in case the Commissioner was unable to grant relief.

APPLICATIONS FOR REFERENCE OF CASES IN SIND TO THE HIGH COURT UNDER SECTION 66 OF THE INDIAN INCOME-TAX ACT.

3. Mr. Lalchand Navalrai : Will Government be pleased to lay on the table of this House a statement showing for each year separately the following information in connection with the applications for reference to High Court under section 66 of the Indian Income-tax Act, 1922?

Year.	Number of applications from Karachi in which the Commissioner refused to refer to the High Court points of law raised by appellants.	Number of applications from the rest of Sind in which the Commissioner refused to refer points of law raised by appellants.	Number of applications from the rest of the Presidency in which Commissioner refused to refer points of law raised by appellants.	Total.
1	2	3	4	5
1930-31	..	..	..	..
1931-32	..	..	..	..
1932-33	..	..	..	..
1933-34	..	..	..	..

The Honourable Sir James Grigg : The attention of the Honourable Member is invited to my reply to his question No. 2. As explained therein, it is regretted the required details cannot be supplied.

OVERBRIDGE AT THE ALIGARH RAILWAY STATION.

4. Rai Bahadur Kunwar Raghbir Singh : (a) Will Government be pleased to state why an overbridge at the railway station at Aligarh has not been reconstructed?

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(b) Are Government aware that great inconvenience is caused to the public for want of a footpath bridge?

(c) Are Government also aware that many accidents have occurred since the Kathphula bridge was broken by a railway crane?

Mr. P. R. Rau : Government have no information, but have sent a copy of the question to the Agent, East Indian Railway, for consideration.

MOTIONS FOR ADJOURNMENT.

WITHDRAWAL OF NOTIFICATIONS DECLARING CERTAIN MUSLIM ORGANISATIONS AS UNLAWFUL IN THE NORTH-WEST FRONTIER PROVINCE.

Mr. President : (The Honourable Sir Shanmukham Chetty) : I have received a notice from Mr. Maswood Ahmad, that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

12 Noon. "The attitude of the Government regarding the Muslim organisations in the North-West Frontier Province for not withdrawing the notifications declaring them unlawful and for not lifting the ban on them."

I have to inquire whether any Honourable Member has any objection to this motion.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : Sir, I object.

Mr. President (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up.)

As less than 25 Members have risen, I have to inform Mr. Maswood Ahmad that he has not got the leave of the Assembly to move his motion.

COMMUNAL REPRESENTATION IN THE SERVICES.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have received another notice from Sirdar Harbans Singh Brar, that he proposes to ask for leave to move a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

"The Resolution of the Government of India on communal representation in the services published on the 7th of July, 1934."

I have to inquire whether any Honourable Member has any objection to this motion.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur cum Orissa : Muhammadan) : Sir, I object.

Mr. President (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up.)

As less than 25 Members have risen, I have to inform Sirdar Harbans Singh Brar that he has not got the leave of the Assembly to move his motion.

BAN ON THE RED SHIRT ORGANISATION IN THE NORTH-WEST FRONTIER PROVINCE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have got another notice from Maulvi Shafee Daoodi, and I would ask him to let me know how his motion is different from the one of which notice was given by Mr. Maswood Ahmad.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, the motion, of which Mr. Maswood Ahmad gave notice, refers to Muslim organisations in the North-West Frontier Province, and my motion relates to another matter altogether, namely, the discrimination made by Government in removing ban from a branch of Congress organisation in the North-West Frontier Province known as *Khodai Khidmatgar* Organisation (called by Government as Red Shirt Organisation) and other Congress Organisations in British India. So this organisation is different and includes both Muslims as well as non-Muslims, and, therefore, this motion is broader than the one given notice of by Mr. Maswood Ahmad.

Mr. President : (The Honourable Sir Shanmukham Chetty) : Is not the Muslim organisation, with regard to which the ban has not been lifted, the same as the one contemplated by Maulvi Shafee Daoodi?

The Honourable Sir Harry Haig (Home Member) : The *Khodai Khidmatgar* organisation is what we generally call the Red Shirts and that was described or it described itself as a branch of the Congress. That is the position.

Mr. President (The Honourable Sir Shanmukham Chetty) : That is the Muslim organisation contemplated by Mr. Maswood Ahmad.

Maulvi Muhammad Shafee Daoodi : The one which is contemplated by Mr. Maswood Ahmad is a Muslim organisation and the one which is contemplated by me is the Congress organisation which includes both Muslims as well as non-Muslims ; and I remember there are some Christians also in it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member refers to a Congress organisation in the North-West Frontier Province known as the *Khodai Khidmatgar* organisation, and called by Government the Red Shirt organisation. Is it not the same Muslim organisation as contemplated by Mr. Maswood Ahmad?

Maulvi Muhammad Shafee Daoodi : No, I say that my motion contemplates a much broader organisation than what Mr. Maswood Ahmad contemplates. He refers clearly to the attitude of Government regarding the Muslim organisations in the North-West Frontier Province. I refer to something broader and greater than that which includes Muslims as well as non-Muslims.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may contemplate such a contingency, but if, as a matter of fact, there is only one Muslim organisation in the North-West

[Mr. President.]

Frontier Province, with regard to which alone that question of ban arises, then it is substantially the same motion.

Maulvi Muhammad Shafee Daoodi : But my Honourable friend, Mr. Maswood Ahmad, did not know what the organisation is. I knew the details, and, therefore, I have put it rightly, and I think it is different from the one which he put forward. I have made it quite clear.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I may be allowed to submit that the organisation which Mr. Maswood Ahmad contemplated was a communal organisation consisting of the Muhammadans of the North-West Frontier Province, but the notice which has been given by Maulvi Shafee Daoodi is with reference to an organisation which is a branch of the Congress. It is not a communal organisation, and there might have been good reasons for the Government to take action against a certain communal organisation, and there might not be sufficiently good reasons for taking action against a part of the Congress.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I may add that in some organisation only Muhammadans are members, but in the Congress sub-committees anybody can be a member.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Congress organisation known as the *Khodai Khidmatgars* consist only of Muslims ? (Several Honourable Members : "No, no.") Then I would give the benefit of the doubt to the Honourable Member.

I have received notice from Maulvi Shafee Daoodi that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

"Discrimination made by Government in removing ban from a branch of the Congress organisation in the North-West Frontier Province known as *Khodai Khidmatgar* Organisation (called by Government as Red Shirt Organisation) and other Congress organisations in British India."

I have to inquire whether any Honourable Member has any objection to this motion.

Major Nawab Ahmad Nawaz Khan : The Red Shirts and the *Khodai Khidmatgars* are one and the same thing, and, therefore, I object.

Mr. President (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up).
As less than 25 Members have risen, I have to inform Maulvi Shafee Daoodi that he has not got the leave of the Assembly to move his motion.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the House that the following Bills, which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1934, have

been assented to by His Excellency the Governor General, under the provisions of sub-section (1) of section 68 of the Government of India Act :

- (1) The Indian Tariff (Amendment) Act, 1934,
- (2) The Reserve Bank of India Act, 1934,
- (3) The Imperial Bank of India (Amendment) Act, 1934,
- (4) The Wheat Import Duty (Extending) Act, 1934,
- (5) The Indian Medical Council (Amendment) Act, 1934,
- (6) The Cotton Textile Industry Protection (Amendment) Act, 1934,
- (7) The Steel and Wire Industries Protection (Extending) Act, 1934,
- (8) The Khaddar (Name Protection) Act, 1934,
- (9) The Indian Finance Act, 1934,
- (10) The Salt Additional Import Duty (Extending) Act, 1934,
- (11) The Indian States (Protection) Act, 1934,
- (12) The Indian Tariff (Textile Protection) Amendment Act, 1934,
- (13) The Trade Disputes (Extending) Act, 1934,
- (14) The Sugar (Excise Duty) Act, 1934,
- (15) The Sugar-cane Act, 1934, and
- (16) The Matches (Excise Duty) Act, 1934.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the House that under rule 3 (1) of the Indian Legislative Rules I nominate Mr. K. C. Neogy, Dr. Ziauddin Ahmad, Rao Bahadur M. Rajah and Lieut.-Colonel Sir Henry Gidney on the Panel of Chairmen for the current Session.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions :

- (1) Mr. K. C. Neogy,
- (2) Sir Hari Singh Gour,
- (3) Rai Bahadur Kunwar Raghubir Singh, and
- (4) Mr. A. H. Ghuznavi.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Harry Haig (Home Member) : Sir, I lay on the table the information promised in my reply, dated the 28th March, 1934, to Mr. S. G. Jog's starred questions Nos. 570 and 571 regarding the arrest of certain persons in Delhi.

PERSONS ARRESTED WRONGLY BY THE DELHI POLICE FOR CERTAIN ALLEGED OFFENCES.

*570. (a) and (b). There has been so far as I am aware one case since March 1st, 1933, in which a person was arrested as a result of mistaken identity. He was released by the police as soon as the mistake was discovered.

ARREST OF ONE CAPTAIN G. M. SEKHRI BY THE DELHI POLICE.

*571. (a), (d) and (e). The identity of persons arrested is always verified by the police so far as possible before arrest.

(b) and (c). The facts are that in January, 1934, an individual calling himself Captain G. M. Sekhri committed the offence of cheating in the shop of Messrs. Devi Chand and Company, Lahore, by obtaining goods on the strength of a dishonoured cheque. The Lahore Police registered a case and issued a warrant of arrest in pursuance of which Captain G. M. Sekhri, A.I.R.O., was arrested by the Delhi Police on the 25th January, 1934. Captain Sekhri was immediately released on bail by the Delhi Police and directed to appear before the Lahore Police. On arrival at Lahore it was found by the Police Officer investigating the case that Captain Sekhri was not the individual who had swindled Messrs. Devi Chand and Company and he was at once released.

(f) There is no provision for the grant of compensation to persons wrongly arrested.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table :

- (i) the information promised in reply to parts (a), (b), (g) and (j) of starred question No. 478 asked by Mr. D. K. Lahiri Chaudhury on the 14th March, 1934 ;
- (ii) the information promised in reply to starred question No. 569 asked by Sardar Sant Singh on the 28th March, 1934 ;
- (iii) the information promised in reply to unstarred question No. 327 asked by Mr. M. Maswood Ahmad on the 7th April, 1934 ; and
- (iv) the information promised in reply to unstarred question No. 371 asked by Seth Liladhar Chaudhury on the 16th April, 1934.

INSPECTORS OF POST OFFICES AND HEAD CLERKS TO POSTAL SUPERINTENDENTS.

*478. (a) and (b). The facts are as stated by the Honourable Member.

(g) Yes, if by "two selection grade appointments" the Honourable Member means appointments in the two selection grades.

(j) No. Appointments up to and included in the grade of Rs. 150—200 in the Calcutta General Post Office were reserved for officials of that office, but appointments in the grade of Rs. 200—300, whether in the Calcutta General Post Office or elsewhere, were open to officials in the entire circle.

STATEMENTS LAID ON THE TABLE.

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EXAMINATION IN GURMUKHI HELD BY THE POSTMASTER GENERAL, LAHORE.

*569. (a) The reply to the first two parts is in the affirmative. I may, however, explain that the examination held on the 22nd October, 1933, was not in order and, therefore, another examination was held on the 19th November, 1933. As regards the third part, 22 candidates appeared in the examination on the 19th November, 1933, of whom one only passed.

(b) The purpose of the examination is to ensure that clerks shall be able to dispose of postal articles, bearing names, addresses, etc., written in Gurmukhi, correctly and quickly.

(c) Yes, The object is to test their ability to read freely Gurmukhi characters.

NON-OBSERVANCE OF THE THIRD VACANCY RULE IN THE RAWALPINDI ENGINEERING DIVISION.

327. (a) No.

(b) No.

(c) Does not arise.

REVERSION OF CERTAIN POSTMEN AS PACKERS IN THE AMRITSAR POST OFFICE.

371. (a) The fact is not as stated. Owing to reductions in the cadre of postmen the two officials in question, who are permanent packers but who were officiating as postmen, were reverted to their substantive posts of packer. For calculating the communal proportions for the purpose of retrenchment, the permanent and not the officiating status of the officials is taken into account. The reversion of the two officiating postmen to their substantive posts of packer, therefore, involved no infringement of the orders regarding the maintenance of the communal ratios before and after retrenchment.

(b) Does not arise.

The Honourable Sir James Grigg (Finance Member) : Sir, I lay on the table :

- (i) the information promised in reply to unstarred questions Nos. 294, 295 and 296 asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934 ; and
- (ii) the information promised in reply to starred questions Nos. 595 and 596 asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934.

CANCELLATION OF THE ASSESSMENTS OF INCOME-TAX IN ORISSA.

294. Figures for 1928-29 and 1929-30 are not available. The numbers of cases during succeeding years in which assessments were cancelled under section 27 of the Indian Income-tax Act were :—

(i) 1930-31	..	..	..	..	..	19
1931-32	..	..	..	..	..	28
1932-33	..	..	..	..	..	20
(ii)				Amount of tax paid before cancellation of assessments.	Amount refunded after cancellation.	
1930-31	..	..	..	5,219	78	
1931-32	..	..	..	2,915	610	
1932-33	..	..	..	4,224	..	

The assessee in most cases did not require refund of tax already paid, presumably because they wished the amounts to be retained for the purpose of adjusting the demand after re-assessment.

(iii) and (iv). The information could not be compiled without an inordinate expenditure of time and labour.

DISPOSAL OF INCOME-TAX CASES IN BIHAR AND ORISSA ON GAZETTED HOLIDAYS.

295. (a) Income-tax Officers have had to work on some holidays and fix dates for hearing of assessee's cases on holidays, but not against the consent of assessee. Non-appearance of parties in such cases is treated as default, but the objection of an assessee on the ground that he did not appear because it was a public holiday is treated as a valid objection.

(b) Statement showing the number of cases fixed by Income-tax Officers during the Christmas holidays of 1931, 1932 and 1933 district by district in Bihar and Orissa and the number of cases which were assessed under Section 23 (4) :—

District or Circle.	Number of cases fixed by Income-tax Officers during the Christmas holidays.			Number of cases which were assessed under section 23 (4).		
	1931.	1932.	1933.	1931.	1932.	1933.
Central Salaries Circle	..	..	..	..	..	..
Ranchi-Sadr Manbhum	7	..	..	..	..	..
Dhanbad ..	17	24	..	..	..	..
Muzaffarpur ..	34	..	..	3(a)	..	..
Champaran..	1	..	..	..	..	..
Monghyr ..	1	9	3	..	..	..
Patna ..	8	..	..	..	..	..
Gaya-Shahabad ..	56	33	..	3	6	..
Hazaribagh ..	12	..	..	..	..	..
Palamau ..	(b)	1	..	(b)	1	..
Cuttack-Puri-Balasore	3	..	29	..	..	..
Darbhangha ..	..	..	..	..	..	..
Singhbhum-Sambalpur	..	..	..	..	..	..

(a) It is, however, not known whether section 23 (4) was applied in these cases for non-appearance during holidays.

(b) Information not available.

STATEMENTS LAID ON THE TABLE.

CASES UNDER SECTION 23(4) OF THE INDIAN INCOME-TAX ACT IN ORISSA.

296. Statement showing the number of cases disposed of under Section 23 (4) in each District in Orissa during the years 1931-32 to 1933-34 and the number of cases reopened.

District.	Number of cases disposed of under section 23 (4) during 1931-32.				Number of cases reopened by				Number of cases disposed of under section 23 (4) during 1932-33.				Number of cases reopened by				Number of cases disposed of under section 23 (4) during 1933-34.			
	Income-tax Officers.	Assistant Commissioner.	Commissioner.	High Court.	Income-tax Officers.	Assistant Commissioner.	Commissioner.	High Court.	Income-tax Officers.	Assistant Commissioner.	Commissioner.	High Court.	Income-tax Officers.	Assistant Commissioner.	Commissioner.	High Court.	Income-tax Officers.	Assistant Commissioner.	Commissioner.	High Court.
Sambalpur ..	73	..	..	..	7	..	..	..	22	..	..	..	2	..	..	..	38	..	..	..
Cuttack ..	142	..	..	..	12	..	..	..	137	..	..	..	16	..	..	..	57	..	..	..
Puri ..	91	..	..	..	4	..	..	..	88	..	..	..	2	..	..	..	57	..	..	..
Balasore ..	88	..	..	..	6	..	..	..	70	..	..	..	4	..	..	..	35	..	..	..

REMISSION OF PENALTY IMPOSED FOR DEFAULTING PAYMENT OF INCOME-TAX IN BIHAR AND ORISSA.

*525. (a) Yes.

(b) Figures for the years 1927-28 to 1929-30 could not be obtained without an inordinate expenditure of time and labour. Figures for the last three years are given below :—

Year.	Number of petitions filed for remission of penalty under section 46.	Number of successful petitions.		
		Remitted.	Reduced.	Total.
1930-31	44	8	1	9
1931-32	90	15	..	15
1932-33	48	5	..	5

NON-REFUND OF INCOME-TAX AFTER THE CANCELLATION OF ASSESSMENTS IN THE ORISSA CIRCLE.

*596. In the case of assessments cancelled under Section 27 of the Indian Income-tax Act, any tax already levied is refunded at once without waiting for an application for refund from the assessee. Refunds due on an appellate or review order or an order passed as a result of a reference directing a fresh assessment to be made are not granted unless the Assistant Commissioner or the Commissioner gives a direction to that effect in his order.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I lay on the table the information promised in reply to unstarred question No. 197 asked by Mr. S. G. Jog on the 14th March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

197. (a) Government have no knowledge of the letter referred to.

(b) Government stated in their letter referred to that the case of the particular Indian officer was not affected by the recommendations of the War Pension Committee. The attention of the Honourable Member is drawn to the last sentence of the recommendation as quoted by him.

(c) It is impossible to give a general definition of the types of disability which will not be considered as attributable to military service. In cases of this kind, which, though they arise during service, have no connection with that service, Government have to be guided by the circumstances and merits in each individual instance.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to starred questions Nos. 828—834 asked by Pandit Satyendra Nath Sen on the 12th September, 1933 ;
- (ii) the information promised in reply to parts (a), (b), (c) and (e) of starred question No. 1050 asked by Mr. D. K. Lahiri Chaudhury on the 20th September, 1933 ;
- (iii) the information promised in reply to starred questions Nos. 1105—1110 asked by Mr. S. C. Mitra on the 21st November, 1933 ;
- (iv) the information promised in reply to unstarred questions Nos. 213, 214 and 215 asked by Mr. S. C. Mitra on the 27th November, 1933 ;
- (v) the information promised in reply to unstarred questions Nos. 265 and 266 asked by Sardar G. N. Mujumdar on the 5th December, 1933 ;
- (vi) the information promised in reply to starred questions Nos. 1364, 1365, 1366 and 1378 asked by Sardar Sant Singh on the 11th December, 1933 ;
- (vii) the information promised in reply to starred question No. 403 asked by Lala Rameshwar Prasad Bagla on the 7th March, 1934 ;
- (viii) the information promised in reply to starred question No. 633 asked by Mr. N. M. Joshi on the 4th April, 1934 ;
- (ix) the information promised in reply to starred question No. 688 asked by Mr. Jagan Nath Aggarwal on the 14th April, 1934 ;
- (x) the information promised in reply to starred question No. 708 asked by Sirdar Harbans Singh Brar on the 14th April, 1934 ; and
- (xi) the information promised in reply to starred question No. 709 asked by Sirdar Harbans Singh Brar on the 14th April, 1934.

APPOINTMENT OF LILLOOAH APPRENTICES.

*828. The Agent, East Indian Railway, reports that the Anglo-Indian referred to was held to be the best all round man for the appointment by the officer who examined him.

He was not a failed man but passed the Technical School examination in the Second Class. He possessed the qualifications necessary for the appointment of Train Examiner and it is considered his selection has been justified by the standard of his work since his appointment. He is now drawing Rs. 150 per mensem in Grade III and is actually doing work which was previously performed by a Grade I Train Examiner so as to release him for supervision work in the yard.

APPOINTMENT OF LILLOOAH APPRENTICES.

*829. (a), (b) and (c). The Agent, East Indian Railway, reports that the information furnished by him in September, 1932, which was repeated in the reply given by Government to Mr. S. C. Mitra's question No. 22 (c) of 5th September, 1932, was

based on information supplied by the then Superintendent, Rolling Stock of the Howrah Division, who is no longer in service and that the records now available do not enable him to furnish the information now asked for regarding a transaction which occurred in 1930.

(d) Government do not consider that there is reason for further enquiry into this matter and have no grounds for thinking that the selection for filling the Train Examiner's post in 1930 was improperly conducted.

(e) Government are unable to agree that racial discrimination was made in this case.

(f) The Agent, East Indian Railway, reports that these two ex-apprentices were invited to appear before a Selection Committee in connection with appointments on the 14th August, 1933. One of the two men did not appear. This other was placed 12th on the list by the Selection Committee, but was not appointed as there were only 6 vacancies.

APPOINTMENT OF APPRENTICE TRAIN EXAMINERS FOR THE OPERATING DEPARTMENT.

*830. (a) I would refer the Honourable Member to the information laid on the table of the House in reply to his question No. 843 asked on the 21st March, 1933. The recruitment is still suspended.

(b) Does not arise.

APPOINTMENT OF LILLOOAH APPRENTICES.

*831 (a) The Agent, East Indian Railway, reports that between the 29th March, 1930 and 21st August, 1933 one ex-Apprentice of the Lillooah Workshops was appointed :

- (i) Mr. C. Keys.
- (ii) Howrah Division.
- (iii) 2nd Division in final Technical School Examination.
- (iv) Train Examiner.
- (v) One Anglo-Indian.
- (vi) Rs. 85 on three months' probation and confirmed on Rs. 95.

(b) Six time expired Apprentices of the Lillooah Workshops were appointed in August last on the Howrah Division and none on other Divisions. Government are aware of the replies referred to.

(c) The vacancies in other Divisions were filled by surplus Train Examiners and time expired Apprentices trained on these Divisions under the old East Indian Railway system who were waiting to be absorbed as Train Examiners. In this connection I would also invite the Honourable Member's attention to the information laid on the table of the House on the 13th March, 1933, in reply to part (b) of Question No. 23 asked by Mr. S. C. Mitra on the 5th September, 1932.

(d) Divisional Superintendents have already been advised. I would invite the Honourable Member's attention to the information laid on the table of the House on the 13th March, 1933, in reply to part (a) of Question No. 23 asked by Mr. S. C. Mitra on the 5th September, 1932.

APPOINTMENT OF LILLOOAH APPRENTICES AS TRAIN EXAMINERS.

*832. (a) Yes.

(b) Yes. The majority of the candidates selected were not the first to have passed out of the Technical School. One of the most junior men to be appointed passed in the Honours Division and stood alone in that distinction. One senior man who was selected refused the post as he was already in employment and drawing more

salary than the pay offered by the railway. The appointments were made by selection, thus obtaining the best men available for appointment.

(c) A properly organised Selection Committee composed of senior officers selected the men whom they considered to be most suitable for the posts. Every candidate's case was given full consideration and all things being equal, the candidate who had qualified first was given preference. In making a selection, the fact that candidates appointed would have in time to come to take independent charge of a train examining station entailing control of a large body of labour had to be given due weight, and the Committee selected the most suitable candidates in all respects.

The Anglo-Indian ex-apprentice appointed in 1930 was selected as the most suitable man by the then Superintendent, Rolling Stock, and he has justified his selection by doing good work.

Of the six men selected in August, 1933, four were Hindus, an Anglo-Indian and a European.

(d) Does not arise.

(e)

Names.					Date of completion of apprenticeship training.	Division passed at the Technical School Examination.
Mr. K. P. Mukherji	..	..	..	..	19-2-29	1st Division.
„ J. N. Chatterji	..	..	..	..	9-2-30	1st „
„ N. C. Chatterji	..	..	..	..	11-2-30	1st „
„ T. A. Cahoon	..	..	..	..	19-9-30	2nd „
„ A. N. Mitra	..	..	..	..	2-2-31	1st „
„ G. B. Allnut	..	..	..	..	2-5-33	Honours Division.

The following is the list of apprentices who completed their training from 1929 and had to be discharged as there were no vacancies. Those already selected and appointed have been "star" marked.

1929.

- | | |
|-------------------------|-----------------------------|
| 1. Mr. L. F. McLeod. | 6. Mr. P. C. Roy Chowdhuri. |
| 2. Mr. P. R. Bose. | 7. Mr. B. B. Paramanik. |
| 3. Mr. A. C. Ash. | 8. Mr. S. K. Ghose. |
| 4. Mr. S. P. Mukherjee. | 9. Mr. D. K. Gupta. |
| *5. Mr. K. P. Mukerjee. | 10. Mr. K. D. Banerjee. |

1930.

- | | |
|---------------------------|---------------------------|
| 1. Mr. W. J. Ball. | 7. Mr. T. C. Ghose. |
| *2. Mr. C. Keys. | 8. Mr. B. D. Mukherjee. |
| *3. Mr. T. A. H. Cahoon. | 9. Mr. S. N. Chatterji. |
| 4. Mr. S. C. Ganguly. | 10. Mr. A. K. Banerji. |
| *5. Mr. J. N. Chatterjee. | 11. Mr. I. K. Das. |
| 6. Mr. P. N. Dutt. | *12. Mr. N. C. Chatterji. |

1931.

1. Mr. V. J. B. Cullen.
2. Mr. D. C. Williamson.
3. Mr. A. C. Roy Choudhury.

- *4. Mr. A. N. Mitra.
5. Mr. B. K. Chatterjee.
6. Mr. R. K. Chatterjee.

1932.

1. Mr. T. C. Jackson.
2. Mr. K. L. Mitra.
3. Mr. M. R. Hume.
4. Mr. M. K. Mukerji.

5. Mr. S. C. Ganguly.
6. Mr. S. K. Bose.
7. Mr. K. C. Mukerjee.

1933.

1. Mr. Shew Prosad.
2. Mr. R. A. Bowen.
3. Mr. W. H. Collins.

4. Mr. D. G. Hogan.
- *5. Mr. G. B. Allnut.

(f) The following Train Examiners have been appointed under the Superintendent, Howrah, East Indian Railway, since 1931:—

Anglo Indian	1
European	1
Hindus	4
Muslims	Nil.

The communal proportion of Train Examiners and Assistant Train Examiners is as follows. It will be seen from this that the progressive Indianization has been followed:—

	Train Examiners.	Assistant Train Examiners.
Europeans	5%	Nil.
Anglo-Indians	14%	2.55%
Hindus	60%	66.7%
Mahomedans	19%	28.2%
Indian Christians	2%	2.55%

(g) Future vacancies will be filled by selection of most suitable ex-apprentices and surplus or retrenched staff by Selection Committees composed of senior officers.

the Honours Division in which distinction he stood alone and was selected by the Committee on his merits.

(c) Does not arise.

(e) I would refer the Honourable Member to the reply given to part (g) of question No. 832.

APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.

*834. The Agent, East Indian Railway, reports that:

(a) Six ex-apprentices were appointed in August, 1933. It is not possible to say how many more will be appointed this year.

(b) (i) Howrah Division	8
Asansol	4
Dinapore	Nil
Allahabad	Nil
Lucknow	3
Moradabad	7

(ii) Train Examiners.

APPLICATIONS FOR LEAVE BY THE GUARDS ON THE EAST INDIAN RAILWAY.

*1050. (a) Yes, the guards are subordinate to the station masters and the latter have to make arrangements for relief.

(b) 159 applications for leave were received from guards by the station master, Gya, during 1932. Leave was refused in one case while in five other cases the applicants were required to wait for a few days before their leave could be sanctioned.

(c) Yes, the guards have a right to appeal to the Divisional Superintendent but all such appeals are to be submitted through the station masters concerned who are not authorized to withhold such appeals which must be submitted with their remarks. The Divisional Superintendents have full authority to sanction leave to staff under them whether applications for leave are submitted direct or through the proper channel. The submission of applications for leave through the proper channel is however insisted on for administrative reasons.

(d) This is not a fact. The latter part of the question does not arise.

RACIAL DISCRIMINATION ON THE EAST INDIAN RAILWAY IN THE MATTER OF APPOINTMENTS.

*1105. (a) No.

(b) I would refer the Honourable Member to the information laid on the table of the House in reply to part (c) of starred question No. 832 asked by Pandit Satyendra Nath Sen on 12th September, 1933.

(c) I would refer the Honourable Member to the information laid on the table of the House in reply to part (b) of starred question No. 833 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(d) The apprentice was called for an interview and there was no racial discrimination in this matter. Latter parts of the question do not arise.

(f) and (g). I would refer the Honourable Member to the information laid on the table of the House in reply to part (b) (iii) of unstarred question No. 266 asked by Sardar G. N. Mujumdar on the 5th December, 1933.

(h) I would refer the Honourable Member to the information laid on the table of the House in reply to part (g) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

*1106. (a) to (c). I would refer the Honourable Member to the information laid on the table of the House in reply to parts (a) to (c) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(d) and (e). I would refer the Honourable Member to the information laid on the table of the House in reply to parts (e) and (d) respectively of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

*1107. I would refer the Honourable Member to the information laid on the table of the House in reply to parts (a), (b) and (c) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS AS TRAIN EXAMINERS AND ELECTRICIANS.

*1108. I would refer the Honourable Member to the information laid on the table of the House in reply to part (b) of starred question No. 834 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

Six time expired apprentices of the Lillooah Shops were appointed on the Howrah Division in August, 1933, and none on other Divisions. Of the six men selected, four were Hindus, one Anglo-Indian and one European.

As regards vacancies lying unfilled, I am informed that there was one vacancy for an Electrician at Lucknow which was not filled up in view of reorganisation which resulted in staff retrenchment in the Train Lighting Department. Two vacancies in the grade of Train Examiners on the Lucknow Division which are lying vacant will be filled up by the surplus Train Examiners existing on that Division.

(c)

Name.	Date of completion of apprenticeship training.	Division passed at the Technical School Examination.
Mr. K. P. Mukerji	19th February 1929	1st Division.
„ J. N. Chatterji	9th February 1930	„
„ N. C. Chatterji	11th February 1930	„
„ T. A. Cahoon	19th September 1930.	2nd Division.
„ A. N. Mitra	2nd February 1931	1st Division.
„ G. B. Allnut	2nd May 1933 ..	Honours Division.

The ex-apprentices appointed were given Rs. 95 each as starting salary.

APPOINTMENT OF APPRENTICES IN THE PRODUCTION DEPARTMENT OF THE LILLOOAH WORKSHOPS.

213. The Agent, East Indian Railway, reports :

(a) The reply given to starred question No. 920 (d) is correct and this will be apparent from the enclosed copy of a certificate given by the Controller of Inspection, Calcutta, to Mr. T. C. Ghosh. Mr. T. C. Ghosh was not the first apprentice to work under the Production Engineer.

(b) Does not arise.

(c) The reason for appointing an ex-apprentice of 1931 in preference to an apprentice of 1930 is that when the vacancy in the grade of Rs. 50—10—90 occurred the ex-apprentice of 1931 who was appointed on 16th February, 1931, had been trained in the Production and Progress Section and had therefore the requisite experience. Mechanics who had no previous experience in production methods, were appointed to make use of existing staff and thus save them from retrenchment.

(d) It is pointed out that endeavours have since been made to secure employment for Mr. Ghosh. Advice was received from him that his services with the Indian Stores Department had been terminated owing to financial stringency on 31st January, 1932, and he was given an introductory letter to the Chief Mechanical Engineer, North Western Railway, on 7th January, 1933, which however appears to have produced no result. On 25th May, 1933, a vacancy having occurred in the Drawing Office Mr. Ghosh was asked to call to be tested but he replied that he was in the employment of the Nepal Government Railway as a Loco. Foreman (temporary) on Rs. 150 plus Rs. 12-8-0 consolidated allowance and free quarters.

(e) Government do not consider any enquiry necessary.

APPOINTMENT OF EX-APPRENTICES ON THE EAST INDIAN RAILWAY.

214. The names of the two Indian ex-apprentices referred to are Messrs. Mohammed Mohiuddin and Mahadeo Prosad.

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APPOINTMENT OF EX-APPRENTICES ON THE EAST INDIAN RAILWAY.

215. The Agent, East Indian Railway, reports :

"(a) No suitable apprentices or ex-apprentices were available at the time of Mechanic Shallcross's transfer to the Sawmill, that is none with any Sawmill experience whatever. Mechanic Shallcross being the son of the former Sawmill Foreman had gained some knowledge of the work from him and was selected for that reason in preference to appointing an outsider.

The Kiln Operators appointed from outside who had no other training except timber seasoning were retained after the closing down of the Kiln Seasoning plant as a purely temporary measure and when this temporary work was completed they were discharged and no question of replacing them arises.

(b) Every consideration is given to the question of employing ex-apprentices but owing to financial stringency and the prior claims of retrenched mechanics, opportunities at present are remote except only where the ex-apprentice has received special training in a new section, e.g., Heat treatment."

INDIAN STORES DEPARTMENT,

OFFICE OF THE CONTROLLER OF INSPECTION,

CALCUTTA CIRCLE.

Dated 2nd February, 1932.

Mr. T. C. Ghose was employed as an Examiner of Stores in the Indian Stores Department from 10th February, 1930, to 31st January, 1932. During this period he was employed under an Assistant Engineer (Inspection) in connection with the inspection of orders for wagons and components. His services were terminated owing to financial stringency and the necessity for reducing the staff.

(Sd.) H. F. DAVY,

Controller of Inspection,
Calcutta Circle.

NON-APPOINTMENT OF INDIAN APPRENTICES OF LILLOOAH WORKSHOPS AS TRAIN EXAMINERS.

265. (a) and (e) (i). Yes. I would refer the Honourable Member to the information laid on the table of the House in reply to starred question No. 828 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(b) Yes. I would refer the Honourable Member to the information laid on the table of the House in reply to part (a) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(c) Yes, in August, 1933.

(d) Yes, I would refer the Honourable Member to the information laid on the table of the House in reply to part (b) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(e) (ii). It is reported by the Agent, East Indian Railway, that the Anglo-Indian who completed his training on 18th September, 1930, had the necessary qualifications for Train Examiner's post and was considered to be the best all round man for the vacant post. His work also has been very satisfactory and his selection has been justified.

(f) The most suitable persons were selected for the posts to be filled. As regards filling of future vacancies, I would refer the Honourable Member to the information laid on the table of the House in reply to part (g) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(g) Does not arise.

NON-APPOINTMENT OF INDIAN APPRENTICES OF LILLOOAH WORKSHOPS AS TRAIN EXAMINERS.

266. (a) Yes.

(b) (i) Yes. I would refer the Honourable Member to the reply given to part (e) (ii) of question No. 265.

(ii) Yes. Presumably Mr. G. B. Allnut who completed his training on 2nd May, 1933, is referred to. I would refer the Honourable Member to the reply given to part (b) of starred question No. 833 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(iii) The filling of one-third of the total vacancies in 1933 by members of minority communities was in accordance with the policy laid down by Government.

(c) (i) No.

(ii) Government see no reason why most suitable candidates should not be selected for appointments to be made.

(iii) I would refer the Honourable Member to the information laid on the table of the House in reply to part (g) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

INTRODUCTION OF THE PREVENTIVE SYSTEM OF CHECK BY POSTING GROUPS OF TRAVELLING TICKET EXAMINERS.

*1364. The Agent, North Western Railway, reports :

"(c) to (g). The group system has not been abandoned. Each group men work under the charge of a Headman or group-in-charge who is responsible for checking all trains and stations on the section allotted to him.

At the discretion of Divisional Superintendents a group in-charge may divide his group into sub-groups of two or detail the members of his group to work individually on occasions when this may be desirable. While working in sub-groups or individually all members of a group continue to work under their group-in-charge.

(h) On occasions more than one Travelling Ticket Examiner may have worked on one train, but this was not usual."

INTRODUCTION OF THE PREVENTIVE SYSTEM OF CHECK BY POSTING GROUPS OF TRAVELLING TICKET EXAMINERS.

*1365. The Agent, North Western Railway, reports :

(b) The strength of ticket collectors on the North Western Railway is shown below against the dates given :

1st October, 1930	..	..	..	1,054
1st January, 1931	..	..	..	1,053
1st March, 1931	..	..	..	1,053
1st June, 1931	..	..	..	988
1st June, 1933	..	..	..	970

(c) The reduction in strength since 1st October, 1930, has not been progressive. The reduction in 1931 was made as part of the retrenchment campaign when train services were curtailed.

(d) The precautions taken include the erection of fencing when funds permit and instructions to inferior staff employed at road side stations to guard the ends of platforms and to endeavour to prevent ticketless passengers entraining.

- (e) On 31st May, 1931, the staff employed on checking tickets on running trains were Travelling Ticket Examiners to the number of 128. The strength on 31st August, 1933, of Special Ticket Examiners who may be employed alternatively on checking work on running trains and at stations was 236.
- (f) There is no staff now employed exclusively for ticket checking on running trains. The system now followed with Special Ticket Examiners covers both the prevention of ticketless travelling and checking in trains."

PREVENTION OF ILLICIT TRAVELLING ON RAILWAY TRAINS.

*1366. The Agent, North Western Railway, reports :

- "(c) It is presumed that the Honourable Member alludes to Messrs. Mathra Singh and Shah Niwaz Khan, who were officiating in Grade III (Group-in-charge) and after trial were reverted to their substantive posts in Grade II having been found to be inefficient as Group-in-charge and unworthy of promotion to Grade III. They were replaced by others selected from Grade II."

ALLOWANCES OF TRAVELLING TICKET EXAMINERS.

*1378. The Agent, North Western Railway, reports :

- "(c) A statement showing the number of cases detected by Special Ticket Examiners in trains and at stations on the Rawalpindi, Lahore, Multan and Quetta Divisions during the period from July to October, 1933, is given below :

Months.	Rawalpindi.		Lahore.		Multan.		Quetta.	
	In trains.	At stations.	In trains.	At stations.	In trains.	At stations.	In trains.	At stations.
July, 1933.	5,052	129	7,056	592	4,402	28	630	178
August, 1933	5,264	114	5,978	590	4,170	5	640	210
September, 1933.	4,934	113	6,206	525	3,782	30	618	126
October, 1933	4,349	66	7,232	182	3,742	86	553	131
Total	19,599	422	26,472	1,889	16,096	149	2,441	645 "

LEAVE GIVEN TO RAILWAY STAFF AT JAMALPUR AFTER THE EARTHQUAKE SHOCK.

*403. The Agent, East Indian Railway, reports as follows :

- "1. Workshops and Deputy Chief Mechanical Engineer's Office at Jamalpur were closed from the 16th to 21st January, 1934, on account of the earthquake and the enforced absence of staff during this period was given special consideration. I decided that staff of all departments other than those who are paid according to the number of days worked and who were unavoidably absent from work owing to the earthquake or who were allowed to leave work in order to take their families away

should be allowed casual leave up to a maximum of 6 days over and above the usual limit of 14 days for such leave.

2. In the case of the staff of the above categories who rendered assistance in the emergency during the period when ordinary work was suspended as a result of the earthquake I decided that they should also be similarly allowed casual leave for a corresponding period over and above the limit of 14 days after conditions have settled down, and when they can be spared but not later than the 31st December, 1934.
3. I would state that during the five days from the 16th to the 20th January, 1934, the 21st January being a Sunday, there were two holidays in the workshops, one on the 17th January—a paid holiday and the other on the 20th January, 1934—an unpaid holiday. Certain workshop staff who are paid according to time worked and therefore excluded from paragraph 1 above were absent from work between the 16th and 20th January, 1934, and in their case it was decided that the period of absence should be covered by leave in those cases where this was due and in other cases the embargo that men must be present at work immediately prior to and immediately following the paid holidays was lifted in order that the men might get the benefit of holiday pay on the 17th January, 1934.
4. I authorized the issue over the East Indian Railway of additional passes to allow staff employed at stations effected by the earthquake to send their families away, and to remove furniture to other stations when for want of house accommodation they could not safely keep their furniture where they were working."

The Government do not consider it necessary to take any further action.

APPOINTMENTS OF FIREMEN AT BULSAR ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

*633. The Agent, Bombay, Baroda and Central India Railway, reports as follows :

- (a) Yes.
- (b) The appointments were from apprentices but this does not prevent any fireman, who can pass his examination for the special grade, being placed in that grade, as the number in the grade is not limited. The special grade is given for English speaking and writing.
- (c) There were only two retrenched firemen, who have been re-employed.

FOOT OVERBRIDGE AT THE ROHTAK RAILWAY STATION.

*688. (a) The Agent of the North Western Railway has reported that a foot overbridge for the use of the public is in course of construction at Rohtak Station, towards the east of which a contribution has been made by the Municipal Committee, Rohtak, and not by the Vaish High School.

- (b) and (c). The overbridge will be opened as soon as it has been completed.

TRAINS, ETC., ON THE FEROZEPUR LUDHIANA SECTION OF THE NORTH WESTERN RAILWAY.

*708. The Agent, North Western Railway, reports that there are three trains daily each way between Ludhiana and Ferozepur, the same as 20 years ago. As regards the time taken by them, the minimum time taken in 1920 was 5 hours and 30

minutes whereas it is now 3 hours and 15 minutes. It is not possible to reduce the time further as the run is a short one of 77 miles and trains stop at all stations. The existing volume of passenger traffic does not warrant an increase in the number of trains.

The Agent also reports that during the year 1928-29, an additional train (totalling four) each way was tried but had to be withdrawn for want of adequate patronage.

PROVISION OF CERTAIN AMENITIES ON STATIONS OF THE REWARI-FAZILKA AND KOTKAPURA-FAZILKA SECTIONS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

(a) A statement showing the train service on the Rewari-Fazilka Section is appended. The Agent, Bombay, Baroda and Central India Railway, reports that the policy on the Metre Gauge system is to run mixed trains on Branch lines and that, if the mixed trains on this Section are converted into passenger trains, it will cost the Railway Administration an additional sum of Rs. 3 lakhs per annum.

(b) The Agent reports that there are waiting halls at all stations on the above section except at certain flag stations.

(c) and (d). The Agent reports that the work of providing pucca booking offices, waiting sheds, etc., at Roranwala and Ramgarh stations has been held over for want of funds.

Train Service on Rewari-Bhatinda-Fazilka Section.

DOWN

	26 Mixed.	24 Passenger.	28 Passenger.	114 Special Service.	162 Special Service.
Rewari Arr.	..	..	14 10	From Delhi.	
Dep.	1 30	8 5	14 55	..	..
Sirsa Arr.	9 37	15 1	22 33	..	..
Dep.	10 7	Mixed 16 10	Mixed 23 10	..	..
Bhatinda Arr.	12 57	19 5	2 17	..	..
Dep.	13 50	..	3 5	..	..
Kot-Kapura Arr.	15 30	..	4 45	..	..
Dep.	15 58	..	5 25	11 57	18 57
Muktsar Arr.	17 12	..	6 42	13 10	20 10
Dep.	17 32	..	7 2	..	..
Fazilka Arr.	19 25	..	8 55	..	..

Train Service on Rewari-Bhatinda-Fazilka Section.

UP

	23 Mixed.	161 Special Service.	25 Mixed.	113 Special Service.	27 Mixed.
Fazilka Dep.	..	..	7 55	..	18 15
Muktsar Arr.	..	..	9 50	..	20 7
Dep.	..	6 58	10 15	13 55	20 37
Kot-Kapura Arr.	..	8 10	11 30	15 10	21 50
Dep.	..	..	12 0	..	22 20
Bhatinda Arr.	..	..	13 45	..	0 10
Dep.	7 25	..	14 35	..	1 13
Sirsa Arr.	10 0	..	17 30	..	4 10
Dep.	Passenger 10 30	..	18 12	..	Fast Pass. 4 35
Rewari Arr.	17 15	..	3 23	..	10 19
Dep.	..	..	..	..	10 53 to Delhi.

STATEMENT RE. NET EARNINGS OF CERTAIN NEWLY CONSTRUCTED RAILWAY LINES.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table a statement, giving the information at present available as to the net earnings of certain newly constructed railway lines during the financial year 1932-33, and a comparison of the return given by these earnings on the capital outlay with the return anticipated in the original estimates.

Statement showing net earnings during the financial year 1932-33 of new lines opened after 1st October 1927 throughout for traffic for a full year.

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1932-33.	Percentage return of income (column 7 on capital outlay).	Estimated percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
1	2	3	4	5	6	7	8	9	10
1	Chittagong-Nasirhat	A. B.	3' 3-3/8"	22.97	17-3-1930	3,154	1932-33. —0.27	8.50	
2	Chittagong-Dobazari	Do.	3' 3-3/8"	23.05	10-6-1931	—15,376	*	8.50	
3	Feni-Belonia	Do.	3' 3-3/8"	16.88	1-12-1929	—28,123	—1.91	5.80	
4	Furkating-Badulpur-Jorhat.	Do.	3' 3-3/8"	42.28	1-8-1928	1,29,946	2.01	7.00	
5	Karimganj-Lungai Valley	Do.	3' 3-3/8"	39.45	1-1-1929	—65,437	—1.55	5.50	
6	Netrakona-Mohanganj Extension.	Do.	3' 3-3/8"	17.55	1-4-1929	—8,982	—0.94	9.60	
7	Shaistaganj-Habiganj-Balla	Do.	3' 3-3/8"	25.29	1-12-1929	—19,318	—1.05	6.47	
8	Senchoe-Mairabari	Do.	3' 3-3/8"	30.25	20-4-1930	—81,238	—4.46	13.0	
9	Sibsagar-Mhowang	Do.	3' 3-3/8"	33.79	10-11-1927	82,526	2.44	7.00	
10	Mashrak-Thowe Extension	B. & N. W.	3' 3-3/8"	39.32	12-1-1931	(a) 59,789	(a) 1.71	6.00	
11	Raipur-Parvathpuram Section.	B. N.	5' 6"	242.14	31-3-1932	12,74,458	*	5.40	

12	Bortavi-Yadtal	B. B. & C. I.	5' 6"	3.71	18-4-1929	39,220	(a) —3.65	17.4	5.00
13	Jambusar-Kavi	Do.	2' 6"	17.87	191-8-1929	49,046	(a) 0.49	5.03	8.00
14	Sanni-Dubej	Do.	2' 6"	24.72	1-3-1930	—7,665	(a) —1.41	—0.76	8.00
15	Vasad-Katana	Do.	5' 6"	26.61	1-9-1930	2,41,782	(a) —0.14	—11.1	8.00
16	Heho-Shwanyang	Burma	3' 3-3/8"	11.25	2-5-1929	—17,250	—0.46	—0.61	6.00
17	Kayan-Thongwa	Do.	3' 3-3/8"	10.80	15-12-1928	11,150	0.40	0.73	10.75
18	Myingyan-Paleik	Do.	3' 3-3/8"	68.86	13-1-1930	—8,025	—2.10	—0.11	5.50
19	Nyaunglebin-Madauk	Do.	3' 3-3/8"	11.06	15-8-1929	55,994	8.65	4.18	3.37
20	Taungdwingyi-Kyaukpadaung.	Do.	3' 3-3/8"	71.82	17-7-1930	132	—1.75	0.0012	6.00
21	Abdulpur-Nawabganj	E. B.	5' 6"	56.6	11-2-1930	—1,15,000	—1.88	—1.07	6.20
22	Baraulpur-Lakshmikantapur.	Do.	5' 6"	33.26	15-12-1928	—18,000	—1.51	—0.34	7.00
23	Dinajpur-Ruha	Do.	3' 3-3/8"	47.80	8-3-1928	1,81,000	—1.34	4.30	6.50
24	Kalukhali-Bhatapara	Do.	5' 6"	53.08	1-3-1932	—2,04,000	*	—3.24	5.00
25	Purnea-Murliganj (with branch from Banmanki to Behariganj).	Do.	3' 3-3/8"	51.93	1-10-1929	1,02,000	—2.65	2.61	6.50
26	Chandpur-Bijnor Muazzampur Narain.	E. I.	5' 6"	37.00	5-1-1930	1,70,190	4.82	5.47	6.10
27	Unao-Madhoganj	Do.	5' 6"	48.00	21-12-1930	75,797	2.21	1.96	6.30
28	Agra-Bah	G. I. P.	5' 6"	43.00	10-4-1929	—38,168	—1.54	—1.23	6.30
29	Dharwa Pusad	Do.	2' 6"	42.63	15-12-1931	36,820	*	1.07	6.81

(a) Excludes net earnings of existing lines from new traffic interchanged with new railway.

* Not available.

Statement showing net earnings during the financial year 1932-33 of new lines opened after 1st October 1927 throughout for traffic for a full year.

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1932-33.	Percentage return of income (column 7 on capital outlay)	Estimated percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
1	2	3	4	5	6	7	8	9	10
30	Coanada Kotipalli.	M. & S. M.	5' 6"	27.08	1-11-1929	1,39,900	1931-32. (d) 1-68	1932-33. -3.27	6.00
31	Guntur Macherla.	Do.	3' 3-3/8"	79.83	15-1-1930	1,17,337	(d) 3.48	2.57	5.25
32	Gudivada-Bhimavaram.	Do.	3' 3-3/8"	40.60	17-9-1928	44,502	(d) 2.21	1.09	6.61
33	Nidadavolu Narasapur.	Do.	5' 6"	47.16	3-2-1929	95,958	(d) 3.98	1.40	
34	Kanivihalli-Swamihalli Extension.	Do.	3' 3-3/8"	11.74	15-3-1928	1,23,245	(d) 50.77	29.91	*
35	Amritsar-Narawal.	N. W.	5' 6"	39.11	6-5-1929	4,80,003	2.39	6.95	5.50
36	Chak Jhumra-Khushab.	Do.	5' 6"	70.47	12-3-1932	4,50,710	..	2.59	6.00
37	Jassar-Shakargarh Chak Amri.	Do.	5' 6"	25.97	1-12-1927	61,357	-3.77	3.72	6.00
38	Lyallpur-Jaranwala.	Do.	5' 6"	20.75	3-12-1927	-74,867	-6.11	-4.72	5.48
39	Rohatak-Gohana-Panipat.	Do.	5' 6"	44.01	15-5-1928	-3,04,947	-7.27	-11.89	6.33
40	Shahdara-Narawal.	Do.	5' 6"	48.33	21-12-1926	4,22,891	2.22	14.30	4.84†

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1932-33.	Percentage return of income (column 7 on capital outlay)	Estimated percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
1	2	3	4	5	6	7	8	9	10
41	Sind Left Bank Feeder Railways.	Do.	5' 6"	104.49	10-12-1931	1,12,271†	..	1.25†	
42	Kangra Valley.	Do.	2' 6"	103.00	1-4-1929	1,84,750 ||	-0.71	0.58 ||	5.50 ||
43	Cuddalore Vriddachalam.	S. I.	3' 3-3/8"	35.59	21-6-1928	(a) 83,437	(a) 1.64	(a) 3.08	7
44	Dindigul Pollachi.	Do.	3' 3-3/8"	75.10	19-11-1928	(a) 3,06,193	(a) 5.57	(a) 6.25	9.44
45	Madura Bedinayakanur.	Do.	3' 3-3/8"	55.94	20-11-1928	(a) 2,13,181	(a) 4.14	(a) 3.97	8.73
46	Pollachi Palghat.	Do.	3' 3-3/8"	33.45	1-4-1932	(a) 81,577	..	(a) 1.54	5.20
47	Salem Mettur Dam.	Do.	5' 6"	23.20	15-4-1929	(a) 1,03,486	(a) 13.30	(a) 8.00	(b) 4.75
48	Salem Attur Vriddachalam.	Do.	3' 3-3/8"	82.53	17-8-1931	(a) 33,211	..	(a) 0.39	5.80
49	Shoranur Nilambur.	Do.	5' 6"	41.35	26-10-1927	(a)(e)-26,054	(a) -1.2	-0.35(a)	(c) 4.00
50	Villupuram Trichinopoly.	Do.	3' 3-3/8"	109.00	1-2-1929	(a) 11,00,845	(a) 5.65	(a) 5.45	6.50
51	Trichinopoly Manamadura Chord.	Do.	3' 3-3/8"	94.22	1-7-1930	(a) 5,71,468	(a) 4.83	(a) 5.05	5.37

* This line was sanctioned for construction on the assurance that a minimum output of 35,000 tons of manganese ore annually by the Sandur Mining Company would be enough to guarantee the railway against loss.

† Loss to the extent of Rs. 20,000 guaranteed by local Government so as to obtain a return of 5.5 per cent. on capital outlay.

‡ Includes a guarantee of Rs. 4,00,000 payable by the Bombay Government.

§ The annual loss in working the Sind Left Bank Feeder Railways was estimated at Rs. 4.66 lakhs during the first five years after opening and Rs. 2.63 lakhs after the first five years of opening for Traffic. To recoup the loss the Government of Bombay will pay a fixed sum of Rs. 4 lakhs annually for each of the first five years and thereafter the actual loss in working subject to a maximum of Rs. 2 lakhs per annum.

|| Includes a guarantee of Rs. 4,00,000 payable by the Punjab Government.

¶ The line was considered unremunerative but the District Board of South Arcot, who were interested in it, have expressed their willingness to Government of India against loss, if any, arising out of the construction and working of the line.

(a) Excludes net earnings of the existing lines from new traffic interchanged with new Railway.

(b) The estimated percentage return took into account a maximum payment of Rs. 41,000 to be made good by the Madras Government against loss.

(c) The estimated percentage return took into account a maximum payment of Rs. 1,39,000 guaranteed by the Madras Government against loss.

(d) Calculated on capital expenditure only excluding interest during construction.

(e) Includes maximum guarantee of Rs. 1,30,000 from the Government of Madras.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I know whether I will be permitted to ask any question or to review the statement laid on the table ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member knows the rules about the asking of questions.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Some information has been given about certain starred questions; but there were other starred questions about which information was required, and I would like to know when that information will be laid before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Some information promised, is it ?

Mr. Vidya Sagar Pandya : I had put some questions about subsidiary coinage, and I wish to know when I can expect information about it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not understand the Honourable Member's question at all.

Mr. Vidya Sagar Pandya : Information with regard to certain starred questions has been furnished now. But there are other questions for which information has not been given, and I would like to know when the information about those questions will be laid before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : You mean some information with regard to a question, which was promised by some Member of Government ?

Mr. Vidya Sagar Pandya : Yes : is there any time limit within which the information should be given ? It may be given at the end of the Session when it can be of no use to us.

Mr. President (The Honourable Sir Shanmukham Chetty) : Some reply has been promised to the Honourable Member in the last Session with regard to some question of his, and he now finds that the answer has not been supplied even now : that is his difficulty ?

Mr. Vidya Sagar Pandya : Yes : I should like to know whether replies should not be given within a reasonable time.

The Honourable Sir James Grigg : This is a new question to me, and I will certainly look into it and let the Honourable Member know : in any case, information will be given to him as soon as it is available.

Mr. Vidya Sagar Pandya : It may be available at the end of the Session when it may be of no use.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair thinks if Government promised some information during the last Delhi Session, they should make an endeavour to supply that information as early as possible.

The Honourable Sir James Grigg : This is a new question to me,

THE INDIAN DOCK LABOURERS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Joseph Bore (Member for Commerce and Railways) : Sir, I beg to present the Report of the Select Committee on the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships.

Mr. President (The Honourable Sir Shanmukham Chetty) : With regard to the agenda of this week, Honourable Members will observe that Thursday, the 19th, has been set aside for non-official Bills. The Chair would here point out to Honourable Members that the Temple Entry Bill was sent out for circulation : opinions are still being received, and even those that have been received are so voluminous that they would not perhaps be received from the press sufficiently in time to enable Honourable Members to get copies before the 19th, if the ballot favours subsequent motions on that Bill. So, to meet the convenience of the House, the Chair is prepared to make a change, and, in fact, His Excellency the Governor General has also agreed that, in case the House so desires, he would agree to make the change also. Thursday, the 19th, is the first day for non-official Bills. If Honourable Members agree, that day may be allotted to official work, and then Thursday, the 23rd August, will be given as a day for non-official Bills. The effect of this will be that the first day for non-official Bills will be Thursday, the 2nd August, which gives reasonable time for Honourable Members to study the papers that will be supplied to them. If the House agrees, the Chair will have this arrangement made. (*Honourable Members* : "Yes, Yes ; we agree.") Then the Chair would announce to the House that His Excellency the Governor General has cancelled the allotment of Thursday, the 19th instant, for non-official Bills, and the Chair directs that that day be devoted to official business. The Chair has also to announce that it cancels Thursday, the 23rd of August, for official Bills and that His Excellency has agreed to allot that day for non-official Bills.

DEATHS OF SIR BEPIN BEHARI GHOSH AND MR. ARAVAMUDHA AYYANGAR.

The Honourable Sir Joseph Bore (Leader of the House) : Sir, death has removed two old Members of this House since last we met, namely, Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Sir Bepin Behari Ghosh was only with us for a short time, but that was sufficient to endear him to those with whom he was brought in contact. A member of a distinguished family which has given to the country one of the highest legal talent, he was himself, I understand, one of the most efficient Judges who have graced the Bench of the Calcutta High Court ; but we here will always remember him for a singularly amiable disposition which endeared him to us all and which we will not soon forget.

I am sure also that Members of this House must have read with deep regret of the death of Mr. Aravamudha Ayyangar. Death has prematurely terminated a career which gave promise of a brilliant

[Sir Joseph Bhore.]

future. Mr. Aravamudha Ayyangar was a member of the Audit and Accounts Service. In every post that he held he showed an outstanding ability and a devotion to duty which are the distinguishing marks of an ideal civil servant. Those qualities were in evidence in every post in which he served, and he served in many important posts. He was, Sir, an Under Secretary to the Government of India in the Finance Department during the time of Sir Basil Blackett's Currency Bill. He was a Budget Officer to the Government of India, and he was also Secretary to the Hilton-Young Currency Commission. He had, Sir, a most unassuming manner and a singularly attractive personality. Government and the country have lost a most valued public servant in him, and I hope, Sir, that you will communicate to the relatives of both the deceased the deep sympathy of this House in their bereavement.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I associate myself entirely with what has fallen from the Leader of the House regarding the late Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. I had the privilege of knowing Sir Bepin Behari Ghosh somewhat intimately for a long time. He had a distinguished career both in the University of Calcutta and also in the legal profession, of which he was a successful member until he filled the post of a High Court Judge with distinction. As a Judge of the Calcutta High Court, as has been observed by the Honourable the Leader of the House, he made a mark for himself, and he continued the traditions of his family for legal acumen and legal attainments. He was the brother of the late Sir Rash Behari Ghosh, well-known to every lawyer throughout India as a most distinguished writer and learned lawyer, and Sir Bepin Behari Ghosh, as a Judge of the High Court, was conspicuously successful.

We had the pleasure of knowing Mr. Aravamudha Ayyangar here, and there can be no doubt, as has been stated by the Honourable the Leader of the House, that he was a most valuable officer of the Government of India where he had served in various capacities. Sir, I associate myself entirely on behalf of my Party with all that has been said regarding these two deceased gentlemen, and would ask you to communicate the expression of sorrow and sympathy of this House to the members of the families of the deceased gentlemen.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor Non-Muhammadan Rural) : Sir, I associate my Party and myself with the sentiments that have just been given expression to by the Honourable the Leader of the House and by the Leader of the Opposition over the sad death of Sir Bepin Behari Ghosh and the demise of Mr. Aravamudha Ayyangar. Sir Bepin Behari Ghosh was a Member of the Executive Council here for a short time. He came here after a distinguished career at the Calcutta Bar, and also after presiding over the Calcutta High Court as a Judge with great distinction. He belonged to that great family of legal luminaries, of which his famous brother, Rash Behari Ghosh, was a member, and whose name is known throughout the length and breadth of India as a distinguished lawyer and philanthropist. During the short time Sir Bepin Behari Ghosh was a Member of the Executive Council here, he had endeared himself to every one, both to the Members of the Government as well as to the Opposition. Sir, we all mourn his loss.

DEATHS OF SIR BEPIN BEHARI GHOSH AND MR. ARAVAMUDHA AYYANGAR. 65

With regard to Mr. Aravamudha Ayyangar, he belonged to a most intellectual family of Southern India. His father-in-law was a Professor of Mathematics in the Engineering College in Madras. The late Mr. Aravamudha Ayyangar gave very great promise from the commencement of his career. After a distinguished scholastic career, he joined the office of the Accountant General in Madras. His abilities were soon recognised and he was translated to the Finance Department of the Government of India. He was Budget Officer for some time in the Finance Department. Apart from his regular duties, he served with great distinction as Secretary to the Hilton-Young Commission. He also worked very recently as Secretary to the Banking Inquiry Committee, and in this capacity he was of immense help to the country. Besides that, as Budget Officer, he had also to act as Secretary to the Public Accounts Committee, of which I have been a member for some time, and as such I have had occasion to come into closer contact with him. He was of immense help to the Finance Member; he was absolutely thorough with all the facts and figures in the Public Accounts Committee relating to all the Departments of Government which come under review, and, therefore, every Finance Member under whom Mr. Aravamudha Ayyangar had the honour and privilege to serve liked him immensely and he was marked out for a very great appointment. It is quite natural that after the Reserve Bank Act was passed, he was proposed to be the Secretary of that Bank, and in order to give him more training, he was appointed Deputy Controller of Currency in Calcutta. But, just before he took up that office, he had a very bad attack of typhoid, and we were very glad that on that occasion he was rescued from the jaws of death. We all thought that he would survive to serve his country and the Government. He went to England to recoup his health, but we now hear of his sad demise. We all mourn his loss. Sir, we feel that the Government have lost a brilliant public servant and the country has lost a distinguished gentleman. The cruel hand of death has taken away one of the most brilliant careers in India. With these words, I request you, Sir, to communicate our warm feelings of sorrow to the bereaved families of both Sir Bepin Behari Ghosh as well as Mr. Aravamudha Ayyangar.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on behalf of the Centre Party, I join in expressing our deep sorrow at the deaths of our two colleagues.

Sir Bepin Behari Ghosh, during the short period that he was here, had endeared himself to everybody by his unfailing courtesy and unassuming manners. The Honourable the Leader of the Opposition has already said things about his career which I need not repeat. Mr. Ayyangar was one of the most brilliant Indians that one could ever hope to come across. During the debates on the Reserve Bank Bill, I had come in some contact with him, and I feel myself in a position to say that in matters of currency and finance Mr. Ayyangar's want would be long felt in this country. I feel quite sure that had he not been cut off at such an early age and in such tragic circumstances, he would have in the very near future occupied a very responsible Government post, for it is no exaggeration to say that Mr. Ayyangar sacrificed himself in the service of the State. Sir, there is no armour against death, and we, his colleagues, can only mourn his loss. I join the previous speakers in supporting the motion for sending our sympathies to the bereaved families.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I rise to associate my Party and myself with

[Mr. C. S. Ranga Iyer.]

the remarks that have fallen about our departed friends. Sir Bepin Behari Ghosh endeared himself to the Opposition as this House so well remembers. When the Opposition was seething, that great man was smiling away. Amidst great activity on the Opposition side, he was taking the most restful view as one ought to take in one's life, as Lord Sri Krishna says in the Bhagavad Gita. A great career richly endowed was dedicated for the good of his profession and the greatness of his country. Like his great brother, Sir Rash Behari Ghosh, Sir Bepin Behari leaves on the sands of time footprints which generous generations will follow at great sacrifice and with great admiration.

Now, coming to the passing away of that financial genius, Mr. Aravamudha Ayyangar's death is too deep for words or tears. We knew how very enthusiastic he was of the great days, of the spacious days opening before our beloved motherland. A great patriot himself, he knew that the solution of the financial difficulties would solve the national problem. In spite of weak health, he went on a great enterprise, on a great adventure, a great work, and we were all looking forward to his coming back to our country with greater and richer experience to guide us, to guide the ship of State through rocks, steering clear of the Scyllas and Charybdises of the future. And we feel that his passing away is a great national loss. Sir, in the midst of life we are in death, and we can only pray that his family which lies prostrate in dust may derive some satisfaction that a greater family, the nation, shares their great grief. Sir, we sympathise with the bereaved families of the late Sir Bepin Behari and the late Mr. Aravamudha Ayyangar.

Sir Leslie Hudson (Bombay : European) : I wish to associate myself and my Party with all that has fallen from my colleagues in this Honourable House with regard to the loss that India has suffered in the deaths of Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar—the former, a noble ornament to the legal profession, who had risen with honour to himself and to his country to the highest judicial post in Bengal, and the latter, an efficient servant of the Government of India, who, as the previous Honourable Member has stated, had given his life for India. We all of us looked forward to a career of great promise for Mr. Ayyangar. His past experience in Government Departments led us to believe that he would rise to very great distinction. I shall be glad if you will convey the sympathies of the European Party along with those of the other Parties when writing to the families of the deceased.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Mr. President, I associate myself with what has fallen from my colleagues at the loss of the two great Indians, Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Both of them were my intimate friends, and I mourn their loss as a personal one. Sir Bepin Behari Ghosh was a gentleman first and everything else afterwards.

I was shocked when I read in the newspapers yesterday of the passing away of my dear old friend, Mr. Ayyangar. His untimely death must have been a shock to all who knew him. A meritorious officer of the Government of India, an officer of conspicuous ability, he made his mark during the period when Sir Basil Blackett was the Finance Member of the Government of India. The House deeply mourns the loss of these

two great gentlemen, and I would request you, Mr. President, to convey to their families our sincere condolence and our grief at their loss.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : I rise to pay my tribute of tears to the memory of the two great departed Indians. Mr. Ayyangar was known to us as a brilliant officer, and his unassuming manners and financial abilities were prized by every one. He was a friend of almost all the Members of this House. He was known to every one of us, and we sincerely mourn his untimely loss.

As regards Sir Bepin Behari Ghosh, I cannot find words to express the feelings which are uppermost in my mind at the present moment. He was to me more than an elder brother. He came from the same place as myself, we practised at the same Bar, and probably, not even excepting the present Law Member, I am his oldest acquaintance present here in this Chamber, and I looked upon him as my eldest brother. Sir, if I rise to mourn his loss, it is a sacred and solemn duty which I not only owe to the departed, but to myself also. I can only end by saying that his was a life of which it can be truly said that :

“ Life's race well run,
Life's work well done,
And now comes rest.”

With these words, Sir, I beg to pay my tribute to the memory of the great deceased.

Mr. President (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the tribute that has been paid to the memory of the late Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Though Sir Bepin Behari Ghosh was a Member of this House for a very short period, he had not merely inspired confidence in every section of the House, but by his charming personality he had made himself one of the most popular Members, and we mourn the loss of one who was loved so well while he was a Member of this House and whose work in the cause of the public has been well appreciated by his colleagues.

In the death of Mr. Aravamudha Ayyangar, we have lost one of the most efficient and devoted of our public servants. Honourable Members have had many opportunities of judging the devotion to public duty and the efficiency with which he discharged the daily task that was entrusted to him. He showed undoubted promise of a great future for himself and greater service for the country, and we all mourn the tragic and untimely death of such a devoted public servant. It shall be my duty as the spokesman of this House to convey to the families of our departed colleagues the deep sympathy and sorrow of this House at the death of those two colleagues whom this House loved so well and whose services this House so greatly appreciated.

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

The Honourable Sir Harry Haig (Home Member) : Sir, I move for leave to introduce a Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932."

The motion was adopted.

The Honourable Sir Harry Haig : Sir, I introduce the Bill.

THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir Harry Haig (Home Member) : Sir, I move for leave to introduce a Bill to supplement the Assam Criminal Law Amendment Act, 1934.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to supplement the Assam Criminal Law Amendment Act, 1934."

The motion was adopted.

The Honourable Sir Harry Haig : Sir, I introduce the Bill.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to amend certain enactments and to repeal certain other enactments."

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

THE INDIAN PETROLEUM BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R. Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, my name appears rather more frequently on the agenda for the business of this week than I could wish, but I trust the House will find that the legislative programme that I am putting before it is not so formidable after all. When I moved as long ago as last September that this Bill should be circulated to elicit opinion, I gave an account of our reasons for entirely recasting the present Indian Petroleum Act, 1899, and of the salient features of the new Bill. As the minds of Honourable Members

may have been wearied by varied and contentious legislation since then, a short summary may help their overburdened memories.

I explained last September that, though the short and simple Act of 1899 was sufficient for the needs of the time when it was passed, there had been such great developments in the use and technique of mineral oils that many of the provisions of the Act had become defective or obsolete. I also pointed out that developments in the use of mineral oils were still occurring and that the Bill had been cast into a form which we hope will provide a framework adequate to carry, for some years to come, the further amendments that will in all probability have to be made.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I referred also to the present cumbersome procedure in making rules, whereby model rules are usually drafted in my Department and promulgated by the various Provincial Governments; and I drew the attention of the House to a prominent feature in the Bill designed to simplify this procedure, namely, the centralization of the rule-making powers in the hands of the Governor General in Council.

My motion for circulation was adopted by the House without dissent, and in the period elapsing since then the Bill has been circulated very widely and the opinions we have received have been very carefully considered by my Department. The volume of opinion elicited has shown a lively public interest in the provisions of the Bill, which is as gratifying as it has been to me rather unexpected. Though it is by no means light literature, this Bill may almost be said to be a burning question. The suggestions we have received are very numerous, and I would divide them into three classes. The first class contains the great majority of the suggestions submitted to us or rather submitted to this House and, although these suggestions have been made in the proper spirit of constructive criticism, I hope to persuade the Select Committee that they do not justify any amendment of the Bill. The second class, which is a small one, consists of suggestions which we accept and are prepared to recommend to the Select Committee. The third class, also a small one, comprises suggestions which Government wish to discuss with the Select Committee before making up their own mind. It is satisfactory and is, if I may say so, a tribute to the skill with which the Bill was drafted that the suggestions are all on points of detail and that none of them attack the fundamental principles of the Bill. This, I think, justifies the hope I expressed last September that the Bill would prove to be entirely non-controversial.

I should like to draw the special attention of the House to one or two of the more important suggestions which have been made. Burma has an Act of its own, the Burma Oilfields Act of 1918, which regulates the operations of winning oil in the Burma oilfields. The Government of Burma, and the Burma authorities and interests generally, would like to see all mention of production excised from the Bill. Whilst we fully appreciate the special position of Burma in this respect, and are prepared to have the Bill amended in Select Committee so as to 'save' the provisions of the Burma Act, we are not, as at present advised, prepared to go to the length of excluding production entirely from the Bill. The demand for such exclusion has not arisen in any other part of India, and

[Sir Frank Noyce.] it seems desirable to follow the line of the present Petroleum Act and to retain a power to control production in the event of fresh discoveries of oilfields outside Burma.

Again, the scientific definition of petroleum contained in the Bill covers commercial turpentine and other substances of vegetable origin known as "terpenes". It may be desirable, in the interests of the turpentine trade, to exclude these entirely from the scope of the Bill and the Select Committee will be asked to advise on this point.

Lastly, clause 11 excludes from control all petroleum which has its flashing point not below 200 degrees. It has been strongly represented that this limit could be lowered with safety, and with a resulting saving in cost and in trouble all round. We shall be glad to take the advice of the Select Committee on this point.

The other matters brought out in the opinions received are points of drafting or technical matters of detail which it would be out of place for me to discuss at this stage. I have full confidence that this Bill, which vitally affects the interests of large producing and distributing agencies and safeguards the public from dangerous accidents, will, when it emerges from the Select Committee, be entirely acceptable to the House.

Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R. Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Sir, since this Bill is going to the Select Committee, I do not think I shall be justified in making any lengthy observations at this stage. All the opinions that have been received on this Bill will, I am sure, be carefully sifted in the Select Committee. There is just one point which I should like to mention and which I think the Government would be well advised to look into, as well as the Select Committee. I am referring to clause 12 of this Bill. Clause 12 of this Bill says :

"Nothing in this Chapter shall apply to petroleum which is the property or is in the possession of Government or of any duly authorised officer acting in the execution of this Act."

Now, Sir, this Chapter is very important, because it relates to the custody of petroleum and the way in which petroleum is to be stored, so that it may not be dangerous to public health and safety. Sir, in this connection I should like to refer this House to some opinions with regard to this particular point. I am referring to the opinion of the Director of Industries who objects to this particular clause being retained in this Bill. The Director of Industries of the United Provinces says :

"In my opinion, this clause is objectionable. If the analogy of the Indian Explosives Act, 1884, can be pressed into service for incorporating this new clause into the present Bill, the analogy of the existing Indian Factories and the Boilers

Acts, as well as the proposed Factories Bill, is against exceptional treatment being granted to Government property or concerns. If the importation, possession, storage and transport of petroleum require regulating in the interests of public safety, these considerations are equally applicable to petroleum which is the property or is in the possession of Government or of the duly authorised officers. It is to be noticed that petroleum possessed or owned by railways except in their capacity as carriers has not been exempted, *vide* clause 10 of the Bill. My experience of the administration of the existing Petroleum Act and similar laws as a Magistrate is that precautions taken in respect of Government property often tend to be inadequate."

Sir, this is the opinion of the Director of Industries of the United Provinces. Objection has also been taken to this clause by the Chamber of Commerce of Bombay, the Burma Shell Oil Storage and Distributing Company of India, Limited, Delhi, Indo-Burma Petroleum Company, Limited, the Upper India Chamber of Commerce, Cawnpore, and also the Bengal Chamber of Commerce. I am not going to read out the opinions of all these bodies. I will only refer to the opinion of the Bombay Chamber of Commerce which is to be found on page 6 of the opinions. It says :

"The intention is presumably to ensure that Government officials will not be hampered in the execution of their duties, but as the principal aims and objects of the Act are to safeguard the public in respect of the handling of dangerous commodities, this clause in its present form, which exempts Government in all circumstances from the necessity of complying with the conditions of Chapter I, seems undesirable."

I will only hope that the Government as well as the Members of the Select Committee will carefully weigh the opinions on this particular point as well as on other points and make suitable amendment so that when the Bill comes out of the Select Committee, it may not be open to the objection to which it has been as it stands at present. With these few words, I commend this motion to the acceptance of the House.

The Honourable Sir Frank Noyce : Sir, I need hardly say that the point raised by my Honourable friend, Mr. Gaya Prasad Singh, will be dealt with very fully in the Select Committee. I think it will be found that the Government are by no means adamant on the point.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R. Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN ARMY (AMENDMENT) BILL.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I move :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhupat Singh, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harbans Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. R. D. Dalal and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Lieut.-Colonel A. F. R. Lumby.]

Sir, though this Bill has a considerable number of clauses, there is really only one main object underlying it and that can be simply stated. It is to make legal provision for an important change which is now taking place in the constitution of the Indian army as a result of the gradual development of the policy of Indianization. In a few months time, the first batch of cadets will pass out of the Indian Military Academy at Dehra Dun and will receive their Commissions.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : How many of them there are ?

Lieut.-Colonel A. F. R. Lumby : Sixty. As the House is already aware, when they pass out of the Academy, these officers will constitute an entirely new category of officers in the Indian army, and it is to make legal provision for them that this Bill has been primarily introduced. These new officers are the Indian commissioned officers referred to in clause 5 of the Bill. They will receive the King's Commission of exactly the same type as that now held by the officers of the Indian Air Force. These Commissions are very much the same as those held by officers of the permanent forces of the self-governing Dominions, and I think I am right in saying that the form of Commission which is to be introduced for the Indian commissioned officers and which has already been introduced for the officers of the Indian Air Force is almost word for word the same as the Commission held by the officers of the Canadian Permanent Forces.

With the advent of these officers into the Indian army, there will be in it three different categories of officers. The definitions of these three types will be found in clause 5 of the draft Bill. First, there comes the "British officer", in which term is included the Indian officer who has received his Commission after training at Sandhurst or Woolwich. Then, secondly, comes the new type of officer, the "Indian commissioned officer", for whom it is proposed to make legal provision in this draft Bill; he will be the officer who comes into the Indian army after training at the Indian Military Academy at Dehra Dun. And, thirdly, comes that fine body of men to whom the Indian army have owed, and still owe, so very much, who are known at present in the Act and throughout the army as "Indian officers", but whom it is proposed to call in future "Viceroy's commissioned officers" in order to distinguish them from the Indian commissioned officers.

Of these three categories, the British officer will gradually decrease in numbers and ultimately disappear altogether as Indianisation progresses and his place is taken by the Indian commissioned officer. The same is true of the Viceroy's commissioned officer, as was announced on the floor of this House. I think as long ago as 1928, by Field Marshal Sir William Birdwood. His place will also be taken by the Indian commissioned officer, because, in an entirely Indian army, there will be no place for two categories of officers, both of them Indians, holding different commissions. And so, in time to come, the Indian commissioned officer will be the only kind of officer left in the Indian army; in fact it is correct to say that this first batch of officers who will be passing out shortly from the Indian Military Academy will be the prototypes of the officers of the national Indian army of the future.

There is one difference between the British officer and the Indian commissioned officer that I wish to point out. While the British officer is subject to the Army Act, it is proposed in this draft Bill to make the Indian commissioned officer subject to the Indian Army Act. I think the House will probably agree that this is an essential step if, as must be the case, the Indian army of the future is to be governed by one single Act, covering both officers and men, and that an Act which it is within the power of the Indian Legislature to amend. The alternative would be that any amendment to the status of the Indian commissioned officer would have to be legislated for by the British Parliament, that would surely be a retrograde step.

In this connection there is one point that I wish to emphasise most particularly, and that is that, in spite of this difference that I have just pointed out, the Indian commissioned officer will have within the Indian army exactly the same powers and privileges as are at present enjoyed by the British officer; it is intended that there shall be complete reciprocity between these two categories of officers. Any other kind of arrangement would, for obvious reasons, be administratively almost unworkable. Of the forty-two clauses of the Bill, some two-thirds have to do with making legal provision for the Indian commissioned officer. They deal with such things as his right of appeal, the punishments which may be awarded to him, the penal deductions that may be made from his pay, the position that he will occupy on courts martial and all the other provisions that have to be made for him and which are already made for the British officer in the Army Act. There is another small group of clauses which make more specific provision in the Act for the warrant officers who are subject to it. The few remaining clauses aim either at making provision for certain minor changes which have taken place in the constitution of the Indian Army in recent times or at bringing the Indian Army Act into line with the Indian Air Force Act or with the Army Act. I take it that the House would prefer that the Select Committee should go into these matters of comparative unimportance rather than that I should try and add now to the details which are already given with regard to them in the Notes on Clauses attached to the Bill. Sir, I move. (Applause.)

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhuput Singh, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harlaun Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. R. D. Dalal, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I congratulate the Army Secretary for his lucid maiden speech. (Applause.) He has given us to understand that the system proposed is almost identical with the system now in force in the case of the Canadian Army. I would like to know, and I hope he would reply later on in what way these rules differ or agree with the rules applicable to the British officers trained at Sandhurst.

Lieut.-Colonel A. F. R. Lumby : All I said was that the wording of the Commission is almost identical with that of the Commission given to officers of the Canadian forces. It is only the form of Commission I was referring to, and not the rules.

Mr. Vidya Sagar Pandya (Madras Indian Commerce) : Also the faults or shortcomings of the Canadian rules.

Dr. Ziauddin Ahmad : I was talking of the present Bill now before us. This particular Bill and the provisions therein are identical with the provisions in a similar Bill applicable to the officers trained in Sandhurst.

Lieut. Colonel A. F. R. Lumby : That is not what I said.

Dr. Ziauddin Ahmad : The point which I want to know is this. Whether these rules are exactly the same as are applicable to similar army in England and applicable to the officers trained in Sandhurst or do they differ? If they differ, in what way do they differ?

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I think it is a very important Bill which has been just now introduced by the Honourable the Army Secretary. It is not possible for us to study and understand fully the significance of this measure unless and until we have a more detailed exposition of the objects of the Bill. I happened to be a member of the Indian Military College Committee and now, I believe, this is the first time when a certain number of officers will have passed out of that college. We should like to know, for instance, how many officers will pass out this year for whom and for whose successors this Bill intends to make certain legal provisions. The Army Secretary has told us that the object of this Bill is to have an Indian Act regulating the administration of the Indian army. He has also held out a vision before us that in due course of time—a phrase with which we are very familiar in this House,—there will be an Indian national army, and it is, therefore, necessary to anticipate that event and to provide for it by this Act. He has further told us that in that future, whenever it may happen, it will be necessary and it will be wise to have an Act which can be amended by the Indian Legislature. There I should like to ask one question, and it is this. Does the Honourable Member mean that the Army Act which is going to be amended will be entirely at the disposal of the Indian Legislature to amend it in any way it likes, including also the control of the army and the regulation of the policy of army administration? I should like to have a definite answer to that question.

Then, Sir, while the Honourable Member was making his speech, a question was interjected, when is the Indian army going to be completely Indianised, if I may use that expression. It may sound somewhat anomalous that the Indian army should require to be Indianised, but that is the fact in the present situation of the country. So far as I recollect, at present there are only about 160 Indian King's commissioned officers out of more than 7,000.

Lieut. Colonel A. F. R. Lumby : There are 3,200 British officers.

Sir Abdur Rahim : I am talking of all the King's commissioned officers, and I am taking all the fighting forces.

Lieut. Colonel A. F. R. Lumby : The 7,000 include the officers of the British army.

Sir Abdur Rahim : Yes. There is a strength of 3,000 odd King's commissioned officers in the Indian army, and the Indianisation began, I believe, somewhere about 1925, and in the course of these eight or nine years, we have about 160 officers. I should like to know how long it will

take at the present rate for the Indian Military College to produce a sufficient number of officers to Indianise the whole of the officer personnel of the Indian army.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Two hundred years.

Sir Abdur Rahim : I understand, and that was the decision of the majority of the College Committee and the final decision of Government, that the Viceroy's commissioned officers will be scrapped and that is also the case put forward by the Army Secretary. If the Viceroy's commissioned officers disappear, then naturally there will be need for more King's commissioned officers than is the case at present; and, therefore, I should like the Honourable Member, when he answers my question, to take into account what would be the required strength of the King's commissioned officers or rather the Indian commissioned officers, as now contemplated under his Bill, in order to replace the entire officer personnel including the King's commissioned officers and the Viceroy's commissioned officers by the officers who will be turned out by the Indian Military College.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Abdul Matin Chaudhury) in the Chair.

Sir Abdur Rahim : Sir, before the adjournment, I was raising the question as to how far this Act would give us or would tend to give us an Indian army whose policy would be controlled by the Indian Legislature. So far as I can gather from the speech of Colonel Lumby, this Bill has nothing to do with the army policy. All that it aims at is to regulate the discipline of the Indian army or rather the Indian officers who will obtain their Commissions through the military college in India. He has also told us in answer to a question put by my Honourable friend, Dr. Ziauddin Ahmad, that this Act is analogous to the Dominion Armies Acts, particularly of Canada, mainly in the matter of form of Commission and not as regards the substance, that is, so far as the question of policy is concerned. We have at present a certain number of Indians in the Indian army holding the King's Commission whose discipline, privileges and status are regulated by the Indian Army Act which was passed by the British Parliament. The object of this Bill is to amend that Act by an Act of the Indian Legislature in those respects without being under the necessity of going to the British Parliament. What I would like to know and I think what the House would like to know clearly and definitely from the Government is this: in what respects will the privileges, status and the discipline of the officers who will be recruited by the Indian Military College be different from those of the Indian officers who now hold the King's Commission? I think I saw a statement in some of the newspapers that the future recruits to the Indian Officer personnel will have a different scale of pay, and, I believe, also in respect of other privileges such as leave and leave allowances and things of that character. I think the House would like

[Sir Abdur Rahim.]

to be informed whether the question of pay of the future officers of the Indian army has been decided upon by the Government and, if so, why was not the Legislature taken into confidence? This is a matter of very great importance, and I do submit that no decision should be arrived at until the Legislature has the fullest opportunity of pronouncing upon the powers, pay and privileges of the future Indian officers. We know that, under the White Paper Scheme, the whole of the Indian forces will be placed, as regards policy, under the British Parliament; and, certainly so far as the scope of this Bill is concerned, if the pay of the future officers is going to be altered in any way to their disadvantage as compared with other Indian officers who hold the King's Commission now, this is a matter of the greatest importance, and I do ask the Government, before coming to any sort of decision on the point, to consult this House. I do not want at this stage to discuss the question of pay and privileges of these officers on their merits, but, so far as I have been able to look into the Bill, there is no indication in it as to what the pay and other privileges of the Indian officers recruited through the Military Academy at Dehra Dun are going to be. It is very difficult from reading the Bill to grasp its full scope. We want to know what will be the difference in the matter of pay and other privileges, their power of command and prospects in the army between those officers who already hold the King's Commission and those who will in future be recruited from the Dehra Dun Academy. We have been told that the clauses of this Bill, at any rate many of the clauses of this Bill, have been copied from some of the Colonial Acts.

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

I do not think that the Honourable Member meant to convey that this Bill is identical in all respects with the Colonial Acts that govern the Colonial armies. So far as I know,—I speak subject to correction, because I am not really familiar with the army matters as the Honourable Member is,—the Colonial Governments have the fullest control over their army, and I believe that is provided for in their Acts. If I am wrong, I am sure the Honourable Member will correct me in his reply. Therefore, it comes to this, that the scope of this Bill is to make certain differences, to emphasise or to create certain differences between the officers who hold the King's Commission at present and the future recruits. I should like, if I am correct in this supposition, that the Honourable the Army Member should explain to us in detail what those differences are. I believe recruitment through Sandhurst and other British Military institutions has been stopped, and, therefore, the Indian officers will in future be recruited entirely from the Dehra Dun Academy, except perhaps those who will join the Air Force, because we have not got as yet an institution for the training of Air Force officers.

As regards the form of the Commission, I am sure that this House would like to be satisfied as to what has made it necessary to make a change in the form of the Commission. We have at present a few Indian Officers,—I believe more than 100,—the number is about 160 or something like that,—who hold the King's Commission, and, so far as I am aware, these officers are at present getting on very well with their

brother British officers in the Indian army. I am not aware that any difficulty has arisen by giving King's Commission to Indian officers. It is true that in most of the self-governing dominions, if not all the Dominions, the Dominion army officers hold what is called the Dominion Commission, but there is a significance in that which is wanting in the present circumstances of India. The dominions are entirely self-governing; they have entire control, I believe, over their army policy, and some of them, I believe, are still agitating to establish their right to conduct their own foreign relations. There are Dominion Parliaments which are opposing any idea of their dominions being forced into war without their consent. That is the position so far as the dominions are concerned. In India, on the other hand, we have no control whatever over the army policy or over foreign relations, and I do not think it is proposed by His Majesty's Government to confer these powers on the future Government of India. Therefore, in the case of self-governing dominions, there is a significance, there is a meaning in their officers being called dominion officers, but in our case it is the British policy that governs the army, the strength of the army, the expenditure on the army and the regulation of foreign relations. The Indian army is really a part of the British army controlled by the British Parliament....

Mr. B. Das : Quite so.

Sir Abdur Rahim : Therefore, I should like to know from the Government where was the necessity for calling our officers of the future Indian commissioned officers instead of continuing to call them King's commissioned officers. If we had the same form of self-government as the self-governing dominions have, and for which we have been clamouring for years together, then one could understand that there was substance in the Bill which has been now put forward. It is all very well to go before the world and say that we Indians have got an Indian army, that we have got Indian commissioned officers and so forth, but what does it really come to? Is it an Indian army because the rank and file, that is, the other ranks, as they are called, are Indians? The whole army policy is controlled by the British Parliament. But does not that make all the difference, the fact that the army policy is controlled by the British Parliament, while, on the other hand, the case is just the reverse in the dominions. I do say, so far as I can see at present, unless the Honourable Member is able to persuade us that there is some substantial ground for making this distinction, for creating this new name, which is not, after all, a very happy name,—there is no reason why should we not continue the name of the King's commissioned officers? Would it make any difference? That is the point which I want to be explicitly explained to us by the Honourable Member. Or is it merely a change of name, then why this change? Has it any significance at all? Has it a significance in favour of the future officers, or has it a significance adverse to their interests? If it is a mere name, I do submit that there is no necessity for changing the name. As a matter of fact, there is a feeling in India at present that the design of this Bill is, and the effect of the Bill will be, to reduce the status and position of the future Indian officers. We should like it to be made absolutely clear that that is not the design of the Bill and that it does not contain any provisions which can be worked to that effect. I know the Bill is couched in very general

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So far as discipline of the army is concerned, we have not a word to say against the principles on which discipline is enforced in the British army, and we are prepared to accept it wholesale. Nobody has yet objected to it. I am a great admirer myself of the army discipline, and I should indeed like that the spirit of this discipline should spread even to our civil life. But that cannot be the entire object. There must be some other object, because there is no provision as regards the pay or privileges of the officers in this Bill, though, I dare say, power will be taken in order to make such alterations as the army authorities may think fit. Sir, Indian opinion, as voiced in the Military College Committee, was that the future recruits should enjoy absolutely the same rights and privileges, the same power of discipline over the men, the same sort of regulations as now prevail in the British army. That was the basis on which we worked on the Committee, and, so far as I am aware, not a word was said at the time that there was going to be any change or alteration made even in the pay of the future recruits. If the Indian Legislature want to reduce the pay, undoubtedly they will do so in the interests of India itself. We know the Indian finances—I speak in the presence of the new Finance Member—are not in a very flourishing condition. I do hope parenthetically that he will be fortunate enough to give us a better budget than we have been used to for several years past, but whatever may be the nature of the next budget, there can be no doubt that India, in the opinion of all Indian public men that I know of, finds herself very much handicapped in meeting the heavy military expenditure of this country. Therefore I fully recognise and realise that if we could reduce that expenditure, we should certainly do so. But we should like to know beforehand what is in the contemplation of the Government, what will be the status and privileges and salaries of the British officers who will be serving in the same regiment, in the same battalion, what will be the prospects of promotion of the Indian officers of the future *vis-a-vis* the British officers of the Indian army. Will this Bill give power to Government in any way or to the military authorities by any executive order to make any alteration in that respect? These are very important matters. This House is well aware that Indian public opinion lays very great stress on the question not only of military expenditure but of the Indianisation of the army. We want to be self-contained and self-sufficing with reference to our defence, and we want our defence expenditure to be regulated and controlled according to the actual necessities, and not fancied contingencies. At the Round Table Conferences and before the Joint Parliamentary Committee the Indian delegates strongly advocated that a time limit should be laid down by which the defence of India would be made a responsibility of the Indian Legislature and the Indian Legislature alone. So far as that is concerned, I know that my Honourable friend, the Army Secretary, will say that this Bill has nothing to do with that. I know that that is not the scope of this Bill, but it has an indirect bearing. We want to know why there should be any alteration in even the designations of the officers unless we are within sight of being responsible for the defence of the country. We do not want merely names. It may be a very good thing to put forward before the world that there is an Indian army with Indian commissioned officers, and, therefore,

India has been given the same status as the self-governing dominions. But that is not the fact. India is not being given, and I do not see when it is going to be given, the status of a self-governing dominion within any near future.

So far as the present Bill is concerned, I do not oppose the motion for reference to a Select Committee. It is going to the Select Committee, but we should like to know, before we are going to give a final decision even on this point, why this Bill has been introduced now, what are the circumstances which have made it necessary that this Bill should be brought forward before the Legislature and an Act must be passed like this amending the Indian Army Act. If we are satisfied that this Bill only wishes to place in the hands of the Indian Legislature the question of the discipline of the Indian army of the future—if that is the real scope of the Bill, I do not think that there will be any dissentient voice. But we are not yet satisfied on that point and it will be for the Honourable Member to explain on behalf of Government whether that is the whole scope of the Bill, and at the same time I do hope he will explain to us what are the exact difficulties that have arisen in the present state of the law which have to be met. So far as I am aware and so far as we have heard from the Government from time to time, I do not think any sort of difficulties have arisen with respect to the Indian commissioned officers, and I believe these officers are acquitting themselves well to the satisfaction of the army authorities.

Now, Sir, as regards the Viceroy's commissioned officers, that is another point on which there was a difference of opinion in the Military College Committee. It was strongly urged by some of us that the Viceroy's commissioned officers served a very useful purpose and that was strongly evidenced by the fact that it was not intended to do away with the Viceroy's commissioned officers so long as there were British officers in the Indian army. But it was definitely proposed by the military authorities that when Indian officers are recruited in India with a view to Indianization, at present of one Division, then in that case it would be superfluous to retain the Viceroy's commissioned officers. In that connection I should like to ask my Honourable friend whether the new scheme will not be indeed more expensive than the present arrangements under which the cost of the Viceroy's commissioned officers is much less than that of the King's commissioned officers, both Indian and, still less, of British. Perhaps the Honourable Member will explain to us whether the proposed scheme of doing away with the Viceroy's commissioned officers will not entail a larger number of King's commissioned officers, or Indian commissioned officers as they will be called in the future, and, therefore, a much larger expenditure will be involved. What, Sir, is the justification for it? I remember it was cited to us that neither in Britain nor in any continental army were there these two classes of officers. That is so. I accept that as a fact as it is stated by the military authorities, but even then, things have been going on very well indeed under the present arrangements.

Then I should like to ask where is the necessity for altering that arrangement so as to increase considerably the cost of the Indian army? Sir, that is a question also which has to be answered by the Honourable the Army Secretary. I should like, therefore, my Honourable friend to explain to us in as clear a language as possible what is the present scope of this Bill, what will be its effect on the future recruits *vis-a-vis* the British

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officers, who, under the present definition, will include also the King's Indian commissioned officers. Sir, if there is not going to be any difference of substance, then I do submit that it is extremely embarrassing—and not only embarrassing to the public, but I think it will be extremely embarrassing to the officers themselves to have so many classes of officers at the same time. There will be British officers of British origin, there will be British officers of Indian origin, there will be Indian King's commissioned officers, there will be the Viceroy's commissioned officers, apart from the non-commissioned officers. Now, I ask, is that desirable? It may be said that this is purely a military matter, but why have so many nomenclatures and so many distinctions? Indian opinion, as the Honourable Member must be aware, is extremely sensitive, and naturally so under the present conditions, as regards any distinction being drawn between officers of Indian and British origin serving in the same regiment or even in the same office in a civil Department, and I do think it is a wrong policy on the part of the Government to go on multiplying classifications and nomenclatures unless the Government have something substantial and distinct in view. It may be said that Indians by nature are very suspicious and sensitive. Let it be so. Why not take that fact into consideration? Why create all sorts of further difficulties when there is no necessity?

Now, take, for instance, this fact. There will be not only a distinction between Indian commissioned officers and British commissioned officers of British origin, but there will be a distinction between Indian commissioned officers and the Indian officers holding the King's Commission. Now, that is not going to ensure the smooth working of the army. Remember that in the army it is absolutely essential that there should be absolute discipline and contentment. It would be a disaster if there should be any sort of feeling created in the officer personnel of the Indian army or rather one class of officer personnel that in some way or other they are not on the same footing as the other officers. Surely, Colonel Lumby ought to be the first man to realise that as vividly as anyone else. Is that desirable? We know in the civil Departments how much heart-burning is there over any distinctions that are made between two officers discharging similar duties on the ground that one officer is recruited from overseas and the other officer is recruited in India. Colonel Lumby must have heard of Lee concessions. He must know, because they have also been extended to the army. He should know what considerable bad feeling has arisen owing to the Lee concessions both because they entail a very heavy expenditure indeed and also because they create a distinction between two officers engaged in performing the same duties from day to day. Now, it will not be merely in name that the distinction is going to be created, for the Honourable Member has told us in so many words that there is going to be reduction in salary and other privileges also. I should ask him and the Government seriously to consider whether that is a desirable step to take now. Sir, I had been a member of one important Public Service Commission which for three years collected evidence from the officers of Government as well as from the public, and nothing impressed us more than the undesirability of drawing distinctions among the same class of officers unless it can be shown that one class of officer is discharging duties of a different order from another class of officers. Sir, if the result of this Bill in the long run be that power will

be taken in order to affect the salary and the privileges of the future recruits without the full consent of this Legislature as representing the public, then I do say that it will be adding another trouble to the troubles that are already there.

I do not wish to take any more of the time of the House, because, if the explanation that we expect from the Honourable Member is given to us and is found satisfactory, we shall go to the Select Committee and there we shall have full opportunity of discussing all the details, but we do want at this stage to know very clearly what the exact scope and effect of this Bill is going to be. If the Honourable Member is able to satisfy us that there will not be any change of the nature about which I have expressed an apprehension, then in that case there will be no difficulty whatever. In the course of his speech he suggested—I do not think he meant to convey it—that this Act is likely to place us in the position of being master of our defence policy. I do not think he meant that.

Mr. B. Das : He did not mean it.

Sir Abdur Rahim : I know he did not mean it. If that were so, we should have hailed the advent of the Honourable Member in this Assembly with acclamation which no other Honourable Member has yet received. But I know the policy does not lie with him, nay it does not lie even with his Government. His Government are to carry on the dictates of the Whitehall. We know that fully well. We know from our day to day experience that the Government of India are not the masters of the situation. They are a mere agent of the Secretary of State who, in army matters, is to be guided by the Army Council and by the policy of the British Government. Sir, I do not think that this Bill will in any way take us one step further than where we are at present so far as the control of the army is concerned. It may be a mere change of name, though I am not clear about it. I have suggested that it might create further difficulties. If it be a mere change of name, even that is not desirable. But if it is going to create any distinctions of a substantial character in the privileges of different classes of officers, I am sure, this side of the House will not give its support to the measure.

Mr. B. Das : Sir, in a way it is but appropriate that our old friend,

Colonel Lumby, should pilot this measure on the floor of this House. Let me take this opportunity to join hands with Dr. Ziauddin Ahmad to congratulate him on his able maiden speech. To some of the old Members of the House Colonel Lumby is not a stranger. We met him in the Skeen Committee and we also met him, as the Leader of the Opposition pointed out, in the Indian Military College Committee and in other Committees. We have found that he has a heart of gold and a heart which is full of sympathy, but, Sir, as Army Secretary he is helpless. He is utterly helpless, because, not only the Army Secretary, but also the Government of India are in the grip of the vice of the British War Office which is grinding the Government of India and which is committing India into too excessive expenditure for the imperialist policy of Great Britain, not only in Asia, but all over the world. If our gallant friend, Colonel Lumby, therefore, is unable to give a satisfactory answer to those very pertinent questions that the Leader of the Opposition has addressed him, we will excuse him, because he is entirely helpless. He is under the dictates of his master, the British

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War Office. Sir, as one who has studied behind the scenes, I mean from the floor of this House, the doings of the Round Table Conferences and the Joint Select Committee.....

Mr. President (The Honourable Sir Shanmukham Chetty) : This House is not behind the scenes !

Mr. B. Das : Behind the scenes of the Round Table Conferences and also the Joint Select Committee, and if I have read aright that paper known as the White Paper which is dubbed as the Black Paper for India, the army portfolio is going to be a completely reserved subject. It will be under an Army Councillor. Some people gossip—I have seen it in the newspaper gossip—that Indians are also considered fit to be an Army Councillor provided they are benighted Knights and provided also they are harmless and sufficiently safe, so that without having any power of voting in the future Federal Assembly he will come and read his sermon and his homily to the elected representatives of the Assembly. I must not forget that these representatives to Federal Assembly will no longer be elected. Already, it is in the air that the Federal Assembly will have indirect election. So, Sir, what is the hurry to have this Bill ? Why not wait for another two or three years ? Let the new Constitution Act come. Let us see what is the position of the army under the new Constitution.

My Honourable friend, Colonel Lumby, has tinkered with the Skeen Committee report and with the other Committees' reports regarding the policy of Indianisation. I know my Honourable friend, Captain Sher Muhammad Khan, is very anxious to speak and he will talk of the Indianisation of the eight units. He will talk of many things on Indianisation, but I wish that he will give us the figures as regards the question that was put by the Leader of the Opposition, and he will tell us when the Indian army will be completely Indianised. I am not talking of the British section of the army, I am talking of the Indian section of the army. There was a wave of Indianisation all round. The Simon Commission report, and the Government of India Despatches are now dead letters. But a scheme was given for Indianisation by one Member of the Executive Council. I do not know if he is present, because all old friends are going away, they are translated elsewhere or they retire. In the Government of India Despatch, paragraph 107, it is said :

"A scheme contingent on exclusion of defence:—In this connection one of our number wishes to draw attention to a scheme which in his view would deserve careful consideration, if it were found possible in agreement with Indian opinion to place the administration of the army and the defence of India in the hands of the Governor General."

Sir, it went on to suggest to have an Indian army under the Governor General in Council, to Indianise the army completely and by and by to do away with the British army in India. If that was not acceptable to the majority of the Executive Council, then, in 1930, when this Despatch was sent out, how could it be acceptable today to the die-hard British Government which has gone back on its pledges not once, not twice, but hundred times. How could that scheme, put forward by the Indian Executive Councillor, be acceptable to the British now, and here I pay my tribute to that Executive Councillor, whoever he is, I pay him my tribute as well as the tribute of the Indian nation for conceiving and

boldly putting forward that scheme before his colleagues in the Governor General's Executive Council.

As I was saying, what was the hurry for this ? What will happen ? The Army Secretary's only plea is, what would be the position of these few students who will come out of the Indian Sandhurst ? They will be still army officers. If they do not get this Indian Commission, they will get the King's Commission. As I read the other day, the *Statesman* was trying to propound that riddle. The *Statesman* suggested that if the Assembly throws out this Bill, then naturally these officers will hold King's Commission. I do not mind their holding the King's Commission or any other Commission. But, at this stage, I would have expected the Army Department to have brought forward this Bill two or three years ago. They did not do so. At this stage, we know that the whole question of the army is on the anvil and we also know that we are going to get nothing. The British army has completely entrenched itself in India. This view I have expressed on the floor of the House. While Britain talks of peace in Europe and speaks of disarmament in Europe, Britain creates in India a huge army, so that Britain could fight Japan and fight the menace to Australia and to other dominions that defy Britain herself and do not spend any money on the army. The Indian army which conquered China and which helped Britain to conquer Egypt will go to fight for Australia, although Australia is a white man's country and Indians are banned from entering that country. I do not find my Honourable friend, Mr. Bajpai, here to contradict me that Indians have got certain rights in Australia. That is the British policy and those of us who have read the White Paper line by line, those of us who have understood the implications of the White Paper know it for certain that the Indian army, that an army under the Viceroy or the Government of India is a myth and an impossibility. If that is so, then I do not care, I do not want this Indianisation of these small units, providing a few jobs to a few of the old officers' sons or the sons of non-commissioned officers or other Government officers. What is the result ? Will Colonel Lumby, when he replies, tell us how many of these Indian Lieutenants and Captains have been cashiered, have been disqualified ? Do they receive equal consideration from the European officers in the army ? Do they receive equal pardon from the Army officers ? How many of them have been shunted off, as officers looking after the Cantonments ? How many Indian army officers are cantonment officers ? That shows that they want to prove that the Indian has no army mentality. They want to prove that the Indian is unfit to command armies. My Honourable friend Captain Sher Muhammad Khan might have commanded a regiment. I do not know what he did. But when it comes to the brass tack and when it comes that an Indian like Captain Sher Muhammad Khan should lead an army, that British officers should serve under him, they say, "no, that should not happen". If that be the case, I do not want this Bill. I would like to wait, I would like to see the whole picture, the complete picture that our Round Tablers have brought to us from England. I find very few of them present here, even our friend, Mr. Ghuznavi, is not here at the present moment. To Britishers, they would leave all the bigger issue ; they never thought of the huge army expenditure that is sucking India's life blood like an octopus. I am always sceptical, and at this moment also I am sceptical. The present Army Secretary and his predecessor, knowing as they did that the Capitulation Tribunal was going to enquire into

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the whole question, yet had blocked the House from discussing that point. The previous Army Secretary said, no, it was not going to enquire into the bigger question of India's defence problem, but yet when the report came out, we found that it dealt with the whole subject. Sir, I am divulging no secret of the Public Accounts Committee when I say that in that Committee there was a certain document from the Home Auditor which said that the net result of the Capitation Tribunal award was that India should not pay a penny to England and that England will not pay a penny to India and the former Finance Member on the floor of the House felt elated to talk to us that he got a windfall of Rupees two crores which will tide over his difficulty. Of course it has tided over his difficulty momentarily. He has left the shores of India and, if any further difficulty comes in, it is the new Finance Member that has to face the payment to England on the heavy capitation charges and other home charges. Neither the Finance Member nor the Army Secretary ever took this side into their confidence and told us that the net result of the British War office award was zero. India gains not a pie; India pays on for the arbitrary charges of England for maintaining a huge British army in India,—the capitation charges for British infantry and the Royal Air Force balance the War office contribution of a million and four thousand pounds. Is it not a shame, Sir? Where is the give and take policy in this House from the side of Government to this side of the House? We moved two adjournment motions on the Capitation Tribunal. The Finance Member made speeches and asked us to demand for more contribution from England, but the whole story was not given out. It is for the Opposition to find out the real position. So, I am not sanguine that even the present Army Secretary who is so friendly will impart the secrets of the War office or the Army Council, and rightly, therefore, has the Leader of the Opposition asked him the main question as to what is behind it all. There is something behind it. This camouflage will not do, this smoke screen will not do. No longer will a few non-commissioned officers' sons trained at an Indian Sandhurst or a London Sandhurst satisfy India. India wants to know where she stands. And we will not know it until the new Constitution Bill is passed, until the Joint Committee report comes out, trickled down and whittled down by the die-hards in England like the Churchills and the Rothermeres. Until that is done, then, in spite of assurances, in spite of fond hopes from this side, we will not believe that the people of India, the elected representatives of India in the future Legislature, will have any control over the army. So, what do we care for a few army officers which, as the Leader of the Opposition pointed out, number only 163? And he put the question, when it will be Indianised? I said, two hundred years. Not even in two hundred years, because the human span of life is only 30 years; and, through the merciless cashiering policy of military Generals and British officers, most of these officers will be decapitated from service before they become Captains.

Sir, the Army Secretary said that if this Bill was not passed here, it would be an Act of the House of Commons. I will prefer that it should be an Act of the House of Commons. Then, all the sins of omission and commission will be on England. We say and we maintain that Britain is maintaining an impressed army here. So we are not going to allow any legislation on the army and navy to be passed on the floor of this House,

let it be legislated in the House of Commons. Even under the new Constitution Bill, as it is contemplated,—I am subject to correction by my new friend, the Honourable the Law Member,—80 per cent. of the finance will be controlled by the Financial Adviser and not the elected Financial Minister in this House. So, 80 per cent. of the finance will be controlled by means of legislation in the British Parliament. So, why not let the whole army question be controlled by legislation in the House of Commons? That is my view and, for that reason, I oppose this Bill. I oppose this Bill and I believe that on that account the slow process of Indianisation will not be stopped. It will continue, but let the British Parliament legislate. Let it segregate these Indian officers to a different rank. And, as the Leader of the Opposition rightly pointed out, the dominions enjoy dominion status. Therefore, the dominion officers have a status of their own. In India the new Constitution Bill is bringing us nothing; it is perpetuating our slavery for another 50 or 100 years unless another great war begins or some revolution takes place in England whereby India gets her freedom and gets at least dominion status. If India does not get dominion status, what is the use of this puny, tiny legislation, making a few Indian boys think they are commissioned officers of the Government of India? And what is this Government of India? (Captain Sher Muhammad Khan Gakhar: "You, Mr. Das.") The Government of India I am talking of is a slave of the British Government. If I live up to that age, when I become a member of the Dominion Government of India, then we will not be slaves of the British Government. We will be equals of the British Government and of all the Dominion Governments. That kind of Government I contemplate, and until that Government comes, this kind of Bill is trash and useless, and, on these grounds, I oppose the Bill.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official): Sir, I join my Honourable friends, Dr. Ziauddin Ahmad and Mr. Das, in congratulating the Army Secretary on so ably explaining the objects of the Bill.

Before I deal with the objects and the necessity of the Bill, I should not forget to say a few words about my Honourable friend, Mr. Das. My Honourable friend, Mr. Das's speech is a blank shell to me as we fire blank shells in manœuvres without any result. I do not think my Honourable friend has read the Bill. He has talked of the policy of the army, but I do not believe that my friend has given any attention to the object and the necessity of the measure. As far as I understand, the necessity of the Bill is, that, within a short time, the first batch of the Indian army cadets will come out of the Indian Military College and their designation will be Indian commissioned officers. In this Indian Army Act, there is no word as Indian commissioned officers. This deals only with British officers, Indian officers, warrant officers, non-commissioned officers and men. So we must have a provision, before the first batch comes out from the Indian Military College, to bring them under the Indian Army Act.

Sir Abdur Rahim: Why should they not get the King's Commission?

Captain Sher Muhammad Khan Gakhar: I am coming to explain that. There are two kinds of Commissions at present in the army. King's commissioned officers and Indian officers with the Viceroy's Commission. The King's commissioned officers are of two kinds, Indians

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holding King's Commissions and Englishmen holding King's Commissions in the Indian army. Any person holding a Commission in His Majesty's forces,—does not matter whether he is an Indian, Canadian, New Zealander or English,—is a British officer. So we have two kinds of officers in the Indian army, British officers and Indian officers with the Viceroy's Commission. Now, the object of the Bill is that we want to bring the Indian commissioned officers who are coming out from the Indian Military College under the Indian Army Act. We must have a definite provision for that purpose, and that is the object and necessity of the Bill. The British officers and Indian officers are already under the Indian Army Act, and these officers from the Indian Military College have to be brought under that Act. My friend, Mr. B. Das, says that we should wait till the new Constitution comes. It will take I do not know how many years, but the first batch is coming out next year from Dehra Dun, and we have to bring them under the Indian Army Act. That is why this Bill has been introduced.

My Honourable friend, Dr. Ziauddin Ahmad, asked, why should we not make the same rules and regulations for the Indian army as for the dominion army?

Dr. Ziauddin Ahmad : I said for the British army. I am told the Canadian army rules are the same.

Lieut.-Colonel A. F. R. Lumby : I only referred to the form of the Commission which is the same as that held by the officers of the Canadian permanent forces. I did not refer to the rules.

Captain Sher Muhammad Khan Gakhar : That was what the Honourable the Army Secretary meant, that the form of the Commission is just like the form of the Canadian Army Commission. The Canadian Army Commission, as I understand, is given by the Governor-General of Canada on behalf of the King-Emperor and signed by him. In the same way, these Commissions to be given to the Indian commissioned officers will be given by the Governor General in India on behalf of the King. That is what the Honourable the Army Secretary meant, that the form of the Commission is just the same as the Canadian Army or the New Zealander or Australian. I understood the fear of my Honourable friend, the Leader of the Opposition, Sir Abdur Rahim, to be this : that now that the total strength of active officers is 3,200 and we are only giving 60 Commissions annually, how are we going to fill the wastage?

Sir Abdur Rahim : I said the total number of Indian officers holding the King's Commission is about 161. What was the number recruited last year and this year? I think it was about 23.

Captain Sher Muhammad Khan Gakhar : I do not believe the Government will stick to this 60. His Excellency the Commander-in-Chief said in the Indian Military College Committee :

"Our first task is to create a steady flow of fine young officers. Once that is established, we can then proceed to expand as much as you like. Up to that point, however, I see no alternative to developing Indianization within a definite field. Accordingly we must fix our intake to start with, and trust to increasing that figure as soon as we are assured that a regular supply of candidates of the requisite qualifications is forthcoming, and that the class of candidate we are getting is of the right type."

Sir Abdur Rahim : What is the actual number that has been recruited from Dehra Dun so far?

Lieut.-Colonel A. F. R. Lumby : None yet : the first batch is going to pass out at the end of this or the beginning of next year ; it is for that reason that this Bill has been brought forward.

Sir Abdur Rahim : Has not a certain number passed out of Dehra Dun?

Lieut.-Colonel A. F. R. Lumby : Not from the Indian Military Academy.

Sir Abdur Rahim : I was told about 23.

Lieut.-Colonel A. F. R. Lumby : No, no.

Captain Sher Muhammad Khan Gakhar : At present the total strength of officers on active list is 3,200. Under the new scheme, the Indian commissioned officers coming from Dehra Dun will replace Viceroy's commissioned officers in Indianised units. At present the total strength of British officers and Indian officers is 13 and 19, respectively, in each unit of cavalry or infantry. When these Indian officers are completely replaced by the Indian commissioned officers from Dehra Dun, the total strength of officers in a unit will be about 28, as in the British army. As far as I understand, the new designation is introduced to differentiate between Viceroy's commissioned officers and British officers ; and, as long as the Viceroy's commissioned officers and British officers exist in the army, we must have this new designation to bring them under the Indian Army Act, because now, as the Commission will be given by the Governor General in Council on behalf of the King, these officers are not entitled to be called British officers ; there will be no difference, simply bringing in the word Indian commissioned officers to distinguish them from the others. There will be no difference either in the power or the status or dignity of these Indian commissioned officers. I questioned the Honourable the Army Secretary privately and asked him : suppose in one Brigade there is a British unit and an Indian unit and an Indianised unit and there are Indian officers coming out of Dehra Dun called Indian commissioned officers ; if he is a senior, will he command the whole Brigade and have the same power of command? Then my friend told me that there will be no difference at all between Indian commissioned officers and King's commissioned officers in status, power and dignity.....

Sirdar Harbans Singh Brar (East Punjab : Sikh) : They will introduce the 8 unit scheme, so that Indians will never have Britishers under them.

Captain Sher Muhammad Khan Gakhar : But when the units are combined, there will be no difference at all. As regards Indianisation of the army, there is no doubt that when these Viceroy's commissioned officers are replaced by the Indian commissioned officers, then the total strength of one unit would be increased and there will be about 6,000 officers altogether. Then we will have to increase the number—we cannot stick to this figure of 60. His Excellency the Commander-in-Chief himself has said this in his first note that when the experiment proves successful, the number can be increased : the present number will not suffice to fill the gap of the wastage caused when we have 6,000 officers.

[Captain Sher Muhammad Khan Gakhar.]

Therefore, I am sure that when the time comes, the number of Commissions will have to be increased if we are to replace the British officers.

As regards the Viceroy's commissioned officers, I quite agree with my Honourable friend, Sir Abdur Rahim. I opposed and protested against the disappearance of these officers; they have served the Indian army for a century and have served well and ably during the Great War even when they were not given a chance to command. In the old days, the highest ambition of an Indian sepoy was to be a Subedar-Major or Risaldar-Major; but, under the new scheme, when the Viceroy's Commission disappears, the ambition of the new educated recruit will be to become a Commander-in-Chief: he can become one if he obtained all the required certificates after passing the course at Dehra Dun; he can rise to the highest post if he is able to pass the Staff College. If the Viceroy's Commission disappears and these boys get this education and this privilege of joining the academy at Dehra Dun, they can rise to the highest rank.....

Mr. B. Das : Can he become the Commander-in-Chief and command the British officers or the British regiments in India?

Captain Sher Muhammad Khan Gakhar : When he is Commander-in-Chief, he will command every unit, no matter what nationality it is.

The other question is about the complete Indianisation of the army: that question was discussed in the Round Table Conference also: I quite agree with my friends who are anxious to rapidly Indianise the army: a Resolution was moved in Delhi and it was carried: I have every sympathy with Indianisation; but, at the same time, we should not lose efficiency: and, if this one Division scheme is successful, then the number of Commissions will be increased and we will get more rapid Indianisation as soon as possible. With these few words, I support the motion that the Bill should go to Select Committee.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural) : Sir, I rise to support the motion of the Honourable the Army Secretary that this Bill be sent to a Select Committee. But, at the same time, I must say that I am not still convinced of the necessity of this Bill.

An Honourable Member : Then why support the motion? (Laughter.)

Mr. B. V. Jadhav : At this time the reason given is that a new batch of cadets from the Indian Academy at Dehra Dun will come out some time next year. But I do not see why a special nomenclature should be invented for them. The cadets that came out of Sandhurst are now classed as British officers, because they are holding the King's Commission. The officers that will come out of the Indian Academy are also going to hold His Majesty's Commission. I am reading from clause 5 (b) (2) where it says:

"(2) 'Indian commissioned officer' means a person commissioned, gazetted or in pay as an officer holding His Majesty's Commission in the Indian Land Forces, and includes, in relation to a person subject to this Act when serving under such conditions as may be prescribed, a person holding a Commission in the Indian Air Force."

Now, Sir, if this officer, who is coming out of Dehra Dun, is to hold a King's Commission, I do not see any special reason as to why he should be called an Indian commissioned officer and why there should be a difference in the commissions of the persons who come out of Dehra Dun and those who come out of Sandhurst or Woolwich. Sir, I want to be convinced of the necessity for the change in nomenclature. If there is necessity for the change in nomenclature, then, of course, the amendment of the Bill will be justified. We are assured by the Honourable the Army Secretary that, under the Indianization scheme, as time goes on, the number of the British officers will be reduced and ultimately they will disappear, and also under the new scheme adopted by the army as regards the Indianized units the Viceroy's commissioned officers will diminish gradually and ultimately they will disappear. Much has been said against this policy of doing away with the Viceroy's commissioned officers. My friend, the Leader of the Opposition, has given his reasons, and I entirely agree with them. The Indian army is a very expensive machinery, and this side of the House has been calling upon Government to reduce the army expenditure. I understand that under the new scheme the officers, who will come out of the Indian Academy, will receive a smaller salary than the British officers coming out of Sandhurst. As a measure of economy, I shall not say anything against it, but I think this differentiation in pay will spell a lower status and a lower dignity, and, therefore, I do not support the new scheme of reduced salaries. British officers will receive a higher salary than the Indian officers serving in the same unit, and perhaps the Indian officer may be senior to a British officer; but still if he is not to receive the same salary, the differentiation will be very much felt by the Indian officers. And, Sir, it is a well known fact that service in the army at least during the first few years is not remunerative and that the army officers are generally indebted to the money-lenders in military stations. If their salary is still reduced further, how can the new officers maintain their dignity and their status? If they do not keep up the same position, the inferiority complex will come into operation and the Indian officers will be held in contempt by their colleagues who come out of Sandhurst or Woolwich. That is also another reason why the new scheme should not be supported.

Then, Sir, if the reduction in the salary of the Indian officer is necessary in the interests of economy, why add expenditure by substituting the Indian commissioned officer for the Viceroy's commissioned officer? That also will entail very heavy expenditure, and ultimately it will be found that the army expenditure will increase enormously and that will place a heavier burden on the revenues of India.

Then, Sir, there is another point in doing away with the Viceroy's commissioned officers. At present each Indian regiment is provided with 12 British officers, that is, officers who have passed out of Sandhurst. Under the new scheme, 28 officers will be required, and so the rate of Indianisation will be retarded by two and one-third times. If Indianization would have taken place within a number of years, now it will take 2-1/3 years for it. That is an additional burden, that is an additional impediment thrown in the path of Indianization. Sir, the army discipline must be maintained. The army is a very necessary thing, and India is always proud of her army. The Indian army has distinguished itself not only in India, but also in foreign countries, and I know

[Mr. B. V. Jadhav.]

that Indian officers have done their best to maintain the credit of their country and add to the lustre of her fame. Indian officers will continue to do the same. We have now only 60 admissions to the Indian Military Academy, but normally wastage is between 120 and 180. According to the estimate of some it is about 180, while others estimate it at 120. But when the Viceroy's Commission is done away with, the wastage will still be greater, and I think it will be about 240. With the yearly wastage of 240, only 60 cadets will come out of the College every year. That is a very small number, and, therefore, there is necessity for at least quadrupling the number. His Excellency the Commander-in-Chief has promised to look into this matter later. He wants to see the actual working of the Indian cadets who have come out of Sandhurst; when they actually attain the status of company commanders, then he will see whether the Indianization scheme is going to succeed or not, and only then he is going to consider the question of increasing the number of admissions to the Military Academy. I hope, Sir, that time will soon come and that the Military Academy will be enlarged.

Now, Sir, this Amending Bill seeks to add to the category of officers in section 7 of the original Bill. I have already stated that I do not see any necessity to add another category. At the time when the Bill was passed in 1911, the Indian officer was known only as the Viceroy's commissioned officer, but now another category of officer is sought to be added to it, and in process of time it is intended that the Viceroy's commissioned officer only will disappear. I do not like this contingency of the disappearance of the Viceroy's Commission, and I do hope that, in the interests of efficiency and economy, the Army Department will see the necessity of keeping it. At present they propose to Indianise only one Division. In other Divisions the Viceroy's commissioned officers will remain and there the new men from the Academy will be posted also. In that case there will be two categories of Indian officers,—the Indian officers from the Military Academy and the Indian officers who are now known as Viceroy's commissioned officers. So, in the non-Indianised units these two officers will work side by side, and if that does not come in the way of efficiency—and there is no reason why it should come in the way of efficiency, because we have seen that the Viceroy's commissioned officers have discharged their duties very creditably on the field of battle and also in service in peace time,—so, if in the non-Indianised units the presence of the Viceroy's commissioned officer does not come in the way of military discipline and efficiency, there is no reason to say that in the Indianised units the number of Viceroy's commissioned officers should gradually dwindle down until they disappear altogether. So I think the Army authorities should reconsider the question, and I would ask them to retain the services of the Viceroy's commissioned officers. I do not like the idea that the new officers that will be trained in India should have a lower status than their brethren who come out from the British Sandhurst or Woolwich. It is necessary for the good discipline of the army that there should be no class distinction. Class distinction should be abolished altogether and all should be on a footing of equality. At the same time I must raise a voice of protest against the insinuations of my Honourable friend, Mr. B. Das, that the army officers are generally

recruited from the sons of commissioned officers and non-commissioned officers. It is not so. 30 admissions are made every year to the Military Academy from the young men who offer themselves from the various colleges. These men have generally no previous connection with the army, and, in this way at least half the strength of the army will be from those who are generally not previously connected with the army. Therefore, there is no reason to say that the army is a preserve kept for the sons of men who are actually serving in the army. The cadets that are taken directly on the results of a competitive examination are treated in the same way as the cadets who are taken from the ranks, and although those who are taken from the ranks have got a good deal of previous training, the period of training at the Military Academy now has been kept the same, that is 2½ years I think. I may say that the cadets from the army who have actually served in the ranks for some years are not treated as well as those who have come up on the results of a competitive examination; the latter are treated actually better. So, those who have not got any military traditions behind them have not got any grievance at all and their advocates, I think, should take all these things into consideration and abstain from making irresponsible statements.

Lieut.-Colonel A. F. R. Lumby : If in my speech this morning I gave the impression that this Bill dealt with the policy of army administration, I must apologise to the House. What I wished to convey was that it dealt wholly and solely with discipline. The Indian Army Act is the Act which at present governs the discipline of the Viceroy's commissioned officers, warrant officers, non-commissioned officers and other ranks of the Indian army, and now it is proposed to include the new type of officer coming out of the Dehra Dun Academy in the Act as well. The first batch of these Indian commissioned officers will be leaving Dehra Dun at the end of the year, and it is essential that some arrangement should be made for their status and discipline. That is the reason why this Bill has been brought forward now and why we do not consider that it can be kept over until the new Constitution, as suggested by my Honourable friend, Mr. Das, comes.

As regards the Indian commissioned officer, it was said by the Leader of the Opposition that everything in connection with these officers had been done secretly and that the House had not been taken into the Government's confidence. As far as I know, all proposals connected with the Indian commissioned officer have been made known from time to time in this House, first of all, by Field Marshal Sir William Birdwood in 1928 and at various times since then by the Army Secretary in his Budget speeches. At the time of the Indian Military College Committee, His Excellency the Commander-in-Chief certainly made a statement to the Committee as regards the reduction in pay; and a press communiqué was also issued announcing this fact. It has always been known to all the cadets who have now been for two years at the Academy. But the point that I want to make is that, though there will be this reduction in pay to bring the Indian commissioned officer on to an Indian scale of pay instead of the British scale of pay drawn by the Indian officers trained at Sandhurst, there is every intention that otherwise his powers and privileges, and certainly his powers and privileges under this Act shall be the same as those of the British officers of the Indian army with whom he will be serving.

[Lieut.-Colonel A. F. R. Lumby.]

The rate of pay which it is proposed to give the Indian commissioned officers is based, like the rate of pay that is now being given to the officers of the Indian Air Force, on the pay that is drawn by the British service officer serving in England. That seems to me to be a reasonable arrangement. Then, again, the Indian commissioned officer is to have different leave terms to the British officer. That, again, seems to be a reasonable arrangement; for he has not ordinarily got to return some thousands of miles to his home when he goes on leave and there is no point in giving him leave concessions which, for an officer living in his own country, would be over-generous. The fact that the Indian commissioned officer will thus be in certain respects on a different footing to the British officer, particularly in the matter of pay, is one of the reasons why he is being given the separate title of Indian commissioned officer. Another reason is that he and the officer of the Indian Air Force were born together in the mind of the Government; and it is Government's desire that they should both be on the same footing. It seems much more logical to insist that the officer of the Indian Air Force and the Indian commissioned officer of the Indian army should be on the same footing in all respects than that there should be an exact similarity between the British officer of the Indian army and the Indian commissioned officer.

Then, as regards my Honourable friend, Dr. Ziauddin Ahmad's, question as to whether the rules which it is proposed to make under this Act for the Indian commissioned officer are the same as those which govern the British officer who gets his commission after training at Sandhurst or Woolwich, I can assure you that the various clauses in the Bill which deal with matters such as right of appeal, penal deductions, punishments and the like, are based on the corresponding clauses of the Army Act, and, therefore, it may be said that the British officer, though he is under the Army Act, and the Indian commissioned officer, will, to all intents and purposes, be governed by exactly the same rules. I am afraid I know nothing about the detailed rules by which the officers of the Canadian forces are governed. The only thing I know is that the form of Commission which they hold is almost word for word the same as the Commission which is being given to the Indian commissioned officer and which has already been given to the officers of the Indian Air Force.

There is another point with regard to the proposal to institute this separate category of officers. If the officers coming out from Dehra Dun were given the same type of King's Commission which has been given to the officers who came out of Sandhurst, the cost of a battalion or of a cavalry regiment of the Indian army would be no less than it is at present; and if it was proposed, as is the case, to adopt a homogeneous officer establishment for these units, the cost would be far greater than it is at present. Actually, the establishment, which is proposed for the future, with nothing but Indian commissioned officers will be cheaper than the present establishment consisting of British officers and Viceroy's commissioned officers.

With regard to the sad fact that it has been decided that the Viceroy's commissioned officer shall gradually disappear out of the Indian army, I would merely say that this decision was reached on

grounds of efficiency as much as anything else, and I would add that everything possible is being done to provide the class who formerly could rise from the ranks to obtain the Viceroy's Commission with other openings in the army. As has already been stated this afternoon, their sons have allotted to them at the Indian Military Academy fifty per cent. of the vacancies, and in addition there will be in the new battalions and regiments of the Indian army a number of warrant officers who will have much higher status and a higher rate of pay than the warrant officer of the past has had. These appointments will give those of the rank and file, who cannot aspire to enter the Indian Military Academy, a chance of rising to positions in the army which, though not as high as the Viceroy's Commission, will not be very far behind.

I would refer now to the matters of policy which were raised originally by the Honourable the Leader of the Opposition. It is a fact that for the present the output from the Indian Military Academy will only be sixty a year. That output is based on the Division which, as was announced some years ago by His Excellency the Commander-in-Chief, it is proposed to Indianise as a start. In the same speech of His Excellency the Commander-in-Chief to the Indian Military College Committee from which my Honourable friend, Captain Sher Muhammad Khan, quoted, His Excellency said that at the present time it was impossible to judge of the success of the experiment of Indianisation, but that he thought that probably in seven years' time it would be perfectly possible to judge. I think that statement was made in 1931. In any case the figure of sixty is no hard and fast figure. There is no reason why in time it should not be increased. The point I wish to make is that the time when it is increased and the extent to which it is increased will, as stated by His Excellency the Commander-in-Chief when he opened the Indian Military Academy, depend in actual fact on the cadets who are now at the Academy and who will shortly be passing out of it, and on their successors. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee, consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhupat Singh, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harbans Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. Dalal, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN CARRIAGE BY AIR BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Sir Frank Noyce.]

Sir, there is, I think, very little I need say in support of this motion. As has been set out in the Statement of Objects and Reasons, the Bill has been framed to enable India to implement the provisions of an International Convention on the subject of carriage by air which was signed at Warsaw by certain Governments in October, 1929. India was not one of those Governments, and the Convention has not yet been signed on behalf of India; but its provisions have been carefully examined and we have found that they appear in all respects suitable to Indian conditions. It is, therefore, proposed to ratify the Convention, the provisions of which are, as will be seen, incorporated in the First Schedule to the Bill as soon as the Bill itself is passed. The Convention defines the liability of international air carriers *vis-à-vis* passengers and consignors and consignees of goods by air, the conditions which have to be fulfilled by the respective parties, the form of passenger tickets and consignment notes, and related matters. It applies only to international carriage by air, which is defined as carriage from the territory of one High Contracting Party to that of another, but, in certain conditions, carriage from one point to another within the territory of a single High Contracting Party is included. The House will see that by far the greater part of the Bill and its Schedules is devoted to the details of the conditions to be complied with, the form of tickets and consignment notes and such-like matters. It is, I think, unnecessary for me to weary the House with a detailed explanation of these matters. They were settled after examination, extending over several years, by a Committee of experts who had both legal and air-transport experience. This Committee (Comité International Technique d'Experts Juridiques Aériens) has for some time been engaged in the examination of questions of air law—a subject which has been found to contain many thorny problems. We who have not their wide knowledge and experience are not in a position to improve on their conclusions. There is one point to which I might perhaps direct the special attention of the House. The liability of air carriers is expressed in French gold francs at their last stabilised value. For the purpose of determining the compensation payable in a case brought before a Court in British India the sum will be converted into rupees at the current rate of exchange at the time judgment is passed. For example, the limit of liability in the case of death or injury of a passenger is Frs. 125,000 which is equivalent approximately to Rs. 22,000 today. A Protocol to the Convention provides that a Contracting State may at the time of accession make a declaration to the effect that the provisions of the Convention shall not apply to commercial operations carried out directly by the State. It is not proposed to make any such declaration on behalf of India, so that should the Government of India at any time operate a State air service and should that service engage in international carriage as defined in the Convention, then they would have the same obligations and secure the same protection as ordinary commercial operators.

I need not, in a House which has always shown special interest in air transport, dilate on its rapidly growing importance. It is not perhaps an exaggeration to say that new air services, both international and internal, are coming into operation in some part of the world every month. The merest glance at the map of the eastern hemisphere reveals one outstanding fact. India lies athwart every main route between the east and the west, with one exception, the trans-Siberian route; with that exception, no air service can be operated between Europe in the west and all the

great countries of the east, China, Japan, Australia and the Dutch East Indies, without crossing India; and it is for that reason that it behoves us to set our house in order and to get our air laws on a satisfactory basis. A journey lasting only a day or two may take an air carrier across the territory of several States, and, in these circumstances, the desirability that the law governing contracts in relation to passengers and goods should be uniform requires no emphasis from me. There are already three international air services, the trans-India service operated in conjunction by Imperial Airways and Indian Trans-Continental Airways, the Royal Dutch Air Line and Air France, and the need for legislation has therefore become urgent. I should mention that the British and Indian companies operating the trans-India service have provisionally applied the conditions of the Warsaw Convention to their relations with passengers and consignors of goods, and that both France and Holland are signatories to the Convention. There is at present no specific law which governs the conditions of internal carriage by air in India, beyond the general law of contract and the law relating to carriers on land. Provision has therefore been made in the Bill giving powers to the Governor General in Council to make rules extending the conditions of the Convention, with such modifications and adaptations as may be necessary, to carriage by air within India. I think there can be no doubt of the advantage of applying a uniform system of law to regular air transport in India whether it be internal or international. I would only say in conclusion that, as this and the Bill in regard to which I shall be making a motion shortly deal with closely related subjects, it has been thought convenient that the same Select Committee should deal with both. The names I have mentioned will, therefore, also be put forward for the Select Committee on the other Bill which I am moving in regard to the control of the manufacture, possession, etc., of aircraft.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I am sorry that I have to oppose this motion for Select Committee mainly because of the personnel. I find that by secret arrangement names are put in for Select Committees and at times certain Parties are shown a preference and other Parties are kept in oblivion. I have noticed that in the two previous Select Committee personnel, and, if I did not raise my voice at that time, it was because I was inquiring of the executive of my Party as to what was the reason behind it. I was told that I should not raise any objection now and in future more Members will be taken from my Party. I am not for that. I do record my protest and submit that two or three names at least should be added before I can accept the motion. I suggest, therefore, that to the personnel already suggested, the names of Mr. Jog.....

An Honourable Member : He is already on the Select Committee ! (Laughter.)

Mr. Amar Nath Dutt : Then I suggest that the names of Mr. Sitakanta Mahapatra and Sirdar Harbans Singh Brar be added.

An Honourable Member : Also the name of Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt : No, certainly not ; I am not for any Select Committee. If my suggestion is accepted by Government, I have no objection to the motion.

The Honourable Sir Frank Noyce : I can only say that, to the best of my knowledge and information, the usual procedure has been followed in this case. The Leaders of all Parties were consulted and the names were given to me as having been obtained from them.

Mr. President (The Honourable Sir Shanmukham Chetty) : The usual practice in the House is for the Member in charge of Government or some one representing him to get into touch with the Leaders or Secretaries of Parties and then give an agreed list of names for the Select Committee. Does the Chair understand the Honourable Member, Mr. Amar Nath Dutt, to say that his Party was not consulted ?

Mr. Amar Nath Dutt : No, the matter was not put before my Party. Somebody went round and consulted one of the executive of the Party and suggested that we might not have two names or three names and might be satisfied with one only. Sir, this sort of dictation my Party will not accept.

Rai Bahadur Sir Satya Charan Mukherjee (Nominated Non-Official) : Sir, I approached Mr. Ranga Iyer, who is the Deputy Leader of the Party and I asked him to give me one name, because, according to the numerical strength of various Parties, only one member is usually taken from the Nationalist Party for every Select Committee. Just now I came to know that the number of that Party has gone up to 16, but so far as I knew, during the last Session, their number was 12 or 13. So I followed the usual practice and suggested to Mr. Jog and Mr. Ranga Iyer that they should give one name, but they did not object to it. That is how I got only one name from the Nationalist Party.

Mr. Amar Nath Dutt : In that case I propose that the other two names which I have already suggested be added to the names of the members of the Select Committee.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, apart from the controversy that Mr. Amar Nath Dutt has raised, as a personal reference has been made to me by the Deputy Whip, I believe, of the Government, Sir Satya Charan Mukherjee, whom I congratulate on his Knighthood, I rise to substantiate that he is absolutely correct in his reference in his statement about the arrangement.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member, Mr. Amar Nath Dutt, in the light of these facts, wish to make his proposal for additional names ?

Mr. Amar Nath Dutt : I do propose.

Mr. President (The Honourable Sir Shanmukham Chetty) : What are the names ?

Mr. Amar Nath Dutt : The names of Sirdar Harbans Singh Brar and Mr. Sitakanta Mahapatra.

The Honourable Sir Joseph Bore (Leader of the House) : I am afraid, Sir, the Government must oppose this proposal, because it is not in consonance with the practice which has been followed in the House, and, if we accept it, the proportion between the various Parties would be upset. For that reason and for no other, on behalf of Government, I must oppose this motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the names of Sirdar Harbans Singh Brar and Mr. Sitakanta Mahapatra be added to the Select Committee.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The original question will now be open for discussion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I had no mind to speak, but as nobody is rising, I have to intervene. This House has always honoured international conventions. As we have no nationalism, no national prestige, we should like to come through the backdoor of internationalism in gaining certain credit in outside world and certain equality of status within the British Empire and with the sovereign countries of the world. Therefore, I welcome this measure that has been introduced by my Honourable friend, Sir Frank Noyce. Sir, I may say that India is getting air-minded. The other day we read in the papers that three Indian airmen reached London in three different aeroplanes and that they did not meet with any accident on the way and this is a matter of congratulation. I also read in the papers that one Indian airman was trying to have a world tour in an aeroplane of his own. If that be so, if Indians are going to participate in air tours all over the world, India will have to accept the international conventions, although, while these conventions were signed at Warsaw, I do not know whether the Government of India sent any representatives there and why that representative did not sign the air convention.

An Honourable Member : None was sent.

Mr. B. Das : I believe no representative was sent there. As is the practice so often, we find always the British representative signs something and afterwards the dominions, particularly subordinate Governments like the Government of India are made to accept. Sir, that is a point of honour with us, and, therefore, I speak on this motion. Although Indians at times visited these international conferences, yet in very few conferences they have equality of status with sovereign nations, in spite of India being an original Member of the League of Nations. I need not raise the topic that we raised during the last Assembly Session that the Right Honourable Sastri once signed certain naval conventions at Washington, and another gentleman signed certain other convention at Geneva, but usually what happens is this, that a British officer of the Government of India goes as an Adviser to the British delegate at these international conferences. However, I do hope that whatever be the fate of India under the new Constitution, the Government of India should in future assert themselves and send direct representatives, and not be the hand-maid of the British delegates. Of course, the Leader of the House might bring in the question of political complex of India, that India cannot negotiate direct any treaty with any foreign nation. If that be so,

[Mr. B. Das.] then why not walk out of the League of Nations? Let us have nothing to do with these European nations or with the sovereign nations of the world. But if the policy is that we will have to stand as equals, to be treated as equals, let us send our own representatives who will sign those treaties and conventions. I would have been very happy—and I take this opportunity to say again on the floor of the House—if my Honourable friend, Sir Joseph Bhowe, had signed the Indo-Japanese Agreement which, I understand from the papers, has been signed, I do not know, with what modifications. It will be to my pride that one of my representatives, not my own representative, but the Government representative signs it on behalf of India. However, that is another issue, but that is an issue that always crops up like the King Charles head. I welcome these two measures and I do not think the draft requires any drastic modification. But I was a little alarmed when my Honourable friend, Sir Frank Noyce, said that the Government of India reserved to themselves the right to make rules. Are the Government of India going to play the role of a bureaucrat or are they going to rise up to the dignity and status of a sovereign nation? If the rules can be applicable in Russia, in Germany, in France and other European countries and in Japan, if those rules are good for those countries, they are quite good for India also. Why not have a set of international rules rather than have a set of special rules and special powers reserved to the Government of India? Such rule-making powers may not be misused, but I do not like reservation of powers. We have had too many reservations and too many safeguards. With these few observations, I support the measure.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN AIRCRAFT BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft be referred to a Select Committee, consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, there are very few, if any, fields of human endeavour in which progress has been as rapid during the last quarter of a century as it has been

in that of civil aviation. And, yet aerial navigation in this country is still governed by an Act passed in 1911, though it is true that it was amended some three years later, and by Rules framed under it which are fourteen years old. An Act passed 23 years ago is obviously entirely inadequate to meet the present day conditions. We might have made efforts to patch it up but we have felt that here, as in the case of the Petroleum Bill, and also in the case of the Factories Bill, the better and more convenient course was to place an entirely new Bill before this House. One very important reason why new legislation has become imperatively necessary is that since the existing law was framed, India in common with a large number of other countries has entered into international commitments to unify the law with regard to aviation. I might perhaps interpose here to reply to the point which was raised by my Honourable friend, Mr. B. Das, a few moments ago. He is very jealous, and very rightly so, of our international status, and it might perhaps satisfy him if I explained that we were actually invited to the Warsaw Conference. As a matter of fact, we were represented by the British representative. We had no one here at the time whom we could spare very conveniently and for that reason we acted through the British representative who was instructed by us. I have no doubt that as this country develops in the matter of civil aviation we shall find it more convenient to have a representative of our own at such Conferences. As long ago as 1919, an International Convention for the Regulation of Aerial Navigation was signed by the plenipotentiaries of 27 countries, and Mr. Das will be very glad to hear that those 27 plenipotentiaries included one from India. This Convention was entered into with the dual object of establishing regulations of universal application and of encouraging the peaceful intercourse of nations by means of aerial communication. The Convention deals with practically all questions relating to international air navigation but its main principle may be summed up in the statement that it is an instrument designed to secure freedom of international air navigation among the contracting States. The fifteen years which have passed since the Convention was signed have, I think, very fully established the necessity for such an agreement and the manifold benefits which have resulted from it. The House may care to hear a few of the many important matters which are regulated by the Annexes to the Convention. These deal, amongst other things, with the registration and marking of aircraft, the certification of airworthiness, rules governing lights, signals, air traffic and aerodromes, the examination and licensing of pilots, navigators and other personnel, the production of aeronautical maps, the co-ordination of wireless and meteorological services and the unification of customs rules. They thus cover an extremely wide field. Under the existing Act, it has not been possible to implement many of the provisions of the Convention. Let me give the House two examples of this. The present Act provides no power to make rules for aerodromes. Consequently Government are not in a position to make a rule that every aerodrome must be provided with a wind indicator, though a wind indicator is obviously essential to secure safe landings. Again, the definition of aircraft is incomplete and does not include balloons. While there is a rule that articles may not be dropped from aircraft, there is nothing in the Act or the rules to prevent anyone from going up in a balloon and dropping bricks whenever and wherever he feels inclined. The present position is that we are muddling along under legislation which is already out of date and that the regulation of many

[Sir Frank Noyce.]

important matters rests more on the good will of the flying citizens than on the power of the State to control them.

A stage has, therefore, been reached in which it is no longer possible to control air traffic efficiently and to implement India's international obligations without fresh legislation. The present Bill is designed to enlarge the rule-making powers of the Governor General in Council, in order to provide the necessary elasticity to meet modern developments, to enable Government to give full effect to the provisions of the International Convention and its Annexes and to provide for certain other matters on which legislation has become necessary. My friend, Mr. Das, objects to any enlargement of the rule-making powers of the Governor General. I may remind the House that we must have some elasticity in these matters, that it is not advisable that we should come before the House every time we want to make some small change in the law to meet some new and unexpected development, and that the rule-making powers are only given to us to the extent that the Legislature is prepared to entrust them to us. Rules can obviously be criticised and altered and that, I think, is the real safeguard.

I should like to draw the attention of the House to a few important principles which are incorporated either explicitly or implicitly in this Bill. In the existing Act Local Governments, subject to the control of the Governor General in Council, are empowered to make rules dealing with many matters and in particular to declare areas prohibited to the navigation of aircraft. As a matter of fact, those powers have never been exercised by any Local Government. It is hardly surprising that this should be the case, for it is very difficult, if not entirely impossible, for a Local Government to make rules on matters of that kind without causing confusion or infringing the terms of the International Convention. In these circumstances, we have not thought it necessary to include any provisions of this character in the draft Bill.

Again, there is no statutory provision at present for the investigation of aircraft accidents which unfortunately occur all too frequently, though the number is not really very high in proportion to the number of air miles flown. For the last three years, although there is no statutory provision on the point, every accident which has occurred in India has been investigated by the staff of the Civil Aviation Department. For minor accidents, the local investigation is carried out with the assistance of the local technical personnel. When more serious accidents occur, an officer of the Civil Aviation Department proceeds to the scene. In all cases, the report is finally reviewed by the Director of Civil Aviation. The result is that we have a very valuable analysis of the underlying causes of accidents and that the knowledge we have thus gained is applied to the improvement of methods of training and to the introduction of modifications designed to reduce the risk. Last year there were 29 accidents to Indian aircraft which, after investigation, were considered to be more than minor mishaps and to justify classification as accidents. Successful investigation of the causes of these accidents at present depends entirely on the good will of the pilots, owners and others involved. It does seem to us essential that statutory powers should be taken to ensure that it rests on a more satisfactory basis than that, and whilst we have every reason to thank

those who have helped us in this matter we think that it is desirable that we should have definite powers to investigate accidents.

Other points which deserve mention are that the Bill applies the provisions of maritime law with regard to wreck and salvage to aircraft at sea and that the administration of the customs law in respect of aircraft will be much simplified by the provision which is made for the application of relevant parts of the Sea Customs Act.

Finally, Sir, lest the old accepted doctrine of "*usque ad collum*" might be cited by an indignant landowner to prevent flight over his property, provision is made in the Bill to give aircraft the right to use the air without liability to suits for trespass or nuisance, so long as the method and height of flight are reasonable. I trust, Sir, that I have said enough to convince the House of the necessity for this legislation.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

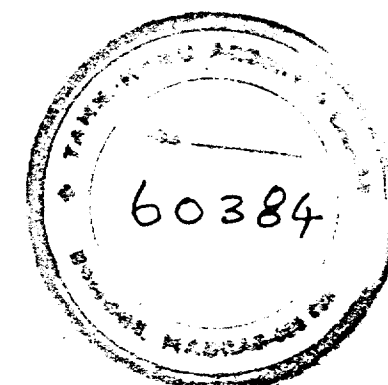
"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft be referred to a Select Committee, consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajeer Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th July, 1934.

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LEGISLATIVE ASSEMBLY.

Tuesday, 17th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

DEDUCTION OF EXPENDITURE IN THE ASSESSMENT OF INCOME-TAX.

49. *Dr. Ziauddin Ahmad : (a) Have Government issued instructions to Income-tax officers to allow and disallow certain items of expenditure in the assessment of Income-tax?

(b) Are Income-tax Commissioners empowered to frame their own instructions without reference to Government?

(c) Are the legal practitioners allowed to deduct expenditure on account of the maintenance of conveyance exclusively used for their professional work?

The Honourable Sir James Grigg : (a) No. The Income-tax Act does not empower Government to decide which items of expenditure are to be allowed or disallowed with reference to any particular source of income. The Act itself provides for this in sections 8 to 12 and in the Instructions appended to the Income-tax Manual certain paragraphs have been added with a view to explain these provisions of the law.

(b) Properly speaking no such question can arise as there is nothing in the Income-tax Act which either empowers or authorises Government to empower Commissioners to frame their own instructions. Commissioners are vested under the Act with certain powers as regards individual assessments and in the exercise of these powers, they have to interpret the various provisions of the law, and they are free to communicate for the guidance of the officers under them their interpretation of a particular section of the Act, if they so desire.

(c) If the item referred to by the Honourable Member is of such a nature that it can be classed as "expenditure incurred solely for the purposes of the profession" referred to, and is not of the nature of "personal expenses of the assessee" concerned, it will be allowable under section 11 (2) (i) of the Act. Whether the item is exactly of such a nature will be a question of fact to be decided with reference to the proved facts of the case concerned.

Pandit Satyendra Nath Sen : Regarding part (c) of the question, is it only the legal practitioners that are allowed to deduct this kind of expenditure or there are others as well, such as medical practitioners and some other business men?

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The Honourable Sir James Grigg : The same answer would apply : it depends on the facts of the particular case as the Honourable Member will see if he refers to my answer when it is printed.

Dr. Ziauddin Ahmad : May I understand that no instruction has been issued to the income-tax officers besides the one contained in the Income-tax Manual ?

The Honourable Sir James Grigg : That is my information.

Dr. Ziauddin Ahmad : May I ask if a conveyance is used exclusively for a professional purpose, is it to be deducted from the returns of income or not ?

The Honourable Sir James Grigg : That is the question I have answered—"If the item referred to is of such a nature that it can be classed as 'expenditure incurred solely for the purposes of the profession' referred to and is not of the nature of 'personal expenses of the assessee' concerned, it will be allowable under section 11 (2) (i) of the Act".

Dr. Ziauddin Ahmad : The reply is of a general nature : I want to take a definite case, that if a conveyance is used exclusively for professional purposes, then will it be allowed ?

The Honourable Sir James Grigg : That is precisely the question I have answered—"expenditure incurred solely for the purposes of the profession". May I add that whether it is so used is a matter for determination by the Commissioner.

Mr. Lalchand Navalrai : May I know whether in practice such allowances are being given or not ?

The Honourable Sir James Grigg : If they come within section 11 (2) (i), I have not the slightest doubt that they are allowed in practice.

Mr. Lalchand Navalrai : I would submit that this clause is construed rigidly in practice by the Commissioners, and, therefore, I am asking whether the Honourable Member is in possession of facts whether during the last two years allowance is being given on such items ?

The Honourable Sir James Grigg : If they are not given the reason is no doubt because they are not usually allowable, but if the Honourable Member has any particular case which he wishes to bring to my attention, I shall be glad to look into it.

Mr. Lalchand Navalrai : As regards the instructions issued, is it a fact that instructions are issued by the Board of Revenue with regard to the correction or amendment of the Manual itself from time to time ?

The Honourable Sir James Grigg : I imagine so, particularly in the light of decisions of Courts or other similar circumstances.

Sir Hari Singh Gour : May I beg to inquire what is the definition of the phrase "exclusively used for professional purposes" ?

The Honourable Sir James Grigg : That question is not for me to decide.

Sir Hari Singh Gour : I thought that the Revenue Department of the Government of India would lay down certain instructions to the assessing officers as to what is exclusive use of conveyance for professional purposes, and what is not ?

The Honourable Sir James Grigg : No, that question is one for the individual Commissioner concerned on the facts of the particular case.

Sir Hari Singh Gour : But conveyances are used by legal practitioners all over India, and consequently it cannot be a local question or even a provincial question : and being a question in which legal practitioners all over India are interested, I should have expected the Board of Revenue would lay down certain rules for the guidance of income-tax authorities throughout the Provinces.

The Honourable Sir James Grigg : The section itself seems to me to be quite clear—"expenditure incurred solely for the purposes of the profession"—but no doubt the practice of legal practitioners in the use of their cars varies widely all over India, and I expect most of them do not use them solely for the purposes of their profession.

Mr. Lalchand Navalrai : May I know from the Honourable Member, if a legal practitioner uses his car for his professional business and also takes it out for his evening ride, will any allowance be given ?

The Honourable Sir James Grigg : That is certainly not allowable.

FIXATION OF IRON WINDOWS IN CERTAIN QUARTERS IN THE RAJA BAZAR SQUARE AND LANE, NEW DELHI.

50 ***Mr. Lalchand Navalrai :** (a) Is it a fact that there are revolving iron windows in most of the "D" type quarters in Raja Bazar Square and Raja Bazar Lane in New Delhi ?

(b) If the reply to part (a) above be in the affirmative, will Government kindly state the reasons for fixing the iron windows in those quarters only and wooden windows in all other quarters ?

(c) Are Government aware that the iron windows on account of being very heavy and unwieldy are causing great inconvenience and in some cases injuries to the tenants of those quarters ?

(d) If the replies to part (c) be in the affirmative are Government prepared to replace these iron windows by ordinary wooden windows like those fixed in all other Government quarters ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Crittal windows (which are the type which have been fixed) have many advantages over, and are generally regarded as superior to, wooden windows.

(c) and (d). No.

Mr. Lalchand Navalrai : May I know if the Honourable Member or any of his officers has visited the spot to see the inconvenience ?

The Honourable Sir Frank Noyce : No ; but I may mention for the information of the House that when this question was put on the agenda paper, I made special inquiries about these crittal windows : I asked whether there were any specimens of them to be seen in Simla so that I might find out for myself what they were like, and I discovered that they have been fitted in the west windows of the drawing room of the Viceregal Lodge. That is a sufficient testimony to their excellence.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether these windows jut out and when a man gets up, he gets injured ?

The Honourable Sir Frank Noyce : I do not quite know what the Honourable Member means by jutting out.

Mr. Lalchand Navalrai : They are revolving windows and when they are opened inside, suddenly a man sitting near by gets up, he gets hit. (Laughter.) Will the Honourable Member make some improvement in this ?

The Honourable Sir Frank Noyce : As I said, I had a report called for in regard to these windows and it is to this effect :

"Crittall windows are being used extensively in upper class houses all over Europe and also in India. In many respects, they are much better than wooden windows. They admit of more light ; they are not attacked by white ants, they are anything but clumsy and generally speaking, distinctly superior to ordinary wooden windows. In fact, until a short time ago, they were looked upon as a luxury."

ASPHALTING OF, AND PROVISION OF MORE LIGHTS ON, THE ROAD PASSING THROUGH RAJA BAZAR SQUARE AND LANE, NEW DELHI.

51. ***Mr. Lalchand Navalrai :** (a) Are Government aware that the road branching off from Baird Road and passing through Raja Bazar Square and Raja Bazar Lane in New Delhi, is not asphalted and is therefore very dusty ?

(b) Are Government aware that there is not sufficient light on that road ?

(c) Are Government aware that there are about seventy-five Government quarters on that road ?

(d) Are Government aware that the road is very narrow and there is very little or no space left between the road and the Government quarters on either side ?

(e) Are Government prepared to remove the dust nuisance experienced by the tenants of the quarters in that locality by getting the road asphalted, and also to provide more lights on that road ? If not, why not ?

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

(d) The metalled portion of the road is 10 feet wide, and the berms on either side of the metalled portion are 6 feet wide. There is a space of 8 feet between the road berm and the walls of the quarters.

(e) It is understood that the road will be asphalted as soon as funds permit, and that the existing 25 Watt lamps are being replaced by 40 Watt lamps.

Mr. Lalchand Navalrai : I am thankful to the Honourable Member for the sympathy he is showing in the matter, and I hope these improvements will be carried out at an early date.

Mr. G. S. Bajpai : Well, Sir, they will be done when funds permit.

Dr. Ziauddin Ahmad : Are these roads under the New Delhi Municipality or under the Government of India ?

Mr. G. S. Bajpai : The Honourable Member asked a question on this subject the other day in the Standing Finance Committee, and I think he was given a reply then.

Dr. Ziauddin Ahmad : Honourable Members of this House would like to know it here.

Mr. G. S. Bajpai : My recollection is that these roads are looked after by the Public Works Department.

Dr. Ziauddin Ahmad : By the Public Works Department directly controlled by the Government ?

Mr. G. S. Bajpai : The Public Works Department are the agents of the Municipality.

Dr. Ziauddin Ahmad : I understand that these roads are now looked after by the New Delhi Municipality and not by the Government ? Is it correct ?

Mr. G. S. Bajpai : The Municipality are a corporate Body consisting of 13 members, and I am quite sure that they won't go about looking after the roads. The roads are looked after by the Public Works Department under the controlling authority of the Municipality.

NON-MAINTENANCE OF LAWNS IN RAJA BAZAR SQUARE, NEW DELHI.

52. ***Mr. Lalchand Navalrai :** (a) Are Government aware that the lawns in front of Government quarters in Raja Bazar Square are not properly maintained and watered ?

(b) Are Government aware that there are absolutely no lawns in front of the quarters in Raja Bazar Lane for the children to play about ?

(c) If the replies to parts (a) and (b) above be in the affirmative, will Government be pleased to state the reasons for the same ?

The Honourable Sir Frank Noyce : (a) No. The lawns are being properly maintained and watered.

(b) Yes.

(c) As regards (a), the question does not arise. As regards (b), I may explain that the space between the road and the quarters in the Raja Bazar Lane is 10 feet wide and that as it is continually used as a path by the tenants and others it is impossible to grow grass upon it.

Mr. Lalchand Navalrai : Is it not a fact, Sir, that there are better conveniences in other quarters ?

The Honourable Sir Frank Noyce : The conveniences naturally vary with different quarters. It depends upon their location.

Mr. Lalchand Navalrai : In view of the complaints received in regard to these quarters, may I know from the Honourable Member whether he will extend his sympathy to the occupants of these quarters and ask some officer to go round and suggest some improvements ?

The Honourable Sir Frank Noyce : If the Honourable Member will suggest the sort of improvements he has in his mind, I shall be glad to do what I can in that direction.

Mr. Lalchand Navalrai : Thank you very much.

PROVISION OF FLUSH LATRINES IN GOVERNMENT QUARTERS IN NEW DELHI.

53. ***Mr. Lalchand Navalrai :** (a) Is it a fact that Government have recently sanctioned additions and alterations to be carried out in

all the existing orthodox quarters in New Delhi? If so, will Government kindly state the nature of the alterations to be carried out?

(b) Are Government prepared to consider the advisability of providing flush latrines in place of the existing ones in all the Government quarters in New Delhi, in the interests of better sanitation? If not, why not?

The Honourable Sir Frank Noyce : (a) The Honourable Member is presumably referring to the orthodox clerks' quarters in New Delhi. Government propose to provide additional electric light points in all these quarters during the current year at an estimated cost of Rs. 44,000. This expenditure was approved by the Standing Finance Committee on the 13th July, 1934. Government also contemplate certain re-arrangements of the rooms in 128 old type "D" class orthodox clerks' quarters. It is hoped that funds for this work will be made available in 1935-36.

(b) Yes. Modern sanitation is being installed in all Officers' houses in New Delhi, and will be installed in clerks' quarters as soon as the necessary funds (approximately Rs. 7½ lakhs), can be made available.

Mr. Lalchand Navalrai : May I know if it is a fact that the question of installing flush latrines in clerks' quarters is being postponed while these are being installed in officers' bungalows?

The Honourable Sir Frank Noyce : That apparently is the case, Sir.

Mr. Lalchand Navalrai : May I, therefore, in the interests of the smaller people, ask the Honourable Member whether he is prepared to have a start made in regard to the installation of flush latrines in some of the clerks' quarters when they are being installed in some of the officers' bungalows?

The Honourable Sir Frank Noyce : A definite scheme has already been approved, and I don't think it can be interrupted now. As I have said, we hope to get funds for installing these flush latrines in clerks' quarters as soon as possible.

PUBLICATION OF THE REPORT OF THE AFGHAN TRADE DELEGATION.

54. ***Mr. Gaya Prasad Singh :** When do Government propose to publish the Report of the Afghan Trade Delegation, and their own conclusions thereon? Will this House be given an opportunity of discussing the same?

Mr. H. A. F. Metcalfe : The question of publishing the Report of the Trade Commission to Afghanistan is under consideration and it is not possible at this stage to say whether the House will be given an opportunity of discussing the report.

NEGOTIATIONS BETWEEN THE KATHIAWAR STATES AND THE GOVERNMENT OF INDIA IN CONNECTION WITH THE VIRANGAM CUSTOMS REVENUE.

55. ***Mr. Gaya Prasad Singh :** (a) Is there any proposal to pay annually about Rupees two lakhs, out of the Virangam Customs receipt, to Jamnagar State, or any other State?

(b) Will Government please make a statement on the subject of any negotiations between them and the Kathiawar States in this connection, affecting in any way the revenues of India?

The Honourable Sir James Grigg : (a) I would refer the Honourable Member to the Press Communiqué issued on the 7th June, 1934, announcing that His Highness the Maharaja Jam Sahib of Nawanagar is being allowed from the 1st April, 1934, to retain the customs duty on goods passing from the Nawanagar State, outside the limits of Kathiawar, up to a maximum of Rs. 5 lakhs a year.

(b) Government are not in a position to make any statement.

Mr. Gaya Prasad Singh : Will a copy of the communiqué be laid on the table?

The Honourable Sir James Grigg : Certainly, but it has appeared in the Press, and it may be more suitable if I read it out.

Mr. Gaya Prasad Singh : Yes, you can read it out.

The Honourable Sir James Grigg :

"The issues arising out of the late Maharaja Jam Sahib of Nawanagar's protest against the re-imposition of the Virangam Customs Line against his State in 1927 were, by a Resolution of the Government of India, dated the 26th August, 1933, referred with the consent of the parties to a Court of Arbitration, consisting of the Right Honourable Viscount Dunedin, P.C., G.C.V.O., as sole member with instructions to report the results of his investigations to the Governor General.

The arbitrator has held that His Highness the Maharaja is entitled to a share in the customs collected at his ports on goods destined for British India, the Governor General being left to determine that share. The Governor General has accepted the arbitrator's finding and has fixed that share in accordance with an agreement arrived at between the parties disputing, His Highness the Maharaja being allowed from the 1st April, 1934, to retain the customs duty on goods passing from the Nawanagar State outside the limits of Kathiawar up to a maximum of Rs. five lakhs per annum, any balance over and above the figure of five lakhs being paid to the Government of India."

Sir Hari Singh Gour : May I know whether this arrangement is provisional or permanent or is likely to be altered in view of the impending constitutional changes?

The Honourable Sir James Grigg : That is a hypothetical question which, I think, should be left over to be determined when the constitutional changes take place.

Sir Hari Singh Gour : Whether this agreement is provisional or permanent is not a hypothetical question?

The Honourable Sir James Grigg : At this stage and so long as the present circumstances continue, it is not provisional.

Mr. Gaya Prasad Singh : With regard to part (b) of this question, do I understand the Government to say that there are negotiations proceeding at the present moment between the Government of India and the Kathiawar States with regard to the question of the customs duty?

The Honourable Sir James Grigg : All I say is that Government are not in a position to make any statement, and I think, if the Honourable Member will forgive me, it is not desirable that Government should at this stage make any statement.

Dr. Ziauddin Ahmad : May I know whether this question of customs duty is still under consideration?

The Honourable Sir James Grigg : Which?

Dr. Ziauddin Ahmad : The question of customs duty between the Government of India and the Kathiawar States?

The Honourable Sir James Grigg : That is precisely the question asked here, and all I can say at the moment is that I do not think it will be in the public interest to make any statement.

Mr. B. Das : Is the Honourable Member aware that the public are in the know of things, and it has been already announced that Viscount Dunedin's award is to be given to Jamnagar ?

The Honourable Sir James Grigg : The Press Communiqué was about that, and, as for the rest, as I said, I don't think it is desirable in the public interest to make any statement.

Mr. B. Das : Is the Honourable Member aware that my friend, Mr. Mody, made certain serious charges about the Kathiawar States during the discussion on the Cotton Excise Bill ? Is it not a matter of public importance, and are not the public entitled to know what action Government are taking in the matter ?

The Honourable Sir James Grigg : That is precisely the sort of consideration that the Government have got to take into account, and I believe my predecessor announced that the Government were taking certain action in the matter, but beyond that and the Press Communiqué I don't think it is desirable to say anything.

Mr. Gaya Prasad Singh : Do I understand the Government of India to plead that they can settle negotiations with the Kathiawar States affecting the revenues of India without giving this House an opportunity to discuss the question ?

The Honourable Sir James Grigg : No, Sir ; I did not say anything of the sort. What I did say was that in delicate matters of this sort, I think it is only fair that the Government of India should be the judge as to when and how any public statement should be made.

Dr. Ziauddin Ahmad : Did the Government of India hold any conference to discuss this question this week ?

The Honourable Sir James Grigg : The Honourable Member is trying to get me to make a statement, but as I have already said, it is not desirable to do so at present.

Dr. Ziauddin Ahmad : I want to know if the Government of India had a consultation on this particular question this week ?

The Honourable Sir James Grigg : I am very sorry, but even if it is a definite question, I must give the same indefinite answer.

DIVERSION OF TRADE FROM BOMBAY PORT TO KATHIAWAR PORTS.

56. ***Mr. Gaya Prasad Singh :** What steps, if any, are being taken to prevent the diversion of trade from Bombay Port to Kathiawar Ports ?

The Honourable Sir James Grigg : The matter is engaging the attention of Government.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there is any move with the Government of India to arrive at a mutual understanding between Bombay, Karachi and Kathiawar Ports with regard to the trade diversion ?

The Honourable Sir James Grigg : The introduction of the question of Karachi is a new question, and I must ask for notice, but even

so I must say that the answer will almost certainly be of the same vague and indefinite character that I have already given.

Mr. Lalchand Navalrai : When the question of diversion of trade from Bombay to Kathiawar Ports is under discussion, I merely want to know if any mutual arrangement is going to be made between Bombay and Kathiawar ?

The Honourable Sir James Grigg : That is precisely the question which is on the paper and the one which I have answered. It may be unsatisfactory, but I have given the best answer I can at the moment.

Mr. Lalchand Navalrai : On a point of order, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the point of order ?

Mr. Lalchand Navalrai : This question arises out of the original question, and I only want a reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is not asking a question which arises out of the original question. He is simply repeating the question which is on the Order Paper for which an answer has been given.

Mr. Lalchand Navalrai : I am asking whether any arrangement is going to be made and to that I am entitled to a reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Mr. Mody.

Mr. H. P. Mody : I want to ask a straight question. Have the Government of India taken any active steps with regard to the strengthening of the Viramgam cordon and with regard to the prevention of the smuggling which is admittedly going on through Cutch, Pondicherry and other places ?

The Honourable Sir James Grigg : At last we have got a question to which I can give a definite answer. Estimates for extra staff for strengthening the Viramgam line were laid last week before the Standing Finance Committee and approved by them.

Mr. H. P. Mody : What is happening with regard to Cutch, Pondicherry, Ras Bela and other places ?

The Honourable Sir James Grigg : That is still under consideration, and I cannot make any statement on that point.

NON-PROVISION OF FANS IN CERTAIN SECOND CLASS COMPARTMENTS OF CERTAIN TRAINS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

57. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that there are certain second class compartments (No. 319) in which there are no fans provided, as in the special train provided by the Bombay, Baroda and Central India Railway administration (metre gauge) to His Highness the Rajdhiraj of Shahpura State (Rajputana) which proceeded from Sareri Station (Bombay, Baroda and Central India Railway) on the 22nd May, 1934, to Dharangdhra State in Kathiawar ; or in the second class carriage (No. 472) attached to the Mail train (Bombay, Baroda

and Central India Railway) which left Delhi on the 21st May, 1934, upto Ajmer ?

(b) Do Government propose to take any steps to compel the Bombay, Baroda and Central India Railway to provide this ordinary amenity to second class passengers during the hot weather ?

(c) Will Government please state when the lease of the Bombay, Baroda and Central India Railway is due to expire ?

Mr. P. R. Rau : (a) Government understand that on the metre gauge system of the Bombay, Baroda and Central India Railway, coaches, with second class compartments used regularly on all Main Line and Branch Line services, have been provided with electric fans, but certain upper class coaches, which are at the end of their lives, have not been so provided. These latter coaches are used only for relieving purposes and in certain cases for reservation when other stock is not immediately available. One of these carriages was reserved for the party of His Highness the Raja Dhiraj of Shahpura and used on the special train from Sareri to Dhrangadhra.

The second class compartments on the mail train between Ahmadabad and Delhi are provided with fans, but on the particular day referred to, the first and second class bogie carriage was under repairs, and one of the spare carriages not provided with fans, was utilised to replace it temporarily.

The Agent, Bombay, Baroda and Central India Railway, reports that the position has again been investigated and electric fans are being provided in eight more coaches.

(b) In the circumstances stated Government do not consider any action called for at present.

(c) On the 31st December, 1941.

Mr. Gaya Prasad Singh : Do I understand the Government to say that the B. B. and C. I. Railway have agreed to provide fans in upper class carriages on the particular line in question ?

Mr. P. R. Rau : They are providing electric fans on eight more coaches.

MURDER OF INDIAN NATIONALS IN AMERICA.

58. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that the following verdict was given unanimously by a jury of 12, in America, relating to the death of Sher Singh Sathi, in June last year :

"That Sher Singh Sathi came by his death on 12th day of June, A. D. 1933 in this country, by gun shot wounds from gun in the hands of person or persons unknown on Morgan Ranch, 3 miles north, and 2 miles east of Holtville, California."

(b) Do Government propose to make an enquiry into the above, and state how this verdict can be reconciled with their statement made in this House in reply to a question of mine, that Sher Singh Sathi committed suicide ?

(c) Is it a fact that soon after the murder of Sher Singh Sathi, one Amar Singh and his companion were also murdered in that locality, and that the total number of murders of Indian nationals in America amounts to about 32 ?

(d) Do Government propose to make a thorough enquiry into the above matter, and make a statement on the subject ?

Mr. H. A. F. Metcalfe : (a)—(d). Enquiries are being made from His Majesty's Ambassador, Washington, and his reply will be communicated to the House in due course.

RIOTS IN GIRIDIH COLLIERIES.

59. ***Mr. Gaya Prasad Singh :** Will Government kindly make a statement on the subject of the recent riots in Giridih Collieries (East Indian Railway), indicating the causes, the number of casualties and the steps taken in the matter ?

The Honourable Sir Harry Haig : On the morning of the 14th May, 1934, a serious riot broke out unexpectedly at the Serampur Colliery. Immediately on receipt of the news, the Deputy Commissioner and Superintendent of Police, armed with revolvers, accompanied by an unarmed Inspector of Police and a constable, proceeded to the spot where they found about 1,000 persons (many of them armed with *lathis*), round the Manager's office, most of the windows of which were smashed. Inside the office, were the staff and some loyal workers. Outside, three motor cars and a motor bicycle had been overturned and were in flames. The Deputy Commissioner and his party charged the crowd, which at first retreated, but on realising that the party consisted of four persons only, surrounded them on three sides and began throwing stones and bricks. As the crowd became more threatening, the Deputy Commissioner warned them that unless they dispersed at once he would fire. They replied with shouts and volleys of stones and brandished their *lathis*. In this grave and threatening situation, the Deputy Commissioner, and under his orders, the Superintendent of Police, opened fire. After 11 shots had been fired, the crowd broke. One man was shot dead and three were wounded, of whom one has since died. Meanwhile another section of rioters were attempting to set fire to the Deputy Commissioner's car, but when the firing began they also fled. The men returned to work in normal numbers a few days after the riot and no further trouble is anticipated.

2. The riot is believed to have been instigated by discontented labourers of another colliery who had protested against the lowering of the rates for coal-cutting in the Giridih Collieries. This reduction in rates, which came into operation for the week ending on the 9th of May, and was otherwise generally accepted, was introduced on grounds of economy and in order to bring the rates more into conformity with those paid in other coal-fields.

PROPOSED ADOPTION OF HINDI AS A COURT LANGUAGE IN DELHI.

60. ***Mr. Gaya Prasad Singh :** (a) Have Government received any representation regarding the proposed adoption of Hindi as a Court language, along with Urdu and English in Delhi Courts ?

(b) If so, what is their decision on this subject ?

The Honourable Sir Harry Haig : (a) The Chief Commissioner, Delhi, has received a representation on the subject.

(b) In such matters the Delhi Administration follows the Punjab, as the Civil and Criminal Courts in Delhi, are subordinate to the High Court of Judicature at Lahore. Consequently so long as Hindi is not adopted as a court language in the Punjab, it is not proposed to consider the matter for Delhi.

Sir Muhammad Yakub : Will Government be pleased to say from whom this representation was received ?

The Honourable Sir Harry Haig : I am afraid I have no information about that.

Sir Muhammad Yakub : Are Government aware that a very representative All-India Urdu Conference was held in Delhi in April last, presided over by the Honourable Major Akbar Khan, which entered a strong protest against making any alteration in the court language in Delhi ?

The Honourable Sir Harry Haig : No, I was not aware of that.

Sir Muhammad Yakub : Will Government make enquiries and find out the proceedings of that Conference ?

The Honourable Sir Harry Haig : I do not think I am called upon to make any such enquiries.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under standing order 78, I have to report that 1,262 petitions as per statement laid on the table have been received relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
120	Ramnad	Madras.	9	Guntur	Madras.
11	Do.	Do.	14	Do.	Do.
89	Tirumayam	Do.	4	Do.	Do.
30	Do.	Do.	4	Do.	Do.
6	Do.	Do.	4	Do.	Do.
32	Do.	Do.	4	Do.	Do.
23	Do.	Do.	4	Do.	Do.
170	Do.	Do.	6	Do.	Do.
237	Vellore	Do.	33	Do.	Do.
246	Do.	Do.	4	Do.	Do.
15	Guntur	Do.	6	Do.	Do.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
5	Guntur	Madras.	167	Trichinopoly	Madras.
20	Do.	Do.	42	Do.	Do.
14	Do.	Do.	143	Do.	Do.
37	Do.	Do.	32	Do.	Do.
43	Do.	Do.	53	Do.	Do.
1	Do.	Do.	37	Do.	Do.
1	Do.	Do.	42	Do.	Do.
3	Do.	Do.	201	Do.	Do.
3	Do.	Do.	123	Do.	Do.
5	Do.	Do.	43	Do.	Do.
7	Do.	Do.	43	Do.	Do.
6	Do.	Do.	156	Do.	Do.
46	Do.	Do.	496	Do.	Do.
34	Do.	Do.	44	Do.	Do.
7	Do.	Do.	45	Do.	Do.
22	Do.	Do.	35	Tanjore	Do.
22	Do.	Do.	15	Do.	Do.
21	Do.	Do.	10	Do.	Do.
251	Tanjore	Do.	6	Do.	Do.
231	Do.	Do.	35	Do.	Do.
284	Do.	Do.	42	Do.	Do.
61	Do.	Do.	26	Do.	Do.
93	Do.	Do.	25	Do.	Do.
35	Do.	Do.	12	Anantapur	Do.
27	Do.	Do.	33	Do.	Do.
27	Do.	Do.	27	Do.	Do.
200	Do.	Do.	18	Do.	Do.
219	Do.	Do.	25	Do.	Do.
246	Do.	Do.	23	Do.	Do.
235	Do.	Do.	23	Chittur	Do.
25	Do.	Do.	22	Do.	Do.
54	Trichinopoly	Do.	6	Do.	Do.
53	Do.	Do.	30	Do.	Do.
54	Do.	Do.	32	Do.	Do.
61	Do.	Do.	22	Do.	Do.
52	Do.	Do.	21	Do.	Do.
42	Do.	Do.	34	Do.	Do.
41	Do.	Do.	25	Do.	Do.
44	Do.	Do.	29	Do.	Do.
			39	Do.	Do.
			30	Do.	Do.
			25	Do.	Do.
			39	Do.	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
21	Chittur	Madras.	27	Guntur	Madras.
27	Do.	Do.	30	Do.	Do.
41	Do.	Do.	7	Do.	Do.
35	Do.	Do.	7	Do.	Do.
43	Tanjore.	Do.	7	Do.	Do.
30	Do.	Do.	27	Do.	Do.
33	Do.	Do.	4	Do.	Do.
32	Do.	Do.	5	Do.	Do.
46	Trichinopoly	Do.	5	Do.	Do.
37	Do.	Do.	22	..	Do.
30	Do.	Do.	19	..	Do.
50	Do.	Do.	18	..	Do.
39	Do.	Do.	17	..	Do.
45	Do.	Do.	19	..	Do.
39	Do.	Do.	14	..	Do.
36	Do.	Do.	17	..	Do.
41	..	Do.	19	..	Do.
42	..	Do.	18	..	Do.
44	..	Do.	19	..	Do.
39	..	Do.	18	..	Do.
47	..	Do.	18	..	Do.
46	..	Do.	18	..	Do.
29	..	Do.	23	..	Do.
139	Trichinopoly	Do.	19	..	Do.
36	Do.	Do.	28	..	Do.
270	..	Do.	32	..	Do.
54	..	Do.	25	..	Do.
56	..	Do.	24	..	Do.
157	..	Do.	12	..	Do.
46	..	Do.	40	..	Do.
39	Guntur	Do.	37	..	Do.
12	Do.	Do.	40	..	Do.
11	Do.	Do.	25	..	Do.
27	Do.	Do.	29	..	Do.
15	Do.	Do.	37	..	Do.
8	Do.	Do.	21	..	Do.
25	Do.	Do.	20	..	Do.
8	Do.	Do.	21	..	Do.
7	Do.	Do.	18	..	Do.
4	Do.	Do.	20	..	Do.
9	Do.	Do.	17	..	Do.
13	Do.	Do.	18	..	Do.
7	Do.	Do.			

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
20	..	Madras.	19	..	Madras.
22	..	Do.	17	..	Do.
17	..	Do.	18	..	Do.
19	..	Do.	32	..	Do.
21	..	Do.	20	..	Do.
23	..	Do.	26	..	Do.
18	..	Do.	28	..	Do.
23	..	Do.	27	..	Do.
18	..	Do.	21	..	Do.
24	..	Do.	28	..	Do.
17	..	Do.	18	..	Do.
18	..	Do.	31	..	Do.
19	..	Do.	33	..	Do.
8	..	Do.	34	..	Do.
15	..	Do.	24	..	Do.
24	..	Do.	28	..	Do.
19	..	Do.	23	..	Do.
27	..	Do.	16	..	Do.
25	..	Do.	13	..	Do.
22	..	Do.	12	..	Do.
22	..	Do.	32	..	Do.
26	..	Do.	17	..	Do.
25	..	Do.	22	..	Do.
27	..	Do.	9	..	Do.
24	..	Do.	20	..	Do.
28	..	Do.	27	..	Do.
35	..	Do.	19	..	Do.
24	..	Do.	18	..	Do.
20	..	Do.	16	..	Do.
19	..	Do.	18	..	Do.
28	..	Do.	15	..	Do.
36	..	Do.	17	..	Do.
22	..	Do.	20	..	Do.
24	..	Do.	19	..	Do.
29	..	Do.	16	..	Do.
16	..	Do.	64	..	Do.
15	..	Do.	16	..	Do.
18	..	Do.	25	..	Do.
16	..	Do.	23	..	Do.
19	..	Do.	22	..	Do.
19	..	Do.	25	..	Do.
	..	Do.	25	..	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
21	..	Madras.	14	..	Madras.
21	..	Do.	23	..	Do.
22	..	Do.	29	..	Do.
24	..	Do.	36	..	Do.
23	..	Do.	27	..	Do.
16	..	Do.	18	..	Do.
24	..	Do.	25	..	Do.
27	..	Do.	18	..	Do.
36	..	Do.	27	..	Do.
28	..	Do.	21	..	Do.
17	..	Do.	19	..	Do.
37	..	Do.	30	..	Do.
21	..	Do.	28	..	Do.
26	..	Do.	27	..	Do.
28	..	Do.	23	..	Do.
19	..	Do.	24	..	Do.
23	..	Do.	21	..	Do.
25	..	Do.	25	..	Do.
22	..	Do.	24	..	Do.
24	..	Do.	19	..	Do.
23	..	Do.	21	..	Do.
22	..	Do.	20	..	Do.
23	..	Do.	26	..	Do.
25	..	Do.	17	..	Do.
26	..	Do.	18	..	Do.
25	..	Do.	21	..	Do.
25	..	Do.	25	..	Do.
21	..	Do.	24	..	Do.
22	..	Do.	25	..	Do.
23	..	Do.	19	..	Do.
26	..	Do.	22	..	Do.
22	..	Do.	21	..	Do.
21	..	Do.	24	..	Do.
19	..	Do.	17	..	Do.
23	..	Do.	2	..	Do.
25	..	Do.	21	..	Do.
28	..	Do.	20	..	Do.
23	..	Do.	72	..	Do.
19	..	Do.	16	..	Do.
21	..	Do.	16	..	Do.
20	..	Do.	14	..	Do.
22	..	Do.	26	..	Do.
24	..	Do.	24	..	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
26	..	Madras.	19	..	Madras.
19	..	Do.	19	..	Do.
23	..	Do.	23	..	Do.
25	..	Do.	22	..	Do.
33	..	Do.	9	..	Do.
21	..	Do.	17	..	Do.
22	..	Do.	8	..	Do.
16	..	Do.	17	..	Do.
18	..	Do.	10	..	Do.
21	..	Do.	18	..	Do.
23	..	Do.	19	..	Do.
19	..	Do.	15	..	Do.
15	..	Do.	25	..	Do.
24	..	Do.	29	..	Do.
14	..	Do.	24	..	Do.
29	..	Do.	21	..	Do.
24	..	Do.	26	..	Do.
25	..	Do.	31	..	Do.
24	..	Do.	27	..	Do.
20	..	Do.	26	..	Do.
30	..	Do.	25	..	Do.
33	..	Do.	28	..	Do.
22	..	Do.	28	..	Do.
32	..	Do.	256	..	Do.
25	..	Do.	24	..	Do.
20	..	Do.	26	..	Do.
26	..	Do.	28	..	Do.
27	..	Do.	27	..	Do.
28	..	Do.	30	..	Do.
25	..	Do.	21	..	Do.
22	..	Do.	32	..	Do.
173	..	Do.	19	..	Do.
41	..	Do.	23	..	Do.
20	..	Do.	19	..	Do.
30	..	Do.	28	..	Do.
24	..	Do.	5	Salem	Do.
31	..	Do.	17	Do.	Do.
19	..	Do.	12	Do.	Do.
20	..	Do.	25	Do.	Do.
28	..	Do.	4	Do.	Do.
20	..	Do.	20	Do.	Do.
24	..	Do.	25	Do.	Do.
29	..	Do.	25	Do.	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
28	Salem	Madras.	24	..	Madras.
21	..	Do.	22	..	Do.
27	..	Do.	9	..	Do.
28	..	Do.	46	..	Do.
27	..	Do.	17	..	Do.
19	..	Do.	41	..	Do.
27	..	Do.	28	..	Do.
22	..	Do.	27	..	Do.
26	..	Do.	19	..	Do.
32	..	Do.	22	..	Do.
31	..	Do.	19	..	Do.
23	..	Do.	24	..	Do.
28	..	Do.	23	..	Do.
33	..	Do.	22	..	Do.
27	..	Do.	25	Calicut	Do.
29	..	Do.	23	Do.	Do.
20	..	Do.	32	Do.	Do.
23	..	Do.	28	Do.	Do.
24	..	Do.	99	Do.	Do.
27	..	Do.	32	Do.	Do.
13	..	Do.	26	Do.	Do.
18	..	Do.	21	Do.	Do.
23	..	Do.	30	Do.	Do.
21	..	Do.	17	Do.	Do.
28	..	Do.	32	Do.	Do.
26	..	Do.	23	Do.	Do.
24	..	Do.	24	Do.	Do.
9	..	Do.	27	Do.	Do.
19	..	Do.	21	Do.	Do.
11	..	Do.	28	Do.	Do.
20	..	Do.	30	Do.	Do.
19	..	Do.	19	Do.	Do.
23	..	Do.	18	Do.	Do.
18	..	Do.	11	Do.	Do.
31	..	Do.	14	Do.	Do.
25	..	Do.	25	Do.	Do.
29	..	Do.	14	Do.	Do.
1	..	Do.	14	Do.	Do.
21	..	Do.	13	Do.	Do.
20	..	Do.	24	Do.	Do.
17	..	Do.	26	Do.	Do.
20	..	Do.	179	Do.	Do.
18	..	Do.			

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
15	Calicut	Madras	27	..	Madras.
22	Do.	Do.	34	..	Do.
14	Do.	Do.	25	..	Do.
19	Do.	Do.	27	..	Do.
12	Do.	Do.	18	..	Do.
18	Do.	Do.	21	..	Do.
22	..	Do.	20	..	Do.
24	..	Do.	29	..	Do.
25	..	Do.	33	..	Do.
22	..	Do.	24	..	Do.
25	..	Do.	28	..	Do.
23	..	Do.	11	..	Do.
29	..	Do.	24	..	Do.
26	..	Do.	27	..	Do.
22	..	Do.	26	..	Do.
27	..	Do.	17	..	Do.
15	..	Do.	22	..	Do.
11	..	Do.	31	..	Do.
16	..	Do.	22	..	Do.
22	..	Do.	23	..	Do.
25	..	Do.	26	..	Do.
24	..	Do.	24	..	Do.
24	..	Do.	33	..	Do.
25	..	Do.	33	..	Do.
25	..	Do.	25	..	Do.
24	..	Do.	28	..	Do.
27	..	Do.	31	..	Do.
35	..	Do.	19	..	Do.
21	..	Do.	29	..	Do.
29	..	Do.	20	..	Do.
27	..	Do.	23	..	Do.
25	..	Do.	24	..	Do.
28	..	Do.	22	..	Do.
27	..	Do.	26	..	Do.
36	..	Do.	21	..	Do.
36	..	Do.	24	..	Do.
28	..	Do.	35	..	Do.
24	..	Do.	17	..	Do.
34	..	Do.	19	..	Do.
24	..	Do.	23	..	Do.
24	..	Do.	17	..	Do.
92	..	Do.	14	..	Do.
			27	..	Do.

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No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
25	..	Madras.	19	..	Bombay.
25	..	Do.	20	..	Do.
26	..	Do.	20	..	Do.
25	..	Do.	23	..	Do.
18	..	Do.	8	..	Do.
30	..	Do.	21	..	Do.
32	..	Do.	26	..	Do.
37	..	Do.	20	..	Do.
29	..	Do.	22	..	Do.
15	..	Do.	21	..	Do.
17	..	Do.	19	..	Do.
25	..	Do.	18	..	Do.
16	..	Do.	21	..	Do.
26	..	Do.	22	..	Do.
25	..	Do.	15	..	Do.
35	..	Do.	19	..	Do.
24	..	Do.	16	..	Do.
27	..	Do.	15	..	Do.
25	..	Do.	17	..	Do.
23	..	Do.	18	..	Do.
27	..	Do.	20	..	Do.
23	..	Do.	15	..	Do.
27	..	Do.	22	..	Do.
31	..	Do.	7	..	Do.
28	..	Do.	24	..	Do.
25	..	Do.	20	..	Do.
28	..	Do.	22	..	Do.
18	..	Do.	20	..	Do.
1	..	Do.	19	..	Do.
22	..	Do.	9	..	Do.
26	..	Do.	25	..	Do.
13	..	Do.	19	..	Do.
9	..	Do.	18	..	Do.
16	..	Do.	12	..	Do.
19	..	Do.	8	..	Do.
17	..	Bombay.	20	..	Do.
21	..	Do.	16	..	Do.
15	..	Do.	19	..	Do.
11	..	Do.	24	..	Do.
19	..	Do.	15	..	Do.
27	..	Do.	17	..	Do.
26	..	Do.	15	..	Do.
15	..	Do.	16	..	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
18	..	Bombay.	33	Karachi	Bombay.
16	..	Do.	21	Do.	Do.
14	..	Do.	16	Do.	Do.
21	..	Do.	15	Do.	Do.
22	..	Do.	18	Do.	Do.
21	..	Do.	11	Do.	Do.
13	..	Do.	12	Do.	Do.
17	..	Do.	21	Do.	Do.
19	..	Do.	8	Do.	Do.
20	..	Do.	10	Do.	Do.
14	..	Do.	10	Do.	Do.
24	..	Do.	14	Do.	Do.
1428	..	Do.	30	Do.	Do.
28	Karachi	Do.	36	Do.	Do.
31	Do.	Do.	30	Do.	Do.
55	Do.	Do.	188	Do.	Do.
28	Do.	Do.	10	Larkana	Do.
18	Do.	Do.	13	Do.	Do.
20	Do.	Do.	46	Do.	Do.
8	Do.	Do.	33	Do.	Do.
15	Do.	Do.	24	Do.	Do.
21	Do.	Do.	28	Do.	Do.
15	Do.	Do.	20	Do.	Do.
19	Do.	Do.	29	Do.	Do.
13	Do.	Do.	77	..	Madras.
22	Do.	Do.	173	..	Do.
26	Do.	Do.	84	..	Do.
16	Do.	Do.	372	..	Do.
17	Do.	Do.	36	..	Do.
12	Do.	Do.	357	..	Do.
25	Do.	Do.	49	..	Do.
23	Do.	Do.	62	..	Do.
23	Do.	Do.	121	..	Do.
22	Do.	Do.	48	..	Do.
22	Do.	Do.	55	..	Do.
24	Do.	Do.	109	..	Do.
25	Do.	Do.	75	..	Do.
17	Do.	Do.	110	..	Do.
20	Do.	Do.	126	..	Do.
23	Do.	Do.	39	..	Do.
19	Do.	Do.	89	..	Do.
25	Do.	Do.	50	..	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
199	..	Madras.	92	Darbhanga	Bihar and Orissa.
17	..	Do.	87	Do.	Do.
13	..	Do.	79	Do.	Do.
36	..	Do.	79	Do.	Do.
117	..	Do.	61	Do.	Do.
276	..	Do.	203	Do.	Do.
210	..	Do.	73	Do.	Do.
132	..	Do.	75	Do.	Do.
30	..	Do.	31	Do.	Do.
181	..	Do.	30	Do.	Do.
153	..	Do.	12	Do.	Do.
309	..	Do.	33	Do.	Do.
54	..	Do.	23	Do.	Do.
573	..	Do.	25	Do.	Do.
39	Darbhanga	Bihar and Orissa.	44	Do.	Do.
101	Do.	Do.	57	Do.	Do.
114	Do.	Do.	45	Do.	Do.
63	Do.	Do.	22	Do.	Do.
97	Do.	Do.	171	Do.	Do.
96	Do.	Do.	14	Do.	Do.
105	Do.	Do.	45	Do.	Do.
116	Do.	Do.	13	Do.	Do.
110	Do.	Do.	15	Do.	Do.
81	Do.	Do.	133	Do.	Do.
130	Do.	Do.	81	Do.	Do.
107	Do.	Do.	13	Do.	Do.
70	Do.	Do.	46	Do.	Do.
101	Do.	Do.	38	Do.	Do.
34	Do.	Do.	55	Do.	Do.
28	Do.	Do.	73	Do.	Do.
24	Do.	Do.	15	Do.	Do.
57	Do.	Do.	4	Do.	Do.
35	Do.	Do.	74	Do.	Do.
12	Do.	Do.	99	Do.	Do.
52	Do.	Do.	21	Do.	Do.
35	Do.	Do.	56	Do.	Do.
10	Do.	Do.	124	Do.	Do.
52	Do.	Do.	24	Do.	Do.
66	Do.	Do.	11	Do.	Do.
78	Do.	Do.	45	Do.	Do.
74	Do.	Do.	54	Do.	Do.
73	Do.	Do.	90	Do.	Do.
73	Do.	Do.	99	Do.	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
54	Darbhanga	Bihar and Orissa.	17	Darbhanga	Bihar and Orissa.
53	Do.	Do.	27	Do.	Do.
64	Do.	Do.	83	Do.	Do.
50	Do.	Do.	88	Do.	Do.
5	Do.	Do.	84	Do.	Do.
86	Do.	Do.	79	Do.	Do.
62	Do.	Do.	86	Do.	Do.
24	Do.	Do.	94	Do.	Do.
48	Do.	Do.	40	Do.	Do.
80	Do.	Do.	30	Do.	Do.
43	Do.	Do.	44	Do.	Do.
21	Do.	Do.	82	Do.	Do.
12	Do.	Do.	71	Do.	Do.
84	Do.	Do.	52	Do.	Do.
11	Do.	Do.	66	Do.	Do.
13	Do.	Do.	35	Do.	Do.
59	Do.	Do.	43	Do.	Do.
104	Do.	Do.	31	Do.	Do.
26	Do.	Do.	24	Do.	Do.
54	Do.	Do.	75	Do.	Do.
34	Do.	Do.	82	Do.	Do.
5	Do.	Do.	79	Do.	Do.
29	Do.	Do.	72	Do.	Do.
18	Do.	Do.	62	Do.	Do.
52	Do.	Do.	40	Do.	Do.
63	Do.	Do.	62	Do.	Do.
46	Do.	Do.	56	Do.	Do.
37	Do.	Do.	56	Do.	Do.
49	Do.	Do.	68	Do.	Do.
60	Do.	Do.	78	Do.	Do.
13	Do.	Do.	92	Do.	Do.
61	Do.	Do.	84	Do.	Do.
19	Do.	Do.	105	Do.	Do.
40	Do.	Do.	21	Do.	Do.
45	Do.	Do.	52	Do.	Do.
6	Do.	Do.	77	Do.	Do.
56	Do.	Do.	58	Do.	Do.
95	Do.	Do.	51	Do.	Do.
51	Do.	Do.	20	Do.	Do.
53	Do.	Do.	39	Do.	Do.
8	Do.	Do.	80	Do.	Do.
23	Do.	Do.	82	Do.	Do.
28	Do.	Do.	52	Do.	Do.
35	Do.	Do.			

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
61	Darbhanga	Bihar and Orissa.	43	Darbhanga	Bihar and Orissa.
43	Do.	Do.	4	Do.	Do.
95	Do.	Do.	7	Do.	Do.
83	Do.	Do.	27	Do.	Do.
104	Do.	Do.	25	Do.	Do.
107	Do.	Do.	64	Do.	Do.
87	Do.	Do.	24	Do.	Do.
92	Do.	Do.	30	Do.	Do.
78	Do.	Do.	49	Do.	Do.
53	Do.	Do.	102	Do.	Do.
37	Do.	Do.	33	Do.	Do.
25	Do.	Do.	14	Do.	Do.
76	Do.	Do.	25	Do.	Do.
37	Do.	Do.	14	Do.	Do.
4	Do.	Do.	31	Do.	Do.
40	Do.	Do.	17	Do.	Do.
64	Do.	Do.	72	Do.	Do.
73	Do.	Do.	55	Do.	Do.
33	Do.	Do.	60	Do.	Do.
49	Do.	Do.	35	Do.	Do.
33	Do.	Do.	62	Do.	Do.
26	Do.	Do.	5	Do.	Do.
28	Do.	Do.	34	Do.	Do.
89	Do.	Do.	45	Do.	Do.
76	Do.	Do.	29	Do.	Do.
30	Do.	Do.	61	Do.	Do.
51	Do.	Do.	16	Do.	Do.
40	Do.	Do.	29	Do.	Do.
35	Do.	Do.	37	Do.	Do.
38	Do.	Do.	54	Do.	Do.
35	Do.	Do.	81	Do.	Do.
19	Do.	Do.	85	Do.	Do.
48	Do.	Do.	43	Do.	Do.
50	Do.	Do.	20	Do.	Do.
41	Do.	Do.	132	Do.	Do.
41	Do.	Do.	33	Do.	Do.
44	Do.	Do.	42	Do.	Do.
46	Do.	Do.	84	Do.	Do.
26	Do.	Do.	33	Do.	Do.
72	Do.	Do.	6	Do.	Do.
26	Do.	Do.	27	Do.	Do.
24	Do.	Do.	40	Do.	Do.
59	Do.	Do.	80	Do.	Do.
52	Do.	Do.			

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
30	Darbhanga	Bihar and Orissa.	66	Darbhanga	Bihar and Orissa.
24	Do.	Do.	67	Do.	Do.
38	Do.	Do.	33	Do.	Do.
33	Do.	Do.	37	Do.	Do.
19	Do.	Do.	23	Do.	Do.
17	Do.	Do.	36	Do.	Do.
69	Do.	Do.	96	Do.	Do.
9	Do.	Do.	35	Do.	Do.
45	Do.	Do.	76	Do.	Do.
27	Do.	Do.	45	Do.	Do.
81	Do.	Do.	47	Do.	Do.
70	Do.	Do.	45	Do.	Do.
72	Do.	Do.	54	Do.	Do.
70	Do.	Do.	42	Do.	Do.
76	Do.	Do.	46	Do.	Do.
99	Do.	Do.	44	Do.	Do.
64	Do.	Do.	37	Do.	Do.
67	Do.	Do.	26	Do.	Do.
85	Do.	Do.	71	Do.	Do.
34	Do.	Do.	68	Do.	Do.
57	Do.	Do.	54	Do.	Do.
21	Do.	Do.	41	Do.	Do.
51	Do.	Do.	56	Do.	Do.
52	Do.	Do.	60	Do.	Do.
46	Do.	Do.	67	Do.	Do.
41	Do.	Do.	41	Do.	Do.
37	Do.	Do.	53	Do.	Do.
46	Do.	Do.	63	Do.	Do.
31	Do.	Do.	72	Do.	Do.
53	Do.	Do.	68	Do.	Do.
12	Do.	Do.	71	Do.	Do.
63	Do.	Do.	109	Do.	Do.
102	Do.	Do.	107	Do.	Do.
60	Do.	Do.	86	Do.	Do.
55	Do.	Do.	101	Do.	Do.
58	Do.	Do.	45	Do.	Do.
88	Do.	Do.	44	Do.	Do.
73	Do.	Do.	98	Do.	Do.
78	Do.	Do.	13	Do.	Do.
62	Do.	Do.	13	Do.	Do.
82	Do.	Do.	26	Do.	Do.
42	Do.	Do.	101	Do.	Do.
15	Do.	Do.	70	Do.	Do.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
69	Darbhanga	Bihar and Orissa.	9	Darbhanga	Bihar and Orissa.
42	Do.	Do.	5	Do.	Do.
90	Do.	Do.	9	Do.	Do.
91	Do.	Do.	8	Do.	Do.
86	Do.	Do.	8	Do.	Do.
74	Do.	Do.	4	Do.	Do.
106	Do.	Do.	1	Do.	Do.
116	Do.	Do.	9	Do.	Do.
97	Do.	Do.	10	Do.	Do.
137	Do.	Do.	9	Do.	Do.
79	Do.	Do.	8	Do.	Do.
28	Do.	Do.	12	Do.	Do.
34	Do.	Do.	7	Do.	Do.
45	Do.	Do.	3	Do.	Do.
49	Do.	Do.	9	Do.	Do.
20	Do.	Do.	12	Do.	Do.
42	Do.	Do.	8	Do.	Do.
47	Do.	Do.	8	Do.	Do.
55	Do.	Do.	9	Do.	Do.
26	Do.	Do.	10	Do.	Do.
54	Do.	Do.	7	Do.	Do.
4	Do.	Do.	10	Do.	Do.
4	Do.	Do.	11	Do.	Do.
4	Do.	Do.	9	Do.	Do.
5	Do.	Do.	10	Do.	Do.
5	Do.	Do.	9	Do.	Do.
9	Do.	Do.	2	Do.	Do.
5	Do.	Do.	10	Do.	Do.
5	Do.	Do.	9	Do.	Do.
9	Do.	Do.	9	Do.	Do.
9	Do.	Do.	22	Do.	Do.
20	Do.	Do.	25	Do.	Do.
6	Do.	Do.	34	Do.	Do.
26	Do.	Do.	30	Do.	Do.
22	Do.	Do.	53	Do.	Do.
4	Do.	Do.	25	Do.	Do.
15	Do.	Do.	25	Do.	Do.
6	Do.	Do.	25	Do.	Do.
5	Do.	Do.	39	Do.	Do.
5	Do.	Do.	39	Do.	Do.
11	Do.	Do.	37	Do.	Do.
7	Do.	Do.	22	Do.	Do.
			26	Do.	Do.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
8	Darbhanga	Bihar and Orissa.	27	Arrah	Bihar and Orissa.
27	Do.	Do.	30	Do.	Do.
53	Arrah	Do.	17	Do.	Do.
71	Do.	Do.	35	Do.	Do.
85	Do.	Do.	25	Do.	Do.
72	Do.	Do.	30	Do.	Do.
13	Do.	Do.	39	Do.	Do.
52	Do.	Do.	22	Do.	Do.
107	Do.	Do.	131	Do.	Do.
46	Do.	Do.	26	Do.	Do.
13	Do.	Do.	2	Benares	United Provinces
26	Do.	Do.	1	Do.	Do.
51	Do.	Do.	3	Do.	Do.
38	Do.	Do.	12	Do.	Do.
27	Do.	Do.	13	Do.	Do.
37	Do.	Do.	10	Do.	Do.
42	Do.	Do.	11	Do.	Do.
78	Do.	Do.	7	Do.	Do.
37	Do.	Do.	14	Do.	Do.
52	Do.	Do.	4	Do.	Do.
7	Do.	Do.	78	Ballia	Do.
30	Do.	Do.	28	Budaon	Do.
42	Do.	Do.			
43	Do.	Do.			
56	Do.	Do.			
			41,198		

DEATH OF SIR DINSHAW MULLA.

The Honourable Sir Joseph Bore (Leader of the House) : Sir, with your permission I should like to make good an omission for which I was responsible yesterday. I had not realised at the time that that great lawyer, the Right Honourable Sir Dinshaw Mulla, had at one time been a Member of this House. I need not say anything about his great legal attainments. The fact that he was a Member of the Judicial Committee of the Privy Council is evidence of his great eminence in that field. Those who knew him were always struck by his readiness to sacrifice all personal considerations at the call of duty. He never hesitated to sacrifice his lucrative practice when he felt that by so doing he could in some way serve the public. His personal simplicity, his great charm of manner, and his utter genuineness endeared him to all those who came into contact with him. I would ask you, Sir, to convey to the late Sir Dinshaw Mulla's relatives our deep sympathy with them in their loss.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I associate myself and the Independent Party which I represent in this

[Sir Abdur Rahim.] House with all that has fallen from the Leader of the House regarding the late Sir Dinshaw Mulla. We lawyers are familiar with his works and very few legal practitioners could do without some of those books. As has been said, he was undoubtedly a lawyer of very great distinction. I have not had the privilege of coming into contact with him, but certainly he was held in great respect by very large circles in India. We are very sorry to hear of his death. We hoped that he would be able to serve on the Privy Council for many a year, but apparently that was not what was decreed. Sir, I support the motion that has been made that the expression of the sorrow of this Assembly be conveyed to the members of the family of the late Right Honourable Sir Dinshaw Mulla.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I heartily associate myself and my Party with what has fallen from the Leader of the House and the Leader of the Opposition. Sir, the late Right Honourable Sir Dinshaw Mulla was a great lawyer and his books have always been appreciated by students as well as by members of the bar. He was of unassuming manners, and wherever he went and whatever work he put his hand to, he was always respected and his work was always crowned with success. We all expected that he would do a very great service to Indian law by pronouncing judgments from the Privy Council, but it has pleased Providence to ordain otherwise and his career has been cut short abruptly. He was a respected citizen of Bombay and was a great public servant and we all mourn his loss. I heartily support the motion brought forward by the Leader of the House to request you to convey the sentiments expressed here to the members of his family.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on behalf of the Centre Party, I associate myself with everything that the previous speakers have spoken about the late Right Honourable Sir Dinshaw Mulla. To every student of law, Sir Dinshaw Mulla's name is familiar. In fact it would be hardly any exaggeration to say that he was the most lucid legal writer which India has ever produced up till now. Sir, I support the motion for conveying our condolences to his bereaved family.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I heartily associate myself with the motion proposed by the Leader of the House to convey to the bereaved family of Sir Dinshaw Mulla the deepest condolences of this House. Sir, I knew Sir Dinshaw Mulla for the last forty years, and working as I have in the same field as he did, I knew how to appreciate his great acumen, earnestness and legal learning which characterised him in all his activities and all his forensic dealings with his clients and the judges. Sir Dinshaw occupied the high position of Law Member of the Government of India for a short time and it was not long after that he was elevated to a seat on the Judicial Committee of the Privy Council where he distinguished himself, but his failing health deprived that august body of a great Indian lawyer, and I am sure that everybody in this House feels the untimely death of Sir Dinshaw Mulla as a great loss to the nation. I associate myself with every word that has fallen from the previous speakers and the Leader of the House.

Sir Leslie Hudson (Bombay : European) : Sir, I wish to associate myself and my Party with everything that has fallen from the previous

Honourable Members in regard to the sad demise of Sir Dinshaw Mulla. It is a year now that Sir Dinshaw Mulla, Bombay's eminent lawyer, left this country, and Bombay and India have suffered a great loss in his death. Sir Dinshaw Mulla, in addition to his great legal talents, had a very wide circle of friends in Bombay, and not the least among the European community. We all regret his demise, and I heartily support the motion before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : I associate the Chair with the tribute paid to the memory of the late Sir Dinshaw Mulla. Though it was not my privilege to know Sir Dinshaw Mulla personally, yet, as a student of law, I can bear testimony to the great respect in which he was held by the legal world in India. It shall be my duty to convey to the members of Sir Dinshaw's family the sense of sorrow of this House at the loss of one who was for some time our colleague.

THE FACTORIES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration."

I do not think that it is necessary for me to make a very lengthy speech in support of this motion, but I should like at the outset to remind the House of the history of the Bill. After the recommendations of the Whitley Commission had been before the general public for some time, the Government of India circulated a Bill based on those recommendations, so far as they related to factory labour, to Local Governments and the interests concerned for opinion. As I mentioned to the House when I introduced this Bill at the September Session last year, we received a mass of opinions amounting to some 360 printed foolscap pages—more in volume than the Report of the Labour Commission itself. After receiving those opinions, we went very carefully through them in consultation with the Chief Inspectors of Factories from the various Provinces. We modified the Bill in the light of the discussions we had with them, and I introduced it in this House on the 8th September last year. I moved for reference to a Select Committee on the 15th September and the House accepted that reference. As I explained then, we wished to give Members plenty of time to consider the volume of literature which we placed at their disposal. For that reason the Select Committee did not meet until January of this year. When they met, they sat for some days, and went through the Bill with a care and thoroughness which I am very glad to have this opportunity of acknowledging on the floor of this House. In their examination of the Bill, they, as we had been before, were assisted by the Chief Inspectors of Factories—Mr. Johnson from Bombay, Mr. Macbride from Bengal and Mr. Abel from the United Provinces, and, I am sure, the members of the Select Committee will wish me to bring to the special notice of the House the great help that they derived from the presence of the Factory Inspectors at their deliberations. I am sure that the members of the Select Committee, like myself, were convinced of the desire of the Factory Inspectors to administer the Factories Act in the best interests of employers and employed alike, and, not only of their desire, but of their capacity to do so. The House will have seen for itself from the Bill which

[Sir Frank Noyce.]

is now before it that the changes made by the Select Committee are very numerous, though, as I shall again emphasise later on, no changes have been made in any matter of fundamental importance. I had hoped that it would be possible to pass this Bill in the course of the last Delhi Session, but it had to be postponed to more urgent, though I would not admit more important, work. I have given this brief history of the Bill in the hope of convincing the House that there have been very few Bills which have been placed before it which have been examined more fully than this, and I trust that the House will be convinced that the measure in the form which is now placed before it is administratively sound and workable. As I mentioned last September, the Bill deals with a mass of detail. There are over 80 clauses and, this being so, the House will not expect me to deal at any length with the changes which have been made in the Select Committee. I propose shortly to mention one or two of these changes very briefly, but I should like to refer now to one point, the most important point in the Bill, namely, the question of hours.

When I moved the motion for reference to the Select Committee, I explained that the 54-hour week had been generally accepted by employers throughout India, but that there was one very important minority which had not yet accepted it, and that was the cotton textile industry in most parts of India and especially in the Province of Bombay. I hoped that the question of the 54-hour week would not prove a controversial one in the Select Committee, and I am very glad to say that that hope has been fulfilled. As the House will see from the note—it is not a minute of dissent, I am glad to say—appended by Mr. Mody to the report of the Select Committee he has accepted the shorter hours on behalf of the very important industry which he represents. I am also glad to be able to add that the Government of India have also been told by the Employers Federation of India that they also do not oppose the provisions of the Bill which relate to shorter hours. I think I am right in saying that that Federation embraces employers who have in their employ by far the greater part of the workers in our most important industries. I made an appeal on that occasion to Mr. Mody. Unfortunately he was not here himself to hear it, but I imagine that he read it in due course and that was to endeavour to induce the interests which he represents to introduce the 54-hour week in advance of the passing of the Bill. I recognised at the time, and I recognise even more fully now, that that was making perhaps too great a demand on human nature. But it is satisfactory to know that the Bombay Millowners' Association have gone some way to meet us in this respect. As the House will have gathered from the statements which have appeared in the Press recently, the Bombay Millowners' Association is introducing a system of standardised wages. Mr. Mody will doubtless be ready to explain to the House more fully than I can do exactly what is involved in that system. As I understand it, a system of minimum wages is being introduced. As regards time workers, it is provided that the scale, which is in no case lower than the scale which is, in most cases, I think, in the great majority of cases, being paid at present, provides that when the 9-hour-day is introduced, there shall be no reduction. So, the vast majority, at any rate, of workers in Bombay in the cotton textile industry who are paid by time will not suffer when the new hours are introduced. Mr. Mody will doubtless correct me if I am wrong.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : That is so.

The Honourable Sir Frank Noyce : As regards the piece workers, the position is somewhat different. As I said last year, Government, at any rate, fully recognise that shorter hours must in some cases involve some sacrifice on the part of the workers. I am glad to say that the Bombay Millowners' Association are doing something to reduce that sacrifice. Their new scale is based on a 35 per cent. dear food allowance for the piece workers. When the 9-hour-day is introduced, they propose to raise that dear food allowance to 40 per cent, so that the sacrifice will be divided between the workers and the millowners. It is hoped, and past experience has shown that there is good reason to believe, that a considerable part of the difference in wages due to the fall in the output on the piece work system owing to the decrease in hours will be made up by increased efficiency. That has been the experience in other parts of India, and I have been told by one of the leading millowners of India—not in Bombay—that he regards the 9-hour-day which has been in force in his mill for a long time past as a good investment. I trust that Bombay will have the same happy experience. It was not to be expected that my Honourable friend, Mr. Joshi, would be content with this result. I should like here to say how deeply I regret his absence today which I am sorry to say is due to the fact that his daughter has been suffering from a serious illness. I am sure the House will regret the cause of his being away, will sympathise with him in his anxiety and will wish his daughter a speedy recovery. I have no doubt, in his absence, my Honourable friend, the Deputy President, will, as he so often does, ably represent his point of view. Mr. Joshi usually, if not always, gives expression in this House to what one is accustomed to call the socialist point of view, but nobody can accuse him of being a Fabian. There is no question of delay in his case. He wants the revolution in industrial conditions to be brought about at once. That, Sir, is not a point of view which we on these Benches, and, I am sure, the great majority of this House, can accept. We fully realise that progress should be steady, but we also realise the danger of progress by leaps and bounds.

Now, Sir, I should like to refer very briefly to one or two of the important changes which have been made in the Select Committee. In clause 2, the definitions of "worker" and "factory" have been modified. Clerical workers employed in separate rooms are specifically excluded from the scope of the Bill; and the term "factory" will, as it did in the Act of 1911, include the "precincts" of a factory.

In dealing with the Health and Safety provisions, the Select Committee have made several modifications. These modifications are not intended in any way to reduce the obligations of the employer, but we are anxious to see that the demands which are made on the employers should not be unreasonable. We desire that the Act, when it comes into force, should be administered with the minimum of harassment and friction. For example, in clause 16, the power to require measures to be undertaken for the cooling of factories—a new provision, and possibly a very expensive one from the point of view of the factory owners—is now confined to the Chief Inspector, and clause 31 has been amended to make the suspension of an order under clause 16 obligatory in the event of an appeal. Again, in clause 26, orders relating to dangerous buildings must

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be served in writing, so that there may be an appeal. In clause 32, the power which it was proposed to confer on the Local Government of requiring by rule the submission of wage returns has been eliminated as inappropriate. The reason for that is that we felt that if wage returns are required, they should be dealt with in a separate Act and that there is no reason why a call for such returns should be included here. The provision was the outcome of the desire to improve our statistical information generally, but other information will, of course, be required, so that it is much better that the whole subject should be dealt with in a single and comprehensive Act. In clause 33, the obligation to provide children's rooms will be limited to the provision of rooms for children under six years of age. A further important change in the clause is that the power to declare occupations to be hazardous has been reserved to the Governor General in Council, so as to ensure uniformity. I feel certain that that is a change which will commend itself to the House as it obviously would give rise to difficulties if an occupation declared hazardous in one Province were not regarded as such in another. There would obviously be a tendency to transfer that particular occupation to provinces in which no restrictions were imposed upon it. The Select Committee have also included a very necessary provision which permits the exclusion from employment upon hazardous occupations of persons not certified to be physically fit for them.

In considering the provisions relating to working hours which are contained in clauses 34—49, the Select Committee have made two important changes in order to avoid interference with legitimate shift systems. They found that the original provision for spreadover was too rigid, and, under clause 38, as they have amended it, relaxations are permissible. Similarly, clause 46, as originally drafted, would have caused difficulties in continuous process factories, and it is proposed to give Local Governments powers to allow relaxations. The recasting of the provisions of the Bill relating to notices of periods of work both for adults and for children, and the insertion of clauses 42 and 57 specifically prohibiting the employment of workers otherwise than in accordance with the notice of periods of work are deserving of mention. In clause 43, the Committee have provided for the exemption from the weekly limit of hours of workers in continuous process factories, for without an exemption of this kind the late arrival of a relief might lead to a stoppage of work or to a breach of the law. In clause 47, which deals with overtime, the references to Sunday work have been omitted, for it is obvious that, in this country, Sunday is no more sacred, than any other day of the week and the clause now allows overtime only for work in excess of normal hours. A special sub-clause has been added to provide for the fixing of time rates for piece workers, so that their overtime payments may be calculated.

The changes in the last two Chapters of the Bill do not require much explanation. Clause 60 has been recast and clause 61 provides for a gradual increase in the penalty for offence relating to hours of work and to adolescents and children. Clause 70, to which I shall refer again, repeats a general provision of the Act of 1911. The Select Committee have also provided that the member of a firm or association to be nominated as the occupier of a factory must be resident in British India, that the

limitation for prosecutions should in certain cases be twelve and not six months, and that all rules made under the Act, and not only rules made by Local Government, should be subject to previous publication.

It will, I think, be obvious that, in a measure of this complexity and importance, further examination was bound to reveal deficiencies. The report of the Select Committee was laid on the table in January or February last. After that, we went through the Bill again in my Department with all the meticulous examination that, as the House knows, Mr. Clow brings to a measure of this character. We found a few loose ends which needed to be drawn together and that is the reason for the amendments. I must frankly confess to the House that I much dislike bringing forward amendments from these Benches to measures once they have been through Select Committee, and I do my best to avoid doing so, but there are occasionally cases in which it does seem that we can very definitely make improvements. This is one of them. No fundamental principles are involved, and, in fact, it is rather a question of omitting clauses than of modifying them.

I do not think I need say more about the amendments we propose to move now as they would be fully explained to the House later on and I trust we shall be able to convince the House that they are desirable and necessary. It is a matter of great satisfaction to me that the principle of this Bill has commended itself to the House and that it has emerged from the Select Committee strengthened and improved. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration."

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, some of us in the Select Committee failed to persuade the majority of our colleagues to accept certain suggestions that were made by us, and, therefore, we have found it necessary to append a Note of Dissent to the report. Honourable Members are aware that labour is represented in this House by the solitary figure of my Honourable friend, Mr. Joshi. Sir, the position is necessarily reflected in the Select Committee. All that those who are interested in the cause of labour can do is to persuade Honourable Members by appealing to their sense of fairness, justice and sympathy and make all sorts of appeal to them to get support for their point of view. The task is rather a difficult one. Against the conservatism of these employers and the extreme cautiousness on the part of Government, and, what is still more difficult to tackle with, with the almost reactionary attitude of the small factory owners, it is almost an impossible and an uphill task to effect any substantial improvement in the Bill, and we must recognise that after all it is the capacity of the small factory owners to adjust themselves to changes that determines the rate of progress in these measures. I must admit, Sir, that Government also made some minor concessions and so did the big employers of labour. But on vital matters we failed to effect any improvement in the Bill, and the Bill comes out of the Select Committee without any great material changes. I shall only refer to one or two instances in which we failed to effect any improvement in the Bill. I must refer to the hours of work.

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The majority of the Select Committee supports the original provision in the Bill which fixes 54 hours a week for perennial factories and 60 hours for the seasonal. Our view is that 48 hours should be the weekly limit for the perennial factories and 54 for the seasonal, but this did not get much support from the majority members of the Committee. It is only in this direction of reducing the working hours that we can afford some relief to the workers in this country. I think it was in the year 1921 that the Washington Convention accepted the eight hours a day for the workers all the world over. The majority of the countries in Europe and other places have accepted this eight hours a day and are working that provision, but we failed to persuade our colleagues on the Select Committee to accept that point of view and they have supported the original provisions in accordance with the majority recommendation of the Labour Commission about 54 hours a week for the perennial factories and 60 hours for the seasonal.

There is another point about which we wanted to effect some change, and that is about the definition of the word "factory". When the Bill was first referred to the Select Committee, I tried to point out that it is in the case of the smaller factories that the conditions are more deplorable than in the case of the bigger factories, and it is those factories that needed closer supervision. Mr. Clow, on behalf of the Government of India, assured us that Government were contemplating to introduce a Bill to deal with small factories; but if they had accepted our suggestion reducing the number of workers necessary to constitute a factory, many of the factories, that are at present outside the scope of the Factories Act, would have been included in it, and I think to a great extent that would have obviated the necessity of bringing out a separate legislation for this purpose.

There is only another point to which I want to refer, and that is with regard to the welfare orders. I was surprised to find that the Government of India refused so persistently to accept the recommendation of the Royal Commission with regard to welfare orders. We had hoped that in the Select Committee we would be able to persuade Government to accept our suggestion for framing rules with regard to welfare orders, but there too we failed in our efforts. Though we have failed in many of our efforts to effect improvements in the Bill, I fully recognise that it is undoubtedly an improvement upon the present conditions, and for this reason I heartily support this motion that is before the House. I also want to join Sir Frank Noyce in paying a tribute to the help that we received from the Factory Inspectors whose advice has been very valuable to us in our labours.

Mr. G. Morgan (Bengal, European): Sir, the Bill has been greatly improved by the Select Committee, and I congratulate the Honourable Member in charge on having at last been able to bring this improved measure before the House. But I would just like to make one or two general observations. We have always felt that the Bill is too general in its application. The recommendations of the Whitley Commission were taken as the basis, but we have always felt that the revision of the Bill should have been done in such a manner that at any rate, the major industries should have received special attention and

the law applying to each major industries be framed to meet its requirements on the analogy of the British Factories Act. I think, in the near future, after this Bill has been in operation, it will be found that special legislation will be necessary for at least some of the major industries.

Then, another point which emerges from this Bill is this. We feel that the powers of the Local Governments and the Inspectors have been extended rather too much. Of course, this being a co-ordinating Act and an all-India Act applying to all industries, it becomes a Bill of clauses for the Local Governments to take action and make exceptions, and so on. But we feel that the powers have been extended rather too fully. It will only be in actual operation that we shall be able to see whether the Local Governments translate into action the various powers that are given and whether their actions are beneficial to the industries or not. We think that the discriminating powers of the Inspectors in specifying measures to be taken are very wide. I have some amendments to that effect. It is a difficult position we know, but we do feel that the Inspector would have to be almost a superman to be able to specify measures to be adopted for improvement in everything and it should be the object of legislation to minimise the likelihood of appeals in every way possible. I do not think Government will accept my amendments, but we trust that if those particular parts of the clauses become part of the Act, the Local Governments will, at any rate, before actually allowing the measures to be put into force, take every precaution to see that the employers and the Factory Inspectors are consulted jointly in the matter. And, then, again, comes the difference between the Provinces, and that, of course, is a very difficult question. The only co-ordinating clause in the Bill is clause 80. Even today the Honourable Member has pointed out that where hazardous occupations are concerned, it has been necessary to put it under the control of the Governor General in Council, because there might be differences of opinion between various Provinces as to what constitutes a hazardous occupation. We feel that that attitude may emerge on almost every clause throughout the Bill, and we hope that Government will treat clause 80, not merely as a nominal control, but that they will definitely scrutinise the rules and regulations sent up to them to see whether they are advisable or not and whether there is co-ordination between the Provinces on matters relating to more than one province in India.

Then, there is the wording in clause 44 (2)—"exceptional press of work". This is a very important clause, and, here again the views of different Inspectors may be quite antagonistic. I do not know really what "exceptional press of work" will mean. I do not think it will apply to anything except probably some engineering works or ship-building works or some thing of that kind.

The Honourable Sir Frank Noyce: May I mention for the Honourable Member's information an example which possibly comes home specially to us here, and that is pressure of work in connection with printing the proceedings of this House?

Mr. G. Morgan: That is all right; but this is of general application and can be in force for two months under the clause. It will be very difficult to say what will be "exceptional press of work" in any of

[Mr. G. Morgan.]

these industries, such as cotton mills and jute mills : I can quite understand that there may be, in engineering, some special piece of machinery which has to be done very quickly, and it may be necessary to apply for exemption in order to get this piece of work done within a specified time ; but I think this exceptional press of work wants very careful watching.

Mention has been made by my Honourable friend, the Deputy President, in regard to the smaller factories and the idea that another Bill might be brought in later to meet that case ; but, under clause 5, the Local Governments have power to bring in factories which have only ten or more workmen. At the present moment, when everything is being done to encourage what is called cottage industries which can be defined on a wider basis than actual cottage industries, it seems to me that we could have reduced the number from 20 to 10 without any particular disadvantage to the Bill.

I have nothing more to say now. When the various amendments come up, I will discuss the actual merits of each clause as it comes along, but I want particularly to stress the point that this Bill is too wide in its application ; and, in supporting that this will be taken into consideration, I should like to put on record that it would have been better if the Act had been revised in such a manner that each industry would receive special attention. Sir, I support.

Dr. R. D. Dalal (Nominated Non-Official) : Mr. President, I crave your permission to offer a few remarks on the Factories Bill now before the House, and what I have to say is the outcome of considerable experience of factory inspection work as a public health expert in the southern registration district of the Bombay Presidency.

In the first place, I congratulate the Honourable the Member for Industries and Labour on bringing forward this Bill, which satisfies the requirements of wholesome and progressive legislation. It is a sound and beneficent measure ; and it will be the means not only of ameliorating the condition of the toiling masses in factories, but also of serving in the long run the best interests of the employers and of the industries upon whose prosperity the welfare of the country so largely depends. It is said that Englishmen are drawn to India by nothing more than the pay. Well, Sir, payment for work done is one of the conditions of labour all the world over. But this is a sordid view to take of the connection. Let us look behind it, and we shall find the sense of responsibility, of devotion to duty, of love for the country, and of sympathy with the people. My Honourable friend, Sir Frank Noyce, is actuated by these sentiments, and by a genuine desire to advance the prosperity of this country ; and, I am sure, his complete mastery of the subject, his assiduous industry, and his constant anxiety to conciliate all interests have won for him glowing admiration and high regard of every section of this Honourable House.

The most contentious and important item in the Bill is the one dealing with hours of work. At first the millowners and Merchants' Chambers were adamant in their opposition to any alteration of the 60-hour week. But they reconsidered their position and withdrew

their opposition, and it is a matter of general satisfaction that there is a substantial agreement as regards the reduction of the hours of work to the 54-hour week. In this connection, I desire to express my high appreciation of the extraordinary devotion, energy, tact, and skill displayed by my Honourable friend, Sir Frank Noyce, in bringing about this satisfactory result. The deep underlying motive of the reduction of hours of work is the avoidance of fatigue. The question of hours of work is intimately bound up with the question of industrial fatigue, and the subject of industrial fatigue is of cardinal importance to efficiency. So, Sir, with your permission, I shall explain to the House very briefly the subject of industrial fatigue and its implications.

The human being is the most important machine in industrial development ; so all measures, designed to improve the efficiency of the human machine, are matters of economic importance. Public health, with its two main functions of preventing disease and of increasing the welfare of the individual, is of fundamental importance in the industrial development of a country, more so in India, where labour is less organised, where the prevalence of parasitic infections and epidemic diseases and diseases associated with mal-nutrition, such as tuberculosis, is excessive, and where climatic conditions and environment generally are exceedingly unfavourable. It is fallacious to take the bodily sensations as a guide, much less as a measure of fatigue, for there may be diminished capacity for work before any signs of fatigue appear in sensation. There is a limit beyond which the human machine can no longer produce satisfactorily ; but if this limit is exceeded, there is an impairment of quality and reduction in the quantity of work, damage to health results and accidents may occur as a result of fatigue. This question of fatigue is fraught with a great peril. Spirituous drink offers its dangerous relief to a fatigued body. Industrial fatigue results from the action upon the tissues of the carbonic acid and lactic acid formed by the chemical dissolution of the glycogen of over-worked muscles. These products, locally produced, not only cause fatigue in the local neuro-muscular apparatus, but since they find their way into the blood stream, they affect higher nerve centres in the brain ; and since the nerve cells are liable to fail from exhaustion before the muscles become affected, the problem of industrial fatigue is an almost wholly problem of fatigue in the nervous system. Fatigue results not only from the exhaustion of substances supplying chemical energy for work, but also from the accumulation of the waste products of the chemical changes. These chemical products of activity are removed from the tissues by the blood, but time is required both for their removal and for their subsequent excretion from the body. The accumulative results of fatigue damage the general health. The stale and tired feeling may result in a craving for change and excitement, and may lead to over-indulgence in spirituous drinks. The evil effects of fatigue are cumulative, hence the necessity for frequent rest-spells, Sundays, and holidays. An early and important sign of fatigue is a want of co-ordination and failure in the power of concentration. This may be shown objectively in an increased frequency of accidents. The available tests of fatigue in practice are the output of work and accidents occurring in the course of work, the proportion of mistakes or spoilt work, and medical reports of conditions of ill health attributable

[Dr. R. D. Dalal.] to overwork. It is now recognised that for the most economical conduct of an industry the human machine must operate under optimum conditions. Work under optimum conditions of duration, healthy surroundings, good feeding and housing not only promotes health and efficiency and greatly reduces industrial sickness but also leads to an increase in the quality and quantity of production, and eventually in the long run diminishes its costs, while increasing the well-being, content, and sobriety of the workers.

Now, Sir, I turn to another important point. This consolidated enactment does not touch the important question of prohibition of employment of women in factories before and after child birth. Experience has shown that cessation from labour for a month preceding confinement renders the pregnancy more likely to proceed to the normal term, and infants in consequence are stronger and more fully developed at birth. As women have generally poor physical powers and have to bear the strain of domestic duties, maternity, and claims of offspring, cessation of work for four weeks before and four weeks after confinement is, in my opinion, absolutely necessary. It should, therefore, be required by Statute that employment of women, in factories for four weeks before and four weeks after confinement, should be prohibited. I do not, of course, deny that there are difficulties to be faced, but I think it can be shown that if the position be closely examined and if maternity benefit schemes be introduced, the objections will be found to be a good deal less formidable.

Now, Sir, this leads me to another important point. Serious results accrue from the practice of mothers leaving their homes during the day to work in factories. Infants are, as a consequence, deprived of their natural food and of the care of their natural guardians. Some mothers give even opium to infants before leaving their homes. Infant mortality attributable to the practice of married women engaging in factory work amounts to one-fifth of the total infant mortality. The remedy that at once suggests to us is to compulsorily provide Day Nurseries or Creches, which afford facilities for feeding and looking after the child, and for detecting the onset of illness when the creche is under skilled supervision. Many employers object to creches, but it is impossible to see how the needs of mothers industrially employed are to be otherwise met. So the provision of properly staffed and adequately equipped and efficiently supervised creches should be made obligatory in factories employing women in substantial and appreciable numbers.

Now, Sir, I shall just say one word as regards the Inspectorate. In view of the fact that provision of medical inspection and medical supervision is most important and essential for the proper administration of the Factory Act, there should be a statutory provision that the Assistant Director of Public Health of his district should be the Medical Inspector of Factories, with power of entry at all times and with the right to inspect vital statistics registers, and to report and to administer on all health matters, and to carry out effective inspections. Adequate inspection of a factory from medical and public health point

of view requires expert technical knowledge. The Assistant Director of Public Health is technically qualified; so he should be the Medical Inspector of Factories for his district. This suggestion will prove of great utility, because it will enable the Assistant Director of Public Health to keep in close touch with the District Magistrate, who is under the Act an Inspector of Factories for his district. Statutory provision would give the Assistant Director of Public Health authority and status and standing in the eyes of the employers. In pre-war days, throughout India, Civil Surgeons were Medical Inspectors of Factories.

Now, Sir, I shall pass to the next point, and that is as regards the certification of children. Before I take up this point, let me explain the term anthropometry. By the term anthropometry is meant the measurement of the human body with a view to determining its average dimensions and the proportion of its different parts at different ages. Now, Sir, as regards the certification of children, the value of anthropometrical data cannot be over-estimated. Height in itself is not of so much anthropometrical importance as it is in relation to weight. Height and weight are indications of nutrition. If height be found to be deficient, it may indicate insufficient food, or an excessive expenditure of energy in mental or physical work, or the onset of some disease. I would suggest that each Province should appoint an Anthropometrical Committee, which should work out its own anthropometrical standards having due regard to racial and environmental differences for the guidance of certifying surgeons, and that physical standards should invariably be prescribed. So, in my opinion, the words "if any" should be deleted from the fifth line of sub-clause (2) (a) of clause 52 in Chapter V of the Bill.

Now, Sir, I pass to the next point. In England, a child receives efficient elementary education before the age of 15, at which age only the child is employed into a factory, and the child must have obtained a certificate of proficiency in elementary education; but in India nearly the whole mass of industrial labour is illiterate, so the education of industrial labour demands special attention and, in my opinion, this disability could be made good by means of factory schools. I would suggest that every factory, in which more than 15 children between the ages of 12 and 15 are employed, should maintain a factory school for their benefit, and that attendance at such school for three hours every working day should be obligatory in the case of each child, and that no fees should be charged for the instruction given in these schools. I urge this suggestion on the grounds of justice and humanity. It is not unfair to expect that factory owners, who make money out of these children, should hold themselves responsible for the education of these children. Under the Act, a child between the ages of 12 and 15 will have to put in five hours' work in factory; so the time-tables of these schools should be so arranged as to suit these children. These factory schools should be efficiently supervised by the Education Department, and the cost of the factory schools should be borne by the factory owners, Government, and the local body concerned.

Then, Sir, there is another point. The Act should include an injunction that all factories and medical attendants should be required to notify industrial diseases, such as anthrax, phosphorous poisoning, mercurial poisoning, lead poisoning, compressed air illness, etc., to the Chief Inspector of

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Factories. The object of notification is to bring these industrial diseases within the operation of the Workmen's Compensation Act.

Now, I shall refer to one other point, and that is as regards the records of sickness and disease. In factories accurate records of sickness and disease should be kept, because they are needed to be studied with a view to the adoption of preventive measures. In factories the necessity for the accurate maintenance of records of sickness and mortality is not realised, but without these it is impossible to determine variations in health at different periods or to estimate the effects of expenditure upon prevention of disease. So, all factories should be required to maintain accurate birth and death registers, sickness registers, and epidemic disease registers.

Now, Sir, I have one more point to mention. An annual conference of Factory Inspectors to compare notes will be useful in keeping factory administration on the same level of efficiency in all parts of the country. So, in the interests of uniformity and efficiency of factory administration, an annual conference of Chief Inspectors of Factories and Directors of Public Health should be convened and held under the chairmanship of the Honourable the Member for Industries and Labour.

Now, Sir, I come to the last point. Welfare work in factories is to the mutual advantage of the employer and the employee. In my opinion, there should be a statutory method by which a uniform minimum standard of welfare could be secured, where the nature of the processes carried on or the special conditions and circumstances of employment demand it. So the issue of welfare orders, as is done by the Ministry of Health in England, in relation to sanitation and housing, would conduce to the efficiency, contentment, and happiness of the workers.

Now, Sir, in conclusion, I have one observation to make. I have already pointed out that I have had considerable experience of factory inspection work in the southern division of the Bombay Presidency. Let me present a picture of the conditions which obtain in factories today. At present men, women, and children work for unlimited hours. The system of shifts affords every opportunity for work and employment beyond legal limits. In the large majority of factories, children are little better than beasts of burden uncared for and untaught. The most ordinary sanitary safeguards are uniformly neglected. In nearly every industrial area, the housing conditions are most unsatisfactory. I do not think it is an exaggeration to say that the present system is a vast sacrifice of human life. But, Sir, by this factory legislation, by this consolidated enactment, the labours of my Honourable friend, Sir Frank Noyce, will be the means of ameliorating the deplorable conditions of a stunted, sickly, ignorant population, at present wholly unfitted to hold its own in the growing stress and strain of acute industrial competition in the labour markets of the world, and of making our industrial population an infinitely more efficient productive machine, and of making India a great industrial and producing country, and it is because this Bill takes a substantial step in the direction of reform that I strongly support it, for I firmly believe that by means of it we shall proceed one degree farther in the path, which it is as much our interest as our duty to travel.

Mr. H. P. Mody : The Bill before the House is of far reaching importance to the workers in the factories. It marks a considerable improvement over present day conditions, and my Honourable friend, Sir Frank Noyce, is to be congratulated on being responsible for a measure of so beneficial a character to the interests which this Bill seeks to befriend. I recognise the very moderate way in which my Honourable friend, Mr. Abdul Matin Chaudhury, put his case, but I am afraid he was not entirely fair to the Honourable the Industries and Labour Member. I think it was largely due to the spirit of fairness and strict impartiality which Sir Frank Noyce showed, and the confidence which he inspired in his capacity to hold the scales even between capital and labour that we had what is practically a unanimous report on almost all the provisions of the Bill. Speaking "anthropometrically", Sir Frank Noyce completely dominated the proceedings of the Select Committee. (Laughter.)

I shall not refer to the many important provisions of the Bill before us. I shall confine myself to the most dominating feature, which is the provision with regard to the 54-hour week. My Honourable friend, Sir Frank Noyce, has referred to the opposition which this provision evoked from important industrial interests. I would like to tell him that the textile interests were not the only interests opposed to this provision; there were other interests also which were equally opposed. I would like to say exactly what their opposition was based upon. The argument upon which they lay great stress and which they continue to emphasise at every opportunity that they can get is that conditions in India are vastly different from those prevailing in the highly industrialised countries of the west. For, as long ahead as one can see, there cannot be anything like over-production in the technical sense of the word. The bogey of over-production is largely responsible for the various devices which are being resorted to at International Conferences in order to curtail production, and hours of work are the most important feature of these devices. But that stage has not yet been reached in India. It will be many years before it can possibly be reached, and to cramp the industrial development of India, by laying down unduly low hours of work, would be to do a very great disservice to the country. Another consideration is the measure of efficiency of the worker. Here, again, India is leagues behind most western countries and behind Japan. The other day, in a statement which I issued to the press, I made what was regarded as a rather startling assertion, namely, that, compared to output, the Bombay mills were paying, until recently, that is to say, until March, 1933,—I say until that date Bombay mills, relatively to output, were paying the highest wages in the world, barring, of course, the United States. There cannot possibly be any basis of comparison with the States, where perhaps every third or fourth worker can afford to go to the factory in a Ford car. I hope such a condition of things, which we can now only dream of, will some day come about, but I trust the modest pushbike will be within the means of every factory worker within a reasonable measure of time, particularly as Japanese bicycles can now be had, thanks to the policy of our Government, at Rs. 15 a piece. Sir, these are the reasons why, in spite of all that international philanthropists may say at Geneva, this country has got to evolve a labour code of its own. No one can point the finger of scorn at India, because her record in the matter of labour conditions is one of which she can legitimately be proud. We were amongst the first to ratify the Washington Convention with regard to the hours of work. Even Great Britain, for

[Mr. H. P. Mody.] reasons of her own, did not ratify the Convention; Japan certainly did not ratify it for years together, with the result that she enjoyed a very considerable advantage in labour conditions over this country, which advantage was largely responsible for the great progress she made at the expense of this country. That being the case, we are not afraid of evolving labour codes of our own and of being able to stand up to the world and say, "what we are doing is fair and just to our workpeople having regard to Eastern conditions". But, Sir, while I felt always confident that our opposition to the fifty-four hour week could be justified on the ground of the peculiar conditions of India, I felt, more particularly in response to the appeal made by my Honourable friend, Sir Frank Noyce, that a gesture of sympathy and goodwill might very well be made, and I was able to induce my colleagues, the Bombay millowners, to withdraw their opposition to the fifty-four hour week. I was able to go further, and, in my capacity as President of the Employers' Federation of India, was able to get the members of the Federation to withdraw their objection to the fifty-four hour week. I may just say in passing that the Federation includes all the major industries in India—jute, tea, coal, textile, mining, metallurgy and practically every other major industry that exists in India—and on their behalf it gave me much pleasure to accord my support to the fifty-four hour week. (Mr. B. V. Jadhav : "Very good of you !") I hope so.

Now, my Honourable friend, Sir Frank Noyce, said that it was rather a pity that we did not find it possible to introduce a fifty-four hour week straightaway. We did think about it, but we found that it was not fair to many of our members outside Bombay to introduce such a change without due consultation with them, which it was not possible to effect within the time at our disposal. So far as my Association is concerned, the membership is scattered all over India, and for such an Association to introduce a fifty-four hour week straightaway would mean forcing on everyone of its up-country members a far-reaching reform without giving them an opportunity of having their say.

I should have thought my Honourable friends, Mr. Joshi, Mr. Abdul Matin Chaudhury and others, who represent labour interests, would have welcomed such a gesture of goodwill on the part of the industrial interests. After all, let them not forget that we are agreeing to shorter hours at a very considerable sacrifice. So far as the textile industry is concerned, it may mean a difference of half an anna per pound. When it is taken into consideration that the profit is not even a quarter of an anna per pound in these days, a loss of half an anna is a matter of great moment to us, particularly to Bombay, which, during the last few years, have lost enormous sums of money. I should have thought that this gesture of practical sympathy shown by industrial interests would have been appreciated by my Honourable friends, but I was sorry to find that a minute of dissent was thought necessary showing that my Honourable friends would like to go even further and introduce a forty-eight hour week. Now, Sir, I would not cavil at that provided a few conditions were satisfied. If my Honourable friends are content to reduce the standard of life of the operatives—because the less you work, the less pay you get—if my Honourable friends are agreeable to increasing the efficiency of labour, or at any rate to accord their approval to measures concerted by employers to increase the efficiency of labour, if my Honourable friends are agreeable

to according their fullest support to measures of protection, then let them suggest the forty-eight hour week by all means, but my Honourable friends do not want that. My Honourable friends do not want to accord their approval to measures of rationalization. They shout against all measures of protection and the only thing in respect of which they want protection is in the matter of wages.

Now, Sir, I cannot conceive of an industry which can reduce hours of work, which can remain satisfied with a low level of efficiency, which can do with a low measure of protection and yet be able to pay high wages to its operatives. The only factory I know of which can go on producing wealth without trouble, and which obviously would be in a position to pay a high scale of wages would be the Royal Mint : and if we were in the position of turning out five-rupee notes in our factories, we should be only too happy to provide for lower hours of work and a very high scale of wages.

Having said that, I should just like to pass on to a matter which is of very considerable importance, and that is the conditions which prevail in the Indian States. I recognize the constitutional difficulties in the way of trying to impose labour standards upon Indian States. That would impinge upon their autonomy, and I do not think that any rough and ready solution can be found, but I certainly think that the Government of India ought to exert all their influence—and that is very considerable—to bring the Indian States into line with British India in matters of labour standards. Already many of the Indian States are enjoying considerable advantages over British India. The conditions of labour are very low, there is hardly anything in the nature of factory inspection, the hours of work are long, living is cheap, taxation—thank goodness, there are some parts of the world where this is the case—taxation is low. For all these reasons there is a tendency for industries to migrate more and more to Indian States, and if more burdens and higher standards were to be imposed on British India, that tendency would be very strongly accentuated. For these reasons, it is very essential that some action should be taken by the Government of India with regard to the Indian States in order to bring them into line, particularly in regard to the provision for a fifty-four hour week, and I hope my Honourable friend will, in the course of his reply, be able to deal with that point. I recognize that it is rather difficult for him to say anything definite, but I just want an assurance that the Government of India are alive to the danger and that they are going to do everything in their power in order to bring Indian States into line with British India.

Sir, I have very little to add. This is a measure upon which the Government of India can congratulate themselves. This is a measure upon which this House can also congratulate itself, and it is a very happy circumstance that almost all the major provisions of the Bill have been accepted with unanimity in the Select Committee. Sir, I support the Bill.

Mr. Lalchand Navalrai (Sind : Non-Muhammadian Rural) : Sir, I must confess that I am not a factory man and I must also confess that I am not a worker in a factory. But, as one of the lawyer Members of this House, I have given my attention to this Bill, and I hope to place before the House certain observations which require this Bill to be still improved. Those are very necessary improvements on account of which

[Mr. Lalchand Navalrai.] the advantage of this Bill will be given to all those for whom it is necessary.

The first point that I wish to place before the House is with regard to the scope of this Bill. The definition of "factory" which has been provided for in this Bill applies to those factories which are worked by power, but its scope has been restricted only to those factories where 20 or more men are workers. I would submit that if full advantage of this Bill has to be given, then it must be extended to those factories where ten or more people are working.

An Honourable Member : Why make it ten ?

Mr. Lalchand Navalrai : Because it has been shown that if the number is less than ten, there will be very little power that will be working in a factory. Though, as I said, I am not a factory man, yet I have some experience of the factories, at least in the mufassil, and I know that there are factories where the same safeguard is necessary as it is in those factories where there are more than 20 men. I do not know why it should not be, when the Legislature is legislating an Act in the interests of the workers that it should not apply to those factories where there are ten or more men. On this point I do not go by myself alone. We have on this point the opinion of a recognised leader of the workers and to it support has been given by our Deputy President, Mr. Abdul Matin Chaudhury, and also Mr. Thampan has joined hands by putting in a dissentient note on this point. Sir, it is said in the minute of dissent :

"In the definition of factory we would like to substitute the word 'ten' in the place of the word 'twenty'. We consider that time has come when the provisions of the Factory Act should be made applicable automatically by this Bill itself to all factories using power where ten or more workers are employed and it is not enough merely to give to Local Governments power to do it."

I am conscious of the remark that was made by the Honourable Mr. Morgan that the power under clause 5 has been given to the Local Governments. In my humble opinion, it is not sufficient that the power should be given to the Local Government in this respect, when I see that the leaders of the workers and some other gentlemen, who have got experience of this, are of opinion that it should be extended even to those factories where there are ten or more men. Besides that, we are conscious of the difficulties. When the power has been given to the Local Government and it has been decided by the Legislature that the only factories which have 20 or more men have to be protected, the Local Governments also will demur to come to the help of other factories. Then there are several other difficulties. Why should these difficulties be solved by Local Governments ? I submit, therefore, that it is very necessary that this Bill should be extended to those factories which have ten or more workers.

The next point which I wish to place before the House is with regard to certain provisions that have been taken away from the original Bill by the Select Committee. As an instance, I will mention clause 12. Clause 12 refers to the appointment of medical practitioners for the factories. I see that an amendment has been made to the original Bill by making a medical practitioner as one who is a registered medical practitioner. I certainly agree that it is a very sound principle that the appointment should go to a man who is competent and qualified. But, then, there is

another thing, and I really wonder why it has been done in that manner. There was a clause in the original Bill, sub-clause (2), which provided that if the medical practitioner was a man directly or indirectly concerned with or had an interest in the factory, he should not be appointed. I cannot understand the reason why in the Select Committee's report this clause has been actually eliminated. There is a similar clause with regard to the Inspectors. I cannot understand why it should not be said that the medical practitioner, though registered, should be a man who must be impartial and should have no interest in the factory. If you are not going to put this restriction, then a man belonging to the factory might act as a medical practitioner who has to perform several functions. He is to certify that a certain individual is of a certain age and he has also to certify the fitness of the workers, and it may be that he may be interested in throwing out workers. It will be easy for him to give a certificate that the man is unfit. There is no higher officer of health or of Medical Department to help the worker, as my friend, Dr. Dalal, was saying. In the absence of that inspection by the higher officer, it is absolutely fair that a man who can act impartially should be a medical practitioner. The reason given by the Select Committee for the deletion of this clause will be found in the report of that Committee under clause 12. There they say :

"We have modified clauses 13 and 14 to provide that only registered medical practitioners may be appointed as certifying surgeons."

Sub-clause (2) of clause 12 has been omitted which provided that the medical practitioner should not be concerned with the interests of the factory either directly or indirectly. And what reason have they given for it ? It has been omitted on the ground that it might give rise to practical difficulties. Now, I cannot understand what those practical difficulties are. There are a number of medical practitioners nowadays. You just advertise for a post and you can get a thousand applications. Why should there be any difficulties of selection ? So, I do not think this reason is going to appeal to the House. On this subject I have put in an amendment and will speak later. The second reason which the Select Committee have given is that it might unduly limit the field of choice. This is no reason at all.

Now, let me proceed further and come to clause 13. That clause refers to sanitation. On this subject I have some experience, and, therefore, I feel competent to place those facts before the House, and I hope the House will help in getting that nuisance removed. Clause 13 reads thus :

"Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorising."

Sir, I am now referring to those factories which I have myself seen in

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Sind where there are no drains at all, and, I am sure, the House will be satisfied with my statement, because I am going to place before it my own personal experience. In a way, the point is that there are certain factories which are worked by power. Say, for instance, there is a rice-threshing machine. What do we find there ? They are boiling rice within the premises. The hot water cannot go out, because there are no drains in those factories to take the water out. How do they dispose of the water ? The water is spread out in the premises, and this has also come to the

[Mr. Lalchand Navalrai.]

notice of Factory Inspectors. They are able to do nothing. Therefore, I submit, you must provide a clause which insists that drains should be kept in the factories, so that it may lead to cleanliness. Unless and until such a provision is made, the factory owners will not lay out drains. I think my Honourable friend, Mr. Hamid Ali, who was a Collector of Larkhana and who has seen these factories will bear me out that the water from these factories goes out into the public roads which are municipal roads. The Municipality says it is not responsible and asks people to go to Factory Inspectors for redress. When the Factory Inspector asks the factory owner to lay out a drain, he says that the water is going out into the public roads and so the Municipality has to provide drains. The Factory Inspector says, "No, you must provide", but this is not done by the factory owner. In this way the things are going on. If anybody passes through these roads, they are simply stinking from foul smell. I, therefore, submit, it is necessary to modify this clause so as to make it incumbent on the factory owner to lay out a proper drain for the water to go out. Therefore, I have put in an amendment with regard to that.

An Honourable Member : Who will do it in future under the Act ?

Mr. Lalchand Navalrai : Of course the employers. The factory owners have got to keep the drains and make provision for them. What is done in towns is that the water is taken out to the sewage. But if it be obligatory on the factory owner to lay out proper drains, so that everything might be kept clean, then he will attend to it.

Now, I come to the question of hours. I confess I am not quite competent to speak on this question. But considering all the facts that have been placed by Honourable Members, I can give my opinion on this question. I do see there has been a good deal of sympathy with regard to this question from the Honourable Sir Frank Noyce and also sympathy from Mr. Mody, because it is only after these two Honourable Members have joined together and come to a certain level that a salutary provision has been arrived at and embodied in the Bill. The point is this. All over the world, there is a cry that factory owners are hard upon workers. In England and other places—I have gone to those countries also—I find that factory owners are not so unreasonable as I used to find them here and time was when they did not recognise that without co-operation and conciliation among factory owners and workers, work will not go on and bickerings will continue. For a long time that has been the complaint in this country. I will call it a chronic complaint. The old Act which is now being amended provided for 60-hours work a week. What I find is this. In the Select Committee, where, I was told, the Honourable Sir Frank Noyce dominated the whole show, and, I think, very rightly too, because without some dominating personality nothing could have been achieved in the Select Committee, I find the Select Committee have come to a very good conclusion. I know there are places where the workers require 40 hours work. There are other places where they ask for a little more. An expert like my Honourable friend, Mr. Joshi, asks for a 48-hour week. I think he ought also to be reasonable on account of the present conditions. When I referred to the note of Mr. Mody, I found it very appealing to me. For the present, looking to the economic

pressure which is working so much nowadays, we should have this 54 hours tried for sometime. Mr. Mody says in his Minute of Dissent :

"In signing this Report, it is necessary to state that the interests I represent have withdrawn their opposition to the 54 hour week solely out of consideration for the welfare of the workers in the factories. While they opposed the change in the first instance, they recognised that it was bound to come some day, and they would have been prepared to welcome it at the proper time."

I am very glad that they hold that times are changing and so they have also to change. They have also to divide their profits with other people and not be the sole masters of all their earnings. I submit, therefore, that so far as the hours are concerned, I am not dissatisfied for the present, and I think it is good provision to try 54 hours.

The next point, referred to by Dr. Dalal, is that some provision should be made for the education of the children of these workers. If you do not provide for their education, there will be difficulties and inconveniences to the workers. You have now provided certain conveniences for their families and there ought to be this provision also for their children. I am glad that Dr. Dalal has placed this point before the House, and I entirely endorse his appeal for such a provision. The reason is that other employers do make similar provision with regard to the children of their workers. If you go to the railways, you find that the children of railway servants are being educated in schools maintained by the railways. That is all to the credit of the railways. Why not take a lesson from the railways and provide schools for the education of the children of factory workers. I, therefore, hope that some consideration will be given for a provision of this nature in the Bill. I find no amendment to this effect, but I hope, under the rule-making powers given to the Governor General and to the Local Government, a provision would be made to this effect.

There are certain other provisions for which I have given notice of amendments. I come to clause 60 which refers to punishment. The punishment for the very first offence is a maximum fine of Rs. 500. From my experience as a lawyer, I can say what a Magistrate thinks is minimum if the maximum is fixed at Rs. 500. He may find that Rs. 200 is the minimum when you have such a high maximum. Therefore, I submit that this question of punishment should also be taken into consideration. There are some specific amendments on this question and I will say more when I come to them. On this point, however, say, for instance, that there is a provision that, if a factory owner does not supply sufficient drinking water, he will be punished and the Magistrate can fine him Rs. 500. Just consider if this would be reasonable.

Then, I come to the second point with regard to prosecutions. Prosecutions are to be filed by these Factory Inspectors, and now that these Factory Inspectors are to be appointed in accordance with the provisions of this Bill, I hope responsible men will be appointed. Otherwise, I know what those small Inspectors have been doing and how they have been launching prosecutions without any sanction, simply shoving any man into Court and leaving him to the mercy of the Court and his own anxieties and expense. I do say that there is one safeguard that is absolutely necessary, and I think this will appeal to the Honourable Member in charge of this Bill. This Bill provides two kinds of offences. One is direct offence, e.g., the example that I gave just now about not supplying

[Mr. Lalechand Navalrai.]

sufficient water. But there are certain offences with regard to which the Inspector has to give notice in writing in the first instance to the factory owner to do certain things which he wants according to the rules and the Act. If the factory owner does not do that, a provision has very wisely been made in this Bill for a safeguard against the Inspector's order. That lies in the factory owner going in for an appeal, and if that appeal is decided one way or the other, and if the factory owner does not abide by the decision of the appellate Court, then a prosecution has to be launched. In that case, I do not see that it is necessary for the Inspector to have any further sanction to launch that prosecution. That is quite sufficient; but what about those direct offences for which he is not to give any notice and which do not come within the purview of the provisions with regard to appeal? In the case that I mentioned, namely, non-supply of sufficient drinking water, the Inspector sees a certain defect and he can bring the factory owner to Court. In that case some safeguards are needed, and I have put in a very reasonable safeguard in my amendment. I have not asked that the Local Government should give sanction for that, but I have asked only one simple thing. According to this Bill you are appointing Chief Inspectors also. So, why should not the Factory Inspector, who detects a thing and acts just like a policeman, report to the Chief Inspector and go to Court only after the Chief Inspector gives the sanction? This would not take much time, and from my own large experience of the Courts, I can say that very often without any sanction people are unnecessarily dragged into Court and acquitted.

The last point on which I wish to dwell is with regard to the launching of the prosecution within a certain time. The Bill provides that within six months a prosecution can be filed, and, furthermore, it provides that if an order has been given in writing to the factory owner or factory occupier (which is the word used in the Bill) and he has disobeyed the order, the Inspector will launch the complaint within 12 months, and, if it is not in writing, he can do it within six months. I say this is a very objectionable provision. The time is too long and this will be a sword hanging over that man for six months. Why should the time for launching the prosecution be six months if the order is not in writing and twelve months if it is in writing? I do not see the logic of it, and, therefore, I have tabled an amendment with regard to this also. I hope I have convinced the House that the points I have raised are not such as should be thrown away. They should be given consideration, and I hope sufficient consideration will be given to them. I will say further when I move my amendments.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. S. G. Jog (Berar Representative) : Sir, this is one of the most important pieces of legislation which, just at the fag end of our legislative career, we are passing. In the former legislation relating to the welfare of the workers, I had occasion to take part in the Select Committee proceedings. But unfortunately I had no occasion to serve on this Committee.

However, my interest in the welfare of the workers has not slackened a bit; but I find that it is rather unfortunate that the real welfare-seeker of the workers,—I mean my friend, Mr. N. M. Joshi,—is unfortunately absent today, and in his absence it is our duty to guard the interests and see to the welfare of the workers.

As a layman, I should like to take advantage of this opportunity to make a few general observations. India is not sufficiently industrialised. Up till now there was a great divergence of opinion between the employers and employees and also the Government. It is really a fortunate circumstance that all these three interests are gradually coming closer and closer to each other to the extent that practically the angle of vision of all three is practically the same,—the welfare of the labourer and of the working classes. I have no mind to examine the details of this Bill, but I should like to make a few general observations which arise from the provisions of this Bill.

My friend, Dr. Dalal, has made a very touching reference to one omission, and that is about the education of the workers in these factory areas. I think it should be the duty of the factory owners to see to the education of these people, and the bringing forward of this measure is, I think, a very good opportunity of making some provision, throwing some responsibility on the factory owners, to make some provision for the education of their workers.

Another point which I should like to bring to the notice of the Member in charge is this: the question of the refreshments that are provided in the factory areas. Many of these workers, during the recess hours, partake of this food, and so far as I know, there is no proper check over these refreshments, with the result that at times very bad refreshments are provided which has a very bad effect on the health of the workers. I think either in this legislation or in the rule-making power, Government should introduce a provision for issuing licences to these refreshment vendors or some responsibility should be thrown on the factory owners to see that good refreshments and healthy refreshments from the workers' point of view are provided. This is a suggestion which I would like to make on this occasion, and I would earnestly request the Member in charge to introduce this suggestion either in the rule-making power or in the legislation itself.

The third point to which I would like to draw the attention of this House is with reference to the note which my Honourable friend, Mr. Mody, has submitted. Since the last Session, I find that he has raised a battle-cry against the Indian States. He may have his just grievances, because the trade has been diverted from Bombay to some of these States. My friend has also raised a revolt even in this Bill by saying that similar provisions should be introduced in Indian States and that similar factory laws should be introduced there. I do not know what grievance my friend, Mr. Mody, has got. If the circumstances in the Indian States are such that the workers there get more facilities, I see no reason why Mr. Mody should complain about it and try to put any handicap in those cases. It is only very recently that some of these States are becoming industrially-minded—they are just introducing some industries in their States—which will have a great effect in the welfare of their subjects: their industries and factories are still in the stage of infancy, and I see no reason why the British Government, with a view to helping themselves,

[Mr. S. G. Jog.]

should try to introduce handicaps on the prosperity and progress of industries there. Besides, I find that the British Government at present have got the power of enforcing these laws in the Indian States. On the contrary, I do not think it will be proper to force any such legislation on the States. As I said already, some of these industries are just being introduced in the Indian States and they must have sufficient time to prosper, and we must see that more industries are introduced in these States. After all, the workers and labourers in these States will, after some time, be able to realise their own rights, and probably the rulers of these States will sufficiently guard the welfare of their workers. I do not, therefore, entirely agree with the view expressed by my friend, Mr. Mody, in his note attached to the Select Committee report.

As I have said, this is a most important piece of legislation which will go a great way to improve the conditions of the labourers. It is a general charge that the Indian labourer is unskilled, that he has no education, no sense of responsibility and no sense of duty, and, therefore, it is not proper to reduce the working hours. May I appeal to my friend, Mr. Mody, and ask him, who is responsible for this state of affairs? In Bombay and many other places, factories were started and mills have been working for a long time and no sense of duty has been created in any of these workers. I think it is the neglect of these millowners that they have not created a sense of responsibility and sense of duty in the workers, by neglecting their welfare. Up till now, the workers were treated as animals. These millowners and others never thought that the working classes had any human rights, that their interests and rights should be protected and guarded or that they had comforts which must be looked after by the millowners. But it is really a good indication that both the employers and the employees are now coming closer and closer, and both have begun to realise their responsibility. India has made a great advance in industry, but the progress of an industry depends upon a clear understanding of the two sections engaged in it, and India's industrial prosperity will only advance, when both the workers and the employers realise their responsibilities to each other, and also when the Government will be thoroughly nationalised. With these words, Sir, I really commend the work that has so far been done by legislation, and I heartily congratulate the Honourable Member in charge on his achievement that during his régime he has really made a great deal of progress by means of legislation in furthering the welfare of the labouring classes. Sir, I commend this motion for the consideration of the Bill.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, it is very gratifying to note that our Honourable friend, Sir Frank Noyce, has availed himself of the great opportunity that was awaiting him in his Department. This, like all other Departments in the category of nation-building Departments, has been starving, and few Honourable Members have given it the attention that it deserved. So many beneficial measures are awaiting decision. I am glad to find that in Sir Frank Noyce we have a very sympathetic heart which prompted him to bring forward legislations of such important character. He has pushed on many such measures during his short régime, but still there are a number of them requiring decision and action. In connection with this Bill, I admit that Sir Frank Noyce has definitely won over the capitalists and brought them down to 54 hours a week, but that is not going to

satisfy the labouring classes. I am sure they will not agree to this 54-hour week. My experience of labour in Bihar is that every factory owner is himself trying to satisfy the labour by giving them 48 hours a week. To my knowledge, even small factory owners in Bihar have been employing their labour for eight hours a day, with an hour's interval at midday. Sir, India is a hot country, and one cannot expect these labourers to do more work efficiently for a longer time. The more efficient you want them to be, the less time you should require them to work for. It is strict supervision that is required over the labourers of this country if they are to work efficiently. If the capitalists would not have more people to supervise labour and would not teach labour how to work hard, they will not get much out of longer hours. The longer hours will not benefit even the capitalists. Shorter hours with adequate supervision over the labourers is the one thing which will help both the labourers and the capitalists. I find that much has still to be done in this connection by the Honourable Member in charge of Industries and Labour.

The distinction that is sought to be drawn between one factory and another is also somewhat anomalous. I do not find any reason why a man employing labour in power-houses should be exempt from the provisions of this Bill. A man employing even ten persons in a power house has to look to the same principles of welfare of human life as a man employing a larger number of people in factories. That distinction will have to be removed some time or other. But constituted as this House is at present, we cannot expect to get better results than what our Honourable friend has been pleased to give us, and, therefore, we should be satisfied with what he has done, but it does not mean that we feel sure of the grounds on which we have been put. With these words, I don't oppose the consideration of the Bill.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I need not repeat all the encomiums that have been expressed by the previous speakers. They are very well-deserved by the Honourable Member in charge of this Department. He has shown his broad heart by introducing a really good piece of legislation. But, Sir, when I say this, I do not say that there is no room for improvement in the Bill. My Honourable friend, Dr. Dalal, has laid down in a very fine speech this morning a number of principles which ought to be borne in mind when one is considering the improvement of the lot of the labourers. The factory labourers of this country had been up to this time a neglected body. Time was not far distant when they were required to work for 12 hours a day continuously, and in order to reach the factory they had to leave their homes before break of day and return to their homes one or two hours after sunset. In this way, at that time, it was said that the children of the workers did not know their fathers, because they could not see them in day time, and during the night time the children were in bed. When the period of 12 hours was reduced to 11 hours, a great howl was raised by the millowners and other employers and they prophesied that their industry would be ruined. But in a very short time they got themselves reconciled to the change and they found that they did not suffer in any way in the output of work on account of the reduction in hours. Now the period of 11 hours a day has been reduced to 10 hours. That too is a very long period no doubt, but the factory owners and the millowners of Bombay and other places raised their protest when the Government of India intended to reduce it to nine hours a day, that is, 54 hours a week.

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Now they have seen the wisdom of not opposing Government in this respect and they have given their consent, or at all events, they are submitting in despair to the inevitable. But, Sir, even nine hours a day is too long a period for the labourers. Dr. Dalal has explained the theory of individual fatigue. It is well-known that in a cold climate, persons can put on more hours in work without much fatigue than they can do in a hot climate like that of India. If in England and other Western countries 48 hours a week or even 44 hours a week is prescribed, much more is it necessary for India to have 48 hours work a week. But, now the present Bill lays down that the workers will be obliged to work 54 hours a week. As a step towards the goal, I think we may accept it with a protest and with a hope that in a very few years, Government will see the necessity of reducing the 54 hours a week to 48 hours a week or 44 hours a week. We know from experience how much time is wasted by every labourer in a Bombay mill. Although nominally the working day is of nine hours the labourer hardly puts seven or eight hours' work a day. He loiters a great deal because his physical power is of a very low standard, and he cannot work continuously nine hours a day. So, even if the time be reduced to eight hours a day, I do not think there will be any material loss to the factory owner because then the one hour will be cut off from the loitering time.

An Honourable Member : They will go on loitering still.

Mr. B. V. Jadhav : They will not go on loitering, because they have to earn their wages, and generally the labourers in a factory are paid on piece work, and therefore the less they do the smaller will be their wages and they will suffer, and the labourer understands his interests very well not to do it. (Interruption.) The capitalists have always been claiming that they are the friends and protectors of the labourers, but the labourers have come to find out the hollowness of the pretensions of the employers. There are other matters also. There is the question of maternity benefits, and that too is a very good thing. It is very necessary that one month before delivery and one month after it a woman ought to get complete rest and if she has worked zealously during the previous period then her wages ought to be paid by her employer. In Bombay, that legislation has been passed by the local Legislature and it has been found very useful for the women workers in Bombay, and I am very glad that those benefits are to be extended to women workers in other parts of the country. I need not take the time of the House any further. I heartily support the motion that this Bill be taken into consideration.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : The Bill is a great disappointment to me, not so much for what it contains but for what it does not contain, and this I should like to point out very briefly. Let me say at first, that I do not represent labour, and they say, capitalists may exist, capitalists may go, but long live labour. They say, factories may exist, factories may die, but labourers must prosper. Nor do I represent the capitalists who say, labour may live, labour may die, but they must have a fat dividend. I represent neither the one nor the other, but I take a common sense point of view of the whole Bill. Let me first deal with what the Bill does not contain but which ought to have been in this Bill. The Bill provides for medical inspection, but, according to Dr. Dalal, who unfortunately is not present now, this requires the development of a new science called anthropometry. Unless this particular science is introduced in the study of

medical science and men trained in it are brought into existence the whole of the medical inspection, according to Dr. Dalal, will be a mere farce. I do not take up the scientific point of view which my Honourable friend, Dr. Dalal, took, but let me take only the common sense point of view. Medical inspection is there, but it has not been provided who will be the proper authorities which will carry on the inspection, whether the inspection of an ordinary Hakim or Vaid or an ordinary sub-assistant surgeon would be sufficient, or whether each cooly and each labourer would have to get a certificate from the civil surgeon and pay him a fee of Rs. 16. Further it is not provided who will pay this amount. It is all right to talk about medical inspection, but when we come to details of its working, enormous difficulties would appear. These difficulties are being shoved on to the Local Government, but as was pointed out by Mr. Morgan, there is only one clause which is the co-ordinating clause, that is clause 80, and in this case each Local Government may go in its own way. One Local Government may accept a certificate of a Hakim or a Vaid, while another Local Government might insist that the certificate must be obtained from the civil surgeon of the place. And my Honourable friend, Dr. Dalal, says that whoever they may be, they will all be unfamiliar with the science of anthropometry because this particular branch of the science is not yet taught in our medical schools and colleges. Therefore it is not merely sufficient to prescribe medical inspection in such a brief manner in this Bill, and leave out all important details.

The second thing which has been avoided is the question of contractors of labour. Attention was drawn to it by the Royal Commission on Labour at page 23 of their report, and nothing has been mentioned in this Bill about overcoming the difficulty about the contractors of labour. In fact, the trouble is not so much about labour as about the contractors of labour, and there is no provision in this Bill about them. No rules are provided in this Bill to guide the actions of contractors. When I come to the contractors I will give a definite illustration. Again, there is no mention in this Bill of the very class of labour which are employed by, what I would call, the orphan department. I do not mean to refer to Mr. Mody's orphanage which I have previously described on the floor of this House. There is another department which I would call the orphan department, and that is the Railway Department. It is called orphan, not because it has not got a master, but because the master is so much engaged, on account of insufficient staff, with the work of another department, the Commerce Department, that he cannot find time for this department. The Railway Department is a department which is not looked after by anyone. I find that the Royal Commission on Labour had two chapters, that is, Chapter IX and X, on the employment of labour in Railways, but there is no mention of it in this Bill. Probably, my Honourable friend might say that, all this will be the subject matter of another Bill, a Railway Bill which will be brought forward by the Railway Board or the Railway Department. But from our experience of yesterday, I feel that the whole thing, if left to the Railway Board, would probably never be done.

It was pointed out on the floor of the House yesterday, and all my civilian friends will be shocked to hear, that in the Railway Department even the seniority list does not exist; and when I asked how long it would take to prepare a seniority list in the Railway Department, I was told that it would take a little

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less than an indefinite time. Now, my friend, Mr. Rau, is not here, he was a mathematician in his younger days, and I should like to ask, what is the period, which is a little less than an indefinite period,—and I hope there is only one answer and that is that that period is also indefinite. My Honourable friend, Mr. Grantham, who is also a wrangler, will tell you—it is infinity. It means that seniority list will never be published. So this is really an important thing, that there ought to have been some provision in this particular Bill, about the employment of railway labour, because their condition is just as important as the condition of the labour in factories and elsewhere. The second thing about the contractors of labour which I said was that there should be a sound system of contractors for coolies on the railways,—and we know what that contractor system is. We know how much *begar* these coolies have to do. Now these contractors really charge the Railway Department for loading and unloading, and it is all really done by their own coolies, and nothing is paid for it. You will find this to be the case at Benares, and many other stations on the E. I. Railway. If an inquiry is made, I can supply ample information on this point. Now the important thing to which I should like to draw attention is that there is no mention in this particular Bill about the condition of labour in the Railway Department. There is one more omission—and it is agricultural labour. Now the factory labourer is comparatively much better off than the agricultural labourer. There is mention of factory labourers but no mention is made about the agricultural labourer whose condition I say is much worse. So these are a few points to which I draw attention. If I were to begin to mention in detail what the Bill does not contain, I am afraid I will have to go on for many days and as long as Members of the Assembly, and you, Sir, have patience to bear, but I would just draw attention to one or two defects of this particular Bill. Sir, there has been a good deal of discussion about the hours of work. There has been a regular pull between the protagonists of labour on one side and of capitalists on the other; and the whole thing was decided by the neutral and masterly mind of the Honourable Sir Frank Noyce, as has been admitted on the floor of the House. Sir, I think we could take another view of this whole question and that view is that we should utilise this particular problem in solving the problem of unemployment and this is one of the things we ought to do. We have seen that the Railway Department had to give forced leave of one month or fifteen days to their labourers in order that more people might be able to find work. Now if we could possibly have a less time with these labourers in order to employ a larger number of persons, it would help to solve the problem of unemployment. What we have to do in this case is that we should fix up locally, from the local conditions, the wages of a particular hour. Now the wages must differ in different towns, because the wages in Bombay cannot possibly be the same as the wages in a smaller town. But suppose we fix a wage for each hour according to the standard of living. It may be one anna per hour or two annas per hour and let us say that it will be 48 hours a week; then they will be paid for 48 hours. Similarly for 58 hours a week, they will actually be paid for 58 hours, and the Local Government by a consideration of the local conditions may simply fix up the wage of one hour; thus, one hour a week per month, multiplied by so many hours, in order to get a month's

wages. If this is agreed upon, I am sure all the labourers will come forward and say, "we would like to work longer hours" and the capitalists will say, "probably we will employ some other men with fresher minds". So if they are paid at the rate of working one hour a week and the wage being fixed locally and multiplied by the number of weeks they are willing to work, then the whole problem will be solved and the tug-of-war between labour and capital will disappear.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you accept that, Mr. Mody ?

Mr. H. P. Mody : Entirely !

Dr. Ziauddin Ahmad : In this particular case if labourers will try to press for 48 hours a week, they will find room for more work and that will help the problem of unemployment. If on the other hand the capitalists say, "no, they should work for 54 hours or 60 hours", though they may be putting more money into the pockets of a few persons, they will not be helping the problem of unemployment; and so I think if we fix upon this idea that the wages should be fixed by local conditions and a particular amount should be fixed for working one hour a week per month and then multiply their wages by as many hours as they actually work, I am sure the whole fight between capitalists and labour about the hours of work will disappear and in fact the demand will be reversed. Labour will demand longer hours in order to demand more money and capitalists will say, "we will give you shorter hours in order to get fresher hands".

The next point to which I should like to draw attention is the enormous power given to Inspectors in this Bill. We know that the Income-tax Commissioner in the British administration has enormous powers. He listens to the appeals and practically he is the final authority and he can do whatever he likes and every person from the highest to the lowest is practically at the mercy of the Income-tax Officer.

Mr. Lalchand Navalrai : The Finance Member is not present now.

Dr. Ziauddin Ahmad : But he will read my speech all right.

Now, they are creating a new post, parallel to the Income-tax Officer, called the Inspector of Factories. Practically now, in future the destinies of future factories will depend entirely upon this Inspector. Our trade, our industries, our arts will entirely be at their mercy. They can do whatever they please and there is very little room for any Bill of any kind. So we are now creating a very peculiar magnate in this Bill, with enormous powers.

Mr. B. Das : He is already there.

Dr. Ziauddin Ahmad : But we are giving him more power. We know what the boiler inspectors are, and we know what actually they do and how they trouble the persons who have not got influence of one kind or other, and we are afraid that if these Inspectors are created, they may hamper the smaller industries and particularly the cottage industries of our smaller towns; they will hamper them so much that it will be impossible for them to flourish. We know the condition of the cottage industries in our smaller towns. Sir, they live from hand

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to mouth, they just get enough to keep themselves in existence : and if any extra burden is imposed by these inspectors, we will practically be doing a very great harm to these minor industries and they may practically in fact shut up.

Sir, the next thing to which I would like to draw the attention of the House is the new definition of factory. It is now supposed to be defined by the Local Governments under clause 5 of this Bill. The definition of factories has now been established. Every Local Government knows and everybody knows what a factory is. The factory is a place of manufacture which employs some kind of power, electric or mechanical, and employs 20 or more persons. This definition is an accepted definition. Now, it is proposed to give power to the Local Governments to give a new definition of the factories. That is to say, the factories may not use power at all or they may employ as few as 10 persons. I am afraid that this will very much affect the cottage industries in smaller towns. Every small industry usually employs some kind of labour and, at least on one day in the year, they may employ as many as 10 persons and, therefore, they will come under this particular law and will be so much hampered by the Inspectors that they will suffer enormously. Therefore, I appeal to the House that the definition of the factories which has been fixed by tradition and also by the Act of the Government should not be changed and should remain intact and the Local Governments should not be empowered to impose a new definition on the factories. There is one great apprehension which I have in my mind. We have passed the Sugar Bill already. There we have said that the sugar manufactured by the *khandsari* system, produced by factory system, will be taxed at half the rate, and the sugar which is not produced by the factory system will be exempted altogether. But if this definition of factory is altered as it is proposed to be altered, the United Provinces Government may give a new definition to a factory. It may say that a factory is a place of manufacture which is worked by hand and which employs 10 persons, and the result will be that the excise duty on sugar will be charged at the same rate as the sugar produced by the *khandsari* system worked by machinery. So, I am afraid that this new definition, which is being introduced in this Bill for an entirely different purpose, may be misused by Local Governments. I am very strongly of opinion, therefore, that this definition should not be altered as it has been definitely fixed and it is also understood by everybody.

vinces, with the result that the industries relating to the same article will be handicapped in one province and will prosper in another province. Another thing is that the provinces which have easy conditions for labour will attract labour from those provinces which have got more stringent conditions. Therefore, the movement of labour will be from province to province according to the nature of the enactment created by the province and will very much upset the balance of industries in India.

There is one other point which I would like to emphasise and that is the conditions prevailing in the Indian States. If the Indian States did not impose the same stringent conditions as we are imposing in British India, the effect would be that the labour would shift from British India to the Indian States. The capitalists will not open their factories in British India but in the Indian States and the difficulties will increase enormously.

Mr. S. G. Jog : Where is the harm if they go to the Indian States ? They are also part of India.

Dr. Ziauddin Ahmad : My friend says that there is no harm if they go to the Indian States, but he forgets the fact that unfortunately we have to pay the taxes and keep the Government of India going, and if our industry is shifted to Indian States, then our income-tax which is already very high will be further increased and there may be another instalment of 25 per cent. increase which my Honourable friend, Mr. Jog, ought to be ready to pay. If the conditions of manufacture become easier in Indian States than they are in British India, then I am sure our labour and our capital will be diverted from British India to the Indian States, and it is exceedingly desirable that, whatever conditions we impose upon labour in British India, ought also to be imposed on the labour in Indian States. No doubt on paper the Indian States differ from the British India but in practice they do not, because there are a large number of persons who have got interest in both and it is very easy for them to shift their interests from Indian States to British India. They are not like two different States in Europe but they form part and parcel of one country and that is Indian India.

Mr. G. Morgan : May I ask my Honourable friend a question as regards what he said about labour and capital ? Does he mean to say that labour is going to fly away because of the provisions of this Bill, when we are conferring more benefits on it ?

Dr. Ziauddin Ahmad : My point is that the conditions of labour, and, whatever legislation we may make, ought to be uniform for all the provinces and also for Indian States. If the Local Governments and the Indian States apply different conditions, then the labour and capital will gradually move to those places where the conditions are easier. Sir, these are the few points to which I wanted to draw the attention of the House at this stage and I will discuss these points in greater detail when the Bill is taken up clause by clause.

Before I sit down, I would, however, like to mention one point. And that is this. So long as there is a tug-of-war between labour and capital, it is impossible for the industries to flourish. We should now be able to find out a formula by means of which we can establish good relations between the capital and labour, and those of us who represent neither, like myself and my Honourable friend, Sir Frank Noyce, are in a position to establish good relations between them. Unless this is

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done, it is impossible to find a good solution either by means of an enactment or otherwise.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I feel that I ought not to allow the second reading of this Bill to go through without offering certain observations and making certain suggestions that have occurred to me not only in the course of this debate but on reading the report of the Royal Commission on Labour, on which this Bill is founded. Sir Frank Noyce has very rightly pointed out that, so far as this House is concerned, there is no difficulty in pushing through legislation of this character, but the difficulty lies in the House wanting more and more of legislation of this kind. This is really the attitude of this House. I think it ought to be quite clear in our minds that when we talk of legislating for improving the condition of labour, we cannot take the question as isolated from the question of the development of our industries. It would be a foolish fallacy to suppose that labour can benefit if the industries are crippled, and equally fallacious it would be for the industrialists to assume that they can carry on their business with profit to themselves or to the country, unless the condition of workers is improved and labour is made much more efficient than it is at present. We have heard repeatedly, on the floor of this House, statements made by employers of labour, that one of the causes of the depression, in so far as it has affected India, one of the reasons why Indian industries of certain categories are unable to compete with foreign countries, was that labour here is inefficient. Therefore the real problem is, as the Royal Commission has stated throughout its report, how to improve the condition of labour without in any way handicapping the growth of industries in the country. The two problems are so intimately connected that we cannot look at one aspect of the question without considering its effect on the other aspect. Let me here say that, when I went through the report of the Royal Commission on Labour, I was extremely impressed by the impartiality, the sound judgment with which Members of the Commission weighed every aspect of the very difficult and complicated problems before them. They have issued a report, which in my opinion, ought to be accepted in full by this House and by the Government. Throughout the report there is evidence, very prominent evidence, that they have not allowed any aspect of the problem to be ignored, they have tried not to be unduly sympathetic or lenient towards labour at the expense of factory owners. Their recommendations are extremely cautious and extremely well considered. Sir, the problem, as the Honourable Sir Frank Noyce told us, is of an extremely complicated character, and it is not possible for any one on the floor of the House, in the course of a debate, to do justice to all the questions that have arisen. We should, therefore, accept the recommendations of the Royal Commission, excepting those that can be shown to be evidently out of date or based on some wrong assumption of facts. Throughout the debate on this Bill, and bearing in mind the speeches made by the Honourable Member in charge on previous occasions, I do not think any one has pointed out in this House that any of the important recommendations of the Labour Commission are founded on a misconception of facts or that such recommendations must be treated as out of date or inappropriate having regard to new circumstances. Sir, I think that ought to be the general attitude of this House. The report of the Royal Commission is a voluminous one and, it

has dealt with so many questions in detail that, it would not be possible for anyone to do justice to them in the course of this debate. So far as this Bill is concerned, I join those who have expressed their cordial appreciation of the sympathetic attention which has been devoted to this important subject by the Honourable Sir Frank Noyce assisted by the officials of his department. I also agree that Mr. Clow, who unfortunately is not here, did extremely valuable work on the Labour Commission itself and I believe that the recommendations of the Commission were greatly influenced by him. As regards the Bill, it only touches one aspect of the problem, though a very important aspect, that is, the conditions in which labour is to be employed in the factories themselves. The report of the Royal Commission deals with many other connected problems which have to be faced, if you are really going to improve the condition of labour and at the same time its efficiency to the advantage of the employers. Sir, I have had occasion in this House, more than one occasion, to remark that our Government, which devotes so much attention to other matters, devotes very little attention indeed to problems affecting the general masses of the people. Here at least we have before us a report of a very important and authoritative Commission which deals with problems affecting a fairly large section of the general population of workers and if their recommendations were carried out by the Government in the spirit and the letter of the recommendation of the Royal Commission, we shall be advancing a certain stage in that social legislation which is now the feature of every country throughout the world, excepting our own. Sir, it was that which impressed me very much. If our Government, I do not say by this Bill alone, but by a number of Bills if necessary and, not only by legislative measures, but by acting in concert with employers and by giving necessary directions to municipalities and district boards, would see that the main recommendations of the Royal Commission were given effect to, then we should have made a very fair advance indeed towards the goal which every nation has in view.

I have a few words to say as regards some of these clauses of general nature, but before I come to them, I wish to draw the attention of Government to certain omissions that there are to be found in this Bill, and I hope, the Honourable Member, is going to assure us that, the other questions which have been dealt with in the report of the Royal Commission are going to be taken up by them as soon as they find it practicable. It is now more than three years since the Commission reported. I admit the report deals with questions of a difficult and complicated character and they could not be disposed of in a hurry; but surely they have had sufficient time to consider these questions. The Royal Commission toured all round India, consulted Local Governments, local officials, non-officials, employers of labour, representatives of labour and came to their conclusions after considerable deliberation and consultation with the various parties interested, with the various persons who were in a position to throw light on the questions they had to deal with. In those circumstances, I do submit respectfully that, Government ought to be in a position now to tell us definitely, what are the recommendations which they accept and what are the recommendations which they are not prepared to accept, and give their reasons to satisfy us that the Royal Commission had gone wrong in any of those respects. My Honourable friend, Sir Frank Noyce, has told us that he first prepared a consolidated Bill and had it circulated, received voluminous representations and

[Sir Abdur Rahim.] I had the Chief Inspectors of Factories in consultation, and that the Chief Inspectors also assisted the Select Committee in their deliberations. But I should have liked to hear from my Honourable friend, what are the important recommendations of this Commission which Government are not prepared to accept or whether they are still considering some of those recommendations and are only waiting to find time to embody them in the form of a Bill or to take such executive or administrative action as the case might require. Sir, I heard the Honourable Member's speeches on the two occasions when the Bill was introduced and when it was referred to a Select Committee. But he has not yet given us any information regarding the attitude of Government as to the other questions raised in the Royal Commission's report. For instance, I will give some examples. Take the housing problem, the housing of the workers. Whatever provisions there are in this Bill regarding provisions for health, sanitation and things of that character, they apply only to the premises of factories. I believe I am correct in that. This does not touch the question of housing the workers. Now the Royal Commission have made a number of recommendations on that subject some of which could be embodied in an enactment and the others could be carried out by the moral influence of Government exercised on the employers. As the Royal Commission points out, those employers of labour who have taken proper steps to house their workers, to initiate and establish welfare work for their benefit, have not lost by the efforts they have made, but improved their own position. In the report we find evidence that in quite a number of factories the owners have been doing excellent work for the benefit of the workers in the matter of housing them and in the matter of looking after their welfare generally. And they point out, and that is the impression I gather from the report, that as a matter of fact the local authorities and the Local Governments have not risen to the height of the occasion. They have not realised the responsibility that lies upon them although some of the employers have done so. They mention a number of factories and mills where excellent work is going on for the benefit of the workers. They point out that there is a triple responsibility in this respect, the responsibility of Government, the responsibility of the local authorities and the responsibility of the employers. My Honourable friend, Dr. Ziauddin, mentioned the case of the Railway employees. For that Government are directly responsible, but I find that the report points out several very important respects in which the Railway authorities have not done their duty by their workers as they are expected to do. As regards the local authorities, municipalities and district boards, I am afraid the Royal Commission have stated facts, and basing their conclusions on those facts, have condemned the local authorities generally; and they have also indicated measures which ought to be taken in order to meet those difficulties and shortcomings.

I should like to hear from Government, when my Honourable friend speaks next, what they are going to do in respect of all these matters. I am perfectly aware, and so was the Royal Commission, that some subjects, like public health and sanitation and matters of that character are in the charge of Local Governments. But surely if some of the local authorities have not proved equal to their duties, it is for the Central Government to see that sufficient pressure is put upon them

so that they discharge their duties properly. I do not say that this Bill itself should include all those provisions that may be necessary, but what we ought to be satisfied about at this stage is that the Government is alive to the fact that there are many things to be done by the local authorities, the Local Governments and the Government of India itself, in order to ameliorate the condition of labour. I am not one of those who want to throw all the burden on the employers. On the question of housing, no doubt, some responsibility does lie on the people who found factories and thereby attract large numbers of people to work there. There is also the responsibility of the municipality to make arrangements for sanitation and the supply of proper drinking water, to see that they are properly housed and that their health does not suffer as far as this can be provided for by the municipal authorities.

Then there is the Local Government and the Government of India. The question of housing is an all-India problem; it is a problem which has been, and is being, tackled all over the world except by the Government of India. I have never heard any Member of the Government here get up and say that they have even been considering that problem. They say: "Oh, this is impossible in a country like India, with a population like India's." But the Royal Commission, which was also a very responsible body, a very authoritative body, which toured all round the country, considered all the evidence, saw the situation, knew the difficulties of the Government also, came to the conclusion that it is not an impossible problem to solve and that a beginning must be made. The general conclusion they have arrived at is that it is too often that commissions and committees make recommendations and that it is very seldom that the Government carry them out in their proper spirit. They lay down that it is perfectly practicable, perfectly feasible, for the Government to lay down a general programme which can be worked out, though not at once, but by gradual stages. I want to know and, I hope my honourable friend will tell us if the Government, after having considered the report of the Royal Commission, has formulated, or, they are going to formulate, any scheme of the nature which has been proposed by them.

The Royal Commission throughout its report emphasises the fact that nothing really can be done to improve the condition of labour, to improve the efficiency of labour, unless steps are taken by the employers to see that labour is sufficiently paid. In some factories, by some employers of labour, they are paid very fair wages; but that is not the case everywhere; and they point out, for instance, the case of the tea plantations in Assam, where it is very difficult for them to assess or ascertain what really the wages altogether amount to; and they have suggested a board for that purpose. They have also suggested and said that it is quite possible to institute a board for fixing the minimum wages and they have suggested legislation, I believe, for seeing that there be not undue deduction of wages. They have pointed out, as my Honourable friend, Dr. Ziauddin, has stated, that too often, in too many places and in too many industries, the workers are paid through sardars and contractors. The result is that in many cases, in most cases, the workers do not receive their proper wages: a good portion of it sticks to the contractor or the middleman. They have also suggested a remedy for this: they have suggested that the middleman should be done away with and that a labour official should be appointed and they have suggested a way in

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which this could be done. I should like to know from the Honourable Member, whether he has considered these points also, and whether he is going to take any action in respect of these matters.

If I were to deal with all those questions, it will be impossible within the time at the disposal of this House to do justice to them; but I have given just one or two instances of very important matters for which the Bill makes no provision whatever. It does not purport, I admit, to do that; but all that I want to be satisfied about is whether the Government are going to take steps to give effect to all the important recommendations of the Labour Commission. If they are not, I think it is due to this House that the Government should tell us what are the recommendations which they are unable to accept. I consider this to be a very great opportunity for this Government, and, I do hope the Government will not allow this opportunity to pass without taking full advantage of it. Something has to be done for the masses, whose poverty, the Royal Commission says, is indescribable. They were horrified at the way these workers have to live; they point out that the standard of living is so low that it is really idle to expect much efficient work from them. They point out that all this can be greatly ameliorated, but so far as this Bill goes, it only provides for certain matters within the factory itself. If my Honourable friend will tell us what the attitude of the Government is in regard to the other matters, I for one at least will know how the position lies.

As regards some concrete questions that have been raised in the course of this debate, the question of hours is undoubtedly one of some difficulty. My own opinion is that 54 hours is too long. That is to say, a worker has to work continuously for 4 or 4½ hours, then he will have rest for say an hour, and then again he will have to work for another 5 or 4½ hours. As my Honourable friend opposite has pointed out, labour is not a machine. You cannot tax it beyond a certain limit. That nobody can deny, and after a worker is exhausted, the employer cannot expect from him anything more when his capacity for work has declined. But I am prepared to accept the recommendation of the Royal Commission. I am not prepared to pit my own personal opinion against the conclusion arrived at by the Royal Commission after taking full evidence and after taking all the manifold facts into consideration, and their conclusion is that, at present and having regard to the circumstances of this country, it would be rash to reduce the hours of work beyond 54 hours. I am prepared to accept that conclusion, but if I accept a conclusion like that against my own personal judgment, I do so in deference to the fact that the Royal Commission had an advantage which I do not possess. It is, therefore, only fair for me to ask that, under those circumstances, the other important recommendations of the Royal Commission should be accepted by the Government in their spirit.

My friend, Mr. Mody, in the course of his speech, stated that the proposals of Mr. Joshi and others were of a revolutionary character. So far as I remember, Mr. Joshi differed from the majority of the Commission on the question of the hours of labour and also in one or two other matters of detail. Sir, I do not consider that the reduction of hours to 48 hours would be revolutionary. My own belief is that the employers will gain by it, because efficiency will be increased, and it will be a short-sighted policy to keep the efficiency of labour in this country at its present

low level, because in the long run, if labour continues to be so inefficient, it will be impossible for the industries in this country to compete with those of foreign countries. Here I wish to make one remark as regards the apprehension that has been expressed that if the provisions of this Bill and the other recommendations of the Royal Commission are enforced in British India, then the industries may migrate to Indian States. My Honourable friend, Mr. Jog, said, "well, what harm is there if this does happen?" I think it has been properly pointed out to him that the revenues of British India will suffer, but there is another answer to this, that those who think that by improving the conditions of labour in British India the factories will suffer, they are under a misapprehension. If that was so, it would be very difficult to support this Bill or the other recommendations of the Royal Commission, because, if the industries suffer, labour necessarily must also suffer. If the conditions of labour improve, then, as the Royal Commission has found and which finding I accept entirely, labour's efficiency will also improve. The industries will not suffer, but they will gain immensely, and the Commission have given instances where certain factories, by looking after their labour much more carefully than the other factories, have in fact improved their own position, they are in a far more prosperous condition than those industries which are apprehensive of doing anything for their labour.

Sir, I wish now to draw the attention of my Honourable friend to some of the general features of the clauses. It seems to me, as has been pointed out by my friends, Mr. Morgan and Dr. Ziauddin Ahmad, that the Local Government has actually been given a sort of *carte blanche*. Factory legislation is an All-India legislation, and I believe the Round Table Conference and the Joint Select Committee came to the conclusion that labour ought to be a central subject with concurrent powers of legislation in the provinces.....

[At this stage, Mr. Amar Nath Dutt was observed walking across the floor of the House.]

An Honourable Member : Order, order.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : No order.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should not walk across the floor of the House.

Sir Abdur Rahim : I do think that the clauses in the Bill, at any rate in all essential matters, should lay down the law definitely, without giving any discretion even to the Local Governments whether to apply the law to any particular factories or not. I shall point out those clauses when they are discussed. Again, the Chief Inspectors who will certainly be responsible for administering the Act, they have been given very wide discretion. The general feature of that discretion is this. If a Chief Inspector finds out and comes to the conclusion that, for instance, a factory is not adequately ventilated, he is not compelled even then to enforce the Act against that factory. The Bill says, he may do so. I do not know whether in cases like that, the Government really intended that the discretion should be given to the Chief Inspector or not. It may be said that sometimes 'may' is interpreted by the Courts as 'shall', but as the clauses stand here, there can be no doubt that in spite of the Chief Inspector coming to the conclusion that certain things are necessary,

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certain provisions have to be made by the factories in order to carry out the intention of the Act, still he will have a discretion whether to apply the Act or not. I will give one or two instances. Take, for instance, clause 14, sub-clause (3) :

"If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation, or inhalation could be prevented by the use of mechanical or other devices, he may serve....."

Now, I ask if the Inspector finds as a fact that this is happening in a certain factory and it can be prevented, why should he have any discretion in the matter at all?

I say no officer ought to be given a discretion like that. I can understand the Inspector being responsible for finding what the facts are and even what is feasible. I concede so far as that, but once the Inspector has come to the conclusion that certain factories are not complying with certain provisions and there is really no reason why they should not comply with those provisions, why should he have any discretion at all whether to apply the Act or not? Take, the next one, clause 16 :

"If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the Local Government that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve....."

I submit that this is absurd. I feel almost certain that that could not be the intention of the Government. When the Inspector has found all the facts against the factory, why should he have any discretion? Take another clause 17, sub-clause (2) :

"If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted....."

Here, again, "may". I can go on giving clause after clause where "may" appears instead of "shall". It is absolutely wrong legislation. If a judge, for instance, finds that facts are in favour of the plaintiff or in favour of the defendant, is it to be suggested by the Government of India that the judge has a discretion to refuse a decree to the plaintiff or to dismiss the case? Most certainly not. I venture to think that perhaps it was an omission, or perhaps the draftsman thought that the word "may" may be interpreted as "shall". I know, as a matter of fact every lawyer knows, that the word "may" is sometimes interpreted as "shall". But why put this onus on the Court? I say that in these clauses the Court will have to interpret "may" as giving a discretion to the Inspector. I do not wish to dilate on the other provisions of the Bill. I do hope that matters of this kind Government will be good enough themselves to take into consideration, apart from any amendments which may have been put in or not.

As regards the Local Government, I do say, again that this is a matter of an all-India concern, and if you run through the Bill, you would find that in most cases it is really left to the discretion of the Local Government whether a certain factory should have the Act applied or not. This sort of power to draw invidious distinction between factory and factory ought not to be given. If the facts are there, the law is there,

and why should you give discretion to any Local Government, which means, of course, certain officials of Government,—it may ultimately turn out to be the Chief Inspector himself,—whether to apply the law or not? It will come to this, that the factory owners, at any rate a good many of them, will simply crowd the secretariat with applications pleading: "Here are special difficulties why the Factories Act should not be applied to our factories", or they will go to the Chief Inspector and put pressure on him and try to persuade him by any means in their power that such and such provisions of the Act should not be applied. I do think that to create such a situation is not fair either to the Local Government or the Chief Inspector of Factories, nor is it fair to the factory owners themselves. There will be unhealthy competition among the factory owners for winning the favour of the Local Government and of the Chief Inspector, and I strongly protest against such competition being introduced.

The Honourable Sir Frank Noyce : I am glad to find from the eloquent speech which the Leader of the Opposition has just delivered,—I wish I possessed a small portion of his eloquence,—that he shares with us on these Benches a very sincere admiration for the report of the Royal Commission on Labour and that he is as anxious as we are that the recommendations of that Commission should be implemented as far as possible and as quickly as possible. But, Sir, it came to me as a great shock to find that he thinks we have done nothing in the direction of implementing those recommendations and that he feels he has no information as to what we propose to do. In spite of his eloquent appeal, I do not propose this afternoon to accept his invitation to review the whole field of labour legislation. There are 375 recommendations in the report of the Royal Commission, and if I were to explain to this House what is happening in regard to those recommendations, what we think about them and what Local Governments think about them, what we have done to carry them out and what Local Governments have done to carry them out, what our difficulties are and what the difficulties of Local Governments are, I should keep this House for the rest of this afternoon and for the whole of tomorrow.

Sir Abdur Rahim : Can we have a written statement from the Government showing what recommendations have been accepted and what recommendations have not been accepted?

The Honourable Sir Frank Noyce : I am coming to that. I was just going to say that there is the less necessity for my making that explanation to the House, in that the House will find in its own Library, placed there quite recently, the Second Report on the action taken by the Central and Provincial Governments on the recommendations made by the Royal Commission on Labour in India. Here it is. It is a document of some 114 pages, and I shall be very happy to send to my Honourable friend, the Leader of the Opposition, a copy of it for his perusal.

Dr. Ziauddin Ahmad : Will other Members also have a copy?

The Honourable Sir Frank Noyce : I shall be glad to have a copy sent from my Department to any Member who desires to have one.

Mr. Lalchand Navalrai : I shall thank you for one.

The Honourable Sir Frank Noyce : I am very glad to find that Honourable Members take such an interest in it.

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Sir Abdur Rahim : I have never suggested casting any reflection but we wanted to know what were the recommendations that the Government have actually accepted. What has the Honourable Member done to carry out the other recommendations ?

The Honourable Sir Frank Noyce : I accept my Honourable friend's assurance ; I never thought for a moment that he was casting any reflection on myself or on my Department. But I am sorry that this report has not come to his notice before. I do think that our legislative programme, in regard to labour, is one on which we may look with some satisfaction,—I do not say, I am very far from saying, complete satisfaction. This is the third measure I have brought before this House which I think may be described as being of first-class importance. There was the Assam Tea Districts Labour Bill,—my Honourable friend specially mentioned the case of Assam, so I would draw his special attention to that,—there was the Workmen's Compensation Bill,—both of them now Acts,—and there is this Bill which, if I may say so, covers no small part of the field covered by the recommendations of the Royal Commission on Labour. Then there were two other smaller Bills—the Pledging of Child Labour Bill and the Land Acquisition (Amendment) Bill. The mention of the latter Bill brings me to one important point raised by my Honourable friend, the Leader of the Opposition, the question of housing. I doubt myself if there is very much more that the Government of India could have done in regard to housing than we did in that Bill by which we made it easier, by an amendment of the Land Acquisition Act, for employers to get land for housing schemes. I cannot but wonder whether, if the Government of India were to bring pressure to bear on municipalities, district boards and the like to go ahead with housing schemes for labour, my Honourable friend would not accuse us of undue interference in a provincial transferred subject and say that it is no business of ours at all. That is the difficulty ; my Honourable friend knows our limitations in regard to provincial transferred subjects, as well as I do, and that we have to leave matters of that kind to the good sense of the Local Governments. I can only assure him that we shall continue to go ahead as rapidly as we can with the recommendations of the Royal Commission on Labour. He knows that in Mr. Clow, the Joint Secretary of my Department, we have in the Department a member of the Royal Commission who has lost none of his enthusiasm and that, even if I were to show any signs of being listless in these matters, which I hope the House will agree that I have not so far shown, Mr. Clow would keep me up to the mark. I may mention that we have another Bill which has been introduced in this House,—the Bill to regulate the payment of wages. It is a Bill on a subject to which my Honourable friend referred. We shall go ahead with that as soon as possible, but I do not propose to make any further motion in regard to it this Session for I must frankly confess that the criticisms which we have received in regard to it, when it was circulated for opinion after introduction make it inadvisable that it should go to a Select Committee in its present form. I hope to take advantage of the interval between this and the Delhi Session to get it into a form in which it is more likely to be acceptable to the House. I trust that I have answered the Leader of the Opposition to his satisfaction, if not to his entire satisfaction, and that he is convinced that we really mean what we say in this matter and that we will do what we can to get on as fast as we can with the recommendations of the Royal Commission. There are very few of them with which we disagree. I think that my

Honourable friend will find sufficient explanation in this pamphlet to show why we disagree where we do disagree, and I may explain that this is an annual production and that it affords Members of the House an opportunity for seeing what we are doing and for keeping us up to the mark. I do not propose to follow my Honourable friend, the Leader of the Opposition, into his excursion into constitutional problems. Both he and Dr. Ziauddin Ahmad appeared to think that we were creating a Frankenstein which will destroy us in that we are giving Local Governments and Inspectors of Factories far too great powers. Well, Sir, all I would say in that connection is that we are merely following the existing Act. Local Governments get no more powers in future than they have done in the past except, of course, where some new fields of activities have been introduced, and there they get the same powers in regard to the fresh field that they have in regard to the existing one ; that also applies to the Chief Inspectors and Inspectors, though in some ways we have, I think, improved the procedure in regard to appeals from Inspectors to the Local Government.

Sir Abdur Rahim : Does my Honourable friend wish to retain the discretion that has been given to the Chief Inspector ?

The Honourable Sir Frank Noyce : There again we are following the existing Act, which, so far as I know, has worked satisfactorily. If there had been any objection to the discretion which vests in the Inspector in the existing Act, I cannot but think that the point would have been brought up in the Select Committee where we could have thrashed out the question. It was not mentioned by anyone in the Select Committee and I think, therefore, that it may be taken from that that the provisions of the existing Act have worked satisfactorily in this respect and that there is no necessity to change them. As regards the other criticisms of the Bill made by Honourable Members opposite, these appear to me to fall into two classes. The first class consists of those which are covered by amendments which have been brought forward to the Bill. I do not think I need say anything very much about them now because I shall have an opportunity of dealing with them when we come to deal with the amendments. The second class consists of criticisms which are not covered by amendments which have been brought forward and, for that reason, I do not think I need say very much about those either. My Honourable friend, Dr. Dalal, gave us a most interesting lecture on the medical aspects of health in factories. In pressing that maternity benefits should be included in the scope of this Bill, he has, I think, overlooked the fact that those are dealt with in his own province by a separate Act,—the provisions of which have recently, I believe, been adopted in the Central Provinces. It would, I feel, be a mistake to include questions of maternity benefit and also of education, as both he and my friend, Dr. Ziauddin Ahmad, also wished to do, in a Factories Bill. They are much better dealt with in separate legislation. Some, at any rate, of the other suggestions put forward by Dr. Dalal have, I think, much to commend them and I have no doubt that, as we progress in this country, and as the science of anthropometry is developed, they will be duly considered when future amendments of the Factories Act come up for discussion. There is a series appearing in England at the moment entitled "If I were a Dictator", and I could not but feel, when Dr. Ziauddin

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Ahmad was speaking, that he had been invited to contribute to that series and that he was giving us an advance chapter of his book. He expressed great disappointment not at what the Bill contained but what it left out. I was a little surprised at that for it seemed to me somewhat inconsistent with the amendments he has on the Agenda suggesting that certain clauses of the Bill should be omitted, one of which gives the worker a weekly holiday. He also wanted the clause giving Local Governments power to extend provisions of the Act to factories which employed ten persons omitted and he seemed to think that, by including that clause in the Bill, we were introducing some new principle and that we were out to destroy cottage industries. Well, Sir, I can only say that, if my Honourable friend had studied his papers as thoroughly as he must have done in the old days when he was at Cambridge and when he attained the high reputation as a mathematician that he now possesses.....

Dr. Ziauddin Ahmad : I read just as carefully every paper that comes to me.

The Honourable Sir Frank Noyce : Then I can only say that the Honourable Member does not read as effectively, for if he had looked at the existing Act, he would have found that the power taken in the Bill to extend the provisions of the Act to factories employing ten persons is a mere repetition of the existing Act.

Dr. Ziauddin Ahmad : The existing Act was not supplied to me.

The Honourable Sir Frank Noyce : I will read to the Honourable Member the provisions of section 2 (3) (b) of the existing Act, which run thus :

"Factory means any premises wherein, or within the precincts of which, on any one day in the year, not less than ten persons are simultaneously employed and any manufacturing process is carried on, whether any such power is used in aid thereof or not which have been declared by the Local Government, by notification in the local official Gazette, to be a factory."

Dr. Ziauddin Ahmad : Will you send me a copy of the existing Act ?

The Honourable Sir Frank Noyce : By all means. It is, Sir, merely a question of re-drafting. We have re-arranged the Bill and we have, instead of including the small factories in the definition of 'factory', allowed the Local Government to extend the provisions of the Act to them in another clause. There is nothing fresh there at all.

Then, Sir, my Honourable friend, Dr. Ziauddin, wanted us to deal with the recruitment of labour in this Bill. If he will look at the title of the Bill, he will see that it deals with labour in factories. I do not know how far it is possible to deal with recruitment of labour into factories by legislation. That is a matter which would require close study and I must confess that I do not recollect all that the Royal Commission on Labour recommended in regard to it. But here we are dealing with the labour which is inside the factory and we do not purport to do more than that. My Honourable friend also referred to labour at railways. The position there is that, if railway workshops come within the definition of factories, they stand in exactly the same position as any other factory. He seemed to be under the impression that they are being completely and entirely left

out of the scope of this Bill. That is not the case. They stand on exactly the same footing as every other factory. And, if they do not come within the definition of factory, then they do not come within the scope of this Bill.

My Honourable friend, Mr. Mody, raised the question of Indian States with possibly to him somewhat surprising results. His suggestions in that direction did not attain such a common measure of agreement as he might perhaps have expected. I can only say that, as far as the Government of India are concerned, we shall examine the question and see what, if anything, can be done. I am glad to find that my Honourable friend himself realises that the question is a difficult one.

I do not think I need say any more except to thank the House for its reception of this measure. I should like to divest myself as speedily as I can of by far the greater portion of that which has been given to me but is due to others, credit for this Bill goes to some one else. In bringing it forward in this House, I have merely carried on the good work inaugurated by my predecessor, the present Leader of the House, in implementing the recommendations of the Royal Commission on Labour. In the preparation of the Bill and its passage through the Select Committee and also, as I hope, in due course through this House, I have to acknowledge the great assistance given by my Department and especially by Mr. Clow, by the Chief Inspectors of Factories and last, but very far from least, by the Select Committee. I have no doubt that in due course I shall also have to thank the House.

Mr. B. Das : May I just ask a question of the Honourable Member ? Does my Honourable friend accept the two formulæ about unemployment which were suggested by Dr. Ziauddin Ahmad during the course of his speech ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 2 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, my amendment to clause 2 (j) runs thus :

"That in clause 2 (j) of the Bill, for the word 'twenty' the word 'ten' be substituted."

Sir, with regard to this clause, while I was speaking generally upon the motion that the Bill be taken into consideration, I said and I repeat it now that, unless and until this Bill is extended to benefit those factories also where there are less than 20 men working, it will not be said that the whole benefit has been taken by workers. Now, Sir, many words are not necessary to convince the House especially in view of the fact that the Select Committee itself has in clause 5 given power to the Local Government to apply this Bill to those factories where there are ten or more workers. Therefore, as this Bill is a Bill from the Central Government why should we not legislate from the very outset that the definition of a

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factory would mean a place where there are ten and more people working. I think it will not be denied that if there are even small factories working on the same principle and with the same power and with the only difference that there are lesser number of men working there, why should not the same benefits be given to the workers there. The Bill is being enacted for the benefit of the workers. Why should you make that invidious distinction when they are doing the same work and when they will be exposed to the same dangers which the workers in factories where there are more than 20 persons will be exposed to. For instance, the working hours. They are working with the same power, and the employers, not being bound by this Act, might increase the number of working hours and take more work from them and then the advantage which this Legislature wants to give to the workers will not be fulfilled at all. Therefore, I think it is very necessary that the scope of the Bill should be extended, and, with that view, I have tabled this amendment. On this point three Honourable Members have put in their Note and they are of the same opinion. I do not understand why this provision should be left in the hands of the Local Governments to implement. It has been suggested, in the speeches that were made today in the House, that the Local Governments might not exercise their power properly and they might do it on a different system. There is that fear and why should we leave to the Local Governments to work this Bill in a different way and not in a uniform manner. A labourer is a labourer in every province. He has to work for so many hours in every province and why should we allow that the Local Governments may make different provision. Properly speaking it is the duty of this Legislature to enact a provision such as the one suggested in my amendment, because if we leave the definition so loose and leave it to the Local Governments to decide, I submit the very object of the Bill will be defeated. I therefore submit that it is very necessary that this amendment should be accepted.

The next point raised by some Members is, that I am increasing the expenses for the employer in a small factory by making him amenable to this Act. Even in a small factory, the question of expenses should be no consideration, where there is danger—the factory working by power. Why should we not make provision to cover the risk in that factory? Therefore, the question of expenses should not stand in the way of this provision being made in the Bill. In these days of progress, these factories, specially where there is some danger, ought to be regulated and if the regulation is going to be made in the way in which this Bill is going to be passed why should not the small factories be also regulated. It seems to me that the very fact that you have put in clause 5 shows,—and even the Honourable the Mover of the Bill has accepted it,—that this Bill will apply even to small factories. That being so, why should the power be given to the Local Governments. I would request the Honourable Member to take into serious consideration this amendment. Even now there are small factories and inspectors for them. I see the work is not going on so regulated and not so very well as it ought to be. Under the present Bill when it is enacted into law, I expect the Government is not going to appoint inspectors of the nature we have now. The question of boiler inspectors has been commented upon by Dr. Ziauddin and I do join hands with him. I know the boiler inspectors are harassing the factory people. Therefore, the idea should be—and I hope it is also the idea of the Honourable the Mover of the Bill—that

there ought to be responsible inspectors, and, in that case, why should it not be that these small factories also should be under the guidance of these inspectors. The employers may play any prank and nobody would check them. Considering it from all points of view, I need not detain the House on this amendment. I have already said on the general discussion and I have repeated my reasons and I see that this has a very salutary effect which the Central Legislature should take into their own hands and define once for all what a factory is. I know that the numerical strength of the House is such that I am not sanguine about the passing of this amendment. But I have every hope that the Honourable the Mover of this Bill, who has been sympathetic, and who has explained certain things in the Select Committee to the satisfaction of the other side, I hope that the Honourable the Mover will be sympathetic on this point also and I appeal to him to accept the amendment. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 2 (j) of the Bill, for the word ‘ twenty ’ the word ‘ ten ’ be substituted.”

The Honourable Sir Nripendra Sircar (Law Member) : Sir, before this House accepts the amendment which has been moved by my Honourable friend opposite, I would beg of them to consider one aspect of the result of the amendment being carried. My Honourable friend started by saying, why this invidious distinction between ten and twenty? Why not change twenty into ten? May I follow that process and say why this invidious distinction between ten and nine, why not make it nine? Why not proceed a step below and make it eight? Therefore the question is we have got to take some reasonable figure and we cannot proceed by that kind of argument. The result of the acceptance of this amendment will be that many a small struggling cottage industry which need not come and are not intended to come within the operation of this Act at all will be strangled or in any case seriously embarrassed. If I may give a concrete example, Honourable Members will find that a clerk is not included within the definition of a worker. So we need not consider the question of clerk who is working separately. But consider a case and I am giving you one from my own experience. I know that some people, three or four brothers, helped by a cousin, carry on the manufacture of ink and they do use to a small extent some kind of power.

Mr. Lalchand Navalrai : But a very harmless power, I believe.

The Honourable Sir Nripendra Sircar : That depends upon how you use it. These four or five brothers, they have not got much staff, but they must have a sweeper to clean the place and if you look at the definition, the sweeper who cleans the premises is roped in by the definition. Therefore, the sweeper counts as one. He has got to keep some *durwan* for taking care of the manufactured goods and necessarily if you want to keep watch for twenty-four hours, you must engage more than one *durwan*. Probably for carrying his goods to the depots for sale, he keeps in the compound somewhere a car with a driver and a cleaner and that makes up ten and they will all be roped in by the definition. I am not complaining of the definition, but I am pressing upon Honourable Members to consider this, that if you make this figure so low as ten, the result will be that very small industries which cannot be described as nothing but cottage industries will come under the operation of this Act. The work of the inspectors and

[Sir Nripendra Sircar.]

of the authorities will increase inordinately, while the object gained, in many, if not in most cases, will be what is not desirable, and was never intended. Surely that is not the intention of the framers of this Bill. I submit, therefore, for your consideration that twenty is a reasonable number.

Mr. Lalchand Navalrai : Sir, if the Honourable Member will excuse me.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

The Honourable Sir Nripendra Sircar : I would have been very glad, Sir, to answer the question of my Honourable friend if you had kindly given him an opportunity to put it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may put his question.

Mr. Lalchand Navalrai : I am thankful to Sir Nripendra Sircar for giving way to my question. If the number ten is not such as would make the factory of the kind explained by the Law Member, why is it that the Local Government has been given power to allow that factory of ten to come under the definition ?

The Honourable Sir Nripendra Sircar : I should have thought that the reason is obvious. I have taken an example which is very near one limit. If you proceed further away from the border line there may be cases where the employment of ten men may be very similar as regards its effect and so on as the example of twenty. In the example which I gave, really the ten was made up of men like the sweeper, the *durwan*, the chauffeur and the cleaner of the car. But there may be another case where there may be ten people using power and working in a room, under certain conditions, which ought to attract the Act. Therefore, a certain amount of latitude, which has been given, is but proper ; and the more the framers of any legislation propose to specifically lay down with minutest detail the conditions for applicability of certain sections, the greater will be the difficulties later on.

Then, I heard something further about Inspectors. About Inspectors I find that there are two cross currents. With our desire to help the labourer we are glad that this is being introduced. At the same time, in the minds of some of the Honourable Members, there is a fear that we are creating officials who will have some power. These two opposing forces have got to be balanced. If the labourer has got to be helped, the Inspector must come in. Somebody must exercise the powers given under the Act for the benefit of the labourer. I do not desire to take the time of the House further on this question, but the sole question is whether the number 20 should be reduced to ten. I think that the Select Committee has gone into the matter carefully and a great majority of them have come to the conclusion that twenty is the proper number and they had the benefit of consultation with people like Inspectors and others who were competent to give them advice. I, therefore, oppose this amendment.

Mr. Abdül Matin Chaudhury : Sir, the Honourable the Law Member has asked that if we reduce the number to ten, why not to eight, or nine or seven, and so on ? It may surprise the Law Member to know that originally, when the first draft of the Factories Act was made, they

included in the definition of factory only those premises where manufacturing process was carried on, quite irrespective of the number of persons employed. So there is nothing absurd in suggesting that the number should be reduced from 20 to 10. The Law Member has said that many of the struggling industries will be embarrassed. The purpose of this Act, Sir, is to confer some benefit on the factory workers and not to make the position easier for the factory owners. That is only because the Factory Inspectors, in their evidence before the Royal Commission on Labour, strongly pressed that in the smaller factories the conditions are more deplorable than in the bigger factories and these smaller factories require stronger supervision than is necessary in the case of the bigger factories. It is only for this purpose of roping in all the smaller factories that we have suggested this amendment.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I oppose the amendment. I was surprised at the modesty of my Honourable friend, Mr. Lalchand Navalrai, in choosing the number ten. I thought he would give up the whole number and say, "any place where any manufacturing process is carried on by means of power should be a factory". That would be the perfect logic of the arguments of both my friends, Mr. Lalchand Navalrai and the Deputy President. They want all factories to come under the Factories Act, namely, any place where any manufacturing process is carried on by means of power. The ordinary man, who grinds flour in a shop in Calcutta by means of electricity, should come in and his small shop should be considered a factory. He shall have to keep and engage a medical man to look after the health of himself and others, whoever those others may be, and he has to keep a space for the rest-time use of the members of the factory and so on. So it would be ridiculous if we take the matter to its logical conclusion. The number twenty is a decent number where we have to take into account the health of twenty people. And I should have thought that having regard to the condition of industry in India the number should have been more. Sir, we want small industries. We do not want big industries which my Honourable friend, Mr. Mody, is capable of conducting. But so far as Bengal is concerned, we are content with the small industries which are growing apace. For instance, three or four persons who are chemists, graduates of the University, have opened a small factory and probably two or three coolies are engaged there for the purpose of carrying their commodities. Is that to be considered a factory ? How are we to go on if these small factories are to be treated in exactly the same manner as factories where about ten thousand people are employed ? Sir, in these circumstances, I oppose this motion.

The Honourable Sir Frank Noyce : Sir, I have considerable sympathy, as had the Royal Commission on Labour, with my Honourable friend, Mr. Lalchand Navalrai's amendment. The Royal Commission, in fact, suggested a general extension to unregulated power establishments of a few sections of the Factories Act, Local Governments retaining the power to apply selected provisions of the Act other than those automatically applied. Our provision is permissive and not mandatory as my Honourable friend, Mr. Lalchand Navalrai, would like it to be. The real difficulty in the way is not the question of strangling the small cottage industries,—an aspect on which my Honourable colleague,

[Sir Frank Noyce.]

the Law Member, laid stress yesterday,—but the financial difficulty. The Royal Commission knew, as we do and as the House does, that the effective application at this stage of the Factories Act, to unregulated power establishments and to establishments not using power, would involve serious practical difficulties. The difficulty, as I have said, is really a financial one. There lies the trouble. We realise that there are many of these small factories in which conditions are very far from being what they should be and that it is desirable that those conditions should be improved. But,—and this is the objection to the Royal Commission's recommendation,—if you are going to extend a few sections of the Act to these factories, you must have inspection, and, if you are going to have inspection, you might as well extend all the provisions of the Act as we have given the Local Governments power to do. Automatic extension at this stage would mean placing a very heavy financial burden on Local Governments. They will probably, in any case, have to increase their staff to carry out the provisions of this new Act, which involves, as the House knows, a very considerable addition to the existing duties of that staff. To add to them, the inspection of small factories would be placing on Local Governments a burden which we know that their finances cannot stand, and that is the reason why we have left the matter to the Local Governments themselves. As their financial conditions improve, and as they are in a position to strengthen their staff and, above all, as and when public opinion in the province impels them to the regulation of these small factories, they will have power under the Act to bring them into the field of inspection of the factory staff. It is mainly, almost entirely, a financial question. That is the reason why I regret that I am unable to accept my Honourable friend's amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 2 (j) of the Bill, for the word 'twenty' the word 'ten' be substituted."

The motion was negatived.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 4 stand part of the Bill."

Mr. Abdul Matin Chaudhury : Sir, I move :

"That in the proviso to sub-clause (1) of clause 4 of the Bill, for the word 'may' the word 'shall' be substituted."

This Bill divided factories into two classes, seasonal factories and non-seasonal factories. The importance of this division comes in here, because in the case of seasonal factories the working hours have been fixed at 60 hours a week, while, in the case of non-seasonal factories, it has been limited to 54 hours. The Royal Commission recommended that those factories which do not work more than 180 days in the year, that is more than half the days in the year, shall be classed as seasonal and others as non-seasonal factories. The criterion that they lay down was whether the factories worked for 180 days in the year or more. This is

significant, because the discretion lies in the hands of Local Governments to declare, whether a certain factory is seasonal or not. What we suggest is that no discretion should be left in the hands of the Local Government. What is left optional with the Local Government should be made obligatory because the Labour Commission never made any suggestion that this matter should be left to the discretion of the Local Government. I therefore move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the proviso to sub-clause (1) of clause 4 of the Bill, for the word 'may' the word 'shall' be substituted."

The Honourable Sir Frank Noyce : Sir, I regret that I am unable to accept this amendment. I would, in the first instance, invite the attention of the House to the wording of the proviso which says :

"Provided that the Local Government may, by notification in the local official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Act."

I would invite the attention of the House specially to the word "ordinarily", and ask how it is possible to reconcile it with the word "may". It is quite obvious that the word "ordinarily" gives the Local Government considerable discretion even if you substitute "shall" for "may". The Local Government has still to interpret the word "ordinarily".

To come back to the merits of the case, the real object of this proviso is to provide for hard cases. There may be a case in which the factory,—a tea or rubber factory,—is working for 181 days in the year, and it does seem a little unreasonable to differentiate it from one next door which works for 179 days in the year. I am quite prepared to undertake, in addressing Local Governments, to point out what we are aiming at. We will call their attention to the intention which underlies this clause and ask them to use it with discretion. I may mention for the information of the House that there has been considerable opposition to including tea and rubber factories in this class at all. That opposition, I am glad to see, has not taken the form of an amendment,—but I do feel that it is not desirable to make conditions any more difficult for that class of factory than they will be under the clause as it stands at present. For these reasons, I regret that I cannot accept the amendment, but I trust my Honourable friend, the Deputy President, will be satisfied with my assurance that we will draw the special attention of Local Governments to what is our intention.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the proviso to sub-clause (1) of clause 4 of the Bill, for the word 'may' the word 'shall' be substituted."

The motion was negatived.

Clause 4 was added to the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th July, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 18th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

FOOD SUPPLIED TO HAJ PILGRIMS ON BOARD SHIPS.

61. *Dr. Ziauddin Ahmad : (a) Is it a fact that every pilgrim to Mecca is required to pay for his food on the boat ?

(b) Have Government fixed the price and the menu of the food to be given to Hajjis ? Have Government also fixed the quantity of meat in the menu ?

(c) What is the menu ?

(d) Are Government aware that this year the Company supplied in the morning nothing but some kind of liquid known as tea without biscuit or toast ?

(e) Are Government aware that most of the Hajjis who could afford, did not avail themselves of the food supplied by the Company, and purchased food from hotel which supplied better food ?

(f) Are Government aware that some Irani and Afghan passengers, being dissatisfied, cooked their own meals ?

(g) Have Government fixed the number of servants which the Company should appoint for cooking and serving meals ?

(h) Is it a fact that the service of the morning meal could not be finished before 3 P.M. on account of insufficient staff ?

(i) Are Government aware that the Company uses mostly vegetable ghee in cooking food for Hajjis ?

Mr. G. S. Bajpai : Sir, with your permission, I shall answer questions Nos. 61, 62 and 99 together. Pilgrims to the Hedjaz, proceeding by a pilgrim ship, are provided with tickets in which the cost of food is included. The number of meals, which a pilgrim is entitled to receive daily, in return for the compulsory charges for food, and the articles included in the menu, are stated in Rule 80 of the Indian Pilgrim Ships Rules, 1933, a copy of which is available in the Library of the House. Pilgrims, travelling by the higher classes and requiring better food, can obtain their requirements on extra payment according to the tariff prescribed by Rule 81 of the Rules referred to. A number of complaints in regard to the arrangements made for the supply of food to pilgrims have been received and are under examination. Government propose to refer these to the Standing Haj Committee of the Central Legislature as soon as possible and hope that, as a result of their own examination of the matter, and with the advice of the Committee, it may be possible

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to remove defects that come to light. The question of the adequacy of the personnel employed on cooking and service will also receive examination. So far as the rules are concerned, these provide that the number of cooks and attendants employed for cooking and serving the pilgrims' food must be such as the Inspector may consider necessary and subject to a maximum of three per 100 pilgrims.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether this question will be discussed in the Standing Finance Committee in this Session ?

Mr. G. S. Bajpai : I think my friend refers to the Standing Haj Committee.

Mr. M. Maswood Ahmad : Yes, Sir, I refer to the Standing Haj Committee.

Mr. G. S. Bajpai : Well, Sir, it will be discussed before the end of the present Session.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether any tenders were called for the supply of food on board the ship to the pilgrims ?

Mr. G. S. Bajpai : I answered that question in the last Session and said that the Shipping Company who were responsible in this matter had not considered it necessary to call for tenders.

Kunwar Hajee Ismail Ali Khan : Have Government received any suggestions from the Bombay Port Haj Committee to improve matters ?

Mr. G. S. Bajpai : As a matter of fact, the Government, when they received these complaints, invited the two Haj Committees primarily concerned, namely, the Haj Committee in Bombay and the Haj Committee at Karachi, to submit a report on the working of the feeding arrangements at the end of the pilgrim season. As far as I recollect, the Report of the Haj Committee from Bombay has been received, and that from Karachi, and also I believe from Calcutta, are still awaited.

Kunwar Hajee Ismail Ali Khan : I hope all these reports and the suggestions will be placed before the Standing Haj Committee ?

Mr. G. S. Bajpai : All relevant papers will be put before the Haj Committee, including the Report which has been received from His Britannic Majesty's Minister at Jeddah.

Mr. M. Maswood Ahmad : Is it a fact that the contractor is a relative of a member of the Port Haj Committee at Bombay ?

Mr. G. S. Bajpai : I am afraid I have not investigated the relationship between the contractor and the members of the Port Haj Committee.

Mr. M. Maswood Ahmad : Is it a fact that an application was sent to the Government stating that the rate at which food was supplied by the contractor would be lower than the tender given by the present contractor ? Is it also a fact that in the same application it was stated that, if any Haji purchased food on the ship, the amount would be paid after deduction and Government refused that application and gave the tender to the present contractor ?

Mr. G. S. Bajpai : I think, Sir, I have made it clear more than once that Government have nothing to do either with the accepting of tenders or the rejecting of tenders. The matter is entirely within the purview and competence of the Shipping Company concerned.

Mr. Muhammad Azhar Ali : Are Government prepared to consider the question of breaking up the monopoly of contract which has been given to one person in regard to the feeding arrangements of pilgrims on board the ship, and to substitute the system of opening hotels or some such arrangements for the benefit of the pilgrims, so that they may not be forced to deal with only one contractor ?

Mr. G. S. Bajpai : Sir, as I stated a little earlier, in replying to one of the supplementary questions, the intention of Government is that the working of the entire system of these feeding arrangements on board the ship should come under review by the Standing Haj Committee, and the question as to whether a monopolistic system is undesirable and there should be several contractors working, would be open to any Member of the Standing Haj Committee to raise.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair would point out that when this House has constituted a Standing Haj Committee, detailed questions of this nature must, in the first instance, at any rate, be thoroughly discussed in that Committee. The Chair would like to know whether an opportunity has been given to that Committee to discuss that question.

Mr. G. S. Bajpai : Sir, the position as regards that is this. The intention of Government was to put their proposals as well as the complaints received in regard to the working of these arrangements before the Haj Committee after reports about the Haj had come in. They were not in possession of Government at the time when the Assembly adjourned last. They have come in since. They can only be submitted to the Standing Haj Committee, Sir, during the present Session of the Legislature, and it is our intention to put those matters before the Haj Committee as soon as all the relevant material is available.

Mr. M. Maswood Ahmad : Sir, the great trouble is that Government select only those Members whom they like to the Standing Haj Committees and hold conferences with them, and these Members do not take sufficient interest, and that is the reason why we have to put down these questions on the paper, and ask supplementary questions.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether there are kitchens in the steamers so that the pilgrims can cook for themselves, or are these people bound to take their food from the caterer ?

Mr. G. S. Bajpai : The basis of the amendment made by this House, a little over a year ago, in the Indian Merchant Shipping Act, was that private cooking should be prohibited.

Maulvi Muhammad Shafee Daoodi : Are Government aware of the fact that the numerous complaints received by the Government are due to the fact that the shipping companies have made very bad feeding arrangements through their caterers ? If that is so, then the Gov-

ernment should take very drastic action against the shipping companies for not using proper judgment and discretion in selecting their caterers ?

Mr. G. S. Bajpai : The complaints began to come in to Government only after the pilgrim season had started. Obviously one could not pay any attention to hypothetical complaints. The question for consideration then was whether each individual complaint should be considered individually or singly or whether there should be a comprehensive review of these complaints at the end of the pilgrim season, and the latter course was the one which commended itself to Government.

Dr. Ziauddin Ahmad : Sir, I am not a member of the Haj Committee, but there is one point which I should like the Haj Committee to consider particularly, and it is this, that the same caterer supplies very bad food and at very unpunctual hours to these pilgrims in regular meals, but if they took food in hotels, he supplied them with very good food, and very expeditiously.

Mr. President (The Honourable Sir Shanmukham Chetty) : It is a statement which does not require an answer.

Mr. M. Maswood Ahmad : Are Government aware that this system has been disapproved by all the Mussalmans in India ?

Mr. G. S. Bajpai : My friend lost no opportunity, even before the system was introduced, of saying that all the Mussalmans in India had disapproved, were disapproving and would continue to disapprove. In the circumstances, it is not easy for me to subscribe entirely to the partisan statement which he has just made.

FOOD SUPPLIED TO HAJ PILGRIMS ON BOARD SHIPS.

†62. ***Khan Bahadur Haji Wajihuddin :** (a) Has the attention of Government been drawn to the press reports, published in numerous vernacular papers, with regard to the unsatisfactory arrangement for the provision of food to the Hedjaz pilgrims on steamships carrying Indian pilgrims to Jeddah and back during the last pilgrim season ? If so, are they now prepared to remove the new restrictions for the pilgrims and to amend Indian Merchant Shipping Act accordingly ? Has the attention of Government been drawn to the article published in the bi-weekly vernacular paper, *Al Jamiat* of Delhi, dated the 5th June, 1934, on page 1 under the heading, "*Jahaz men Aziman-i-Hijaz ko takleef*", on behalf of Maulvi Amir Ahmad, M.A., Deputy Collector ?

(b) Are Government prepared to investigate the allegations made in the article referred to in part (a) and state whether they are true, and if so, what action they propose to take in this connection ?

(c) What is the name of the Captain who is guilty of negligence and who failed to discharge his duty on the said steamer ?

(d) With a view to safeguarding the health of the Hedjaz pilgrims on the voyage, what precautionary measures do Government propose to take in future ?

†For answer to this question, see answer to question No. 61.

DISTRIBUTION OF THE JUTE EXPORT DUTY AMONG THE JUTE-GROWING PROVINCES.

63. ***Mr. M. Maswood Ahmad :** (a) Are Government aware that the amount provided for distribution among the jute-growing provinces as their share of the jute export duty in 1934-35, has been reduced by Rs. 63 lakhs from Rs. 1,89 lakhs to Rs. 1,26 lakhs ?

(b) Is it a fact that half of the jute export duty in 1934-35 will not be paid to the jute-growing province ?

(c) If the reply to part (b) be in the affirmative, in what proportion will the export duty on jute be distributed among the Central Government and the jute-growing provinces ?

The Honourable Sir James Grigg : The Honourable Member has correctly quoted the figures in the estimates. For the rest, his attention is invited to my predecessor's speech on page 4227 of the Legislative Assembly proceedings of the 20th April, 1934.

Mr. M. Maswood Ahmad : What is the reply to part (b) ? Is it a fact that half of the jute export duty in 1934-35 will not be paid to the jute-growing Provinces ?

The Honourable Sir James Grigg : Yes, that is so. I understand that the Assembly in the last Session postponed the date of operation of the match excise. Therefore, the revenue for financing the grant to Bengal was not available, and so the grant was reduced.

Mr. M. Maswood Ahmad : Was the reason for this reduction this that the match excise duty had not been passed by the Assembly ?

The Honourable Sir James Grigg : That is so, as the Honourable Member will see if he refers to the passage from my predecessor's speech to which I have already referred.

AMALGAMATION OF THE DIFFERENT LOCO. SHOPS WITH THAT AT JAMALPUR.

64. ***Mr. M. Maswood Ahmad :** (a) Has the attention of Government been drawn to an article on page 4 of the *Pilot*, Amritsar, dated the 13th May, 1934, headed "Lucknow Loco. shops" ?

(b) Is it a fact that different Loco. shops are to be amalgamated with that at Jamalpur ?

(c) Do Government propose to take such steps that their experiment may not affect any community adversely and the percentage of different communities in the amalgamated shop may be maintained in the proportion as it now stands ?

Mr. P. R. Rau : (a) No.

(b) The attention of the Honourable Member is invited to a memorandum placed on the 19th of April, 1934, before the Standing Finance Committee for Railways, which will be found in the proceedings of the Committee, Volume XI, No. 1.

(c) The orders of Government with regard to recruitment will be strictly observed.

TRANSFER OF THE GREAT INDIAN PENINSULA RAILWAY WORKSHOP FROM
JHANSI TO BOMBAY.

65. *Mr. M. Maswood Ahmad : Is it a fact that the transfer of the workshops from Jhansi, Great Indian Peninsula Railway, to Bombay has affected the Muslims adversely ?

Mr. P. R. Rau : Government have no information.

Mr. M. Maswood Ahmad : Did the Government enquire about this from the Agent of the G. I. P. Railway ?

Mr. P. R. Rau : No.

Mr. M. Maswood Ahmad : Are Government aware that these experiments which are made on the different railways have affected the Muslim community adversely ?

Mr. P. R. Rau : To what experiments is the Honourable Member referring ?

Mr. M. Maswood Ahmad : Sometimes mixing two workshops and sometimes abolishing one workshop.

Mr. P. R. Rau : No. Government have no information about that.

Mr. M. Maswood Ahmad : Has the attention of the Government been drawn about the Paksey workshop ?

Mr. P. R. Rau : I think my Honourable friend is anticipating the next question.

Mr. M. Maswood Ahmad : I want to know whether this fact was referred to the Government and whether the Government have enquired into that matter or not.

Mr. P. R. Rau : I am replying to it in the next question.

Dr. Ziauddin Ahmad : I should have thought that Government should say "yes" or "no", and a mere statement that they have no information is not right, and it is merely shirking the responsibility.

CLOSURE OF THE MARINE SHOP AT PAKSEY, EASTERN BENGAL RAILWAY.

66. *Mr. M. Maswood Ahmad : (a) Is it a fact that the marine shop at Paksey, Eastern Bengal Railway, has been closed ?

(b) Is it a fact that the Muslims were in majority in that shop ?

(c) Is it a fact that the shops on Eastern Bengal Railway, where Muslims were in minority, were not closed ?

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

(b) Government have no information.

(c) The decision to close or keep open Railway Workshops is governed by economic and not by communal considerations.

Mr. M. Maswood Ahmad : Will Government be pleased to say whether they have received any representation in connection with the Paksey workshop or not ?

Mr. P. R. Rau : I have not seen any.

Mr. M. Maswood Ahmad : Will my Honourable friend in charge of the Department say whether he has received any representation from myself or not ?

The Honourable Sir Joseph Bore : I do not remember whether I have or not. If my Honourable friend will put a question down on the notice paper, I will give him a definite reply.

Mr. M. Maswood Ahmad : Will Government be pleased to examine the allegations that all these experiments, which are made, especially on the E. B. Railway and the G. I. P. Railway, have affected the Muslim community adversely, and all those workshops where the Muslims were in a majority have been closed down and those workshops, where Muslims were in a minority, have not been closed down ?

The Honourable Sir Joseph Bore : As Mr. Rau has explained, these matters are dealt with purely on economic grounds, and I do not think that we can depart from the principle which has been applied in deciding this question.

Mr. M. Maswood Ahmad : Do Government propose then to take all the men who are working in those workshops in other workshops ?

The Honourable Sir Joseph Bore : I do not think that that would be possible.

Maulvi Muhammad Shafee Daoodi : Irrespective of communal considerations, should not Government enquire into the complaints made by the Honourable Member in this question ? He has made a definite complaint as regards a particular community being economically put to more trouble than others. Is it not a matter which requires consideration at the hands of Government ?

The Honourable Sir Joseph Bore : I think I have explained the matter. No one would regret it more than myself if, owing to the closure of any particular workshop, any particular community were penalised, but I am afraid that we could not allow the effect that any action like that might have on a particular community to influence our final decision in a matter which must be definitely decided on economic grounds.

Dr. Ziauddin Ahmad : Is it not a fact that the Railway Board have issued circulars to the administrations that first opportunity for appointment should be given to persons who have been retrenched ?

Mr. P. R. Rau : Retrenched persons are borne on a waiting list, and when vacancies arise, attempts are made to provide them with appointments.

Dr. Ziauddin Ahmad : Government will give a similar opportunity to those persons who have been retrenched in this particular case ?

Mr. P. R. Rau : Yes.

Bhai Parma Nand : Will the Honourable Member tell us whether in those workshops the Muslims were less than 25 per cent., because I find from the new decision of the Government that the Muslims have got a right to get 25 per cent. of the posts ?

Mr. P. R. Ran : As I have said, Government have no information on the point, but as my Honourable friend from Bihar has said that they were in a majority, it is obvious that they could not have been less than 25 per cent.

ARTICLE HEADED "TRAVELLING TICKET EXAMINERS" PUBLISHED IN THE "PILOT."

67. ***Mr. M. Maswood Ahmad :** (a) Has the attention of Government been drawn to the article "Travelling Ticket Examiners", published on page 7 of the *Pilot*, dated the 13th May, 1934?

(b) Is it a fact that the matter is under consideration of the Railway authorities concerned?

Mr. P. R. Ran : (a) No.

(b) Does not arise.

SEARCH IN THE "SOHO HOUSE" AND THE RESIDENCE OF MR. MUHAMMAD TAHIR KHAN IN BOMBAY.

68. ***Sir Muhammad Yakub :** (a) Is it a fact that "Soho House", a firm at Lohar Chawl, Bombay, and the residence of its managing partner, Mr. Muhammad Tahir Khan, were searched by the Bombay Collector of Customs in August 1932, and during the course of the search of the house, even the personal luggage of respectable guests, who happened to be staying with Mr. Tahir Khan, was not spared in spite of a protest on their behalf?

(b) Is it also a fact that subsequently the Bombay High Court declared that the search made by the Collector of Customs was illegal?

(c) Is it also a fact that on the strength of certain documents and books seized by the said Collector of Customs during the illegal search of the house mentioned above, the Custom authorities charged Mr. Muhammad Tahir Khan before the Chief Presidency Magistrate, Bombay, under section 420, Indian Penal Code, which resulted in his acquittal on May 15, 1934?

(d) What action do Government propose to take against the Collector of Customs, Bombay, who was responsible for carrying out the illegal search in the "Soho House" and the residence of Mr. Muhammad Tahir Khan, and for causing annoyance and insult to him and his guests?

(e) What compensation is proposed to be given to Mr. Muhammad Tahir Khan for the heavy expenditure which he had to incur to get the search declared illegal and to defend the criminal case against him? Who will be responsible for the compensation?

(f) What measures do Government propose to take in order to avoid recurrence of such cases?

The Honourable Sir James Grigg : (a) The premises mentioned were searched on a warrant issued by the Chief Presidency Magistrate, Bombay. According to my information no protest in regard to the conduct of the search was made to the Collector of Customs.

(b) and (c). The answer to the next two questions is in the affirmative.

(d) None in view of the fact that the Collector acted on a warrant issued by the Chief Presidency Magistrate.

(e) Government do not consider that this is a case in which they would be justified in awarding compensation.

(f) The attention of Collectors of Customs generally has been drawn to the High Court ruling in regard to the issue of search warrants in such cases.

Sir Muhammad Yakub : Is it not a fact that the warrant of search was not issued by the Magistrate of his own accord, but it was issued at the request of the Customs Officer at a time when no criminal case was pending against the firm in any judicial Court?

The Honourable Sir James Grigg : I am not quite sure of the exact implications of the legal procedure. My only information is that the premises were searched on a warrant issued by the Chief Presidency Magistrate.

Sir Muhammad Yakub : Will Government kindly enquire if the facts stated by me are correct—that the warrant was not issued by the Magistrate of his own accord, but it was issued on the application of the Collector of Customs at a time when no judicial proceedings were pending in any judicial Court? If so, will Government reconsider their decision about the answer which they have given to part (d) of my question?

The Honourable Sir James Grigg : As regards the first part of the supplementary question, the warrant is always issued at the instance of the Collector of Customs. What particular significance the qualification "at a time when no judicial proceedings were pending" has, I could not say without notice. I will certainly look into this matter again, but I am bound to say that I have already gone into it very carefully, and I am pretty convinced that there is no case for any action against the Collector, nor is there a case for compensation to the firm concerned. And, as far as the future is concerned, we have done our best to stop the recurrence of such an incident by calling the attention of Collectors of Customs to the ruling of the High Court in regard to the issue of search warrants.

Mr. Lalchand Navalrai : May I know from the Honourable Member, if the Collector of Customs does not apply for a warrant, who else can?

The Honourable Sir James Grigg : That is what I said in reply to the first part of the supplementary question.

Dr. Ziauddin Ahmad : These facts were communicated to the Members of the Central Board of Revenue at the time when all this was going on and no action was taken by them.

The Honourable Sir James Grigg : Is not the Honourable Member making an assertion and not asking a question?

Dr. Ziauddin Ahmad : I just want to ask this question, whether when this information was given, any action was taken by the Central Board of Revenue and whether the Central Board of Revenue made any enquiries about when "information" was supplied to them?

The Honourable Sir James Grigg : I am not quite sure what information the Honourable Member is referring to. Certainly the answer I

have given is based on information furnished by the Central Board of Revenue. Presumably, they could not have obtained that information without making enquiries.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

69. *Mr. Gaya Prasad Singh : (a) Is it a fact that the Research Institute at Pusa (Bihar) is going to be transferred to Delhi ? If so, when, and why ?

(b) What will be the cost of the transfer ?

(c) What will happen to the lands and buildings in Pusa in the event of the transfer of the Institute to Delhi ?

Mr. G. S. Bajpai : (a) and (b). I would refer the Honourable Member to the memorandum on the subject submitted to the Standing Finance Committee of which he is a member. A copy of the memorandum has also been placed in the Library of the House.

(c) The question will be considered if necessary later in consultation with the Local Government.

Mr. Gaya Prasad Singh : Is it a fact, as stated in the *Indian Nation* of Patna, dated the 13th July, that the idea of transfer originated long ago with the Imperial Service Officers in charge of the Agricultural Research Institute at Pusa, who envied their colleagues in other services the enjoyment of facilities afforded by the Viceregal headquarters ?

Mr. G. S. Bajpai : That statement is completely devoid of foundation.

Mr. Gaya Prasad Singh : Is it a fact that the Agricultural Commission of 1928 were appealed to for a redress of this grievance ?

Mr. G. S. Bajpai : Not so far as I am aware of.

Mr. Gaya Prasad Singh : Has not this matter of transfer been under frequent correspondence since then between the experts and the Government of India and the Secretary of State ?

Mr. G. S. Bajpai : No, Sir.

Sir Muhammad Yakub : Is it not a fact that the present buildings of the Pusa Institute have been damaged by the earthquake to such an extent that it would be impossible to repair them and that they can only be demolished and re-built, and what would be the cost of re-building them ? (Hear, hear.)

Mr. G. S. Bajpai : Sir, the statement made by my Honourable friend correctly describes the position as regards the Laboratory ; it will cost something like seven lakhs of rupees to re-build.

Sir Muhammad Yakub : Is it not a fact that, on account of the recurrence of earthquakes in Darbhanga and its vicinity, the place has become very dangerous for any public institution to be located there ? (Hear, hear.)

Mr. G. S. Bajpai : I should not like to express an opinion too definitely on that point ; it is a question for the geologists. I gather, however, that this particular region is supposed now to be more subject to earthquakes than certain other parts of India.

Sir Muhammad Yakub : Is it not a fact that the Agricultural Research Institute at Pusa makes it very difficult for the central office at Delhi to exercise such direct supervision as it could do if it were near the headquarters ?

Mr. G. S. Bajpai : Sir, the inaccessibility of Pusa has been a handicap in more ways than one.

Mr. Gaya Prasad Singh : May I know what will be the cost of the transfer of this Institute to Delhi or elsewhere ?

Mr. G. S. Bajpai : The figure is stated in the memorandum to which I have already referred ; it is estimated at Rs. 36 lakhs.

Mr. Gaya Prasad Singh : Is it the intention of the Government to lay all correspondence on the table of this House before any action is taken in this matter ?

Mr. G. S. Bajpai : As far as I know, there is no correspondence to lay on the table of the House.

Mr. Gaya Prasad Singh : Is it not a fact that the Government of India have obtained the sanction of the Secretary of State behind the back of this House, and will Government be pleased to lay that correspondence on the table of the House at least ?

Mr. G. S. Bajpai : I did not quite appreciate the allusion to our having obtained the sanction of the Secretary of State behind the back of this House. Government undoubtedly have certain executive responsibility which they discharge in accordance with the established procedure. My Honourable friend would have a grievance if Government had actually proceeded to start the construction of these buildings without the constitutional procedure being followed of placing the proposal before the Standing Finance Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : I take it that the expenditure on the new buildings in the vicinity of Delhi will, in due course of time, come up for the vote of the House ?

Mr. G. S. Bajpai : It is a votable item of expenditure, Sir. If the decision is proceeded with, undoubtedly the matter will come up before the House.

Sir Abdur Rahim : Will it be any loss to the Province of Bihar and Orissa if the Institute is removed from Bihar ?

Mr. G. S. Bajpai : That undoubtedly is a matter of opinion. Members coming from Bihar and Orissa definitely feel that it would be a loss to the Province if the Institute were removed ; but, considering the functions of the Institute, which has to minister not to the requirements of a particular Province, but to the needs of agricultural research for the whole of India, I am not prepared to admit that it would be a particular loss to Bihar.

Sir Abdur Rahim : Is there no other place in Bihar where the Institute could be transferred ?

Mr. G. S. Bajpai : If it were transferred to any other place in Bihar, the defect of inaccessibility would still exist.

Sir Abdur Rahim : You mean all places in Bihar are inaccessible ?

Mr. G. S. Bajpai : I would not say that places in Bihar are inaccessible from particular points in Bengal or particular points in Bihar, but when we consider accessibility, we have to consider India as a whole.

Mr. B. Das : Is it the policy of the Government of India to locate all activities of the Imperial Agricultural Council in Coimbatore, Cawnpore and the neighbourhood of Delhi, and not to locate them in Provinces like Bihar and Orissa, Bengal, or Assam ?

Mr. G. S. Bajpai : I do not know that there is any consistent policy of the Government of India as regards location of Institutes. Each particular case will have to be considered on its own merits.

Mr. B. Das : May I inquire further whether the Government of India consulted in this matter the Government of Bihar and Orissa, and what is the opinion of the Local Government in the matter of the Pusa Institute ?

Mr. G. S. Bajpai : The Government of India have not consulted the Government of Bihar and Orissa for the reason which would be obvious from the views expressed by the Bihar Members already.

Mr. Gaya Prasad Singh : Have the Government of India consulted any other Local Government in the matter of the location of this Institute in the event of its transfer from Pusa ?

Mr. G. S. Bajpai : Inasmuch as the matter is one for the decision of the Central Government, it is not necessary to consult Local Governments.

Mr. Muhammad Azhar Ali : Has the principle on which the Institute was originally started at Pusa been now abrogated, and are the Government of India prepared to consider whether some other place should not be chosen for placing the Institute in the Province of Bihar itself ?

Mr. G. S. Bajpai : The principle which determined the Government to select the site near Delhi is the one of maximum utility to India as a whole. The circumstances which led to the selection of Pusa, when Pusa was constructed in 1902 or 1903, were somewhat different.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether their scheme is designed to close the Pusa Institute and to shift it to some place near Delhi or to keep the Pusa Institute as well ?

Mr. G. S. Bajpai : No, Sir. When a new Institute is constructed at any other centre, then, when that Institute begins functioning, so far as the Government of India are concerned, Pusa will cease to function.

Mr. M. Maswood Ahmad : Will Government be pleased to state what they propose to do under their scheme with regard to the fields in Pusa which are under them and about those buildings which are already there ?

Mr. G. S. Bajpai : I have already answered that in my reply to part (c) of the question, namely, that the disposal of the land and buildings will be considered later in consultation with the Local Government.

Mr. M. Maswood Ahmad : Do Government propose to examine this question as well, that if they keep the Institute at Pusa as well and do not give away the lands on account of that place being in the centre

of North Bihar, it is essential to have such an Institute there ? Do Government propose to consider this question also ?

Mr. G. S. Bajpai : My Honourable friend presumably means to suggest that, in order to tackle the peculiar agricultural problems of Bihar, it is desirable that some facilities for research should exist there. I submit that is primarily a question for the consideration of the Local Government. If the Local Government want the use of these buildings or any portion thereof and of the land for that purpose, Government will undoubtedly consider any such suggestion that they may wish to make in that behalf.

Sir Abdur Rahim : I take it that when the Institute was established at Pusa, the Government of India must have obtained and did investigate all the facts which were appropriate and relevant for the establishment of the Institute at Pusa. If that is so, what has happened since then, except the earthquake, which has moved the Government of India to transfer the Institute now ?

Mr. G. S. Bajpai : According to my information and such researches, as I have been able to make, the primary consideration which influenced the Government of India in 1902-03 to locate the Institute at Pusa was the availability, free of cost, of land. What has happened since to influence the decision of the Government of India, apart from the earthquake which everybody deplures, is the opinion of the Royal Commission on Agriculture in India, and the opinion of Dr. Keen who came out as Director of the Institute—an opinion which has been only recently repeated.

Dr. Ziauddin Ahmad : Is it not a fact that the Bihar Government have got no Agricultural College ? And if the Institute at Pusa is removed from there, the people of Bihar will go without any agricultural education ?

Mr. G. S. Bajpai : Bihar, so far as I know, has no Agricultural College.

Mr. Gaya Prasad Singh : Do I take it from the Honourable Member's reply to the question put by the Honourable the President that this House will be given an opportunity of discussing this question before any action is taken with regard to the removal of this Institute from Pusa ?

Mr. G. S. Bajpai : My position as regards that is that the House will have the ordinary constitutional opportunity of discussing the matter when it comes before it in the ordinary way.

Sir Abdur Rahim : Does the Honourable Member mean to say that this House will be consulted after the money has been spent and the Government have been committed to the policy ?

Mr. G. S. Bajpai : I did not say that. I say that the ordinary constitutional procedure in this case is open to the House.

Mr. Gaya Prasad Singh : What is that ?

Mr. G. S. Bajpai : My Honourable friend need not unnecessarily generate heat. He has been a Member of this House....

Mr. Gaya Prasad Singh : Do not have personal feeling in the matter.

Mr. G. S. Bajpai : Very well, I shall call it provincial feeling. My Honourable friend has been a Member of this House longer than I have been, and he knows perfectly well what the procedure in regard to proposals involving expenditure is. A proposal is put before the Standing Finance Committee. If the Standing Finance Committee, which is representative of this House, approves of a particular proposal, Government consider that they are perfectly justified, on the strength of that approval, to go on with the expenditure. Then, when a vote is needed, they come to the House.

Mr. B. Das : May I, Sir, ask your ruling arising out of this particular statement of the Honourable the Secretary of the Department of Education, Health and Lands ? May I enquire if the Government have the power to incur an expenditure if the Standing Finance Committee approves of it ?

Mr. President (The Honourable Sir Shanmukham Chetty) : A votable expenditure must ultimately be sanctioned by a vote of this House. If, on the strength of the Standing Finance Committee's approval, Government proceed with the expenditure on a particular item and then come for the vote of the House subsequently, then it is perfectly open to the House to reject that vote. In that case, unless that vote has been legalised by some other section of the Government of India Act, the person who was responsible for the expenditure will be surcharged by the Auditor General.

Mr. Gaya Prasad Singh : Do I understand the procedure to be that if the Standing Finance Committee approves of this proposal, it will come up for sanction before this House before the close of this Session ?

Mr. G. S. Bajpai : I would suggest that that question be addressed to the Honourable the Finance Member who generally moves the demands for grants.

Mr. Gaya Prasad Singh : I am asking the Government to reply. Will the Honourable the Finance Member kindly reply to this question ?

The Honourable Sir James Grigg : As far as I know, except as provided for by the Government of India Act, no expenditure can be finally sanctioned except by the authority of this House.

Mr. Gaya Prasad Singh : Then this question will come up before this House before any action is taken by way of a supplementary grant ?

The Honourable Sir James Grigg : It is bound to come up before this House. I am not in a position at this moment to give a pledge that no expenditure will be undertaken before the vote of the House is taken. Certainly no expenditure will be undertaken before the decision of the Standing Finance Committee has been taken.

Mr. H. P. Mody : May I know, Sir, what happens if a Member incurs expenditure illegally before this House has sanctioned it and then disappears ? (Laughter.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The House appears to be getting into a debate on this question. Next question, Mr. Gaya Prasad Singh.

DEPORTATION OF ONE KARAM SINGH FROM CHINA.

70. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that one Karam Singh, who was sentenced to one month's imprisonment and deportation from China, in 1929, on a charge of sedition, was arrested and brought before the police court in Shanghai recently, and that he was awarded the maximum sentence of two months' imprisonment, followed by deportation from China ?

(b) Do Government propose to enquire into the matter and state why he was deported from China and for what offence ?

(c) Is there any representative of the British Government, or of the Government of India, in Shanghai ? If so, what steps, if any, were taken by him in this connection ?

Mr. H. A. F. Metcalfe : (a), (b) and second sentence of (c). Enquiries are being made from His Majesty's Minister, Peking, and the result will be communicated to the House in due course.

(c) There is a British Consul General at Shanghai.

RESERVATION OF THE QUEEN MARY ZENANA GHAT IN PUSHKAR, AJMER, FOR THE EXCLUSIVE USE OF WOMEN.

71. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that the Queen Mary Zenana Ghat in Pushkar (Ajmer) was built exclusively for the use of women, and that it is being used by males also, no restriction being enforced in this connection ?

(b) Have Government received any complaints about this from Pandit Sohan Lal Sharma, President, Hindu Sabha, Pushkar, and from certain ladies also ? If so, what steps were taken on these representations ?

(c) What action have Government taken, or propose to take, to reserve the Queen Mary Zenana Ghat for women ?

(d) What amount of money is spent annually on the maintenance and repair of the said ghat, and from what funds ?

(e) Is it a fact that Pandit Sohan Lal Sharma wrote to the Commissioner of Ajmer-Merwara, offering to appoint a woman to enforce the rule reserving the ghat for the exclusive use of women ? If so, what action was taken on the suggestion ?

Mr. H. A. F. Metcalfe : (a) The answer to the first part is in the affirmative. Notices have been put on entrances prohibiting its use by males. Trespassers are liable to prosecution under section 448, Indian Penal Code.

(b) and (c). Yes. Some complaints from Pandit Sohan Lal and one from a lady. Enquiries were made, notices as already stated, were put up and the Police have been asked to take cognizance of such offences as are reported to them. Pandit Sohan Lal has been asked to report specific cases to the Police.

(d) The construction of the ghat having been completed recently there has been no necessity to spend anything yet on its repairs or maintenance. It was built with the amount collected by charitable

the funds propose to raise the funds similarly for future maintenance and repairs.

(e) Yes. No action was taken.

Mr. Gaya Prasad Singh : With regard to answer to part (a), will Government take it from me that I myself visited this place in the course of the last two months and found that there was no person to guard it from the trespass of male persons and that male persons were freely going into this particular ghat which is said to be reserved for Zenana ?

Mr. M. Maswood Ahmad : Did the Honourable Member himself also go there ?

Mr. H. A. F. Metcalfe : The answer which I have just read out was only received from the Local Administration within the last few days. Possibly some measures have been taken since the Honourable Member visited the ghat.

INCOME OF THE BARAHJEE TEMPLE IN PUSHKAR, AJMER.

72. ***Mr. Gaya Prasad Singh :** (a) What is the approximate annual income of the Barahjee temple in Pushkar (Ajmer), and how is this money spent ?

(b) Is it a fact that no part of the income is spent on the maintenance and repairs of the temple ? If so, why ?

(c) Who has got the control over the temple ?

Mr. H. A. F. Metcalfe : (a) No official information is available. The income is reported to be about Rs. 300 per annum. It goes to the general funds of the Shamlat Committee. Subscriptions are reported to be raised for repairs from time to time.

(b) Does not arise in view of (a).

(c) The Brahmins of Bari Basti, Pushkar, through their representative committee.

Mr. Lalchand Navalrai : May I know if that temple is a public temple ?

Mr. H. A. F. Metcalfe : So far as I am aware, it is open to the public if that is what the Honourable Member means.

Mr. Gaya Prasad Singh : With regard to part (b), how is the income spent ?

Mr. H. A. F. Metcalfe : I cannot give the Honourable Member exact information about that, but I think the Honourable Member will get some more information in reply to the next question.

(b) Is it a fact that no part of the proceeds of the Jagir is utilized towards any of the objects mentioned in part (a) above ?

(c) Are Government aware that in civil suit No. 280 of 1925 the Sub-Judge, first class, Ajmer, in his Judgment, dated the 7th February, 1930, has commented that "The accounts were not maintained by the Shamlat Committee properly", that "A major portion of the Shamlat income is spent after litigation", and that "The members of the Shamlat Committee were not managing the affairs properly, and were not keeping proper accounts" ?

(d) Are Government aware that Mr. Ram Swaroop, Tehsildar, has also condemned the accounts of the Shamlat Committee, or the Jagir Committee, in his note on the resolution book of the Committee in 1932 ?

(e) Are Government aware that in cheques Nos. 102 to 757, from 1930 to 1933, of the Jagir Committee, a number of entries such as expenses over the supply of milk, and sweet-meats, etc., to officials, providing costly garlands to officials, and similar other items have been made ? If so, will Government please state whether such presents were really made to officials ?

(f) Have the accounts of the Shamlat or the Jagir Committee been ever audited by any official, or duly qualified auditor ? If not, why not ?

(g) Do Government propose to appoint a committee to enquire into the accounts and administration of the Jagir Committee ? If not, why not ?

(h) Have Government or local officials received representations from voters, and from some members of the Jagir Committee itself, complaining about the accounts of the Committee, the latest representation to the Assistant Commissioner, Ajmer, being the one dated the 27th March, 1934, signed by a majority of voters of the Jagir Committee and also by two members of the Committee itself ?

(i) What steps do Government propose to take in this matter ?

Mr. H. A. F. Metcalfe : (a) The reply is in the negative. A reference is invited to paragraph 64* of the report of the Committee on Jagir estates, dated the 16th May, 1874, printed at page 579 of the Ajmer Regulations, Volume II (H-L).

(b) Does not arise.

(c) Yes.

(d) Yes.

(e) No. The second part of the question does not arise.

(f) Yes, by the Revenue Girdawar (Supervisor) half yearly, vide the reply to question No. 89 (c), already given in the Government of India, Foreign and Political Department letter* No. F-10-I/29, dated the 7th February, 1929, addressed to the Honourable Member.

(g) No. As the accounts are examined in the manner indicated in the reply to part (f) of this question and are exhibited to the public, Government see no necessity for such action.

*Copy enclosed.

(h) Representations have been received and duly examined. An application dated the 27th March, 1934, is under enquiry.

(i) None.

Copy of paragraph 64 of the report of the Committee on Jagir estates dated the 16th May, 1874, printed at page 579 of the Ajmer Regulations, Volume II (H-L).

64. The Jagir of Pushkar is of very ancient date. The oldest Sanad on record is one of the Jahangir, arranging how the rival parties should divide the gifts of pilgrims, and continuing the village "dar wajh madad maush kaum pokhuriya sunnadaran." The land of Pokhur is minutely divided; 418 sharers have been recorded as in possession of land at the present measurement.

No. F-10-I/29.

From
The Deputy Secretary to the Government of India
in the Foreign and Political Department,

To
Mr. Gaya Prasad Singh, M.L.A.,
12-E, Ferozshah Road,
New Delhi.

Dated New Delhi, the 7th February, 1929.

Questions regarding Pushkar.

Sir,

At the meeting of the Legislative Assembly on the 28th January, 1929, Sir Denis Bray informed you that the information asked for by you in questions Nos. 89, 90 and 91, regarding Pushkar was being collected and would be communicated to you in due course. The information has since been obtained and the replies to your questions are as follows:

No. 89.

(a) Government have no definite information on this point.

(b) The Mughal Emperors conferred about 14,000 bighas on the Brahmans of the Bari Basti and in the Sanad granted by the British Government the area is shown as 5,328 acres, viz., 13,320 bighas. In the decennial settlement the area entered in the Shamlat Khata was 6,962 bighas including land under water. Some encroachments have been made by the Brahmans of the Chhoti Basti, who are perpetually quarrelling with the Brahmans of the Bari Basti. Civil litigation is in progress with regard to these encroachments. The revenue papers now show 6,493 bighas as in possession of the Shamlat Committee. It is, however, misleading to compare this figure with the figure entered in the Sanad, as the former figure relates only to common Shamlat land and does not include the land separately owned by the numerous Brahmans, among whom the Jagir is divided.

(c) Accounts are kept by the Shamlat Committee according to rules contained in a decree of the Civil Court. They are checked by the Revenue Girdawar half-yearly and a copy is hung up in a public place in Pushkar for the information of the Jagirdars and copies are sent to the Collector and the Tehsildar.

(d) Under the terms of Sanad permanent alienation of land is not permissible. In some cases the transfer of Biwadari rights may have occurred with the sanction of the Collector under the Ajmer Alienation of Land Regulation, 1914.

(e) It is not understood what is meant by "the Shamlat Committee of the Local Government." The Jagir is divided among about 400 sharers who enjoy and utilise the income from their shares. Income from pilgrims is received and enjoyed by individual Pandas. The Local Government and the Shamlat Committee have nothing to do with either source of income.

No. 90.

P. Sohan Lal and Gopikishen were elected in April, 1924. Under the provisions of the Shamlat Committee Rules the Collector, Ajmer-Merwara has discretion to refuse sanction to the election of any particular persons and this discretion was used in this case. No application or telegram appears to have been received by the Chief Commissioner but it is understood that an application in this connection was made to the Commissioner, Ajmer-Merwara. Enquiries were made by the Commissioner which indicated that many, and probably most of the persons whose signatures were appended to the application had signed at the instance of P. Sohan Lal and Gopikishen without knowing what its purport was and without agreeing with the statements made in the application. No further action was therefore taken on it by the Commissioner.

(b) The Pushkar Jerun Udhar Fund which amounted to Rs. 19,200 has been utilised as follows:

	Rs.
Clerks pay	69
Silt removal	543
Ghat repairs	2,851
Patanki Pol construction	11,665
Balance with Alliance Bank	3,931
Balance with Imperial Bank	81
	19,200

No. 91.

The number of shops existing in Pushkar has not been counted but the number is considerably less than a hundred. The place is a small town with a population of about 2,400 and is of very little importance except as a pilgrimage centre. There is therefore no scope for a Municipality there, nor has any request for its establishment been made. The actual number of pilgrims that visit Pushkar from Ajmer during the year is between 1 and 2 lakhs.

(b) There is no Municipality and no need for one. Special arrangements are made by the District Board during the time of annual fair for sanitation, lighting and other arrangements for the pilgrims. A temporary dispensary is also established there at that time. The question of establishing a permanent dispensary at Pushkar is receiving consideration. The Funds of the District Board and the Shamlat Committee are not sufficient for the construction of metalled roads throughout the town.

(c) The reply is in the negative.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) H. WILBERFORCE-BELL,

Deputy Secretary to the Government of India.

Mr. Gaya Prasad Singh: With regard to the remarks made by the officer as quoted in part (c) of my question, what steps do Government propose to take in order to see that the accounts are kept in a regular way?

Mr. H. A. F. Metcalfe: I have already explained that the Government do have the accounts examined by the Revenue Girdawar half-yearly, which they consider to be sufficient.

Mr. Gaya Prasad Singh: With regard to part (e), do Government think that it is a justifiable expenditure to supply milk and sweetmeats,

Mr. H. A. F. Metcalfe : Government do not admit for a moment that any of the funds are spent on such purposes.

Mr. Gaya Prasad Singh : Have Government taken care to inquire that these items already appear in the account books of the Shamlat Committee ?

Mr. H. A. F. Metcalfe : I am informed by the Local Administration that no such items of expenditure have been incurred.

ESTABLISHMENT OF A MUNICIPALITY AT PUSHKAR, AJMER.

74. *Mr. Gaya Prasad Singh : (a) Is there any proposal for the establishment of a municipality at Pushkar (Ajmer) ? If not, why not ?

(b) Why has no hospital been yet established in Pushkar (Ajmer) ?

(c) Is it a fact that a tax of one anna per head is levied on all persons who purchase railway tickets for Ajmer ? If so, are Government aware that a good number of such visitors are pilgrims to Pushkar, which is a famous sacred place of the Hindus ?

(d) Is it a fact that the entire proceeds of this tax is spent on Ajmer Municipality, and no part is spent on the improvement of Pushkar ? If so, why ?

(e) Do Government propose to spend a fair portion of the tax for the establishment of a municipality and affording sanitary and other facilities to Pushkar ?

Mr. H. A. F. Metcalfe : (a) No, *vide* the reply to question No. 91 (b), already given in the Government of India, Foreign and Political Department letter† No. F-10-I/29, dated the 7th February, 1929, addressed to the Honourable Member.

(b) Owing to financial stringency.

(c) Yes. A fraction only of the persons purchasing tickets for Ajmer are pilgrims to Pushkar.

(d) and (e) Yes. The tax is intended to provide sanitation amenities in Ajmer and as matters stand at present no part of the proceeds can be spent elsewhere, but Government would be prepared to consider the question.

Mr. Gaya Prasad Singh : With regard to part (b), is it not a fact that the Government admitted on the floor of the House that the establishment of a hospital at Pushkar was a necessity ?

Mr. H. A. F. Metcalfe : I am not aware of any such admission, but if the Honourable Member will call my attention to the particular debate in which the admission was made, I will have the matter looked into.

AMENDMENT OF THE CROWN LANDS ORDINANCE OF KENYA.

75. *Mr. Gaya Prasad Singh : (a) Will Government kindly state if the Kenya Government propose to amend the Crown Lands Ordinance, so as to permit transfers of leases of Sub-divisions of agricultural lands created for industrial and commercial purposes, from Europeans to Indians,

†See starred question No. 73.

and *vice versa*, without any restrictions, in view of representation made by the Indian Chamber of Commerce ?

(b) Do Government propose to make an enquiry into this matter, and state what objection there is in removing this restriction in the transfer of lands, based on racial considerations ?

Mr. G. S. Bajpai : (a) The Honourable Member presumably refers to the representations reported to have been made by the Federation of Indian Chambers of Commerce and Industry of Eastern Africa to a Select Committee appointed by the Legislative Council of the Colony, "to examine the position regarding residential, commercial and industrial development on land leased from the Crown for grazing and upon or agricultural purposes and the alleged change of user incidental to such development and to furnish a report". The representation was to the effect that unrestricted inter-racial transfer of commercial, industrial and residential plots outside townships be permitted. The Committee made no recommendation in the matter as they regarded it as outside their terms of reference. So far as the Government of India are aware, the Government of Kenya have no proposal before them to amend the Crown Lands Ordinance in the sense suggested in the question.

(b) It would appear that within the boundaries of municipalities, townships or trading centres, inter-racial transfers of agricultural lands used for industrial and commercial purposes, may be permitted. Outside such boundaries, transfers are not permitted as a matter of course. Exceptions have, however, been made where the property is, in fact, part of an area used for commercial purposes, whether or not the area has been specifically declared to be a township or trading centre.

PROVISION OF A TERRITORY FOR HIS HIGHNESS THE AGA KHAN.

76. *Mr. Gaya Prasad Singh : (a) Is there any truth in the report published in the papers that His Highness the Aga Khan has asked Government to provide him with a territory in India over which he may rule, in recognition of the services rendered by him to the Empire ?

(b) Have Government received any communication on the subject ?

Mr. H. A. F. Metcalfe : (a) and (b). A confidential communication was received from His Highness the Aga Khan, but Government are not in a position to disclose its nature.

Mr. Lalchand Navalrai : May I know from the Honourable Member if His Highness the Aga Khan wanted Sind ?

Mr. H. A. F. Metcalfe : I have already stated that I am not in a position to disclose the nature of the communication received from His Highness and I have nothing more to add.

Mr. Muhammad Azhar Ali : Is it a fact that Muzaffarpur, where the house of my Honourable friend, Mr. Gaya Prasad Singh, is situated, is to be made the capital of His Highness the Aga Khan ?

Mr. Gaya Prasad Singh : I shall welcome him.

Sir Muhammad Yakub : Will Government please enquire how a confidential communication like this leaked out from the office of the Foreign and Political Department and was published in the papers ?

Mr. Gaya Prasad Singh : My Honourable friend is so ignorant that he does not read the papers. It appeared in the newspapers at the time.

Sir Muhammad Yakub : I am not more ignorant than my Honourable friend. My question was whether the Government will make an enquiry how such a highly confidential information leaked out from the office of the Foreign and Political Department and appeared in the newspapers ?

Mr. H. A. F. Metcalfe : I am not prepared to admit for a moment that the information leaked out from the office of the Foreign and Political Department. There are a great many other sources from which it might have leaked out.

Sir Abdur Rahim : Is it not a fact that the Political Department receives numerous confidential communications ?

Mr. H. A. F. Metcalfe : It certainly is a fact.

Sir Abdur Rahim : Is it not the practice of the Department not to reveal the contents of those communications ?

Mr. H. A. F. Metcalfe : That equally is a fact, Sir.

Mr. B. Das : Are Government prepared to entertain similar applications from aspiring landholders who want to be feudatory chiefs in Bihar and Orissa and Bengal ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question does not arise.

RESTORATION OF THE CUTS IN SALARIES OF THE CENTRAL GOVERNMENT EMPLOYEES IN BIHAR AND ORISSA WHO SUFFERED FROM EARTHQUAKE.

77. ***Mr. Gaya Prasad Singh :** Do Government propose to restore the salary cuts of those employees of the Central Government in Bihar and Orissa, who may have suffered from the earthquake ? If so, what are their exact proposals ?

The Honourable Sir Harry Haig : No such proposal is under the consideration of the Government of India.

Mr. Gaya Prasad Singh : Will Government be willing to consider this proposal of restoring the salary cuts at least of those officials who are serving in the Province of Bihar and Orissa and who have been adversely affected by the earthquake ?

The Honourable Sir Harry Haig : I should not suppose that that would be a convenient way of dealing with any necessity there may be in individual cases for giving assistance.

Mr. Gaya Prasad Singh : Before I put the next question, I wish to point out that there is a mistake in the question. The special magistrate refers to Allahabad and not to Calcutta.

ENFORCEMENT OF THE RULE PROVIDING FOR 24 HOURS BOOKING ON RAILWAYS.

78. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following comment of the Railway Special Magistrate

of Calcutta, Rai Saheb Lal Mohan Banerjee, published in the *Amrita Bazar Patrika*, dated the 7th June, 1934 (page 6) reading—

“ The Railway authorities ought to insist upon a strict enforcement of the rule providing for 24 hours booking and reduce the chances of congestion ” ?

(b) Are Government aware that in the above case, a pick-pocket was arrested at the counter of the Railway booking office ?

(c) Are Government aware that the rule quoted above is not strictly enforced at all Railway stations ?

(d) Do Government propose to issue any fresh instructions in this matter ?

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

(b) Government have no information beyond that contained in the newspaper report referred to.

(c) The rule referred to applies only in the case of certain large stations as notified by Railways in their tariffs, and Government are not aware that it is not being strictly enforced at such stations.

(d) Government consider this unnecessary. If any instances of the rule not being observed occur, they can—and, Government have no doubt, will—be brought to notice by members of Local Advisory Committees at meetings of the Committee.

Mr. Gaya Prasad Singh : Will Government issue instructions to the station masters to see that the rule which they have prescribed is strictly followed ? As a matter of fact, at very important stations, where the booking is supposed to be for 24 hours, the rule is not followed in practice ?

Mr. P. R. Rau : It is unnecessary for Government to issue any such instructions. It would be better if my Honourable friend would bring to notice any particular case of breach of the rule, so that it may be taken up with the local administration.

Mr. Gaya Prasad Singh : I say that station masters may be instructed to see that the rules are strictly observed in those cases.

Mr. P. R. Rau : The rules are intended to be followed. The mere fact that the rules are published implies that it is the duty of the station masters to follow them.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

79. ***Mr. Gaya Prasad Singh :** When is the Reserve Bank of India likely to come into existence ?

The Honourable Sir James Grigg : The matter is under active consideration, and it is hoped that an announcement can soon be made.

Mr. Lalchand Navalrai : May I know if it has been decided as to who is to be the Governor and who are to be the Deputy Governors ?

The Honourable Sir James Grigg : I should be grateful if I am allowed to keep to the statement “ that it is hoped that an announcement can soon be made ”.

Mr. Vidya Sagar Pandya : In view of the dissolution of this Assembly, we would like to know when and how many Members of the House have the chance of being nominated as Directors of the new Bank.

The Honourable Sir James Grigg : I am afraid the Honourable Member is asking me to anticipate the announcement that I hope to make soon.

Mr. B. Das : May I know what will be the approximate time when the Government expect to call for shares for the Reserve Bank from the public ?

The Honourable Sir James Grigg : Surely my Honourable friend does not want me to give him advance information like that.

Mr. B. Das : Does the Honourable Member anticipate any fluctuation in the share market if an announcement is made now ?

The Honourable Sir James Grigg : I am not in the least responsible for market rumours.

Mr. B. Das : Does the Honourable Member anticipate that there will be any marked fluctuation in the market if the Government announce that such and such is the date when the shares of the Reserve Bank will be on sale in the market ?

The Honourable Sir James Grigg : Whenever an announcement of the issue of shares is made, the Government of India naturally take into account the possible effects on their own borrowing operations.

Mr. B. Das : May I enquire why this inordinate delay in coming to a decision about the starting of a Reserve Bank? This question of starting a Reserve Bank was decided as long ago as 1928 when the whole framework was settled.

The Honourable Sir James Grigg : First of all, I deny that there was any inordinate delay for which the Government of India were responsible. I am not sure whether the Honourable Member himself has not certain responsibilities for a certain amount of delay in the matter.

Mr. Vidya Sagar Pandya : Then, is the Secretary of State responsible for the delay in starting this Reserve Bank ?

The Honourable Sir James Grigg : Certainly not.

Mr. B. Das : Was there not a special Session of the Assembly held in Delhi to get this Reserve Bank Bill passed, and what is the reason for the Government in delaying the promulgation of the Reserve Bank ?

The Honourable Sir James Grigg : There is being no avoidable delay in making an announcement or promulgating any decision.

GOVERNMENT ATTITUDE TOWARDS THE INDIAN NATIONAL CONGRESS AND ITS COMMITTEES.

80. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to make a full statement of their present attitude towards the Indian National Congress, and its Committees ?

(b) Has civil disobedience ceased in the estimation of Government ?

(c) What is Government's view with regard to the All-India Congress Committee's decisions arrived at at Patna ?

(d) What is the opinion of respective provincial Governments in India with regard to the present attitude of the Congress and its Committees ?

(e) Is it a fact that Bombay Government have reported to the Government of India that the policy of civil disobedience movement of the Congress has not yet ceased ?

The Honourable Sir Harry Haig : (a) to (e). I would invite the attention of the Honourable Member to the statement made by the Government of India in the Home Department Communiqué, dated the 6th June, 1934, to which I have nothing to add.

Mr. Lalchand Navalrai : Will the Honourable Member give me a reply specifically to (e) ?

The Honourable Sir Harry Haig : I think the Honourable Member may conclude from the fact that the Government of Bombay have just released Mr. Vallabhbhai Patel that in their view the Civil Disobedience Movement in Gujerat has now ceased.

Mr. Lalchand Navalrai : Am I then to understand that there was a report from the Bombay Government that the Civil Disobedience Movement had not ceased and that since then Government have seen fit to release Mr. Patel ?

The Honourable Sir Harry Haig : No, Sir ; the position was that, in view of the special conditions in Gujerat, it was necessary for the Government of Bombay to observe those conditions carefully for some time.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether the ban has been lifted from all the provincial branches of the Indian National Congress ?

The Honourable Sir Harry Haig : As far as I am aware, the ban has been lifted from all the regular provincial branches. (Laughter.)

Mr. M. Maswood Ahmad : Will the Honourable Member be pleased to state what he means by the word "regular" ?

The Honourable Sir Harry Haig : There is a difference of opinion between me and my Honourable friend in regard to a particular organisation, I think, but the House did not show sufficient interest in the matter to debate the question the other day, and, therefore, I had no opportunity of dealing with it fully.

Mr. M. Maswood Ahmad : Are Government aware that the *Khudai Khidmatgar* organisation of the North-West Frontier Province is a branch of the Indian National Congress ?

The Honourable Sir Harry Haig : I am aware that it has been so described.

Dr. Ziauddin Ahmad : Has the Civil Disobedience Movement stopped in all the Provinces of India or is there any exception ?

The Honourable Sir Harry Haig : I have not received reports recently of any Civil Disobedience Movement activities.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether they have lifted the ban from the *Khudai Khidmatgar* organisation of the North-West Frontier Province ?

The Honourable Sir Harry Haig : Certainly not, Sir.

Mr. M. Maswood Ahmad : Will Government be pleased to state the reasons for not lifting this ban when they have lifted the ban from all the other provincial branches of the Indian National Congress ?

The Honourable Sir Harry Haig : I think my Honourable friend has a question on this subject a little later.

Mr. B. Das : Do I understand the Honourable Member to say that Government have released all the Civil Disobedience prisoners in all the regular Provinces, and that there are no Civil Disobedience prisoners in jail now ?

The Honourable Sir Harry Haig : No, Sir ; I said nothing of the kind.

Mr. B. Das : But did not the Honourable Member say that the Government of Bombay have released the Civil Disobedience prisoners, including Mr. Vallabhbhai Patel ?

The Honourable Sir Harry Haig : No, Sir ; I said that the Government of Bombay have released Mr. Vallabhbhai Patel who was held under the Regulation.

Mr. Gaya Prasad Singh : Now that, according to the statement of the Honourable the Home Member, the Civil Disobedience Movement has ceased in all the Provinces, do Government propose to release the Civil Disobedience prisoners now in the jails ?

The Honourable Sir Harry Haig : The Government of India and the Local Governments, Sir, propose to continue the policy which is already in existence of expediting the release of those prisoners.

REMOVAL OF RESTRICTIONS PLACED ON THE INDIAN NATIONAL CONGRESS AND ITS COMMITTEES.

81. **Mr. Lalchand Navalrai :** Will Government be pleased to state if they have removed the restrictions and bans placed against the Indian National Congress and its Committees owing to their civil disobedience policy, if so, which restrictions and bans have been removed and how far ?

The Honourable Sir Harry Haig : I would refer the Honourable Member to the Communiqué of June 6th, which states the policy that is being carried out.

Mr. Lalchand Navalrai : I should like to have a specific reply to this question, viz., whether all the restrictions that were placed upon these people, on account of the Civil Disobedience Movement, have been removed, or are there still some that have not been removed ?

The Honourable Sir Harry Haig : I think, if the Honourable Member refers to the communiqué, he will find an answer to his question.

Mr. Lalchand Navalrai : I do not remember that Communiqué now, and, therefore, I want the Honourable Member to tell me what it is, so that I may put further supplementary questions.

The Honourable Sir Harry Haig : I shall be very glad to lay a copy of the Communiqué on the table, in case Honourable Members have not had an opportunity of reading it.

Mr. Lalchand Navalrai : So the Honourable Member himself knows that there were restrictions and there were notifications. I am asking if that Communiqué now shows which restrictions have been removed and which have not been removed.

The Honourable Sir Harry Haig : As far as I am aware, the restrictions to which the Honourable Member refers are merely notifications under the Criminal Law Amendment Act declaring certain Associations to be unlawful.

Mr. Lalchand Navalrai : Has it been decided now that the Congress and all the Committees including the Working Committees and the All-India Congress Committee have been declared to be lawful ?

The Honourable Sir Harry Haig : The policy is very clearly stated in the Communiqué, and I really must ask my Honourable friend to be kind enough to read it.

Mr. Lalchand Navalrai : I only want to have one reply to my question, viz., whether all the Associations and Committees have been declared lawful or not or are they still unlawful ?

The Honourable Sir Harry Haig : I will refer to the Communiqué :

"The Government of India have decided, in consultation with Local Governments, that the notifications declaring the various constituent parts of the Congress organisation unlawful should be withdrawn."

Later on, we went on to say :

"During the course of the Civil Disobedience Movement, many revolutionary organisations were proscribed which were distinct from the Congress though working in more or less close association with its objects. Local Governments will not withdraw the notifications against any such revolutionary organisations or any organisations which, in their opinion, are a danger to the peace of the country."

Mr. Lalchand Navalrai : May I know if there are any revolutionary Associations connected with the Congress ?

The Honourable Sir Harry Haig : Certainly, Sir.

Mr. Lalchand Navalrai : Are they connected with the Congress ?

The Honourable Sir Harry Haig : The words were "distinct from the Congress though working in more or less close association with its objects."

Mr. Lalchand Navalrai : Are there any such that are working in sympathy with the Congress ?

The Honourable Sir Harry Haig : There have been, certainly. I cannot say what they are doing now.

Mr. Lalchand Navalrai : Will the Honourable Member mention them ?

The Honourable Sir Harry Haig : No, Sir ; there are a great number of these Associations.

Mr. Lalchand Navalrai : Will the Honourable Member mention at least one or two ?

The Honourable Sir Harry Haig : No, Sir ; I am afraid I cannot enter into details.

Mr. Gaya Prasad Singh : Is it the assertion of Government that there are terrorist associations affiliated to the Congress ?

The Honourable Sir Harry Haig : No, Sir ; these are not merely terrorist associations. They are associations of various descriptions.

Maulvi Muhammad Shafee Daoodi : May I know who is the authority to determine what are the constituent parts of the Indian National Congress ?

The Honourable Sir Harry Haig : This is an executive decision, and the determination must rest with Government.

Maulvi Muhammad Shafee Daoodi : Is not the Indian National Congress itself the authority and has not the acting President, Mr. Jammal Bajaj, made it clear to the Honourable the Home Member that the *Khud-i-Khidmatgar* organisation in the Frontier Province was affiliated to the Congress in August, 1931, and was acting in accordance with the principles of the Congress and is prepared to abide by the decision of the Congress as had been given at Patna in regard to the Civil Disobedience Movement ?

The Honourable Sir Harry Haig : I am very sorry that I did not have an opportunity of putting the facts fully before the House in connection with the abortive motion of my Honourable friend opposite, because I think I should have had no difficulty in proving to the House that the Red Shirt organisation did not observe the professed principles of the Congress and was quite definitely a revolutionary body.

Maulvi Muhammad Shafee Daoodi : Is it not a fact that the authorities in the Frontier are confusing....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The House had an opportunity of discussing the question of this organisation in the North-West Frontier Province, and the House deliberately decided not to discuss this question. The Chair cannot allow the occasion for supplementary questions to be utilised for raising a debate on that.

Mr. Muhammad Azhar Ali : Do Government still hold that the object of the Indian National Congress is in any way of the terrorist or revolutionary type ?

The Honourable Sir Harry Haig : The objects of the Indian National Congress at the moment seem to me to be somewhat uncertain.

FIGHTING OUT THE ISSUE OF THE WHITE PAPER REFORMS CONSTITUTIONALLY THROUGH THE INDIAN LEGISLATURE BY THE INDIAN NATIONAL CONGRESS.

82. ***Mr. Lalchand Navalrai :** Is it a fact that Government threw a challenge to the Indian National Congress to fight out the issue of the White Paper Reforms constitutionally through the Indian Legislature ?

The Honourable Sir Harry Haig : I think the Honourable Member has been placing too literal an interpretation on certain journalistic phrases.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there was no challenge from the Government, whether there was a challenge from the Congress itself that it will come to this House and break this White Paper ?

The Honourable Sir Harry Haig : I think it is perfectly true that the Congress or rather the body which hoped to emerge as the revived Swarajist Party did show an inclination to adopt the constitutional line described by the Honourable Member.

Mr. Lalchand Navalrai : Was it, therefore, that the Government allowed this Assembly to come to a close and elections to take place ?

The Honourable Sir Harry Haig : That decision was taken on full consideration of all the circumstances.

SHORT NOTICE QUESTION AND ANSWER.

SOUTH AFRICAN COLONIZATION ENQUIRY COMMITTEE REPORT.

***Mr. C. S. Ranga Iyer :** Will Government please state what action they propose to take on the South African Colonization Enquiry Committee Report ?

12 NOON.

Mr. G. S. Bajpai : The Government of India have informed the Government of the Union of South Africa that they will formulate their views on the Report only after Indian opinion, both in South Africa and in India, has expressed itself fully. They have so far received no indication of the reaction of Indians in South Africa to the Report. They propose to consult the Standing Emigration Committee of the two Houses of the Indian Legislature, as soon as they can place before the Committee representative expressions of Indian opinion in both countries. Communication of their own conclusions to the Government of the Union is, therefore, likely to take some time.

Mr. B. Das : Is it not a fact that the South African Indians made it clear that they will have nothing to do with the recommendations of this preliminary Colonisation Committee Report and that they will not like to get out of South Africa at the request of these people, and is it not ill grace on the part of this Committee to recommend and suggest how Indians can find a colony for themselves, and do the Government of India approve the method in which this Colonisation Committee have suggested how colonies should be found for Indians ?

Mr. G. S. Bajpai : So far as I know, the South African Indian community has not yet expressed any opinion on the recommendations made in the Report. There is a section of South African Indians who decided to non-co-operate with the Committee which was appointed by the Government of the Union. But the most representative organisation of Indians in South Africa, that is to say, the South African Indian Congress, appointed a representative to serve on the Committee and also gave evidence before it.

My Honourable friend's next question was as to whether the Government of India approved of the Committee in South Africa arrogating to itself the function of advising India as to where it should find an outlet for its redundant millions. Government would prefer to express no opinion

on either this or the other recommendations of the Committee until they have had time to consult Indian opinion here and in South Africa.

Mr. B. Das : Were the Government of India aware at the time of the investigation when they advised the Agent General in South Africa to render all help to that Committee, that the Committee was going to recommend ways and means as to how the Government of India should have colonies of their own for the Indian people?

Mr. G. S. Bajpai : The Government of India at the time, when they invited their Agent to assist the Committee, had merely the terms of reference of the Committee before them. The procedure of the Committee and the formulation of the views of the Committee were undoubtedly subsequent processes.

Mr. B. Das : May I suggest to the Government of India to appoint a Committee to advise the South African Government as to how they should function as a civilised Government?

Mr. G. S. Bajpai : I think that would be a labour of supererogation on the part of the Government of India.

Mr. Gaya Prasad Singh : Are Government aware that there is strong feeling in this country against the recommendations made in that Colonization Committee Report?

Mr. G. S. Bajpai : From my perusal of comments in the Press, I should say that my Honourable friend's conclusion is justified.

UNSTARRED QUESTIONS AND ANSWERS.

RESOLUTIONS, PETITIONS AND MEMORIALS RECEIVED FOR OR AGAINST THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

5. **Pandit Ram Krishna Jha :** (a) Will Government be pleased to state the number of (i) resolutions, (ii) petitions, (iii) memorials, and (iv) opinions received by them till the 15th of June, 1934, either for or against the Temple Entry Bill now pending in the Central legislature? Will Government be pleased to state how many of each are for and how many against the Bill?

(b) Will Government be pleased to lay a statement on the table showing :

- (i) the names of the individuals and their addresses,
- (ii) the names of the public bodies or associations,
- (iii) the names of the religious institutions or religious heads, and
- (iv) the names of the Government officials, the provincial Governments and the courts in British India,

from whom Government have received such resolutions, petitions, etc., as aforesaid against the said Temple Entry Bill?

The Honourable Sir Harry Haig : I will answer this and the next question, No. 6, together. Resolutions and memorials relating to the Temple Entry Bill which have been received either by the Legislative Assembly Department or through the Home Department have been already

placed in the Library of the House and I lay on the table two lists of such representations received upto the end of June, the great majority of which are against the Bill. The opinions received on the Bill will be printed and circulated to Honourable Members in due course. Some petitions on this subject have already been reported to the House and others will be reported in due course. According to the directions of the Committee on Petitions, all the petitions will also be printed and circulated. The material for the information required by the Honourable Member is either already available or will be supplied to him before the next motion relating to the Bill is taken up.

I

List of resolutions, memorials, telegrams, letters, etc., protesting against the Temple Entry Bill received and placed in the Library of the Legislative Assembly.

(a) Protests against the Temple Entry Bill.

1. Telegram dated 7th April, 1934, from Jairamdas, Lyallpur against the admission of Harijans into Temples.
2. Telegram dated 8th May, 1934, from Pujari Mandir Raghubir against Temple Entry Bill.
3. Telegram dated 9th May, 1934, from President, Sanatan Dharam Yuvaka Mangal.
4. Telegram dated 8th May, 1934, from Satrugan Das, President, Village Ramdiri, Monghyr.
5. Telegram dated 8th May, 1934, from Secretary, Radharaman Temple, Brindaban.
6. Telegram dated 8th May, 1934, from Misrilal, regarding Sanatani Meeting, Bareilly.
7. Telegram dated 8th May, 1934, from Janardan Chaturvedi, Secretary, Vaishnavasevadal meeting, Hathras.
8. Telegram dated 7th May, 1934, from Secretary, Vasgbav Sabha, Multan.
9. Telegram dated 7th May, 1934, from Secretary, Sanatan Sabha, Hoshiarpur.
10. Telegram dated 7th May, 1934, from Shankar Basudeb Tirtna Swami of Gopaltirtna Math, Town Puri, President, Public Meeting.
11. Telegram dated 7th May, 1934, from Mahanthaudh Beharidass, President, Sanatanist Conference, Raipur.
12. Telegram from Abadh Behari Singh, President, Sanatanist Conference, Paroria.
13. Telegram dated 7th May, 1934, from Pujari Balaji Mandir.
14. Telegram dated 7th May, 1934, from Damodar Acharya, President, Dharm Bagebandhak Mandal.
15. Telegram dated Nowgong, 7th May, 1934, from Maheswar Borthakur, Secretary, Nowgong Brahman Sava.
16. Telegram dated 7th May, 1934, from Dewakan Misra, President, Sanatan Meeting, Salempur.
17. Telegram dated 7th May, 1934, from Anandibye Anandaballabh Temple.
18. Telegram dated 7th May, 1934, from Dhanur Dhavavacharya Mohant, Totadrimath.
19. Telegram dated 7th May, 1934, from S. A. Pande, Pleader, President, Public Meeting of Sanatanist at Akola.
20. Telegram dated 7th May, 1934, from Pujari Narsinghji, Mandir.
21. Telegram dated 7th May, 1934, from Pujari, Ram Mandir.

22. Telegram dated 7th May, 1934, from Pujari, Gausala Mandir.
23. Telegram dated 7th May, 1934, from Pujari, Audh Behari Mandir.
24. Telegram dated 7th May, 1934, from Mahanath Ramkhelaon Das, Sanatan Dharam Sabha, Bahadurpur, Thakurbari, Monghyr.
25. Telegram dated 7th May, 1934, from Radha Raman Das, Mohant, Tottysthan.
26. Telegram dated 7th May, 1934, from Achintya Sharma, Proprietor, Rashmadhab Temple.
27. Telegram dated 7th May, 1934, from Dewan, Lalababu Temple.
28. Telegram dated 7th May, 1934, from Fetei Chand Seth, Manager, Ramnaumi Temple.
29. Telegram dated 7th May, 1934, from Pujari, Satyanarayan Mandir.
30. Telegram dated 7th May, 1934, from Madan Mohan Goswami, Proprietor, Bankebehariji Temple.
31. Telegram dated 7th May, 1934, from Harikant Misra, President, Sanatanist Meeting, Chanor.
32. Telegram dated 7th May, 1934, from Pujari, Sankatadevi Temple.
33. Telegram dated 7th May, 1934, from Manager, Marwari Temple.
34. Telegram dated 7th May, 1934, from Kishorilal Goswami Advikary, Radhaballov Temple.
35. Telegram dated 7th May, 1934, from Basudeb Tarkalankar, President, Public Meeting, Mundamarai.
36. Telegram dated 7th May, 1934, from President, Warnashram Sangh, Tumsar.
37. Telegram dated Rajnagar, the 7th April, 1934, from 11,000 Sanatanist Hindus of Kailakh Nahar Birola Bhagbatpor, Bijai Haiderpur, Nirvapur, Bharan, District Darbhanga.
38. Telegram dated Kheri, 7th May, 1934, from Seth Brij Beharilal, Manager, Radhakrishna Temple.
39. Telegram dated Lachmangarh, the 8th May, 1934, from Mahant Shri Raghunath Mandir.
40. Telegram dated Jhansi, the 7th May, 1934, from Baijnath Tandon, Secretary, Samana Dharam Sabha.
41. Telegram dated Cawnpore, the 7th May, 1934, from Sanatanists, Old Cawnpore.
42. Telegram dated Piparia, the 7th May, 1934, from President, Sanatan Dharam Sabha.
43. Telegram dated Losal (through Sikar), 6th May, 1934, from President, Hindu Sabha.
44. Telegram dated Baidyabati, 6th May, 1934, from Ranjasingh, President, Sanatan Sabha, Chandani, Baidyabati.
45. Telegram dated Mandsaur, 5th May, 1934, from Pulchand Chichani, President, Hindu Sabha.
46. Telegram dated Mandsaur, 5th May, 1934, from Pandit Bansidhar, President, Sanatan Dharam Sabha.
47. Telegram dated Mandsaur, 5th May, 1934, from Jain Panchan.
48. Telegram dated Begusarai, 1st May, 1934, from Matukdhar Singh, President, Sanatan Dharam Meeting at Rahooa.
49. Telegram dated Begusarai, 3rd May, 1934, from Ambica Singh, President, Hindu Meeting, Balahpur.

50. Telegram dated Jhan Jharpur, 10th May, 1934, from Shibeswar Jha, President, Mithila Barnasram Dharam Sabha, Lohana Dharbanga, regarding meeting of 15,000 Sanatanists of village Biresgar.
51. Telegram dated Nanigachi, 11th May, 1934, from Secretary, Barnasram Sabha Ujan.
52. Telegram dated Begusarai, 4th May, 1934, from Shesuratan Singh, President, Sanatan Dharam Meeting at Nayagaon.
53. Telegram dated Begusarai, 4th May, 1934, from Ghaushyam Singh, President, Sanatan Dharam Sabha at Singhpur.
54. Telegram dated Jhan Jharpur, 9th May, 1934, from Sanatan Dharam Sabha Sanskrit Pathshala, Jhan Jharpur.
55. Telegram dated Brindaban, 9th May, 1934, from Hetbavyuwak Mandal.
56. Telegram dated Udipti, 9th May, 1934, from Secretary, Vaidiaka Dharma-veer Sangha, regarding Sanatanist Meeting, Udipti, South Kanara.
57. Telegram dated Amritsar, 7th May, 1934, from Ralyaram, President, Varnashram Surajsangh meeting, Amritsar.
58. Telegram dated Amritsar, 7th May, 1934, from Tirthram, Secretary, Dharmvir Dal Sanatanist Meeting, Amritsar.
59. Telegram dated Benares, 7th May, 1934, from Chandipd, Secretary, Gauri Shankar Endowment Trust.
60. Telegram dated Benares, 7th May, 1934, from Surendra Sanyal, Chairman, Mumukshabawan.
61. Telegram dated Begusarai, 8th May, 1934, from Parmesar Choudhry, Bishunpur and Anandipd.
62. Telegram dated Begusarai, 8th May, 1934, from Kansalki Shore, President, Sanatan Dharam Meeting at Gorgawan.
63. Telegram dated Begusarai, 8th May, 1934, from Karimahton, President, Sanatan Dharam Meeting at Kharagpur.
64. Telegram dated Deoghar, 7th May, 1934, from Manokamana Pandit, President, Public Meeting.
65. Telegram dated Deoghar, 7th May, 1934, from President, Dharam Rakshini Sabha.
66. Telegram dated Jaswantgarh, 7th May, 1934, from Achhut Sanatan Dharam Sabha.
67. Telegram dated Jhan Jharpur, 7th May, 1934, from Varnashramdhar Sabha Kothia, Darbhanga.
68. Telegram dated Ladnun, 7th May, 1934, from Sanatan Dharm Sabha, Nimbi.
69. Telegram dated Mhow Bazar, 7th May, 1934, from Sanghi President, Hindu Meeting in Gopal Mandir.
70. Telegram dated Mirzapur, 8th May, 1934, from Shri Goswami Goverdhanlal Kavichuramani, President, Public Meeting.
71. Telegram dated Muttra Chauk, 8th May, 1934, from President, Govardhan Shastri, Varnashram, Muttra.
72. Telegram dated Nawalgarh, 7th May, 1934, from Manesi Dutt, Seasuri.
73. Telegram dated Teghra, 8th July, 1934, from Ramnaran Prasad, Secretary, Grand Sanatan Dharam Meeting.
74. Telegram dated 8th May, 1934, from Gajanand Pada, Honorary Secretary, Shree Sanatan Dharamawalambiya Manwar Brahman Sabha, Calcutta.
75. Telegram dated 7th May, 1934, from Secretary, Varnashrama Sabha, Nellore.
76. Telegram dated 7th May, 1934, from Kanailal Pujari, Calcutta.
77. Telegram dated 7th May, 1934, from Sheo Dutt Ray, Pujari, Calcutta.
78. Telegram dated 7th May, 1934, from Shanti Sikhavswar Roy, President, Public Meeting held at Calcutta.
79. Telegram dated Brindaban, 7th May, 1934, from Sarojendra Kamdar, Radhamohan Temple.
80. Telegram dated Monghyr, 8th May, 1934, from Raja Raghunandan, President, Orthodox Hindus.

- 80(a). Representations protesting against the T. E. Bill in the same printed form, from 208 residents of the Bombay Presidency.
81. From President, Ram Mandir, Public Meeting, Bombay, dated the 9th March, 1934.
82. From Mr. Ramdhan Tewari Manja Anoop.
83. From the Bombay Provincial Varnashram Swarajya Sangh, letter dated the 14th January, 1934.
84. From the President, Sanatanists Meeting, Byculla, dated the 17th February, 1934.
85. From Mr. G. K. Hathi, President, All-India Varnashram Swarajya Sangha Branch, Rajkot, dated the 26th March, 1934.
86. From Mr. G. K. Hathi, President, All-India Varnashram Swarajya Sangha Branch, Rajkot, dated the 26th March, 1934.
87. From the President, the Sanatanists Meeting Byculla, Bombay, dated the 29th March, 1934.
88. From the President, the Sanatanists Meeting, Dharavi, Bombay, dated the 27th March, 1934.
89. From Mr. Lakshman Prasad and 9 others, Nagina, District Bijnore, dated the 17th March, 1934.
90. From the Manager, Kanga Temple Committee, and 8 others, dated the 21st March, 1934.
91. From M. Parash Ram, Godhra, Panchmahal, dated the 24th March, 1934.
92. From the Secretary, Gayawal Sabha, Gaya, dated the 31st March, 1934.
93. From the President, Sanatan Vedic Dharma Sabha, Ahmedabad, No. G., dated the 31st March, 1934.
94. From the President, Sanatan Vedic Dharma Sabha, Ahmedabad, No. G., dated the 2nd April, 1934.
95. From President, Sanatanist Meeting, Sukhanandji Dharamshala, C. P. Tank, Bombay, dated the 31st March, 1934.
96. From the President, Panjrapola Lane, Meeting, Bombay, dated the 29th March, 1934.
97. From the District Harijan Sewak Sangha, Manipur, dated the 7th April, 1934.
98. From the Secretary, Vaidika Dharma Veera Sangha of South Kanara, Udipi, dated the 6th April, 1934.
99. From President, Mumbadevi Temple Meeting, Bombay, dated the 25th March, 1934.
100. From President, Public Meeting at Kheda Jalas (Dadar), dated the 7th April, 1934.
101. From President, Akola (Santa Cruz) Meeting, dated the 4th April, 1934.
102. From President, Colaba Meeting, dated the 4th April, 1934.
103. From President, Khar Road (Bombay) Meeting, dated the 4th April, 1934.
104. Printed protests from thirty persons against the Temple Entry Bill.
105. Protests from four public meetings against the Temple Entry Bill.
106. Protests from residents of (1) Taluk Sabha of Rapalle, Guntur, and (2) Podili, Nallore in Madras Presidency.
107. Letters from the Secretary, The Guntur District Varnashrama Dharmodhara Sabha, dated the 24th and 29th March, 1934, and 11th April, 1934, forwarding protests against the Temple Entry Bill, signed by 465 persons belonging to various places.
108. From the Bombay Provincial Varnashram Swarajya Sangh, dated the 5th April, 1934.
109. From His Holiness Srimad Goswain Sir Gokul Nathji Maharaj, Bombay, dated the 19th April, 1934.
110. From the Secretary, Nagar Varnashram Swarajya Sangha.
111. From the General Secretary, V. S. S. Khandun, C. P., dated the 29th April, 1934.

112. From the Secretary, V. S. S., Karad Branch, dated the 30th April, 1934.
113. From the President, V. S. S., Kundhu Branch, dated nil.
114. From the Vice-President, U. P., Varnashram Swarajya Sangha, dated nil.
115. From Varnashram Swarajya Sangha, Branch Utran, E. Khandesh, dated nil.
116. From V. S. Sangh, Shahganj (Jampur), U. P., dated nil.
117. From the President, V. S. S., Ahsakha Brahmpore, Shahabad, dated the 8th May, 1934.
118. From V. S. S., Branch Sibpur, Howrah, dated the 6th May, 1934.
119. From V. S. S., Bankura Branch (Bengal), dated nil.
120. From the President, Barhiya, dated the 6th May, 1934.
121. From the Secretary, Sri Sanatan Dharma Mandal, Jaipur, dated the 7th May, 1934.
122. From the Sanatan Vedic Dharma Sabha, Surat, dated the 8th May, 1934.
123. From the President, V. A. S. Sangh, Dwarka, dated nil.
124. From the Panchmahal District, Varnashrama Swarajya Sangha, dated the 8th May, 1934.
125. From the Hindu Central Committee, Branch Nandyal, Kurnool District, dated the 6th May, 1934.
126. From the President, Purana Sravana Sabha, Madura, dated the 9th May, 1934.
127. Protests in the same printed form from—
 - (1) Secretary, Varnashrama Swarajya Sangha, Bankura, Bengal.
 - (2) The Varnashrama Swarajya Sangha, Khandra, District Nimar.
 - (3) President, Sanatan Dharma Association, Tehta, P. O., Gaya.
128. Protests in the same printed form from meetings held at :—
 - (1) Ambala, Sonapat and Ballabgarh and from Palwal.
 - (2) 18 different places in Hissar District.
 - (3) 10 different places in Bewari, Hissar District.
 - (4) 5 places in Meerut District.
 - (5) 15 places in Meerut City and 9 in Meerut Cantonment.
129. Protests in same printed form submitted by—
 - (1) Six residents of Gurgaon District.
 - (2) 3 Residents of Faridabad.
 - (3) 2 residents of Palwal.
 - (4) 6 residents of Ballabgarh.
 - (5) 18 residents of Hissar District.
130. Letter from the Marwari Association, Calcutta, dated the 28th May, 1934.
131. Resolutions of the Managing Committee of the Vedashastrottejak Sabha, Poona, dated 26th May, 1934.
132. Resolution of Public Meeting held at Amalner, E. Khandesh, 29th May, 1934.
133. Resolutions of Sanatanist Meeting held at Karachi, on 6th May, 1934.
134. Letter from President, Varnashrama Swarajya Sangha, Sivaganga, dated 22nd May, 1934.
135. Resolutions of Public Meeting at Pandaypipra, Isri, Shahabad District.
136. Protest bearing signatures of 52 residents of Hosur, Salem District.
137. Resolutions passed by meetings held on 6th May, 1934, at six villages, Taluk Sattinapalle, Guntur District.
- Protests in the same form from—
138. President, Sanatana Dharma Sabha Chathapuram, Kalpathi, Palghat, S. Malabar.
139. Secretary, Provincial Varnashram Sanatan Dharma Sava, Jorhat, Assam.

140. President, Sanatan Dharm Mahasabha, Khurja, Bulandshahr.
141. Secretary, Shri Sanata Dharma Sabha, Ferozepur City.
142. Secretary, Mithla Pravtiya Varnashram Swarajya Sangha, Sitamarhi.
143. President, Dharma Sastra Sabha, Madura.
144. Pandit Ghanashyam Vedant Tirth, Panchrof, Midnapore.
145. Vice-President, Varnashrama Swarajya Sangha, Poona.
146. Secretary, Nellore District Varnashrama Dharma Sabha.
147. Secretary, Sanatan Vaidic Dharma Samrakshaka Mandal, Poona.
148. Secretary, Sanatan Dharma Sabha, Gaya.
149. President, Sanatan Dharam Pratap Bhavan, Srinagar.
150. President, Sanatan Dharma Sabha, Hyderabad, Sind.
151. President, V. S. Sangh, Rudain.
152. Secretary, Dharma Samrakshaka Sabha, Aryapur, Rajmundry.
153. President, Sanatan Dharma Bhardhani Sabha.
154. President, Sanatan Dharma Sabha, Battiah.
155. Secretary, Varnasrama Dharmodharaka Sabha, Pamad, Guntur.
156. President, Varnasrama Dharmodharaka Sabha, Repalle, Guntur.
157. President, Varnasrama Dharmodharaka Sabha, Tenali, Guntur.
158. President and Secretary, Varnasrama Dharmodharaka Sabha, Sattanapalle, Guntur.
159. President and Secretary, Varnasrama Dharmodharaka Sabha, Perthapuram Sabha, East Godavari.
160. Secretaries, Varnasrama Dharmodharaka Sabha, Razole Taluk Sabha, East Godavari.
161. President, Bombay, Provincial Varnashram Swarajya Sangh, Surat.
162. Joint Secretary, Shri Sanatan Dharam Yovak Sabha, Karachi.
163. President, Varnashram Swarajya Sabha, Satara.
164. President, Sri Vedhaitha Desika Baktha Sabha, Madura.
165. President, Tirukoilur Arya Dharma Abhikridhini Brahmana Mahasabha, Tirukoilur, South Arcot, Madras.
166. General Secretary, U. P., Varnashram Swarajya Sangha, Cawnpore.
167. President, Varnashram Swaraj Sangh, Deoghar.
168. Resolution passed by Sanatanist meeting forwarded by the Mandir Raksha Committee, Delhi, dated 6th May, 1934.
169. Resolution of Orthodox Hindu meeting, on 6th May, 1934, at Palakol, West Godavari.
170. Resolution by Hindu Meeting at Kavali, Nellore District, dated 6th May 1934.
171. Resolution by Hindu meeting at Melkote, on 6th May, 1934.
172. Resolution by meeting at temple of Narasimha Akhara, Shillong, on 6th May, 1934.
173. Resolution by meeting at Ram Janaki Temple, Shillong, dated 6th May 1934.
174. Resolution at Satyanarain Thakurbari Temple, Shillong, dated 6th May 1934.
175. Resolution by Sanatanist meeting at Lahore, on 6th May, 1934.
176. Protests in the same form from—
 President, Kavali Taluk Varnasrama Dharmodharna Sabha.
 President, Sanatan Dharm Pravartuka Mandan, Bhavnagar.
 Sri Mahanta Bhagawat Das, Bahiri Bara Math, Midnapur.
 President, Contai Varnashram Swarajya Sangh, Midnapur.
 President, Bahiri Jaganath Sabagat Sangha, Midnapur.
 President, Varnashrama Swarajya Sangha, Balighai, Midnapur.
 President, Pakur Sub-Divisional Varnashram Swarajya Sangha.

176.—contd.

- President, Sanatan Dharam Sabha, Haldwain, Naini Tal District.
- President, Sanatan Dharam Sabha, Monghyr.
- Secretary, Sri Vaidika Dharma Bodhini Sabha, Secunderabad, Deccan.
- Secretary, Shree Sanatan Dharma Sabha, Agra.
- Secretary, Varnashram Swarajya Sangha, Agra Branch, Agra.
- Secretary, Varnashram Swarajya Sangh Branch, Kundgol, Jamkhaudi State.
- President, Sanatan Dharam Sabha, Rai Bareli.
- Vice-President, Sanatan Dharam Sabha, Hoshiarpur.
- Pandit Mahadeo Shastri.
177. Resolution of meeting at Jagannath Temple, Shillong, dated 6th May, 1934.
178. Resolution of meeting at Kalibari Temple, Shillong, dated 6th May, 1934.
179. Resolution of meeting at Satsanga Temple, Shillong, dated 6th May, 1934.
180. Resolution of meeting at Mahadebkhola Temple, Shillong, dated 6th May, 1934.
181. Protest forwarded by Ratneswar Barual, Jorhat, Assam, bearing 154 names.
182. Thirty Protests (printed in same form) from residents of Ferozepur City.
183. Protest from Battili village, Paelakunidi Taluk, Ganjam District, bearing 252 signatures.
184. Letter dated 5th June, 1934, from N. S. Parande, Nagpur, forwarding protests bearing about 2,680 signatures.
185. Eight Protests (printed in same form) from representative All-India Varnashrama Swarajya Sangha, Bellary, Benares, and certain places in Madras.
186. Letter from Secretary, Kaira District Varnashrama Swarajya Sangha, Nadiad, dated 11th June, 1934, forwarding four printed protests bearing about 120 signatures in vernacular.
187. Letter from Secretary, Guntur District Varnashrama Dharma Sabha, forwarding printed protests bearing 27 signatures.
188. Letter from Secretary, Sanatan Varna-asram Dherma Sabha, Darda, C. P., forwarding protests bearing 50 signatures.
189. Protest lists bearing about 600 signatures (vernacular).
190. Letter from the Secretary, Achhutudhar Committee, Meerut, dated 14th April, 1934, communicating resolutions passed by public meeting held on 12th April, 1934, against Temple Entry Bill.
191. Letter from the Secretary, Varnashram Swaraj Sangh, Belgaum, dated 30th April, 1934, forwarding protests bearing 3,428 signatures.
192. Letter from the President, Maharashtra Provincial Varnashram Swarajya Sangha, No. 2003/O.D.A., dated 4th May, 1934, forwarding protests bearing signatures of about 8,900 persons.
193. Letter dated 9th May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding 15 petitions from Taluk and village Sabhas of Nellore District, bearing 254 signatures.
194. Letter dated Guntur, 9th May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding nineteen petitions from village Sabhas bearing 307 signatures.
195. Letter dated Guntur, 17th May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding thirteen petitions from taluk and village Sabhas, bearing 369 signatures.
196. Letter dated Guntur, 22nd May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding thirteen petitions from taluk and village Sabhas, bearing 78 signatures.
197. Letter dated Guntur, 22nd May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding seven petitions from village sabhas of Darri Division, Nellore District, bearing twenty-two signatures.

198. Protest by Sanatanists of Hyderabad Sind, dated 8th May, 1934.
199. Resolution by Andhra Desa Varnasrama Sangha, Bezwada.
200. Resolution by Barnasram Dharm Sangrakshini Sabha, at Netrakona, Mymensingh, Bengal, dated the 7th May, 1934.
201. Protest by President, Shri Hatkeswar Fund Committee, Rajkot, dated the 7th June, 1934.
202. Protest by Sanatan Dharam Sabha, Begum Bazar, Hyderabad Deccan, dated the 20th June, 1934.
203. Protest by Sanatanists of Dohad, dated 12th May, 1934.
204. Resolution by Varnashram Swaraj Sangh, Beyt Sankodhar, Kathiawar, dated 30th May, 1934.
205. Resolution by Sanatanist Meeting, Swami Narayan Mandir at Karachi, dated 31st May, 1934.
206. Memorial by Varnasrama Dharma Sabha, Nellore, Madras, dated May, 1934.
207. Resolution by Sanatanists Meeting at Porbandar, dated 18th May, 1934.
208. Resolution by Hindu Meeting at Erandol, East Khandesh, dated 24th May, 1934.
209. Resolution by Sanatan Dharamists of Mainpuri, dated 21st April, 1934.
210. Resolution by Hindu Meeting at Rajshahy, Bengal, dated 9th May, 1934.
211. Resolution by Hindu Central Committee, Cuddalore, dated 6th May, 1934.
212. Resolution by Hindu Meeting of Sylhet, dated 13th May, 1934.
213. Resolution by Sanatanists of Dhamoura, Champaran, dated 6th May, 1934.
214. Resolution by Hindu Meeting at Temple Mahadeb Khola, Shillong, dated 6th May, 1934.
215. Resolution by Hindu Meeting at Temple Jagannath, Shillong, dated 6th May, 1934.
216. Resolution by Hindu Meetings at Temples (1) Satyanarain Shakurbari, (2) Kali Bari, (3) Satsangh Bhawan, (4) Narshingh Akhara, (5) Ramjanki Jungli Akhara, dated 6th May, 1934.
217. Resolution by Shri Hari Sankirtan Mandal, Rawalpindi, dated 6th May, 1934.
218. Resolution by Sanatanists of Melkole, dated 6th May, 1934.
219. Resolution by Veranashram Swaraj Sangh, Bulandshar, dated 6th May, 1934.
220. Resolution by Benhar Provincial Association for Preservation of Hindu Temple, dated 6th May, 1934.
221. Protest by Iswar Chandra Nanda, President, Bahiri Jagannath Sebayat Sangha, Midnapore, dated 11th May, 1934.
222. Protest by Mahanta Bhagabat Das, Midnapore, dated 11th May, 1934.
223. Protest by Sanatan Dharam Conference, Naruar, dated 8th May, 1934.
224. Resolution by Hindu Meeting at Bindhachal, Mirzapur, dated 8th May, 1934.
225. Resolution by Mahajanams of Melmangalam, Madura, dated 7th May, 1934.
226. Resolution by Hindu Central Committee, Palakol, West Godawari, dated 6th May, 1934.
227. Resolution by Vaidika Dharma Veera Sangha of South Kanara, dated 6th May, 1934.
228. Resolution by Varnashram Swaraj Sangh, Pulgaon, dated 6th May, 1934.
229. Resolution by Barnasram Swaraj Sangha, Dinajpur, dated 6th May, 1934.
230. Resolution by Sanatan Dharamavalambiya, Agrawal Sabha, dated 6th May, 1934.
231. U. P. Varnashram Swarajya Sangh, Cawnpore, dated 19th May, 1934.
232. V. L. Narasimham, Secretary, Guntur District, Varnasrama Dharma Sabha, dated 14th May, 1934.

233. P. A. M. Garu, Secretary, Varnasrama Dharma Sabha, Nellore, dated 21st May, 1934.
234. Protest by residents of Hosur, Salem District.
235. Telegram dated Kaswabtgarrh, 12th May, 1934, from Laduram Shastari, Sanatan Dharam Sabha, Ledi.
236. Telegram dated Brindaban, 10th May, 1934, from Diyen Ganguly, Manager, Gobindji Temple.
237. Telegram dated Brindaban, 10th May, 1934, from Sachin Sarkar, Manager, Gopinathji Temple.
238. Telegram dated Brindaban, 8th May, 1934, from Swami Kethabanand Sri Katyaynipith, Brindaban.
239. Telegram dated 9th May, 1934, Brindaban, from Nilamber Prosad, Manager, Mañan Mohan Temple.
240. Telegram dated Raipur, 5th May, 1934, from Mahant Bajrandas, Dudhadhari.
241. Telegram dated Sultanpur, Jadunath Singh, Zamindar, Athaisi.
242. Telegram dated Kakojan, Assam, 25th May, 1934, from Secretary, Kakajan Hindu Dharm Sabha, Jorhat, Assam.
243. Telegram dated Rikhikesh, 12th May, 1934, from Secretary, Balhitkarini Samiti Lakshman Jhula.
244. Telegram dated Jand (Attock), 21st May, 1934, from Secretary, Sanatan Sabha.
245. Telegram dated Baffa, Hza, 21st May, 1934, from Secretary, Sanatan Dharma.
246. Telegram dated Dalsingh Sarai, Post Ujarpore, regarding protest meeting of Parrai Sanatanists.
247. Protest dated 22nd May, 1934, from President, Varnasrama Swarajya Sangha, Sivaganga Branch.
248. Resolution passed by Hindu Dharama Sabha Melatur, Janjore District.
249. Resolutions passed at Public Meeting held at Sri Sarangapaniswami Temple, on 6th May, 1934.
250. Resolutions passed by Sanatan Dharmavalambiya Agarwal Sabha Meeting, Calcutta.
251. Resolutions passed by Hindu Public Meeting of Tinnevely, on 6th May, 1934, under auspices of The Hindu Dharma Sabha.
252. Resolution passed by Sanatan Dharam Sabha, Muzaffarnagar, dated 2nd April, 1934.
253. Resolution passed by Sanatanist Hindu Meeting at Gadarwara, C. P., dated 23rd April, 1934.
254. Letter dated 27th April, 1934, from President, Surat Sanatanist Meeting, Surat, dated 23rd April, 1934.
255. Protest, dated 1st May, 1934, from President, All-India Varnashrama Swarajya Sangha, Rajkot Branch.
256. Resolutions of Sanatanist Meeting, held at Coimbatore, on 6th May, 1934.
257. Protest, dated 6th May, 1934, from Rambalav Jagnani.
258. Protest from Trivedi Vasudev Shastri (Sahitya Ratna), Varansi.
259. Resolution passed by Sanatanist Meeting at Delhi, on 6th May, 1934.
260. Resolutions passed by Sanatanist Meeting at Burhanpur, on 6th May, 1934.
261. Resolutions passed by Sanatanist Meeting at Rusera, District Darbhanga (Bihar), on 6th May, 1934.
262. Resolution of General Committee of U. P. Mahabir Dal, Muzaffarnagar.
263. Letter dated 4th June 1934, from Devendra Nath Goswami, Tarajan Jorhat, Assam.
264. Resolutions (vernacular) passed by certain village Sabhas (12 in Guntur and Nellore Districts).
265. 30 protests in the same terms from residents in Sonapat.
266. 10 protests in the same terms from residents of Karnal.
267. 7 protests in the same terms from a resident of Ambala Cantonment.

268. Resolutions couched in the same terms passed by public meetings held in six different places in Ambala Cantonment.
269. Resolutions couched in the same terms passed by public meetings held in 17 different places in Karnal.
270. Resolutions couched in the same terms passed by public meetings held in 6 different places in Meerut City.
271. Resolutions couched in the same terms passed by public meetings held in 4 different places in Sonapat.
272. Letter from the Secretary, Guntur District Varnashram Sabha, dated 24th April, 1934, forwarding petitions addressed in the same terms to the Legislative Assembly, signed by 265 persons belonging to Guntur District.
273. Letter from the Secretary, Guntur District Varnashram Sabha, dated 25th April, 1934, forwarding similar petitions signed by 98 residents of Guntur District.
274. Protests bearing 157 signatures of residents of Godavari District.
275. Protests bearing 364 signatures of residents of Nellore District.
276. Protests bearing 679 signatures of residents of Karachi, Sind.
277. 5 protests lists bearing signatures of 74 residents of Ajmer.
278. Resolutions passed at 7 places in Ajmer in same form.
279. Resolutions passed in two places in Fyzabad, U. P.
280. Resolutions passed in two places in Hardwar, U. P.
281. Protests in same printed form from—
 Secretary, Varnashram Swarajya Sangh, Hardwar.
 President, V. A. S. Sangh, Dwarka.
 Secretary, Sanatan Dharma Society, Delhi.
 President, Pakur Sub-Divisional Varnashram Swarajya Sangha Waman Ramchandra Kinjawadekar (without address).
282. Lists forwarded by the Secretary, Provincial Varnashram Swaraj Sangh, Rajputana, bearing 1,506 signatures.
283. Letter from the Secretary, Varnashrama Dharma Sabha, Nellore District, Madras Presidency, dated 21st May, 1934, forwarding
 (1) Resolutions passed at 232 meetings held in various villages in Madras Presidency.
 (2) Lists bearing signatures of about 14,600 residents of Madras Presidency.

(b) *Protests against the Temple Entry Bill and the Untouchability Abolition Bills.*

284. Telegram dated Nagpur, 8th May, 1934, from Nagamal Amolakehand, Trustees Potdar Ram Mandir.
285. Telegram dated Bellary, 7th May, 1934, from Pullapant Rama Chandra Sastri, Secretary, Varnashrama Sabha, Bellary.
286. Telegram dated Bombay, 10th May, 1934, from H. H. Goswami Shri Gopulnathji Maharaj of Vallabh Acharya Sampradaya, President, Sanatanists Meeting at Bada Mandir, Bombay.
287. Telegram dated Chowghat, 7th May, 1934, from President, Kerla Sanatana Hindu Sabha, Guruvayaur, held at Punnathur.
288. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Govardhanath Temple.
289. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Gopinath Temple.
290. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Girdhargopal Temple.
291. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Nagarji Temple.
292. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Mahaprabhu Temple.

293. Telegram dated Puri, 7th May, 1934, from Shankar Basudeo Tirtha Swami of Gopaltirtha Nath, Puri, President of Public Meeting.
294. Telegram dated Shamli, 8th May, 1934, from Secretary, Sanatan Dharam Sabha.
295. Telegram dated Rusera, 7th May, 1934, from President, Sanatan Dharma Sabha, Roserah, Darbhanga.
296. Telegram dated Pakaur, 7th May, 1934, from Gisipande, President, Pakur Sub-Divisional Varnashram Swarajya Sangha.
297. Telegram dated Halu Bazar, 8th May, 1934, from President, Sanatan Dharam Sahayak Sabha, regarding Bhiwani Sanatanist Meeting.
298. Telegram dated Dera Ismail Khan City, 8th May, 1934, from Manager, Gopinath Temple.
299. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Sanatan Ram Mandir.
300. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Madan Mohanji Temple.
301. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Nar Singhji Temple.
302. Telegram dated Gurdaspur, 7th May, 1934, from Vaishnauacharya Shri Mahant Ramdass Gaddi Nashim Darbar Pandori, District Gurdaspur.
303. Telegram dated 7th May, 1934, from Sitaram Saraf, Secretary, All-India Sanatan Dharmawalambiy Marwari Yuvak Samelan, Calcutta.
304. Telegram dated Surat, 7th May, 1934, from President, Surat Sanatanist Meeting.
305. Telegram dated Nagpur, 7th May, 1934, from Shri Jagatguru Shri Shankaracharya Sankeshwar Karvir Muth Camp, Nagpur.
306. Telegram dated Madras, 11th May, 1934, from President, Meeting of Dharmasevaka Sabha.
307. Telegram dated Surat, 9th May, 1934, from Trustees, Dwarkanathji Temple.
308. Telegram dated Surat, 9th May, 1934, from Proprietor, Mahisasurihnata Temple.
309. Telegram dated Surat, 9th May, 1934, from Vahivatdar Surat Shrinathji Temple.
310. Telegram, dated Surat, 9th May, 1934, from Vahivatdar Bhataji Temple.
311. Telegram dated Surat, 9th May, 1934, from Proprietor, Datatrya Temple.
312. Telegram dated Surat, 9th May, 1934, from Proprietor, Ashapurimita Temple.
313. Telegram dated Surat, 9th May, 1934, from Proprietor, Acharnyaji Temple.
314. Telegram dated Surat, 9th May, 1934, from Proprietor, Shastriji Temple.
315. Telegram dated Surat, 9th May, 1934, from Vahivatdar Shrinathaji Padhi.
316. Telegram dated Surat, 9th May, 1934, from Vahivatdar Mahakalimata Temple.
317. Telegram dated 28th May, 1934, from President, Meeting of People of Bhawanipur and near villages, District Darbhanga.
- Protests in the same terms (printed form).*
318. 5 from residents of Chandansi.
319. 2 from residents of Pora village, Tehsil Sambhal (Morabad).
320. 4 from residents of Majhola village, Tehsil Sambhal (Morabad).
321. 1 from resident of Namaini, Morabad.
322. 1 from resident of Jargaon, Morabad.
323. 35 from residents Sambhal, Morabad.
324. Protest from Chodavarapu Devalrazu Pantulugaru and Manepalli Venugopala Krishnamoorty Sarmagrau, Bezwada.
325. Letter dated Ajmer, 26th April, 1934, from President, Meeting of Digambar Jains.
326. Letter dated Nagpur, 8th May, 1934, from Secretary to His Holiness Jagadguru Shri Shankaracharya Sankeshwar Karvir Math, regarding public meeting in Nagpur.

327. Resolution of Sanatanist Meeting held at Shikarpur, Sind.
328. Resolution passed by Ladies Meetings at Rajkot.
329. Letter dated 7th May, 1934, regarding Hindu Sanatanist Protest Meeting at Sambhal, District Moradabad.
330. Letter dated 6th May, 1934, from President, Sanatanist Protest Meeting at Hyderabad, Sind.
331. Letter dated 6th May, 1934, from President, Sanatanist Protest Meeting, Larkana, Sindh.
332. Protest forwarded by Secretary of Sattenapalle Taluka Varnasrama (Guntur District), bearing 273 signatures.
333. Letter dated 3rd May, 1934, from President, Sanatan Dharam Sabha, Thasushak, regarding Sanatanist Protest Meeting.
334. Letter dated 9th May, 1934, from Lalldoss Chotadoss, Madras, communicating resolutions passed by meeting held in connection with "The All-India Temple Defence Committee Day".
335. Letter from Secretary, Kaira District, Varnashram Swarajya Sangh, regarding resolutions passed by Sanatanist Meeting at Nadiad.
336. Letter from Secretary, Guntur District, Varnasharam Dharamodharak Sabha, dated 11th May, 1934, communicating resolution passed by local Sabhas of ten villages.
337. Resolutions passed by the Sri Madura Varanshrama Dharma Swarajya Sangam Sanatanist Meeting.
338. Resolution passed by the Public Meeting of Hindus of Devakotta.
339. Resolutions passed by the "Sivaganga Varnasrama Swarajya Sangha, Ramnad District.
340. Resolution passed by the Sanatana Dharma Conference, Bellary.
341. Resolutions passed by the public meeting of the Smartha Dharma Mandali, Tirupati.
342. Letter dated 4th May, 1934, from J. B. Durkal, President, Sanatan Vedic Dharma Sabha, Surat, enclosing "opinion" on Temple Entry Bill.
343. Letter dated 1st May, 1934, from J. B. Drukal enclosing "opinion" on Temple Entry Bill.
344. Letter from the All-India Varnashram Swarajya Sangha, Bombay, dated 1st May, 1934, enclosing "opinion" on Temple Entry Bill.
345. Letter from the Secretary to His Holiness Shrimad Goswami Shri Gokulnathjee Maharaj, Bombay, dated 19th April, 1934, enclosing "opinion" on Temple Entry Bill.
346. Letter from the Marwari Association, Calcutta, dated 28th May, 1934.
347. "Opinion" of the Shri Sanatan Dharma Shira Sabha, Delhi, on Temple Entry Bill.
348. Telegram dated 25th May, 1934, from Sanatanists Bakhri (Monghyr).
349. Telegram dated 20th May, 1934, from Public Meeting of Shree Maharashtra Digambar Jain Khandelwal Panch Mahasabha, Bombay.
350. Resolution by Sanatanist Meeting at Masulipatam, on 6th May, 1934.
351. Resolution by Meeting of Sandhus, Mahants and Mahatmas of Nasik, Panchwati and Tapowana held on 4th June, 1934.
352. Resolution passed by Sanatanist Meeting at Niwashi, Chiplun Taluka, Ratnagiri District, dated 26th May, 1934.
353. Resolution passed by Sanatan Dharam Sabha at Petlad, Baroda, dated 31st May, 1934.
354. Resolution passed by Sanatan Dharam Sabha of Masulipatam, dated 6th May, 1934.
355. Resolution passed by Sanatan Dharam Sabha at Satyamangalam, dated 6th May, 1934.
356. Resolution passed by Sanatan Dharam Sabha at Yeotmal, dated 6th May, 1934.
357. Resolution passed by Sanatanists of Rameshwaram, dated 6th May, 1934.

358. Resolution passed by Sanatanists of Rajkot (Jaganath Temple), dated 6th May, 1934.
359. Resolution passed by Sanatanists of Nungambakkam, dated 6th May, 1934.
360. Resolution passed of Samasta Sanatan Hindu Dharma Sabha, Ahmedabad, dated the 3rd May, 1934.
361. Resolution passed by Sanatanists at Bandra (Bombay), dated 26th April, 1934.
362. Resolution passed by Sanatanists at Andheri (Bombay), dated 21st April, 1934.
363. Resolution passed by Sanatanists at Vadgadi Mandvi (Bombay), dated the 18th April, 1934.
364. Resolution passed by Sanatanists at Matonga (Bombay), dated 14th April, 1934.
365. Resolution passed by Akola Santa Cruz (Bombay), dated 19th May, 1934.
366. Resolution passed by Sanatanists at Andheri (Thana), Bombay, dated the 5th April, 1934.
367. Resolution passed by Hindu Meeting at Sheth Sukhanandji's Wadi, C. P., Tank Bombay, dated 6th May, 1934.
368. Resolution passed by Sanatanists at Hanumanji's Temple, Duncan Road, Bombay, dated the 6th May, 1934.
369. Resolution passed by Sanatanists at Ram-Mundir, Takhordwar, on 6th May, 1934.
370. Resolution passed by Untouchables Dharavi Meeting, Bombay, dated 22nd April, 1934.
371. Resolution passed by Temple Dharm Rakshini Sabha, Saugor, dated 6th May, 1934.
372. Resolution passed by Hindus of Pandhana, Khandwa, District Nimar, dated the 27th March, 1934.
373. Resolution passed by Hindus of Makhan, Khandwa, District Nimar, dated the 16th April, 1934.
374. Resolution passed by Hindus of Dinapore Cantonment, dated 6th May, 1934.
375. Protest by Adekari Jamnadas Narainji, Lalbawa Mandir.
376. Protest by Goswami Narsinghlalji, Maharaja's Temple, Ahikari, Ramlal Virchand.
377. Protest by Bhuralal Girdharilal, Attorney to Goswami Shri Mangalalji Shri Gordhanlalji Maharaj.
378. Resolution passed by Hindu Central Committee (Rural Branch) Thiruvanaikoll, dated 6th May, 1934.
379. 8 petitions forwarded through G. M. Despande, Secretary, Varnashram Swarajya Sangh, Dhamangaon, R. S. Berar—protests.
380. From His Holiness Acharya Shri Purushottamlalji Maharaj, Camp Jafarabad (Kathiawar).
381. From the President of the V. Swarajya Sangh, Rajkot Branch, dated 10th April, 1934.
382. From the President, Public Meeting at Ghazipur City, held on 26th March, 1934.
383. From the President, Public Meeting at Tewaripur, held on 27th March, 1934.
384. From the President, Public Meeting at Dulia Newada, on 24th March, 1934.
385. From the President, Public Meeting at Restipur, on 14th March, 1934.
386. From the President, Public Meeting at Behabar, on 21st March, 1934.
387. From the President, Public Meeting at Sonharia, on 22nd March, 1934.
388. From the President, Public Meeting at Utarauli, on 25th March, 1934.
389. From the President, Public Meeting at Aunti, on 27th March, 1934.

390. From the President, Melang Sanatan Dharam Sabha, dated 10th April, 1934.
391. From the President, V. Swaraya Sangha, Rajkot, dated 15th April, 1934.
392. From the President, Sanatana Varnashrama Dharma Sabha, dated 10th April, 1934.
393. Statement of persons in Lolitnagar Vaziagapati who are opposed to the T. E. Bill.
394. From M. J. Mangiah, Lalitpur, dated 12th April, 1934.
395. From the Presidents of Public Meeting at Buscot and other places (14 protests).
396. From Secretary, Shri Sanatan Dharam Free Tract Society, Punjab, No. 7340, dated 16th April, 1934.
397. From the Secretary, V. S. S., Rajkot, Nos. 215/A., dated 16th April, 1934, and 216/A., dated 16th April, 1934, forwarding protests bearing over 170 signatures.
398. Resolutions passed by Public Meetings held in different places in the Gonda district (U. P.), protesting against the Temple Entry and Untouchability Abolition Bill (9 protests).
399. From the Secretary, Meleng Sanatan Varnashram Dharma Sava, Jorhat, Assam, dated 18th April, 1934.
400. Resolutions passed by the Public Meetings in Kotah protesting against the Temple Entry Bill (3 protests).
401. From the President, V. S. S., Rajkot, No. 252/B.B., dated 1st May, 1934.
402. From the Secretary, Varnashrama Sabha, Bellary, telegram dated 7th May, 1934.
403. Telegram dated 6th May, 1934, from the President of the Public Meeting held in Puri, on 6th May, 1934.
404. Telegram dated 8th May, 1934, from President, Sanatan Dharma, Khagaria.
405. Telegram dated 8th May, 1934, protest by the General Meeting of Sanatanist citizens organised by All-India Sanatandharma Walambiy Marwari Yuvak Samelan held on 6th May, 1934, in Calcutta.
406. Telegram dated 8th May, 1934, from the President, Pakwe Sub-Divisional Varnashram Swarajya Sangha.
407. Telegram dated 8th May, 1934, from the President, V. S. S. Wardha.
408. Telegram dated 8th May, 1934, from the Secretary, Varnashrama Sabha, Nellore.
409. Resolutions of Meeting at the Ekambareswarar Agraham, Madras, on 6th May, 1934.
410. Resolution of Sanatanist Meeting at Madura, on 6th May, 1934.
411. Resolution of Hindu Meeting held at Sheth Sukhanandji's Wadi, C. P., Tank, Bombay, on 6th May, 1934.
412. Resolution of Hindu Meeting held at Ram Mandir Thakordwar, Bombay, on 6th May, 1934.
413. Resolution of Hindu Meeting held at Hanumanji's Temple, Duncan Road, Bombay, on 6th May, 1934.
414. Telegram dated 1st June, 1934, protest from Sanatan Dharm Sabha, Dharmasala.
415. Resolutions of the Varnashrama Swarajya Sangha, Sivaganga Branch, held on 21st March, 1934.
416. Resolutions of Sanatan Dharma Conference, Bellary, held on 27th May, 1934.
417. Resolution of Sanatanist Meeting held at Sree Nageswaraswami Vari Temple, Khojillipet, Masulipatam, on 6th May, 1934.
418. Letter from Goswami Shree Narasingh Lalji Maharaja's Temple, Adlukari Ramal Virchand, without date.
419. Letter without date from Karbari Bhagwandas Abhechand, on behalf of Purshottam Lalji Maharaj.

420. Letter without date from Adhikari Jamnadas Naranji, Lalbawa Mandir.
421. Letter without date from Bhonalal Gudharilal, constituted attorney to Goswami Shri Manganlalji Shri Gordhanlalji Maharaj.
422. Resolution of Sanatanist Meeting held at Petlad, on 31st May, 1934.
423. Resolution of Public Meeting held at Lakhanshwardih, Behar, on 20th May, 1934.
424. Resolution of Public Meeting of Sadhus, Mahants and Mahants of Nasik, Panchwati and Tapowana, on 4th June, 1934.
425. Resolutions passed by Sanatanist Meeting held at Niwashi in Taluka Chiplum, in Ratnagiri District, on 26th May, 1934.
426. Telegram, dated 20th June 1934—protest meeting of Shree Maharashtra Digambar Jain Khandelwal Panch Mahasabha.
427. 24 identical printed representations against the Temple Entry and Untouchability Bills bearing 455 signatures.
428. Protests, dated the 26th January 1934, signed by 27 residents of Belgaum against the Hindu Temple Entry Disabilities Removal Bill and the Untouchability Abolition Bill.
429. Letter from the President, Varnashrama Swarajya Sangh, Nagpur, dated the 26th December, 1933.
430. Letter from the Chairman, the Tanjore-South Arcot Sanathan Conference, Shiyali.
431. Letter from the General Secretary, Shree Bharat Varshiya Digambar Jain, Seoni, C. P., No. 2412, dated 7th December, 1933.
432. Letter from the Secretary, the Hindu Dharma Sabha, Melatur, dated 16th November, 1933.
433. Proceedings of the Sri Bahthisara Vilas Sabah Meeting at No. 1, Alwarcoil Sathatha Street, Kumbakonam, S. India, dated 16th August, 1933.
434. Proceedings of Manavala Manuni Sabah Meeting at Shewapet, Salem, S. India.
435. Proceedings of the Nigamantha Thagiga Sabah, Shevapet, Salem, S. India.
436. Proceedings of Public Meeting of Sathachara Samrakchana Sabha held at Perani Wellianai, Taluk Karur, Trichinopoly District, on 24th August, 1933.
437. Resolutions passed at Sanatanist Public Meeting at Kohat, N.-W. F. P. on 8th November, 1933.
438. Resolution passed on 14th October, 1933, by the Shri Sanatan Dharam Sabha, Bannu.
439. Telegram, dated Amritsar, the 13th October, 1933—protest from Sanatan Dharam Free Tract Society.
440. Telegram, dated Mianwali, 6th December, 1933—protest from Sanatanist meeting.
441. Telegram, dated Mianwali, 6th December, 1933—protest from Hindu Meeting.
442. Proceedings of Protest Meeting forwarded by the Working Secretary, Sree Audhra Dasa Sanatana Vervasrama Dharma Sabha, Vejivada, Bezvada, dated 24th December, 1933.
443. Resolutions passed by Sanatanist meeting held on 2nd/3rd December, 1933, by the Poona Sanatan Vaidik Dharma Parishad.
444. Resolutions passed by public meeting held under auspices of the Sanatan Dharm Sabha, Sialkot, on 17th December, 1933.
445. Resolutions passed at the Provincial Kerala Sanatanists' Conference held at Guruvayur on 16/17th December, 1933.
446. Resolution passed by Meeting of Sanatanists of Delhi, held 13th January, 1934.

- [From General Secretary, B. D. Jain Mahasabha, Seoni (Central Provinces), dated the 26th February, 1934, together with 2,147 signatures.]
447. 1. Bombay Presidency including some other parts of the Deccan .. 786
 448. 2. Central Provinces 221
 449. 3. Gwalior States 73
 450. 4. United Provinces of Agra and Oudh 561
 451. 5. Rajputana 232
 452. 6. Gujrat 23
 453. 7. Assam 151
 454. 8. Punjab 36
 455. 9. Bengal and Bihar 64
 456. From President of Sind Prant, Mahant Bawa Gallaldas, Hyderabad, together with 2,307 signatures.
 457. Letter from the President, Ram Mandir Public meeting, Bombay, dated the 9th March, 1934.
 458. From the President, Nasik Municipality, No. 3042, dated 14th March, 1934.
 459. From President, Monghyr, Public Meeting.
 460. From U. P. Varnashram Swarajya Sangh, letter No. 1586, dated 17th March, 1934.
 461. From President, Bada Mandir Bhuleswar meeting, Bombay, dated 14th March, 1934.
 462. From President, Hira Bang, C. P. Tank meeting, Bombay, dated 15th March, 1934.
 463. From President, Public meeting, Brindaban, dated 11th March, 1934.
 464. From Rajah Sir Vasudeva, Rajah of Kallengode Kt., C.I.E.
 - M. L. A., New Delhi, dated the 10th March, 1934, forwarding 69 resolutions.
 465. From Members of Legislative Assembly, Delhi with 278 signatures.
 - 466.—2. From K. L. Narasinga Rao Municipal Committee, Gandhi Nagar, Bellary, dated the 14th February, 1934, with 51 signatures.
 - 467.—3. From Secretaries, Varnashramaswaraj Sangh, Belgaum (Bombay Presidency), dated the 17th February, 1934, with 638 signatures.
 - 468.—4. From Shree Jagatguru Shree Shankracharya Maharaj, District Belgaum (Bombay Presidency), dated the 16th February, 1934, with 654 signatures.
 - 469.—5. From Shri Sanatan Dharma Sabha, Delhi, dated the 19th February, 1934.
 - 470—471.—6. From K. M. De, Esquire, Lahan, Shillong (Assam), dated the 15th February, 1934.
 - 472.—7. From Secretary, Brahman Seva Sunamganj Sylhet, Assam, dated the 18th February, 1934.
 - 473.—8. From President, Rilhong Shillong (Assam), dated the 13th February, 1934.
 - 474.—9. From President, Sanskrit Pathshala Ayodhia, Fyzabad (U. P.), dated the 20th February, 1934.
 - 475.—10. Shankracharji Madhavrao—Chawl District, Kolaba (Bombay Presidency).
 - 476.—11. From Secretary, the Vaidika Dharma Veera Sangha of South Kanara Udupi, dated the 28th February, 1934.
 - 477.—12. From Mr. M. V. T. Sarma, Sanatanist of Manakkal Lalgudi Taluk, Trichinopoly, District of Madras, dated the 1st March, 1934.
 - 478.—1. From Bevarao Shivaram Damdar Karabbari to His Holiness Shreemat Jagatguru Shree Shankaracharya Sanathan Matt Sankeshwar—Karwar (District Belgaum), Bombay, dated the 6th January, 1934, with 72 signatures.
 - 479.—2. Secretary Varnasaram Swarajya Sangh, Belgaum (Bombay Presidency), with 222 signatures.
 - 480.—3. From President of Varnashram Swarajaya Sangha Hinganghat, dated the 4th February, 1934.
 - 481.—4. From Mr. C. N. Mehta on behalf of Sanatanists of Kaira District, Nadiad, dated the 20th January, 1934.

- 482.—5. From Honorary Secretary, Shri Indraprastha, Sanatan Dharma Mandal, Delhi, dated the 10th February, 1934.
 - 483.—6. Telegram from Varnashram Swarajya Sangha, Calcutta, with 150 signatures.
 - 484.—7. From President Sanatan Dharma Sabha, Dindigal, dated the 7th January, 1934.
 - 485.—8. From the Secretary, Mandir Raksha Committee, Delhi, dated the 11th February, 1934.
 - 486.—9. From President, Valdika Dharma Veera Sangha Udupi, South Canara, dated the 18th January, 1934.
 - 487.—10. From Pandit Mandli Isakhel, Mianwali.
 488. From the C. P. and Berar Varnashram Swarajya Sangha, No. 84, dated the 31st January, 1934.
- Protests against the Temple Entry Bill and other religious Bills pending for discussion in the Legislative Assembly, mostly in the vernacular, received from :—
- 489.—(1) Various provinces, bearing 2,751 signatures.
 - 490.—(2) Madras province, bearing 3,960 signatures.
 - 491.—(3) Bombay province, bearing 3,139 signatures.
 - 492.—(4) Bengal province, bearing 1,392 signatures.
 - 493.—(5) United Provinces, bearing 7,865 signatures.
 - 494.—(6) Punjab province, bearing 3,089 signatures.
 - 495.—(7) Bihar and Orissa province, bearing 6,977 signatures.
 - 496.—(8) Central Provinces, bearing 232 signatures.
 - 497.—(9) North-West Frontier Province, bearing 176 signatures.
 - 498.—(10) Rajputana Province, bearing 1 signature.

(C) *Protests against the Temple Entry and Untouchability and Hindu Divorce Bills.*

499. Telegram, dated the 22nd March, 1934, from President, Public Meeting, Darwha, protesting against the Temple Entry and Hindu Divorce Bills.
500. Telegram, dated Darwha, the 22nd March, 1934, resolutions passed at Public meeting at Boriarab, District Yeotmal, Berar, protesting against the Temple Entry, Untouchability and Hindu Divorce Bills.
501. Telegram, dated 22nd March, 1934, Public meeting, Elliehpur City, Berar, protesting against the above three Bills.
502. Telegram, dated 26th March, 1934, regarding meeting held at Mhow Cantonment, protesting against the Untouchability Bill.
503. Telegram, dated 26th March, 1934, regarding meeting at Mhow Cantonment, protesting against the Temple Entry Bill.
504. Telegram, dated Mhow Bazar, the 2nd April, 1934, from Gatooolal Patel Kodria, against the Untouchability Bill.
505. Telegram, dated Mhow Bazar, the 2nd April, 1923, from Gatooolal Patel Kodria, protesting against Temple Entry Bill.
506. Telegram, dated Mhow Bazar, the 2nd April, 1923, from Trustees, Gopal Mandir, against the Untouchability Bill.
507. Telegram, dated Mhow Bazar, the 2nd April, 1923, from Trustees Gopal Mandir, against the Temple Entry Bill.
508. Telegram, dated Dacca, the 2nd April, 1923, regarding Annual Meeting, East Bengal Brahmin Samaj of 31st March, 1934, against the Temple Entry, Untouchability and Divorce Bills.
509. Telegram, dated Mhow Cantonment, the 4th April, 1934, from Trustees Anant Beharijee Maharaj Mandeer, against the Temple Entry Bill.
510. Telegram, dated Mhow Cantonment, the 4th April, 1934, from Trustees Anant Beharijee Maharaj Mandeer, against the Untouchability Bill.
511. Telegram from Mahant Govindas, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.
512. Telegram from Mahant Siaramdas, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.

513. Telegram from Mahant Surastidas Bankebihari, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.
514. Telegram from Mahant Balramdas, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.
515. Telegram from Mahant Mahindranath, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.
516. Telegram from Mahant Hiradas, Ravi Road, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.
517. Telegram, dated Mhow Bazar, 6th April, 1934, from Trustee Maijee Mandir, against the Temple Entry Bill.
518. Telegram, dated Mhow Bazar, the 6th April, 1934, from Narsinghji Mandir, Pujari Mamraj, against the Temple Entry Bill.
519. Telegram, dated Mhow Bazar, the 6th April, 1934, from Trustee, Vishavnath-bag Mandir, against Temple Entry Bill.
520. Telegram, dated Mhow Bazar, the 7th April, 1934, from Chiranji Pujari Sidheshwar Mandir, against Temple Entry Bill.
521. Telegram, dated Mhow Bazar, the 7th April, 1934, from Mulki Pujari Kalimata Mandir, against Temple Entry Bill.
522. Telegram, dated Mhow Bazar, the 7th April, 1934, from Trustee, Satyanarain Mandir, against Temple Entry Bill.
523. Telegram, dated Mhow Bazar, the 7th April, 1934, from Badripd Pujari, Goverdhannath Mandir, against Temple Entry Bill.
524. Telegram, dated Mhow Bazar, the 7th April, 1934, from Gulaban Pujari, Gujarkhed Malaaji Mandir, against Temple Entry Bill.
525. Telegram, dated Mhow Bazar, the 7th April, 1934, from Dalehd Pujari Shani Maharaj Mandir, against Temple Entry Bill.
526. Telegram, dated Mhow Bazar, the 7th April, 1934, from Ramjilal Pujari, Kotwalka Mandir, against Temple Entry Bill.
527. Telegram, dated Mhow Bazar, the 7th April, 1934, from Trustees, Rambagh Mandir, against Temple Entry Bill.
528. Telegram, dated Mhow Bazar, the 7th April, 1934, from Ramjilal Pujari, Shree Ramchandari Mandir, against Temple Entry Bill.
529. Telegram, dated Mhow Bazar, the 7th April, 1934, from Trustees, Hanoo-manbeg Mandir, against Temple Entry Bill.
530. Telegram, dated Mhow Bazar, the 6th April, 1934, from Pujari Kaniyalal Pujari, Murlimanohar Mandir, against Temple Entry Bill.
531. Telegram, dated Mhow Bazar, the 6th April, 1934, from Pujari Ratandas Laxminarayan Mandir, against Temple Entry Bill.
532. Telegram, dated Dacca, the 9th April, 1934, regarding public meeting of Hindus held on 7th April, 1934, protesting against Temple Entry, Untouchability and Divorce Bills.
533. Telegram, dated Dacca, the 9th April, 1934, regarding protests by huge Hindu gathering, Shasikhanidhi Temple, against Temple Entry Untouchability and Divorce Bills.
534. Telegram, dated Amritsar, the 6th April, 1934, from Owner, Temple Mayanatha, against Temple Entry Bill.
535. Telegram, dated Amritsar, the 6th April, 1934, from Mahant, Temple Gangaram, against Temple Entry Bill.
536. Telegram, dated Amritsar, the 6th April, 1934, from Mahant Tejas Singh Temple, against Temple Entry Bill.
537. Statements containing signatures of 640 persons against the Temple Entry Bill.
538. Telegram, dated Wardha, the 14th March, 1934, regarding resolutions passed at public meeting at Chanda, Central Provinces, against the Temple Entry, Untouchability and Hindu Divorce Bills.
539. Telegram, dated Wardha, the 14th March, 1934, regarding resolutions passed at public meeting at Warora, District Chanda, Central Provinces, against Temple Entry, Untouchability and Hindu Divorce Bills.

540. Telegram, dated Dinajpur Rajganj, the 14th March, 1934, regarding protests by Public meeting, Dinajpur Varnasrami Orthodox Hindus, against the three Bills referred to above.
541. Resolutions passed by the Hindu Central Committee, Karaikudi Branch, on 15th March, 1934, protesting against the above three Bills and certain other matters.
542. Letter from President, Sanatanists meeting, Dharavi, Bombay, dated the 27th March, 1934, communicating resolution passed against the Temple Entry and Untouchability Bills.
543. Resolution passed at Annual Ambehata Sanatan Dharam Sabha meeting in March, 1934, against the Temple Entry Bill.
544. Resolution passed at meeting of Sanatanists, held on 24th March, 1934, in the Panchanath Temple, against the Temple Entry, Untouchability and Hindu Divorce Bills.
545. Resolutions passed at meeting of devotees of Shree Hatkeshawara, held on 25th March, 1934, protesting against Temple Entry, Untouchability and Divorce Bills.
546. Resolutions passed at meeting of the Depressed Classes League, Cawnpore, on 27th March, 1934, against Temple Entry Bill.
547. Resolution passed at public meeting of Hindus held at Shrivaji Mandir in Byculla, Bombay, on 15th March, 1934, against Temple Entry and Untouchability Bills.
548. Letter, dated Bombay, the 29th March, 1934, from President, Public Meeting of Hindus held on 17th March, 1934, at Panjrapole Lane, Bombay, communicating resolution against the Temple Entry Bill.
549. Letter, dated Bombay, the 31st March, 1934, from President of Sanatanists meeting held on 24th March, communicating resolutions against the Temple Entry and Untouchability Bills and on certain other matters.
550. Letter, dated Ahmedabad, the 31st March, 1934, from President, Sanatan Vedic Dharma Sabha, communicating the Shastric Declaration of the Sanyasins' Synod at Karnali on 20th March, 1934, against the Temple Entry and Untouchability Bills.
551. Letter, dated Ahmedabad, the 2nd April, 1934, from President, Sanatan Dharma Sabha, communicating resolutions passed at Hindu public meeting at Karnali, against the Temple Entry and Untouchability Bills.
552. Letter from H. H. Mahant Sir Shri Viragirajeshwar Chitrakuti, Dhandukha, dated 28th March, 1934, opposing the Temple Entry and Untouchability Bills.
553. Letter, dated Jalgaon, the 7th April, 1934, from President of public meeting of Sanatanists, Temple Owners and Managers in East Khandesh District held on 31st March, 1934, communicating resolution protesting against Temple Entry and Hindu Divorce Bills.
554. Telegram, dated Jhalda, 7th March, 1934, from President of Conference of 5,000 Hindus including 3,000 untouchables, regarding passing of resolutions against Temple Entry, Untouchability and Divorce Bills.
555. Telegram, dated Bankura, 7th March, 1934, regarding public meeting at Purandarpur, Bankura, protesting against Temple Entry, Untouchability and Divorce Bills.
556. Telegram, dated Kamptee, 8th March, 1934, regarding Meeting of Kamptee Hindus protesting against the above three Bills.
557. Telegram, dated Dhamangaon, District Amraoti, Berar, 8th March, 1934, regarding public meeting protesting against above three Bills.
558. Telegram, dated Mhow Bazar, 10th March, 1934, regarding public meeting held on 5th, protesting against Temple Entry Bill.
559. Letter, dated Bombay, 9th March, 1934, from President, Ram Mandir meeting, held on 23rd February, 1934, communicating resolution protesting against Temple Entry and Untouchability Bills.
560. Telegram, dated Dhandhuka, District Ahmedabad, 13th March, 1934, regarding protest meeting of Sanatanists, against Temple Entry, Untouchability and Divorce Bills.

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561. Telegram, dated Lala Musa, 13th March, 1934, regarding protest meeting of Sanatanists against above three Bills.
562. Telegram, dated Wun, District Yeotmal, Berar, 13th March, 1934, regarding public meeting held on 11th March, protesting against the above three Bills.
563. Letter, dated Bombay, 14th March, 1934, from President, Bada Mandir, Bhuleshwar Meeting, held on 9th March, 1934, communicating resolutions against Temple Entry, Untouchability and Divorce Bills.
564. Resolutions passed at Meeting of Sanatanists held at Hirabag, C. P. Tank, on 10th March, 1934, protesting against Temple Entry and Untouchability Bills.
565. Resolutions passed in General Meeting of the Sanatan Dharam Sabha, Sangla, held on 12th February, 1934, protesting against Temple Entry and Untouchability Bills.
566. Resolutions passed on 29th March, 1934, at a meeting of Sarswat Brahmins, Larkhana, Sindh, protesting against the above two Bills.
567. Resolutions passed on 31st March, 1934, at a meeting of Pushkarna Brahmins of Larkhana, Sindh, protesting against the Temple Entry and Untouchability Bills.
568. Resolutions passed on 31st March, 1934, at a meeting of all sections of Sadhus of Larkhana, Sindh, against Temple Entry and Untouchability Bills.
569. Letter, dated Bombay, 29th March, 1934, from President, Mumbadevi Temple Meeting of Hindus, communicating resolutions passed against Temple Entry and Untouchability Bills.
570. Letter from President, Sanatan Vedic Dharma Sabha, Ahmedabad, dated 31st March, 1934, communicating the Shastrie Declaration of Sanyasins' Synod at Karnali, against Temple Entry and Untouchability Bills.
571. Letter, dated Bombay, 4th April, 1934, from President, Public Meeting of Hindus, held at Akola (Santa Cruz), communicating resolutions passed against Temple Entry, Untouchability and Divorce Bills.
572. Letter, dated Bombay, 4th April 1934, from President, Public Meeting of Hindus, held at Golaba on 1st April, 1934, communicating resolutions against Temple Entry and Untouchability Bills.
573. Letter from President, Hindu Public Meeting, held on 25th March, 1934, at Khur Road, Bombay, protesting against above two Bills.
574. Resolutions passed at Public Meeting, held on 4th April, 1934, at Narikombu, near Bantwal (South Kanara), against Temple Entry, Untouchability and Divorce Bills.
575. Letter, dated Bombay, April, 1934, from President, Sanatanist Meeting held at Dadar on 7th April, 1934, communicating resolutions against Temple Entry and Untouchability Bills.
576. Letter from President, Sanatan Vedic Dharma Sabha of Thasra, District Kaira, dated 8th April, 1934, communicating resolutions passed at Hindu meeting held on 27th March, 1934, against Temple Entry Bill.
577. Protest from Pandit Sree Basudeo Misra of Sokhera (Monghyr), Bihar, dated 11th April, 1934, against Temple Entry Bill.
578. Telegram, dated Indore City, from the Digamber Jain Samaj, against the Untouchability and Temple Entry Bills.
579. Protest, dated 26th December, 1933, from Hindus of Daiwer Kheira, Moradabad District, against Temple Entry, Untouchability and Divorce Bills.
580. Protest, dated 7th January, 1934, from Shikarpur Sanatanists, against the Temple Entry and Untouchability Bills.
581. Protest from public meeting of Sanatanists of Madhuban Bazar, Rajpatti, Bihar, against the Temple Entry, Untouchability and Divorce Bills.
582. Resolutions passed at public meeting of Sanatanist Hindus of Devakotta, against Temple Entry, Untouchability and Divorce Bills.
583. Telegram, dated Akola, 16th January, 1934, protest of Vaishya Khandelwala Panchayat of Akola, against the above three Bills.
584. Protest, dated 19th January, 1934, from Hindu meeting held at Kankinara Sanatan Dharma Sabha, E. B. Railway, against the above three Bills.

585. Resolution passed by the Annual Session of the Sylhet Vaidic Samity, held at Tengra, against the above three Bills.
586. Telegram, dated Deoghar, 15th January, 1934, regarding the Bihar Provincial Temple Defence Conference's resolution, against Temple Entry Bill.
587. Telegram, dated Burdwan, 23rd January, 1934, regarding meeting of Sanatanists and Untouchables at Kendubilla, Birbhum, against Temple Entry, Untouchability and Divorce Bills.
588. Resolutions passed by the Kistna District, Sanatana Dharma Conference, on 3rd December, 1933 at Masulipatam, against the above three Bills.
589. Protests against the Temple Entry and Untouchability Bills signed by a number of residents of each of the following Districts :—
(1) Goriad, Baroda District, (2) Padra, Baroda District, (3) Rajupara, Baroda District, (4) Amla, Baroda District, (5) Sadhu, Baroda District, (6) Ganpatpara, Baroda District, (7) Veer-pura, Baroda District.
590. Telegram, dated Amritsar, 31st January, 1934, regarding protest of Sanatanists against Temple Entry and Untouchability Bills.
591. Protest against the Temple Entry and Untouchability Bills signed by a number of residents of (1) Sarsavani, and (2) Kelanpur in Baroda District.
592. Resolutions passed by public meeting, Tinnevely on 28th January, 1934, against the Temple Entry Bill.
593. Telegram, dated Jhansi, 6th February, 1934, regarding public meeting against Temple Entry Bill.
594. Protests against Temple Entry, Untouchability and Divorce Bills from Hindus of :—
(1) Pura, Moradabad District, (2) Ansehhi, Post Chandasi, Badam District, (3) Bhulawai, P. O. Chandausi, Moradabad District, (4) Bakarpur Bhaitaru, P. O. Chandausi, Moradabad District.
595. Protest by 26 Digambar Jains of Phulera, Jaipur, Rajputana, dated 3rd February, 1934, against the Untouchability Bill.
596. Telegram, dated Burdwan, 18th February, 1934, regarding protest meeting of Hindus, against Temple Entry, Untouchability and Divorce Bills.
597. Protest, dated Akalkot, 6th February, 1934, from Akhil Bharat Varnashram Swarajya Sangh, Akalkot District, Sholapur, Bombay, against Temple Entry Bill.
598. Telegram, dated Indore City, dated 28th February, 1934, regarding protest meeting, against Untouchability Bill.
599. Telegram, dated Indore City, 28th February, 1934, regarding protest meeting against Temple Entry Bill.
600. Telegram, dated Amroati, 5th March, 1934, regarding public meeting at Kabanji, District Akola, Berar, against Temple Entry, Untouchability and Divorce Bills.
601. Telegram, dated Kankinara, E. B., 6th March, 1934, regarding Sanatanists public meeting against the above three Bills.
602. Telegram, dated Amroati, 5th March, 1934, regarding public meeting at Mangrul, Pir, District Akola, Berar, against the above three Bills.
603. Letter from the Bombay Provincial Varnashram Swarajya Sangh, dated 14th March, 1934, communicating resolutions passed at public meeting, against the above three Bills.
604. Resolution passed by Hindu Public meeting at Byculla, Bombay, against Temple Entry and Untouchability Bills.
605. Telegram, dated Jalesar Town (Etah), dated 17th March, 1934, regarding protest of Digambar Jain Panchayat, against Temple Entry and Untouchability Bills.
606. Letter from the Sanatan Vedic Dharma Sabha, Ahmedabad, dated 2nd April, 1934, communicating resolutions of Hindu public meeting against Temple Entry Bill.
607. Letter from Youngmen's Association, Saidpuridarwaza, Rawalpindi, dated 2nd April, 1934, protesting against Temple Entry Bill.

608. Letter, dated Lahore, 13th February, 1934, from the Sanatan Dharma Pratinidhi Sabha, Punjab, against the Temple Entry Bill.
609. Letter from the Editor of the "Mahabir", Delhi, dated 21st February, 1934, against the Temple Entry Bill.
610. Letter from the President, Shri Ram Lila Committee, Delhi, dated 25th February, 1934, against the Temple Entry Bill.
611. Resolution passed by the U. P. Adi Hindu Depressed Classes Association at Lucknow, against the Temple Entry Bill.
612. Protest from the Sanatan Vedic Dharma Sabha, Thasra, against the Temple Entry Bill.
613. Protest from the Utkal Brahmin community of Sambalpur, against the Temple Entry Bill (101 signatures).
614. Resolution passed by the Shree Balkrishna Suddadvaita Maha Sabha, Surat, against the Temple Entry Bill.
615. Resolution passed by the Sanatana Varnashrama Dharma Sabha, Koondapoor, against the Temple Entry, Untouchability and Divorce Bills.
616. Telegram, dated Havelian, 12th April, 1934, from Hindu Sabha Mandar, against Temple Entry Bill.
617. Telegram, dated Laheriasarai, 12th April, 1934, regarding protests by people of villages, Ragunathpur, Patore, Rambhadrapur, Sirdilpur, Pipra, Dekuli, Joglara, Harilpatti Thana, Darbhanga, against Temple Entry, Untouchability and Divorce Bills.
618. Resolution of Sanatanist public meeting at Jafarabad (Kathiawar), against the Temple Entry and Untouchability Bills.
619. Resolutions of meetings of (1) Vadnagara Nagar Brahmins of Rajkot, and (2) "Idolators", held at Lohanapara, against the Temple Entry Bill.
620. Protest, dated 12th April, 1934, from J. Mangish, Vizagapatam, P. O. Waltair, against the Temple Entry and Untouchability Bills.
621. Protest, dated 14th April, 1934, from Rabindranath Chakrabarti, Calcutta, against the Temple Entry, Untouchability and Divorce Bills.
622. Letter, dated 14th April, 1934, from General Secretary, Varnashram Swarajya Sangh, Khandwa, communicating resolution of public meeting, against the above three Bills.
623. Resolutions passed by the Varnashram Sarajya Sangh, Pulgaon, dated 8th April, 1934, against Temple Entry and Divorce Bills.
624. Resolutions of the Bharata people (Madras), against the Temple Entry, Untouchability and Divorce Bills.
625. Letter from the Shri Sanatan Dharam Free Tract Society, Punjab, dated 16th April, 1934, forwarding signatures of over two thousand persons against the Temple Entry and Untouchability Bills.
626. Resolutions passed by the Brahmin Sabha of Nagpur, against the Temple Entry Bill.
627. Letter from the Temple Defence Committee (All-India Varnashram Swarajya Sangh), Calcutta, dated 20th February, 1934, communicating resolutions passed against Temple Entry Bill, etc.
628. Letter from President, Kaira District Varnashram Swarajya Sangh, dated 12th March, 1934, communicating resolutions passed against the Temple Entry Bill.
629. Letter, dated 12th March, 1934, from Chairman, Reception Committee, The Madras Tamil District Sanatanists Conference, Madura, communicating resolutions against Temple Entry, Untouchability and Divorce Bills.
630. Letter, dated 9th April, 1934, from Shri Kamalayanacharya, U. P. Kesari, against the Temple Entry Bill.
631. Resolutions passed by the Panchmahals District Varnashram Swarajya Sangh, Godhra, on 28th March, 1934, against Temple Entry and Untouchability Bills.
632. Telegram, dated Srirangam, 8th May, 1934, from Bala Subramanya, President, Public Meeting.
633. Telegram, dated Brindaban, 8th May, 1934, from Srudhar Acharyji, President, Public Meeting, Brindaban.

634. Telegram, dated Gurdaspur, 7th May, 1934, from Beharilal Sharma, Secretary, Sanatan Hindu Sabha, Babbehali, District Gurdaspur.
635. Telegram, dated Wardhaganj, 7th May, 1934, from Gangadhar Ghate, Pleader, President, Meeting of Varnashram Swarajya Sangha, Wardha.
636. Telegram, dated Netrokona, 8th May, 1934, from Mohendranath Bagchi, President, Varnashram Dharam Sangrakshini Sava, Netrokona, Bengal.
637. Telegram, dated Tamsria, 7th May, 1934, from Biswanand Misir, President, Varnashram Sabha Mahabir, Mithila.
638. Telegram, dated Wardhaganj, 7th May, 1934, from Mahanta Chiataudas Balaji Mandir.
639. Telegram, dated 21st May, 1934, from Sanatan Dharm Sabha, Purulia, Maubum.
640. Telegram, dated 10th May, 1934, regarding Sanatanist protest meeting at Rawalpindi.
641. Telegram, dated 14th June, 1934, regarding Sanatanist protest meeting at Kulu.
642. Telegram, dated 16th June, 1934, from Chabildas, Tailor-master, Bannu.
643. Telegram, dated 13th June, 1934, regarding protest meeting at Habiganj, Sylhet.
644. Letter dated nil, from President, public meeting of residents of Sirsod village, Tahsil Khandwa, District Nimar.
645. Protest resolution of Sanatanist Meeting at Dacca in the Temple yard of Luxmi Narayanji at Luxmibazar.
646. Protest resolutions of Sanatanist meeting in Temple yard of Goddess Dhakeswari in Dacca City.
647. Resolutions of Hindu residents of Harsud village, Tahsil Harsud, District Nimar.
648. Letter from the President, public meeting held at the Town Hall, Benares.
649. Resolutions passed by Hindu public meeting at Gouripur, Mymensingh, Bengal.
650. Resolutions passed by the Contai Sanskrit Samiti, Midnapore.
651. Resolution passed by Hindu Public Meeting, Ramgopalpur, Mymensingh.
652. Resolutions passed by Meeting of Sanatanist ladies of Jubbulpore.
653. Resolutions of public meeting at Krishnapur, Mymensingh.
654. Resolution passed at meeting of Varnasrami Hindus of Dacca City.
655. Resolutions passed at Hindu Meeting at Khandwa on Dewalaya Day, 6th May, 1934.
656. Resolutions passed by the Karaikudi Branch of the Hindu Central Committee.
657. Resolutions passed at Public Meeting of Chopda Sanatanists, East Khandesh.
658. Protest list bearing 178 signatures (in vernacular).
659. Resolution passed at Public Meeting at Kalipur, Mymensingh.
660. Resolutions of the Sanatana Dharma Conference, held at Kallidaikurichi, March, 1934.
661. Resolution passed at Meeting of Pukur Brahman Samaj, bearing 48 signatures.
662. Resolution passed at Meeting of Sri Sanatan Dharma Sabha, Rawalpindi Saddar.
663. Resolutions of the Sanatana Dharma Mahasabha, Athangudi, Ramnad District, S. India.
664. Resolutions of the Sanatanist Meeting at Chockalingampudur, Ramnad District, S. India.
665. Resolutions of Public Meeting held at Ahmedabad on 6th May, 1934.
666. Resolutions of the Samasta Sanatana Hindu Dharma Sabha, Ahmedabad, held on 3rd May, 1934.
667. Protest, dated 1st June, 1934, signed by number of residents belonging to the Sanatan Dharm Community of Bagpat, Meerut District.
668. Resolution passed at a General Public Meeting of the Vedic Sanatan Hindus of Saugor, C. P., on 31st May, 1934.
669. Resolutions passed at meeting of Sanatanist Hindus of Katni (Jubbulpore).

670. Telegram, dated 14th June, 1934, regarding Resolutions passed at Sanatani Hindus meeting at Narsinghpur, C. P.
671. Unsigned letter dated 15th June, 1934, from Secretary, Varnashram Swaraj Sangh, Rajputana.
672. Resolution passed at public meeting of Sanatani Hindus of Harda, dated 14th June, 1934.
673. Resolution passed at Meeting of Sanatani Hindus of Narsinghpur (C. P.) on 9th June 1934.
674. Resolution passed at Meeting of Sanatan Varnashram Hindus held at Bombay on 14th June, 1934.
675. Resolution passed at Public meeting held at Jewarin Khara, Post Padari Kala, District, Unao, U. P.
676. Telegram, dated Teghra, 21st April, 1934, regarding Sanatanist meeting at Hariharpur, Bidulia, against Temple Entry Bill.
677. Telegram, dated Lakshminia, 23rd April, 1934, regarding Hindu meeting at Mehan, District Monghyr, against Temple Entry Bill.
678. Telegram, dated Lakshminia, 23rd April, 1934, regarding Sanatanist meeting at Samsa, P. O. Parihara, Monghyr District, against Temple Entry Bill.
679. Telegram, dated Teghra, 23rd April, 1934, regarding Sanatanist meeting, against Temple Entry Bill.
680. Telegram, dated Teghra, 23rd April, 1934, regarding Sanatanist meeting at Jirhouli, against Temple Entry Bill.
681. Telegram, dated Teghra, 24th April, 1934, regarding Sanatanist meeting at Neyanagar, against Temple Entry Bill.
682. Telegram, dated Teghra, 26th April, 1934, regarding Sanatanist meeting at Hasanpur, against Temple Entry Bill.
683. Telegram, dated Teghra, 26th April, 1934, regarding Sanatanist meeting at Ajdha, against Temple Entry Bill.
684. Telegram, dated Mhow Bazar, 28th April, 1934, regarding public meeting Kalmis of 12 villages at Palasia, against Temple Entry Bill.
685. Telegram, dated 30th April, 1934, regarding Sanatanist meeting at Haripore, against Temple Entry Bill.
686. Telegram, dated 30th April, 1934, regarding Sanatanist meeting at Haripore, against Temple Entry Bill.
687. Telegram, dated 30th April, 1934, regarding Sanatanist meeting at Rudauli, against Temple Entry Bill.
688. Telegram, dated Begusarai, 30th April, 1934, regarding Hindu Sabha, held at Chanki, against Temple Entry Bill.
689. Telegram, dated Teghra, 30th April, 1934, regarding Sanatanist meeting at Aroca, against Temple Entry Bill.
690. Telegram, dated Hazaribagh, 25th April, 1934, regarding protest meeting, against Temple Entry and Untouchability Bills.
691. Telegram, dated Mhow Bazar, 28th April, 1934, regarding public meeting Kalmis of 12 villages at Palasia, against Untouchability Bill.
692. Telegram, dated 30th April, 1934, regarding All-India Maheshwari Maha-Panchayat (Marwari), protest meeting at Ajmer of three thousand delegates, against Temple Entry and Untouchability Bills.
693. Resolutions passed by Ladies' meeting at Punchnath Kathagraha, against Temple Entry Bill.
694. Resolutions passed by Ladies' meeting at Rajkot, against Temple Entry and Untouchability Bills.
695. Protests signed by 163 residents (voters) of Rajkot Punchnath, against the Temple Entry and Untouchability Bills.
696. Resolutions passed by Public Meeting at Yellur, South Kanara District, against Temple Entry, Untouchability and Hindu Divorce Bills.
697. Resolutions passed by Public Meeting at Kateel, South Kanara District, against above three Bills.

698. Resolutions of the Bharta People passed in Sanathana Dharma Sabha, held at five different places in the East Godavari District, Madras Presidency, during April, 1934, against the Temple Entry, Untouchability and Hindu Divorce Bills.
699. Resolutions passed at meetings of Ladies held under auspices of the All-India Varnashram Swarajya Sangh, Rajkot Branch, against the Temple Entry, Untouchability and Hindu Divorce Bills.
700. Letter, dated 30th April, 1934, from President, Sanatan Dharam Sabha, Lakhimpur, Kheri, forwarding protest bearing 7,102 signatures.
701. Telegram, dated Gurdaspur, 28th May, 1934, from Vaishnawa Charya, Durbar Pandori.
702. Telegram, dated Sylhet, 27th May, 1934, from meeting of Orthodox Hindus.
703. Resolutions by the Burma Sanatanist Leaders' Conference held at Yandoon on 25th May, 1934.
704. Resolutions by Sanatanist meeting at Niwashi, Taluka Chiplum, District Ratnagiri, on 28th May, 1934.
705. Resolution of meeting of Hindu Dharma Sabha, Sholavandan, dated 6th May, 1934.
706. Resolutions of meeting at O'Sriuvayal, on 6th and 7th May, 1934.
707. Resolutions of meeting at Rilbong, Shillong, on 6th May, 1934.
708. Resolutions of meeting at Sanatana Dharma Sabha, Dindigul, on 6th May, 1934.
709. Resolution of meeting of Sanatan Dharmi inhabitants of Pilibhit, on 6th May, 1934.
710. Resolution of meeting held at Sathanamjeri village, Chingleput, on 6th May, 1934.
711. Resolutions passed at three meetings held in Gonda District, on 20th and 23rd April and 6th May, 1934.
712. Resolution of meeting of Brahman Samaj, Pakur, on 8th May, 1934, with 48 signatures.
713. Resolutions of Sanatanist Meeting at Chockalingampudur, Ramnad District, on 6th May, 1934.
714. Resolutions of Sanatanist Meeting at Athangudi, Ramnad District, on 6th May, 1934.
715. Resolution of Public Meeting at Kurla Sanatanists, Bombay, held on 29th April, 1934.
716. Resolution of Sanatanist Meeting held at Ghatkopar District, Thana, Bombay, on 3rd May, 1934.
717. Resolution of Sanatanist Meeting held at Mumbadevi Temple, Bombay, on 6th May, 1934.
718. Resolution of Sanatanist Meeting held at Shri Raghavandji's Math, Gulalwadi, Bombay, on 6th May, 1934.
719. Resolution of General Meeting of the Vedic Sanatan Hindus of Saugor, Central Provinces, on 31st May, 1934.
720. Resolutions of East Godavari District Sanatanists' Conference held at Mandapeta, on 5th and 6th May, 1934.
721. Resolution of Public Meeting of Ellichpur Sanatanists, held on 22nd March, 1934.
722. Resolutions of Sanatanists Meeting at Katni, Jabulpore, 4th June, 1934.
723. Telegram, dated Narsinghpur, 14th June, 1934, regarding resolution of Sanatanists Meeting.
724. Resolution of Sanatanist Meeting held at Harda on 14th June, 1934.
725. Telegram, dated 19th June, 1934, regarding Hindu Public Meeting held at Habiganj, Sylhet, on 9th June, 1934.
726. Resolution of Sanatan Varnashram Hindus held at Bombay in Madhav Baug, on 14th June, 1934.
727. From Vedantam Venkatachalapati Kuchipudi Agrataram, Krishna District (Madras), dated the 26th April, 1934.

728. Resolutions passed by two public meetings at Gangapur, Bareilly, on the 6th March, 1934, protesting against the Temple Entry Bill.
729. Resolution passed by the Public Meeting at Karaupure, Garda, on the 5th April, 1934, protesting against the Temple Entry Bill.
730. Telegram, dated the 9th May, 1934, from President, Goverdhanshastri Varnashram Multra.
731. Telegram, dated the 9th May, 1934, from President of the Public Meeting convened by Vaidikadharam Sevaka Sabha, Srirangam.
732. Telegram, dated the 10th May, 1934, from Secretary, Vaidika Dharma Veer Sangha, Udipti, South Kanara.
733. From the President, Public Meeting of the citizens of Dhamangaon, dated the 6th May, 1934.
734. Resolutions passed by the Brahmin Youths' League, Didigul, dated the 6th May, 1934, protesting against the Temple Entry, Untouchability, Removal and the Dissolution of Marriages Bills.
735. From the Varnasrama Dharmodharaka Sabha of Pithapuram, dated the 6th May, 1934.
736. Resolutions passed by the Public Meeting of Sanatanist Hindus of Coimbatore, dated the 6th May, 1934, protesting against the Temple Entry Bill.
737. From the Secretary, Hindu Dharama Sabha, Melative (Tanjore District), dated the 6th May, 1934.
738. From His Holiness the Jagadguru Shri Shankaracharya Sankashwar Karvir Nath, Nagpur, dated the 8th May, 1934.
739. Telegram, dated the 11th May, 1934, from Dharma Sevaka Sabha, Madras, Cintadripeta.
740. From the Secretary, Varnashrama Dharama Sabha, Nuzvid (Kishan District), dated the 8th May, 1934.
741. From the President, All-India Varnashram Swarjya Sangha Branch, Rajkot, No. 256/B., dated the 8th May, 1934.
742. From the Hindu Central Committee (Branch), Nandyal, Kurnool District, Madras, dated the 6th May, 1934.
743. From the Secretary, Hindu Central Committee, Nungambakkam Branch, dated the 6th May, 1934.
744. Protest from Pandit Chiranji Lal of Lakshinarayan Temple and 13 others of Budu (14 Protests).
745. From Secretary, Varnashram Swaraj Sangh, Khandwa, dated the 6th May, 1934.
746. From Secretary, Hindu Central Committee, Cuddalore, dated the 8th May, 1934.
747. From Shri Hari Sankirtan Mandal, Rawalpindi, dated the 9th May, 1934.
748. From Secretary, The Vaidika Dharma Veera Sangha of South Kanara, Udipti, dated the 8th May, 1934.
749. From the Hindu Central Committee, Berhampore Branch, dated the 6th May, 1934.
750. From the Secretary, Hindu Central Committee, Karaikudi Branch, dated the 7th May, 1934.
751. From the President, Andhra Desa Varnasrama Sangha, Bezvada, dated.....
752. Resolution passed at a meeting of the Sanatanists at Rameswaram on the 6th May, 1934.
753. Resolution passed by the Hindu residents of the village of Kavati, of Kavati Taluk, dated the 6th May, 1934.
754. From the Secretary, Hindu Central Committee, Bhimvaram Talug (West Godawari District) Branch, dated the 7th May, 1934.
755. Resolutions passed by the public meeting of the Mahajanans of Malmangolan on the 6th May, 1934, protesting against the Temple Entry Bill.
756. Telegram, dated the 12th May, 1934, from President of the General meeting of the Maheshwari Community, Calcutta.

757. From Mr. V. K. Kulkarni, Pleader, Belgaum, dated 17th June, 1934. (Forwards 37 protests signed by 37 persons.)
758. From All-India Brahman Maha Saba, Delhi dated.....
759. From Secretary, V. S. S. Arrah, dated.....
760. From Secretary, Hindu Sabha, Delhi, dated.....
761. From President, Brindaban Branch of the All-India V. S. S., dated.....
762. From V. S. S. Branch Umreth (District Kaira), dated.....
763. From Secretary, Sri Brahmvart Sanatan Dharm Mahamandal, Cawnpore, dated.....
764. From Sanatan Dharm Sabha, Mokameh (Patna), dated 21st June, 1934.
765. From President, Mithila Prantiya Varnashram Dharma Saurakshini Sabha, Chandernagore, dated.....
766. From President of Public meeting held on 6th May, 1934, at Bishramghat Muttra (U. P.).
767. From President, V. S. S. Branch, Malegaon District, Nasik, dated.....
768. From Secretary, Sanatan Dharma Society, Delhi, dated.....
769. From the Sanatani of Tochi Valley (Waziristan), N.W. F. P. (with 11 pages of signatures).
770. From Shri Sanatan Dharama Shiva Sabha, Delhi, dated 22nd June, 1934.
771. From Sri Sanatan Dharma Sabha, Hyderabad Dv., dated 20th June, 1934.
772. From Vice-President, Vaidic Manbin Shastriya Mandal, Nasik, dated.....
773. From President, Mathur Chetund Parshad, Mathur, dated.....
774. From Secretary, Hindu Mathabhuama Sangha Neguputas, dated 23rd June, 1934.
775. From Sri Indraprasth Sanatan Dharma Mandal, Delhi, dated 26th June, 1934.
776. From Secretary, Sanatan Dharm Sabha, Gulzarbagh, Patna, dated 25th June, 1934.
777. From Sanatan Dharm Sabha, Delhi, dated 26th June, 1934.
778. From Savarna Kshethrodamaska Samithy Peechanikkad, Angamally, Travancore State, dated.....
779. From President of Public meeting held at Tekanpura, district Shahabad, on 20th June, 1934.
780. From President of Public meeting held at Barahiya, on 25th June, 1934, letter dated 26th June, 1934.
781. From Secretary, V. S. S., Karachi, dated.....
782. From Varnashram Dharm Sabha, Virangam, dated 25th June, 1934.
783. From Mr. V. K. Kulkarni, Belgaum, dated 25th June, 1934. (Forwards 37 protests signed by 47 persons.)
784. From M. V. K. Kulkarni, Belgaum, dated 25th June, 1934. (Forwards 15 protests signed by 38 persons.)
785. Telegram, dated 28th June, 1934, from President of Public meeting held at Lakshanabanda in Sylhet (Assam).
786. From Secretary, Mandir Raksha Committee, Delhi.
787. From Gujrat Sanatan Dharam Pracharini Sabha, Cambay State, dated.....
788. From Secretary to Chaturvarna Samiti, Rajkot, dated 26th June, 1934.
789. Telegram, dated 29th June, 1934, from the President of the Sanatanists meeting held at Kheri.
790. From the President, V. S. S., Jhansi, dated 27th June, 1934.
791. From Secretary, Chaturvarna Samiti, Rajkot, dated 27th June, 1934.
792. From President, Sri Sanatan Dharam Sabha, Rawalpindi Cantonment.
793. From Secretary, Temple Defence Committee, dated.....
794. Thirteen protests against the Temple Entry Bill from Bombay.
795. From Dergaon Sanatan Dharma Sabha, Assam.

796. From Dharma Sabha Lakhimpur, Kheri, dated 6th May, 1934.
797. From Sanatan Dharam Sabha, Montgomery, Punjab, dated.
798. From President, Dharma Saurakhak Sangh, Bagalkot, district Bijapur, dated 22nd June, 1934.
799. From V. S. S., Rajkote Br., dated 25th June, 1934. (Forwards 1,932 signatures against the T. E. Bill, Untouchability Abolition and Dissolution of Marriage Bills.)
800. From President, Sanatan Vedic Dharma Sabha, Surat and Ahmedabad, dated 30th June, 1934.
801. From Sanatan Dharma Shikshan Mandal, Surat, dated 30th June, 1934.
802. From Sanatan Varnashram Dharm Samrakshaka Sabha, Ahmedabad, dated 24th June, 1934.
803. 5 protests against the Temple Entry Bill from 5 different organisations in Ahmedabad.
804. From Andhra Provincial Varnashrama Sabha, Ellore, dated.
805. From President, U. S. S. Branch, Dhulkia, Khandesh, dated 6th May, 1934.
806. From President, Maharashtra Brahman Sabha, Poona, dated 19th May, 1934.
807. Resolutions passed by Public meetings at 7 different places in Bombay protesting against the Temple Entry Untouchability Removal and the Dissolution of Marriages Bill (7 protests).
808. Letter from the Chairman, Public Meeting held on 6th May, 1934, at Mannargudi, dated 7th May, 1934.
809. From Secretary, the Hindu Central Committee, Kumbakonam Branch, dated 17th May, 1934.
810. From Secretary, Gantur District, Varnashrama Dharmodharaka Sabha, dated 14th May, 1934.
811. Letter from President, Public Meeting, held on 13th May, 1934 at Sylhet, dated 17th May, 1934.
812. From Secretary, Shri Sanatana Dharma Samstha, Gowlinguda, Hyderabad, Deccan, dated 19th May, 1934.
813. From Secretary, A. I. V. S. S., Bulanala, Benares District, dated.
814. From President, Sanatan Dharam Association, Tehta (Gaya), dated 22nd May, 1934.
815. From President, V. S. S., Belgaum, dated.
816. From Secretary, V. S. S., Dhamangaon, dated 22nd May, 1934.
817. From Secretary, V. S. S., Meerut, dated.
818. From Secretary, Shri Sanatan Dharma Mahavir Dal, Meerut Cantonment, dated.
819. From Secretary, Sanatan Dharam Sabha, Bareilly, dated.
820. From Secretary, Shri Sanatan Dharam Rashin Sabha, Meerut City, dated.
821. President, Panchnath Temple Committee, Rajkote, dated 20th May, 1934.
822. From Secretary, A. I. V. S. S., Triplicane, Madras, dated 21st May, 1934.
823. From Secretary, A. I. Sanatan Harnawalambiya Marwari Yuwak Sammelan, Calcutta, dated.
824. From Secretary, Sanatan Dharam Sabha, Gauhati, Assam, dated.
825. Mr. Shambho Datta Oppadhya Garda, dated 22nd May, 1934.
826. Protests against the Temple Entry Bill submitted by 5 different organisations in Ghaziabad (5 protests).
827. From Secretary, Sanatan Dharam Sabha, Gauhati, dated 23rd May, 1934.
828. From Secretary, the Akhil Bharat Varshiya Varnashram Swaraj Sangha Branch, Sudamapuri, Porbandar, dated 24th May, 1934.
829. Resolution passed by the Public Meeting held on 6th May, 1934, at Gobindganj, protests against the Temple Entry Bill.
830. From President Shri Sharada Mandal Dharam Samastha, Akola (Berar), dated 23rd May, 1934.
831. Resolution passed by Sanatan Dharma Conference, Bellary, dated 27th May, 1934.

832. Resolution passed by Sanatan Dharma Sangam, Chingleput District, dated 6th May, 1934.
833. Resolution passed by Pujaris and Trustees of Temples situated in Lakkhanwal, Gujarat, dated.
834. Resolution passed by Sanatanists of Kurla, Bombay, dated 29th April, 1934.
835. Resolution passed by Sanatanists of Ghatkopar, Bombay, dated 3rd May, 1934.
836. Resolution passed by Akhil Bharat Varshiya Varnashram Swarajya Sang's Branch, Ahmedabad, dated 6th May, 1934.
837. Resolution by Hindu Meeting at Ratan Moti Sanaskeriti Patshala, Gokal, dated 19th May, 1934.
838. Resolution by Hindu Meeting at Mundi village, Khandwa, District Nimar, dated 6th May, 1934.
839. Resolution by Brahman Youths' League, Dindigul, dated 6th May, 1934.
840. Resolution by Hindu Meeting at Sri Sankara Hall, National High School, Mannargud, dated 6th May, 1934.
841. Resolution by Hindu Meeting at Narsingakhara Temple, Shillong, dated the 13th May, 1934.
842. Resolution by Sakti Brahmacharya Asram, etc., Dacca, dated 6th May, 1934.
843. Resolution by Hindu Meeting at Rilbong, Shillong, dated 7th May, 1934.
844. Resolution by Hindu Meeting at Rajapti, Tippera, dated 7th May, 1934.
845. Resolution by Sanatana Dharma Sabha, Dindigul, dated 6th May, 1934.
846. Resolution by Sanatanists of Brindaban, Gobinji's Temple, dated 6th May, 1934.
847. Resolution by Hindu Central Committee, Nandyal, Kurnool, dated 6th May, 1934.
848. Resolution by Sanatan Dharma Sabha, Kunnakudi, dated 9th May, 1934.
849. Resolution by Hindu Meeting at Pandhna, District Nimar, dated 6th May, 1934.
850. Resolution by Sanatanists of Calcutta at several places, dated 6th May, 1934.
851. Resolution by Hindu Meeting at Patgra, Dacca, dated 7th May, 1934.
852. Resolution by Sanatan Dharam Conference, Meerut, dated 8th May, 1934.
853. Resolution by Sanatan Varnashram Hindus Meeting, Bombay, dated 14th June, 1934.
854. Resolution by Sanatanists at Mambadevi Temple, Bombay, dated 6th May, 1934.
855. Resolution by Sanatanist Ladies and Gentlemen at Raghavanandji's Math, Gulawadi, Bombay, dated 6th May, 1934.
856. Resolution (same printed form) passed at meetings held in 21 different places in E. Godawari and one in W. Godawari.
857. Telegram dated 28th June, 1934, regarding protest from Hindu Meeting at Lakshanabanda, Sylhet.
858. Telegram dated Gurdaspur, 29th June, 1934, from Rai Sahib Ch. Kharak Singh, Honorary Magistrate, Dinanagar.
859. Resolutions in same identical printed form passed by meetings held at 9 different places in Madras Presidency.
860. Resolutions passed at meetings held at Dongargaon, Arud and Nimarkheri, Tahsil Khandwa, District Nimar in May and June.
861. Resolutions passed at Sanatanists Meeting, on 21st June, 1934, held at Amalapur, East Godawari.
862. Proceedings of the Andhra Provincial Varnashrama Sabha, Ellore, held on 25th and 26th May, 1934.
863. Resolutions in same identical form passed at meetings, held at 5 different places in Barisal, Bengal.

II

List of resolutions, memorials, telegrams, letters, etc., in favour of the Temple Entry Bill and the Untouchability Abolition Bill, received and placed in the Library of the Legislative Assembly.

1. Resolution of All-India Jat Mahasabha.
2. Representation, dated 9th April, 1934, signed by 101 residents of Sambalpur, supporting the Temple Entry Bill.
3. Resolution by the All-India Jat Mahasabha, Aligarh, passed at its session held on 12th and 13th May, 1934, at Aligarh.
4. Resolution passed by Jangipur Town Hindu Sabha, Murshidabad, on 31st May, 1934.
5. Resolution by public meeting held at Anjangam, Surji, Berar, on 23rd June, 1934.
6. Letter, dated 13th June, 1934, from Honorary Secretary, East Indian National Congress Party, Bezwada.
7. Resolution passed by Hindu Public Meeting held at Dohad, Panch Mahals, Bombay Presidency.
8. Letter, dated 21st May, 1934, from President of Public Meeting held at Erandol (East Khandesh), Bombay.
9. Resolutions passed by the Madras Youth Congress.
10. Resolution passed by Public Meeting at Morshi on 1st June, 1934 (Berar).
11. Resolution passed by Public Meeting held at Benoda on 3rd June, 1934.
12. Resolution passed by Public Meeting at Warud on 2nd June, 1934.
13. Letter from the Hindu Sabha, Karwar, Bombay Presidency, dated 12th June, 1934, forwarding lists bearing 357 signatures in support of Temple Entry Bill.
14. Resolution passed by Sanatanist Meeting at Brindaban, on 6th May, 1934.
15. Statements containing signatures of 1,536 persons in support of the Temple Entry Bill.
16. Resolutions passed by Hindu public meeting held on 21st December, 1933 under auspices of the Harijan Sahaik Sabha, Bannu, in support of the Temple Entry Bill.
17. Letter from the Secretary, Madakasira Conference, Madakasira, dated 15th January 1934, regarding resolution in support of Temple Entry Bill.
18. Resolution passed by the Civil and Social Progress League in support of the Temple Entry and Untouchability Bills.
19. Letter from the Honorary Secretary, Bar Association, Fyzabad, dated 26th January, 1934, regarding resolution passed in support of Temple Entry Bill.
20. Letter from the Honorary Secretary, Cawnpore Bar Association, dated 29th March, 1934, regarding resolution passed in support of Temple Entry Bill.
21. Telegram, dated Mhow Bazar, 6th February, 1934, regarding Hindu Sanatanist meeting passing resolutions in support of Temple Entry Bill.
22. Telegram from Bhayvaji Kumbalwar, dated Mardha, the 21st March, 1934, regarding resolutions of public meeting in favour of Temple Entry Bill.
23. Letter dated 30th March, 1934, from General Secretary, the Azad Mazdoor Sabha, Deputy Ka Parao, Cawnpore, regarding resolutions passed in support of the Temple Entry Bill.
24. Letter, dated 31st March, 1934, from President, the Cawnpore Hindu Sabha, regarding resolution passed in support of Temple Entry Bill.
25. Letter, dated 1st April, 1934, from Secretary, the Cawnpore Scavengers Union, communicating resolution passed in favour of Temple Entry Bill.
26. Letter, dated 31st March, 1934, from Secretary, Harijan Sewak Sangha, Cawnpore, communicating resolutions passed at public meeting of Hindus on 30th March, 1934, in support of Temple Entry Bill.
27. Letter, dated 31st March, 1934, from Secretary, Harijan Sewak Sangh, Cawnpore, communicating resolution passed at meeting of the Sangha on 18th March, 1934, in support of Temple Entry Bill.

28. Telegram, dated Coondapur, 9th April, 1934, regarding Sanatanist meeting supporting Temple Entry and Divorce Bills.
29. Lists containing signatures of about 100 persons, residents of Tamluk District Midnapore, Bengal, supporting the Temple Entry and Untouchability Bills.
30. Resolution of the Bar Association, Mirzapur, supporting the Temple Entry Bill.
31. Resolution of the Municipal Board, Lakhimpur, dated Kheri, supporting the Temple Entry Bill.
32. Petition (vernacular), received from "residents" of Rajputana.
33. Letter from Secretary, Sanatan Dharam Sabha, Sialkot, Punjab, dated 12th February, 1934.
34. Letter dated 7th March, 1934, from Chairman, District Board, Bijnor.
35. Petition in Urdu, from Hindus of Isakhel District, Mianwali, dated 18th January, 1934 (together with 137 signatures).
36. Letter from Honorary Secretary, Kheri Bar Association, dated 5th February, 1934.
37. Letter from Chairman, Education Committee, District Board, Kheri, dated 10th February, 1934.
38. Letter from Sanatan Dharam Mahabir Dal, Lyallpur, dated 30th December, 1933.
39. Letter from Secretary, Women's Indian Association, Coonoor, dated 4th November, 1933.
40. Letter from Secretary, Harijan Seva Sangh, Tehsil Aliganj, District Etah, U. P.

RESOLUTIONS, PETITIONS AND MEMORIALS RECEIVED FOR OR AGAINST THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

6. Pandit Ram Krishna Jha : (a) Will Government be pleased to state whether the Secretary, Legislative Assembly, has received any (i) petitions, (ii) resolutions, (iii) memorials, and (iv) opinions either for or against the Temple Entry Bill? If so, how many, and from whom?

(b) What action, if any, has so far been taken on such petitions, etc., by Government?

COMPLAINT REGARDING THE UNSATISFACTORY MODE OF CIRCULATION FOR OPINION OF THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL AMONGST THE SANATANISTS.

7. Pandit Ram Krishna Jha : (a) Will Government be pleased to state whether they have received any complaint from any quarter, individual, or public or religious body, regarding the unsatisfactory mode of circulation of the Temple Entry Bill, for opinion, amongst the Sanatanists of the different parts of the country? If so, from which individuals or public or religious bodies?

(b) Have Government received any complaint to the effect that opinions submitted by the Sanatanist individuals, and public bodies, to the local officers, are not accepted by such officers of the locality?

(c) Will Government be pleased to state what steps, if any, have they so far taken to ensure a satisfactory mode of circulation of the Temple Entry Bill for opinion amongst the Sanatanist individuals and bodies likely to be affected by the Bill?

The Honourable Sir Harry Haig : (a) and (c). The Government of India received some representations. Steps were taken when the Bill was

†For answer to this question, see answer to question No. 5.

circulated to Local Governments to draw their special attention to the necessity of securing its effective circulation, and Local Governments were subsequently addressed on two occasions and asked to ensure that opinions were obtained from as wide an area as possible.

COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT,
BIHAR AND ORISSA.

8. Mr. Gaya Prasad Singh : Will Government be pleased to state :

- (a) the total number of gazetted and non-gazetted officers employed in the Income-tax Department, Bihar and Orissa, and the number belonging to each of the following communities, viz., Bihari Hindus, Bengali Hindus, Muhammadans, Oriyas and Christians ;
- (b) the number of new appointments made after the passing of the Emergency Finance Act, 1931, in the following Services of the Income-tax Department, Bihar and Orissa, (i) Assistant Commissioners, (ii) Inspectors of Income-tax, and (iii) Clerks ; and
- (c) the number of promotions made after the 1st April, 1932, from lower to higher grades of the gazetted and non-gazetted services of the Income-tax Department, Bihar and Orissa ?

The Honourable Sir James Grigg : I propose to answer questions Nos. 8, 9 and 10 together. The information is being obtained and will be laid on the table in due course.

COMMUNAL COMPOSITION OF THE STAFF IN THE OFFICES OF THE ASSISTANT
COMMISSIONERS OF INCOME-TAX, BIHAR AND ORISSA.

†9. Mr. Gaya Prasad Singh : Will Government kindly lay on the table a statement showing the number of Bihari Hindus, Bengali Hindus, Muhammadans, Oriyas and Christians employed as Head Assistants, Assistants and Second Assistants in the Offices of the Assistant Commissioners of Income-tax, Bihar and Orissa ?

ALLEGATIONS AGAINST THE SUPERINTENDENT IN THE OFFICE OF THE
COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA.

†10. Mr. Gaya Prasad Singh : Is it a fact that the Superintendent in the office of the Commissioner of Income-tax, Bihar and Orissa, has much to do with the transfers, promotions, etc., of the establishment of the Income-tax Department, Bihar and Orissa ?

PROPOSAL TO SHIFT THE OFFICE OF THE COMMISSIONER OF INCOME-TAX FROM
RANCHI TO PATNA.

11. Mr. Gaya Prasad Singh : Will Government kindly state whether there is any proposal to shift the office of the Commissioner of Income-tax from Ranchi to Patna ?

The Honourable Sir James Grigg : The answer is in the negative.

MAINTENANCE OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

12. Kunwar Hajee Ismail Ali Khan : With reference to the starred question No. 1, dated the 22nd August, 1933, will Government kindly lay

† For answer to this question, see answer to question No. 8.

on the table a copy of the original scheme regarding the maintenance of the family of Hyder Ali and Tipu Sultan ?

Mr. H. A. F. Metcalfe : Sir, I lay on the table a copy of the relevant articles of the Partition Treaty of Mysore, 1799, which contains the original provision for the maintenance of the families of Hyder Ali and Tipu Sultan.

Partition Treaty of Mysore—1799.

Treaty for strengthening the Alliance and Friendship subsisting between the English East India Company Bahadur, His Highness the Nawab Nizam-ud-Dowlah Ausuph Jah Bahadur, and the Peishwa, Rao Pundit Pradhan Bahadur and for effecting a settlement of the dominions of the late Tippoo Sultan.

Article 1.

It being reasonable and just that the allies by this Treaty should accomplish the original objects of the war (viz., a due indemnification for the expenses incurred in their own defence, and effectual security for their respective possessions against the future designs of their enemies), it is stipulated and agreed that the districts specified in the Schedule A hereunto annexed, together with the heads of all the passes leading from the territory of the late Tippoo Sultan to any part of the possessions of the English East India Company Bahadur, of its allies, or tributaries, situated between the ghauts on either coast, and all forts situated near to and commanding the said passes, shall be subjected to the authority, and be for ever incorporated with the dominions of the English East India Company Bahadur, the said Company Bahadur engaging to provide effectually, out of the revenues of the said districts, for the suitable maintenance of the whole of the families of the late Hyder Ali Khan and of the late Tippoo Sultan, and to apply to this purpose, with the reservation hereinafter stated, and an annual sum of not less than two lakhs of Star Pagodas, making the Company's share as follows :—

	Canterai Pagodas.
Estimated value of districts enumerated in the Schedule A according to the statement of Tippoo Sultan in 1792 ..	7,77,170
Deduct provision for the families of Hyder Ali Khan and of Tippoo Sultan, two lakhs of Star Pagodas, in Canterai Pagodas ..	2,40,000
	(Rs. 7,00,000)
Remains to the East India Company ..	5,37,170

Article 6.

The English East India Company Bahadur shall be at liberty to make such deductions from time to time from the sums allotted by the first Article of the present Treaty for the maintenance of the families of Hyder Ali Khan and Tippoo Sultan, as may be proper, in consequence of the decease of any member of the said families ; and in the event of any hostile attempt, on the part of the said family or of any member of it, against the authority of the contracting parties or against the peace of their respective dominions or the territories of the Rajah of Mysore, then the said English East India Company Bahadur shall be at liberty to limit or suspend entirely the payment of the whole or any part of the stipend hereinbefore stipulated to be applied to the maintenance and support of the said families.

APPOINTMENT OF EX-APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

13. Pandit Satyendra Nath Sen : (a) With reference to (i) starred questions Nos. 828 to 834 of the 12th September, 1933, (ii) starred questions Nos. 1106 to 1110 of the 21st November, 1933, (iii) unstarred questions Nos. 213 to 215 of the 27th November, 1933, and (iv) unstarred

questions Nos. 265 to 266 of the 5th December, 1933, regarding the appointments of the *ex*-apprentices of the East Indian Railway Workshop, Lillooah, will Government please state whether they have now received the required information from the Agent, East Indian Railway? Are Government aware that the answers are long overdue?

(b) If Government have not received any information as yet, how long more will it take them to lay the replies on the table and what are the reasons for such long delay?

Mr. P. R. Rau : The information was laid on the table of the House on the 16th July, 1934.

WAITING LIST OF EX-APPRENTICES OF THE EAST INDIAN RAILWAY.

14. Pandit Satyendra Nath Sen : (a) With reference to the answer to unstarred question No. 19 of the 5th September, 1932, will Government please state why the waiting list of the *ex*-apprentices on the East Indian Railway has not been arranged according to seniority and the divisions they passed in the Technical School (as is done everywhere)? Are Government prepared to arrange the waiting list according to seniority and the divisions they passed in the Technical School and send the copies of the same to the Deputy Chief Mechanical Engineers, the Chief Engineer, the Chief Operating Superintendent and the Controller of Stores, without further delay? If not, why not?

(b) If the answer to part (a) above be in the affirmative, will Government please lay a copy of the waiting list on the table of this House? If not, why not?

(c) Will Government please place on the table of this House a list showing the names of mechanics, chargemen and draughtsmen who have been appointed in the East Indian Railway Workshop, Lillooah, since 1932, with the following particulars :

- (i) dates of completion of apprenticeship training ;
- (ii) particulars of training ;
- (iii) divisions in which passed in Technical examination ; and
- (iv) starting salaries ?

If not, why not ?

Mr. P. R. Rau : (a) Government have no information. The matter is within the competence of the Railway Administration and Government are not prepared to interfere.

(b) and (c). The information is not available, and Government consider that the time and labour spent in the compilation is unlikely to be justified by results.

APPOINTMENTS AND PROMOTIONS IN THE LILLOOAH RAILWAY WORKSHOP.

15. Pandit Satyendra Nath Sen : (a) Are Government aware that it has been stated in reply to the unstarred question No. 26 of the 5th September, 1932, that one Anglo-Indian, who had no mechanical training at all, had been appointed as a mechanic in the Saw Mill in the East Indian Railway Workshop, Lillooah?

(b) Are Government aware that it has been stated in reply to starred question No. 924 of the 7th November, 1932, that one outsider, who had

no training (except timber seasoning) in Carriage and Wagon Department, previously, was first appointed as a Kiln Seasoning Supervisor, that after the abolition of Kiln Seasoning Operation he was appointed as a mechanic, and that the claims of many *ex*-apprentices of the same workshop who were on the waiting list were ignored?

(c) Will Government please state whether the Anglo-Indians and outsiders who had no mechanical training at all, as referred to in parts (a) and (b) above, are better qualified for the posts of mechanics in the Carriage and Wagon Department, East Indian Railway, Lillooah, than the *ex*-apprentices who were trained for five years in the Carriage and Wagon Department? If so, will Government please state the reasons?

(d) If the answer to parts (a) and (b) above be in the affirmative, and to part (c) in the negative, will Government please state :

(i) why the *ex*-apprentices who were trained for five years under them are not able to manage the works ; and

(ii) whether those two mechanics are proposed to be replaced by the *ex*-apprentices who were trained in the same workshop and who are waiting? If not, why not?

Mr. P. R. Rau : (a) The reply referred to will be found on page 1992 of the Legislative Assembly Debates, Volume III, No. 1, dated the 13th March, 1933. It contained particulars of the training and experience of a Foreman and Assistant Foreman in the Saw Mill.

(b) The reply referred to will be found on page 1985 of the Legislative Assembly Debates, Volume III, No. 1, dated the 13th March, 1933. It contained a statement showing the names of mechanics, chargemen and draftsmen appointed since January, 1930, in the Lillooah Carriage and Wagon Workshops.

(c) and (d). Government have no reason to believe that the selection made by the administration was not justified and are not prepared to interfere.

APPOINTMENTS IN THE LILLOOAH RAILWAY WORKSHOP.

16. Pandit Satyendra Nath Sen : (a) Will Government please state whether they have acted in accordance with the procedure cited in answers to starred questions Nos. 296 (b) and (d) of the 10th September, 1929 and 471 (d) of the 5th March, 1930?

(b) If the answer to part (a) above be in the affirmative, will Government please state why Mr. N. C. Nandy has not been given the Charge-man T. T. grade?

(c) Are Government prepared to take immediate steps against such action of the Railway administration who are acting deliberately in contravention of the repeated assurance given by Government? If so, in what way? If not, why not?

(d) Are Government prepared to promote Mr. Nandy in the Charge-man T. T. grade without further delay and issue necessary orders to the officer concerned? If not, why not?

Mr. P. R. Rau : Information is being obtained and a reply will be laid on the table later.

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APPOINTMENT OF EX-APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

17. Pandit Satyendra Nath Sen : (a) Is it a fact that a vacancy will occur in the grade of mechanics owing to the retirement of a mechanic who is working in Production Department under the Deputy Chief Mechanical Engineer, East Indian Railway, Lillooah ?

(b) Is it a fact that arrangements have already been made to appoint a junior *ex*-apprentice of 1932, ignoring the claims of many seniors of 1930 and 1931 who are still waiting for appointment ?

(c) Are Government aware that it has been stated in reply to a question that many *ex*-apprentices of 1930 and 1931 worked in Production Department ?

(d) Are Government aware of the assurance given in reply to the unstarred question No. 23 (b) of the 5th September, 1932 ?

(e) Are Government aware that it has been stated in reply to starred question No. 472 of the 5th March, 1930, that the senior *ex*-apprentices have prior claims to their juniors who completed their training at later dates ?

(f) If the answer to parts (a) to (e) above be in the affirmative, will Government please state whether they are prepared to :

- (i) put a stop to such practice of appointing juniors ;
- (ii) take necessary steps to appoint a senior *ex*-apprentice from the waiting list ; and
- (iii) issue necessary orders to the Chief Mechanical Engineer to this effect ?

If not, why not ?

(g) If the answer to part (iii) of part (f) above be in the affirmative, will Government please lay a copy of the order on the table ? If not, why not ?

Mr. P. R. Rau : Government have no information in regard to the detailed points raised in the question which are within the competence of the Railway Administration to decide. They have forwarded a copy of it to the Agent in order that any assurances given by Government may be borne in mind by him.

APPOINTMENT OF EX-APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

18. Pandit Satyendra Nath Sen : (a) Are Government aware that three posts of draughtsmen had fallen vacant in 1933 under the Deputy Chief Mechanical Engineer, East Indian Railway, Lillooah ?

(b) Are Government aware that all the *ex*-apprentices were informed by letters ?

(c) Are Government aware that they were put to test by the Head Draughtsman ?

(d) Are Government aware that they were given Drawing No. 3203 to draw sections through certain portions of a first class compartment, but no dimensions were given to them ? If so, why ?

(e) Are Government aware that no drawing except some standard parts can be drawn without dimensions ?

(f) Are Government aware that arrangements were made beforehand to appoint a tracer and an Anglo-Indian junior *ex*-apprentice ?

(g) If the answers to parts (d) and (f) above be in the negative, are Government prepared to institute an early enquiry into the matter and take necessary step ? If so, in what way ? If not, why not ?

(h) Will Government please supply the names of those who were appointed as draughtsmen in 1933, with the following particulars :

- (i) general education (university examination passed),
- (ii) technical education (division passed),
- (iii) particulars of training, and
- (iv) starting salaries ?

If not, why not ?

(i) Will Government please state whether they propose to transfer or promote mechanics and chargemen from other workshops or section which are under the Chief Mechanical Engineer, in cases of all future vacancies, and appoint *ex*-apprentices from the waiting list to the successive vacancies and issue necessary orders to the East Indian Railway Administration to this effect without further delay ? If not, why not ?

(j) If the answer to part (i) above be in the affirmative, will Government please lay a copy of the order on the table of this house ? If not, why not ?

Mr. P. R. Rau : Government have no information. The selection is within the competence of the Railway Administration and Government are not prepared to interfere.

APPOINTMENT OF EX-APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

19. Pandit Satyendra Nath Sen : (a) Will Government please state the number of the vacancies that occurred in the grade of Train Examiners and Electricians under the Chief Operating Superintendent, East Indian Railway, since October, 1933, and the number of the *ex*-apprentices of Lillooah workshop who have been appointed, with the following particulars :

- (i) the name of the Division and the number of vacancies,
- (ii) names of the *ex*-apprentices, if any, and
- (iii) starting salaries ?

(b) Will Government please state separately the number of vacancies that have occurred under the Chief Engineer and the Controller of Stores since 1932 and the names, if any, of *ex*-apprentices of East Indian Railway Workshop, Lillooah, who have been provided there with posts, as referred to in the answer to starred question No. 918 (d) of the 7th November, 1932 ?

Mr. P. R. Rau : Government have no information.

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STATEMENTS LAID ON THE TABLE.

ALLEGATIONS AGAINST THE CONDUCT OF TROOPS IN MIDNAPORE.

The Honourable Sir Harry Haig (Home Member) : With reference to the allegations against the conduct of the troops and civil officials in Midnapore made in this House on the 19th March, 1934, by Mr. S. C. Mitra, in the course of the debate on the Finance Bill and to the undertaking I gave on the 21st March to treat these allegations as I would a question and obtain a report on them from the Government of Bengal, I now lay on the table a statement showing the result of the enquiries made by the local authorities, which are fully endorsed by the Government of Bengal.

Statement.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Remarks.

The soldiers in batches of 20 to 25 with a circle officer or a special magistrate or a sub-deputy collector and one or two sub-inspectors of police and other police officers are sent to different thanas as from the sub-divisional town. Four or five camps are fixed up where they stay for three or four days. Each thana is being visited by different batches of troops in different routes.

(1) *Reception.*—Police officers give verbal or written notices to shopkeepers and prominent villagers to decorate shops and to erect gates in the routes to be followed by a party of troops and to receive them. Teachers of schools within a distance of three to four miles have also to erect gates and to receive the soldiers with their boys who should carry flags and shout "jais" to give them ovation. The school sub-inspectors have to take particular care that no one remains absent. Absentee teachers though small in number, are being deprived of their grants-in-aid. Each school has generally to serve more than one turn and the little boys have to remain standing for hours on each occasion. Several hundreds are collected at the instance of thana officers by general subscriptions. Defaulters are threatened with condign punishment. Processions with flowers, festoons, bugles and drums are to be arranged by villagers.

(2) *Extortion of Tea Parties, Dalies and other Entertainments.*—Well-to-do persons have no escape from giving either a tea party or a dali. A poor man, if he has sometimes incurred the wrath of even the chowkidar, has to pay for it and present dalies. The deputy Babu or the daroga Babu would send for persons and bid them present dalies with such articles as are put in the list they would supply. Any pleading to be excused with less costly or more easily available things would earn for the offender the

(1) During the combined civil and military operations shop-keepers and prominent villagers were invited to welcome the troops and in accordance with the time-honoured custom of the country on account of ceremonial visits they erected arches and decorated their shops.

It is not true that teachers and students were compelled to appear against their will to greet the troops; on the contrary, the school children in most places eagerly clamoured for permission to be present and evidently regarded the arrival of the troops as a festive occasion. In no case has any teacher been deprived of his grant-in-aid on account of his absence from such festivities, or threatened with such deprivation.

(2) It is entirely untrue that any person was compelled to give tea parties or dalies to the troops; on the contrary, on the advice of the civil officials, the military in many places refused to accept tea parties or dalies. Only well-to-do persons of known loyalty and sufficient standing were allowed to entertain the troops and the entertainments consisted of simple tea parties at which the troops were supplied with country sweetmeats, etc.

STATEMENTS LAID ON THE TABLE.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Remarks.

filthiest language and the grossest insult. Men of position and honour have to remain standing for hours supplicatingly to receive orders from the officers just to avoid greater insult at their hands. Cash moneys are sometimes extracted in lieu of dalies. Teachers and members of school committees have in some cases to arrange tea parties or send dalies, as otherwise they would be deprived of their stipends. If they do not dance attendance on the visiting party, they are suspended or their aids are cancelled at the orders of the school sub-inspectors, who as a rule, play a most prominent part in the reception.

(3) *"Union Jack" Salutation.*—Notices are served particularly on Congress workers, to salute the Union Jack on a particular day at a particular camp. If they do not turn up, their houses are searched and household articles are pillaged. They are flogged and members of their families are insulted, roughly handled and sometimes assaulted. The workers are arrested and taken to the camp, and if they refused to salute the Union Jack, they are subjected to inhuman torture in the shape of flogging, kicking, knocking their heads against the grounds, and the like. They are also kept in confinement for long periods with their hands tied up or otherwise.

(4) *House searches and Destruction of properties.*—In these cases, too, the Congress workers are the targets. Besides, those persons, who have been deemed wanting in proper respect for the daroga Babu or any other officer, had their houses searched, household articles destroyed, and also received usual insults. Sometimes ladies are also assaulted and are subjected to humiliation.

Great excesses have so far been committed by searching parties. Properties have been destroyed, cash and ornaments have been robbed, houses have been desecrated, householders, from children to old men, have been flogged, ladies have been molested and even outrages on women have been committed.

(3) Prominent inhabitants of the villages concerned, whether Congress workers or not, were invited to attend flag saluting ceremonies and the great majority of them expressed satisfaction at being invited. At some of these ceremonies as many as 7,000 or 8,000 people were present, and great enthusiasm was shown. It is not true that those who were invited but did not attend were tortured, their houses pillaged and their families roughly handled. The Additional District Magistrate was on tour almost continuously during the operations and talked to many hundreds of the people concerned; in no case was any complaint of this nature made to him. Written complaints were afterwards received in respect of Ashutosh Roy Choudhury and Ramanath Maity, but enquiry showed that the complaints were either false or grossly exaggerated. Neither of these gentlemen made any attempt to represent their grievances to the Additional District Magistrate, although that officer was several times in their locality and twice sent for Ashutosh Choudhury.

(4) It is not true that houses have been searched because disrespect had been shown by their owners to the local police. During the course of the operations information was from time to time received which made it necessary to search houses; such searches were conducted by the Police, and the troops provided the necessary cordon. The troops did not enter the houses at all.

The allegations of flogging, looting, wanton destruction and molestation of women, are all utterly unfounded and not in a single case have such allegations been substantiated. Only one specific allegation of the molestation of a woman has been made and this was found on a judicial enquiry by a officer, quite unconnected with the operations, to be completely false. The complainant has since been prosecuted for giving false evidence and the case was still under trial at the time of the local Government's report.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Remarks.

(5) *Durbars*.—The District Magistrate or the Additional District Magistrate holds a *darbar* in each *thana*. Notices are served particularly on Congress workers or Congress sympathisers for attendance. *Darbar* speeches are full of threats that the people should be careful to keep free from all sorts of movements, otherwise military help would be resorted to to suppress them.

(6) *Watch and Ward Committees*.—Watch and Ward committees are being formed by Circle Officers in villages. In the *durbars*, the members of such committees, who in many cases have been coerced to serve as such, are awarded *sandaks* which warrant them to help in cases of dacoity in the villages. But in the *darbar* speeches they are directed that they must give information to the police whenever a library or a gymnastic club, or a school is started in the village or if there is any meeting, political or otherwise, or there is any newcomer and so on.

(7) *Notices on Congress workers*.—Those Congress workers, who have not submitted to the coercion by refusing to salute the Union Jack or to be a member of the Watch and Ward committee and those who have been considered incorrigible are being served with notices under the Bengal Suppression of Terrorist Outrages Act, 1932, to report to *thana* officers each week and to assist in the maintenance of law and order in connection with the combined civil and military operations to be carried out in the district from 15th December until the 31st April 1934.

A few significant cases will give some idea about the serious situation.

(8) During the small hours of the night of the 25th January, 1934, a number of Garhwali soldiers surrounded the house of S. J. Murari Mohan Sasmal of Jukhia in P. S. Bhagwanpur in the Contai sub-division, and one of the soldiers committed rape on the wife of S. J. Bhuban Chandra Sasmal, the elder brother of Murari Babu. Both the brothers were absent from home and the neighbours were prevented by soldiers and policemen from coming to the rescue of the unfortunate woman.

(5) The facts are that prominent gentlemen, including Congress adherents, were invited to the *durbars* and were told clearly that neither Government nor the District authorities were prepared to tolerate subversive or anarchical movements and that Government were determined to use every possible means to stamp out terrorism. Emphasis was placed upon the fact that the villagers themselves stood to lose by such movements and that it was their duty to come to the aid of Government in restoring order and tranquillity.

(6) The Watch and Ward Committees were told in the *Darbar* speeches that their main function is to keep their eyes open and to collect information relating to anything which may affect the public tranquillity. If for example a new school is opened, they are to ascertain whether it is a genuine school rendering useful service to the community or whether it is merely an institution for terrorist or Congress propaganda. Similarly the Watch and Ward Committees were told that if a stranger comes to the village, they are to satisfy themselves that he has not come with the intention of carrying on terrorist propaganda or otherwise disturbing the public peace. The duties thus entrusted to the members of the Watch and Ward Committees are the ordinary duties of a public citizen. Unwilling persons have not been compelled to serve on these Committees.

(7) During the operations, information came to light which made it necessary to keep in touch with the movements of certain persons, and notices under the Bengal Suppression of Terrorist Outrages Act were accordingly served upon them. The total number of persons on whom notices were so served was 43 out of a district population of three millions. In most cases the purpose of the notices has now been served and the orders have been or are about to be withdrawn.

(8) The case has already been mentioned above [*vide* item (4)]. A judicial enquiry was held and the complaint found to be false and a prosecution for false evidence was instituted against Murari Mohan Sasmal.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Remarks.

(9) On the 11th January, 1934, the junior sub-inspector of police of P. S. Kedgree in the Contai sub-division, with a party of Garhwali soldiers, constables and chowkidars, surrounded the house of S. J. Jogendra Nath Patra of Silli-bari in P. S. Kedgree. Jogen Babu being absent from home, they enquired about Jogen Babu's wife, who at the sight of the soldiers, had run away from the house with her two children and had been trying to take shelter in a neighbour's house. The sub-inspector, with some constables, chased her from one house to another for a distance of 1½ miles, assaulted whomsoever they came across, held an identification parade of women to find her out and created a great panic throughout the village.

(10) During the search in the night of the 3rd January, 1934 (3 A.M.) in the house of S. J. Indra Narayan Bera of village Katranka in P. S. Patasur in the Contai sub-division, one of the soldiers of the searching party, headed by Mr. Dharendra Nath Mukherjee, the special magistrate of Contai, and S. J. Jagat Taran Chatterjee, the senior sub-inspector of police of P. S. Potashpur, with the apparent evil intention dragged Shrimati Rajanibala Bera, the daughter-in-law of Indra Babu, inside a room and the lady could only save her honour by threatening to make an end of her life with a knife. Shrimati Rajanibala was a Congress worker; she was asked to salute the Union Jack.

Serious damages were done to the properties of the Beras, male and female members were seriously assaulted—not even children excepted, and gold and silver ornaments were robbed.

(11) (i) After search in the house of S. J. Kumar Narayan Panda, on 27th December, 1933, a bundle of currency notes amounting in all to Rs. 2,635 was found missing.

(ii) Every article in the house of Kailas Chandra Maiti of Balichak, P. S. Kedgree, was smashed during search, and ornaments and other articles were robbed.

(iii) Cash payments were extorted from Jhatu Charan Maiti of Paschim Sarpai, Iswan Chandra Karan of Dakshin Nisehintia, P. S. Contai, and others on the 31st December, 1933.

(iv) On the 10th December, 1933, S. J. Ashutosh Ray Chowdhury and S. J. Ramanath Maiti (Congress workers) of Balyagovindpur, P. S. Potashpur, were flogged, threatened with their lives and kept in confinement for their refusal to salute the Union Jack, and their household articles were given over to pillage during search on the 9th December, 1933.

(9) No complaint of this kind has been made to the district authorities.

(10) No such complaint has been made to the district authorities. A complaint of a similar nature was received from Kumud Charan Bera of the same village and on enquiry by the District Magistrate was found to be totally and maliciously false. It may be noted here that the allegations made in paragraphs (10), (12), (17) and (25) should, if true, have been made the subject of criminal complaint. No such complaints were made and the fact that these allegations are now for the first time brought to the notice of the District authorities affords a very reasonable presumption that they are false.

(11) (i) See remarks against item 23.

(11) (ii) and (iii). No such complaints were made to local authorities.

(11) (iv) A complete reply to these allegations was given in the statement laid on the Assembly table on the 31st January, 1934, in answer to Mr. S. C. Mitra's question No. 49.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

(12) On the 16th January, 1934, S. Sashi Sekhar Mandal of village Ektarpur, P. S. Potashpur, was arrested and taken to the soldiers' camp, and, on his refusal to salute the Union Jack, was flogged, slapped, kicked and otherwise assaulted for several times, was kept in confinement, tied up in a post, and his head was knocked against the ground before the Union Jack again and again and he was subjected to the most inhuman behaviour.

There are many other cases of the like.

(13) On the 3rd January, 1934, school masters and students were assaulted for no fault of theirs, and their stipends were suspended, because Mahatma Gandhi and Chittaranjan's photos were found in the school. Two little boys were also inhumanly treated.

(14) *Potashpur Police Station*.—The first instance of military excesses was committed on the 9th December last by a detachment of the Royal Garhwali Rifles, encamped at Manglamaro, in connection with house searches in the villages of Ballyagovindpur and Palpara under police station Potashpur; there Sjs. Ashutosh Ray Choudhury, Ramanath Maity and Kalipada Mahapatra were flogged and otherwise harassed for their refusal to salute the Union Jack. Another detachment encamping at the Argosy Bungalow, on the 1st January, 1934, led by the special magistrate, Mr. D. N. Mukherjee, and the sub-inspectors, Messrs. Jagat Taran Bannerjee and Khondakar, committed similar atrocities at the village Katranka on the occasion of searching the houses of the Bera on the 3rd January, 1934. Floggings, lathi blows upon the inmates, not excepting ladies, and loot and destruction of property were freely indulged in by the soldiery. Sjs. Kumud Chandra Bera, Churadhari Bera, with his wife and the son, Monaranjan Bera, Nilkanta Bera, Indra Narayan Bera, with his wife and the daughter-in-law, Sja. Rajani Bala Bera; Kartick Ch. Bera, with his sons, Priyanath, and Bholanath Haridhan Bera, Gajendra Nath Bera, with his sons, Arjun, Arun and Bharat, and Satis Ch. and Narendra Nath Bera were amongst the victims. Assaults were due to the refusal to salute the Flag and furnish information leading to the recovery of the Congress Cyclostyle Machine.

(15) *Contai Police Station*.—Prior to the arrival of the Royal Garhwali Rifles at Contai, the S. D. O. issued warrants to the local gentry directing them to join the reception of the troops and the Flag Salutation ceremony on the 16th December and the Ceremonial Parade

Remarks.

(12) See remarks against item (10).

(13) See remarks against item 26, which appears to refer to the same incident.

(14) This is a repetition of the allegations made in items (10) and (11) (iv) above.

(15) The use of the term "warrant" in this para. is wholly misleading. Notices were served upon the local gentry requesting them to join in the reception of the troops and these notices (which were in Bengali) were couched in the honorific or polite form of Bengali. It

legations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Remarks.

the 18th December, 1933. Here *dalies* or, in u. thereof, cash payments were extorted on the local people upon the threat of beleting the soldiery on their houses.

(16) *Ballyagovindpur*.—On the 9th December, 1933, a number of soldiers of the Royal Garhwali Rifles, headed by a havildar, surrounded the house of S. Ashutosh Ray Choudhury of Ballyagovindpur village under Potashpur police station. S. Ray Choudhury was asked to salute the Union Jack. But before he could understand the situation, he was secured with a rope, his hands being tied on behind, and was severely belaboured by the Havildar. In the meantime, on the plea of a search, the soldiers entered his house and pillaged everything inside. With S. Ray Choudhury in their custody, the house of S. Ramanath Maity was next visited. He too was given a good thrashing and his house was also given over to similar pillage. Both of them were then taken to the Soldiers' Camp at Manglamaro and detained there for two days. On the 10th, at 5 P.M., both of them were taken to the Parade Ground and ordered to salute the Flag. On their refusal, there they were mercilessly belaboured, and, moreover, threatened to be shot dead. At last they were forcibly made to salute the Union Jack.

(17) *Palpara*.—On the 9th December, the house of S. Kalipada Roy Mahapatra of Palpara was also surrounded by soldiers. Kalipada Roy was roughly handled for his refusal to salute the Flag and subsequently made a prisoner. His house was searched with considerable damage to property. But, persisting in his refusal to salute the Flag, he was again assaulted by the Havildar at the Parade Ground. They wanted him to execute a bond, but, as he was not agreeable to this, he was again given some fifty lashes.

(18) *Banamali Chatta*.—At this village, a detachment of the Garhwali Rifles searched the houses of S. Sree Nath Chandra Jana and Kanganal Chandra Jana, on the 26th December. Although nothing incriminating was found, the searching party broke into pieces several earthen jars, looking glasses and earthen pots; tore open mattresses and quilts and scattered rice and dal on the floor. At Kanganal Babu's place, despite being offered keys, they wantonly broke open a safe and mutilated important documents inside. In the evening, the local gentry were summoned at the Parade Ground and ordered to send *dalies* for the troops. There Ananta Das of Kamardah and Bhagabat

is quite untrue that *dalies* were extorted from the local people. Attention is invited in this connection to the remarks made against item (2) above.

(16) This is a repetition of the allegations made in items (11) (iv) and (14) above.

(17) See remarks against item (10) above.

(18) The remarks made against items (10), (4) and (2) apply also to these allegations.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Chandra Jana of Laudan were abused in the most filthy language, roughly handled and forcibly made to salute the Union Jack.

(19) *Bantrakunda*.—Here a party of soldiers searched the houses of S. Achinta Kumar Panday and Kumar Narayan Panday on the 27th December. At the former place, a box and a portmanteau were broken open and paper inside destroyed. Foodstuffs were all scattered on the floor and got mixed up. At the latter place, three boxes four portmanteaus, and one safe were broken open and the contents therein soiled pouring oil over them.

(20) *Behari*.—Here S. Byomkesh Das, a teacher of the Namaldiah, U. P. School, was summoned by the Havildar of a detachment, visiting the place on the 26th December, to salute the Union Jack with the local volunteers. In the absence of the Flag that day he had to salute the bare flag-staff then and there, and reappear the next day for proper salutation. Dali was also extorted from him, and also from Kumud Bandhu Panday, a local zamindar and the President Panchayat of Union No. IV. He had also to arrange for a dinner in honour of the Officer Commanding Captain Murray, where no less than 62 Garhwali soldiers were among the guests.

Katranka.—Headed by the special magistrate Mr. D. N. Mukherjee, and a Havildar among others, a batch of soldiers surrounded the house of the Bera at 3 A.M. on the 3rd January, 1934. While searching the house of S. Kumud Chandra Bera, his younger brother, S. Churadhari Bera, was kicked and dealt with 20 or 25 stripes and lathi blows. He got a nasty cut in his head two inches long and serious injuries in the right cheek and the little finger of the left hand. Kumud Babu's nephew, Sreeman Manoranjan and his mother each got five to six stripes. A soldier tugged the portion of the *saree* covering her head and the breast. The searching party then broke open wooden safes and robbed gold and silver ornaments approximately worth Rs. 100. Important documents and papers in connection with the estate of Kumud Babu's master have also been destroyed. The cost of other damages amounts to nearly Rs. 30 to Rs. 40.

S. Nilkanta Bera's house was also ransacked. Here, among other things, a few Charkas were smashed. Not satisfied with this, the soldiers went to the length of answering calls of nature in two rooms. Apart from damage to pro-

Remarks.

(19) The allegation as regards Kumar Narayan Panday is dealt with in item 23 below. The other allegation made in this item was found on investigation by the District Magistrate to be totally and maliciously false.

(20) Most of this is a repetition of the allegations made in item (10) above. As regards the allegations under the heading *Behari*, attention is invited to the remarks made against items (2) and (3) above.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Remarks.

perty, here they insulted Indra Babu's wife and a daughter-in-law, named Sja. Rajanibala Bera, a local Congress worker. A soldier enquired of her about the Cyclostyle Machine and asked her in Hindi to salute the Union Jack. Before she could make out what the soldier meant, she was struck with a lathi. Not satisfied with this, the soldier, with the apparent evil intention, tried to push aside the mother-in-law, while dragging the daughter-in-law inside the room. At this Sja. Rajanibala threatened to make an end of her life with a knife and thus saved her honour.

At S. Kartick Ch. Bera's house, his son, Priyanath Bera (16—17) years, was asked about the Cyclostyle Machine. Having no satisfactory answer from him, the special magistrate, Mr. Khondakar, and the Havildar, one after another flogged him 40 to 50 times. They broke two canes on his back. He was then removed to the Argaola Military Camp and forcibly made to salute the Union Jack in the evening. He had nothing to eat during the night and was let off at 4 P.M. the next day. Sreeman Bhola-nath (10 years), the youngest son of Kartick Babu, was also given a few stripes. The military visited the house of S. Haridhan Bera, who was laid up with dysentery for several months, and gave him 5 to 6 stripes for withholding information about the Cyclostyle. For similar supposed offences, his sons, Arjun, Arun and Bharat were also flogged. S. Gajendra Nath Bera got kicks and stripes; Sreeman Satish Chandra Bera (13 years) and Narendra Nath Bera (14 years) had their heads knocked against the wall and also flogged for not disclosing information leading to the recovery of the Machine.

I shall now give the English rendering of Notices of Reception and Flag Salutation Ceremonies:

"WARRANT No. 1.

(21) You are hereby informed that the Royal Garhwali soldiers of the Government will reach Contai on the 16th December, 1933, at 3 P.M. You are, therefore, directed to be present at the Dak Bungalow compound for their reception and the salutation of the British Flag at 3 P.M.

(Sd.) D. M. SEN,

Sub-Divisional Magistrate, Contai."

Dated 15th December 1933.
Court Seal.

(21) The notices have already been discussed in item (15) above. The headings "Warrant No. 1, Warrant No. 2" are misleading translations, presumably intended to suggest that some form of compulsion was connected with these notices. The actual heading of the notices was "Parwana", a word which connotes notices of all kinds.

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LEGISLATIVE ASSEMBLY.

[18TH JULY 1934.]

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Remarks.

"WARRANT No. 2.

You are hereby informed that the Ceremonial Parade of the Royal Garhwali Rifles will be held in the compound in front of Khas Mahal Office on the 18th December, 1933, at 11 A.M. You are directed to be present there at the appointed hour without fail.

(Sd.) D. M. SEN,

Sub-Divisional Magistrate, Contai."

Dated the 16th December, 1933.

Court Seal.

I shall now refer to some of the circulars issued by some of those reception committees. I read now one circular which was issued to all the male members in a village :

(22) "As you have been appointed a member of the newly constituted watch and ward committee of Union No..... you would be so good as to be present at the Janka police station compound on Monday, the 9th January at 10 A.M., for the reception of the honoured District Magistrate and the acceptance of the sanad to the satisfaction of all. Absence will be deemed as a mark of disloyalty.

Yours faithfully,

(Sd.) PROFULLA KUMAR MAITY,

Chairman, Reception Committee."

I want the House to note that absence is punishable as a mark of disloyalty. In the judgment of a famous sedition case, disaffection has been defined as want of affection.

(23) "On the morning of 27th December last, at about 8 A.M. a band of soldiers accompanied by the police Inspector..... and the sub-deputy collector, Contai, surrounded my house. No male members were then present. Ladies were ordered out, and one of them fainted away. Then they broke open three wooden boxes. The largest of these contained a bundle of currency notes made up of fourteen 100-rupee notes, one hundred and twenty-three ten rupee notes and one five-rupee note, amounting in all to Rs. 2,635 only. All these things were des-

(22) The notices in question were issued by a loyal gentleman who was himself taking considerable interest in the formation of the Watch and Ward Committees. He felt it to be the duty of his fellow citizens to attend the reception of the Additional District Magistrate and receive their sanads appointing them as members of the Watch and Ward Committees, and he expressed his opinion that absence would be deemed (by him) a mark of disloyalty. No suggestion of any kind was made in the notice that absence would be punishable.

(23) Kumar Narayan Panday made no attempt whatever to lodge a criminal complaint regarding the alleged destruction of notes amounting to Rs. 2,635. It is incredible that had such destruction taken place no attempt should have been made to seek redress or to recover from the authorities the value of the notes destroyed.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

Remarks.

troyed in the presence of my brother, Sj. Ramanath Panday. I was at Amratala Chak for settlement work and reached home on receiving the news. On hearing from my brother, I searched for the bundle of notes. But I did not find it, it was missing.

(Sd.) KUMAR NARAYAN PANDAY."

Then, I should like to read the story of an attempted outrage. This is the statement :—

(24) "I was a Congress worker, but have given up Congress work for the last 1½ years owing to pecuniary difficulties, and have been practising medicine. On the 25th January last, I went out on a call and was informed on the next day that the soldiers and the police had visited my house, and rape had been committed on a female member of our family. On my return, I heard of the following incident from my sister-in-law and kinsmen. I wanted to send a wire to Mr. R. Maiti, M.L.C., but the post office at Kajlagarh refused to admit the wire as it was against the police."

This is how the Postal Department has been functioning—

"At about 4 A.M., that is, towards the later part of the night of the 25th January, a batch of police and soldiers surrounded my house and the house of my kinsmen. They got entrance inside the compound probably through the broken portion of the boundary walls. Finding nobody there, they went into the courtyard of my uncle (Girish Babu). As both my elder brother Bhuban Babu, and myself were away from home, my brother's wife, Sm. Janakibala Sasmal with three children, was sleeping in a separate bed in Girish Babu's house. The sound of the steps of the soldiers and the flash of torch-lights awoke Girish Babu's mother who tried to awaken my sister-in-law by calling her. At this, some soldiers caught hold of her (Girish Babu's mother), while others of the party wrapped up my sister-in-law's face with a piece of cloth and tried to outrage her. She had a sudden break of her sleep. There were the shrieks of horror of my uncle's mother on the one hand and such a brutal attack on herself on the other, that she became so much nervous that she lost all power to fight against this outrage. At the cry my uncle's mother, my uncle (Girish Babu) and a brother tried to run up to the place, but they were prevented by some other soldiers from doing so. The wife of Girish Babu, who was sharing the same bed with my uncle's

(24) See remark against items (4) and (8) above.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)

mother, was also being dragged with apparent evil intention by one of the soldiers, but she ran away, got into a room and barred the door. In the morning (26th January), the sub-inspector of police of the Bhagwanpore thana arrived with Sjt. Dwarkanath Sasmal, the collecting panchayat, and searched the house and got a statement signed by Girish Babu, Sjt. Abinash Chandra Sasmal, Hemanta Kumar Sasmal and Adhar Chandra Bera that 'Nothing incriminating has been found and no property damaged'. Before they had signed this, they informed the sub-inspector and the panchayat of the outrage and requested them to take down the information. But they said nothing, and went away to the Mugbaria Camp.

(Sd.) MUBARI MOHAN SASMAL,

Village Jukhia.

P. O. Bhagwanpur.

P. S. Bhagwanpur.

Midnapur."

Another case is :—

(25) (a) "My name is Chowdhuri Charan Patra, of village Sillibari, in P. S. Kedgree. On the 10th January, 1934, a batch of Garhwali soldiers, the junior sub-inspector of the thana (Kedgree P. S.) and some chowkidars and dafadars visited the house of Jogendra Nath Patra of our village who was not at home. They did not find Jogen Babu's wife, too, at her house, and they reached my house in search of her. They were assaulting whomsoever they came across. At this, there was a commotion and I began to flee away towards the north of my house. The sub-inspector assured me of safety, and, as I went up to him, he enquired of Jogen Babu's wife and, on my pleading ignorance, he began to belabour me. At this time, my wife, daughter and other female members of my family, being horrified, began to run off to the east. The sub-inspector asked me to call them back with an assurance of safety. As they came back, he enquired of me whether there was Jogen Babu's wife in their midst and, on being answered in the negative, he again belaboured me. Then, he arrested me and all the womenfolk and took us to Ramhari Babu's house. There he ordered the dafadars and chowkidars to see whether there was Jogen Babu's wife in their midst. They examined each one of the ladies who were

Remarks.

(25) (a) This is a repetition of the allegations in item (9) above.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated 19th March, 1934.)

Remarks.

kept standing for an hour in the sun in Ramhari Babu's courtyard and were then dismissed. The assault committed on me was severe which caused a swelling of an inch in my right wrist which has no strength now. I had indecent abuses, too, from the daroga Babu.

(Sd.) CHOWDHURI CHARAN PATRA."

(25) (b) "Mr. Muzafer Hussain, the junior sub-inspector of P. S. Pataspur and the sub-deputy collector of Contai, with a party of soldiers, surrounded my house on the 10th January, 1934, and commenced searching my house. When I was informed that they wanted me, I went up to them and the sub-deputy collector gave me some stripes and the S. I. kicked me * * *

(25) (b) See remark

At about 11 o'clock, I was taken to the Palpara Camp. The subedar asked me to salute the Union Jack. On my refusal, he gave me 15 or 16 stripes. Then, my hands were tied up with a rope and I was tied from head to foot with a post. An hour later, I was brought down, was threatened to be shot dead and was made to sit with my face towards the sun for an hour. At about 1 P.M., I was taken inside the camp * * * In the afternoon, the S. I. tried to convince me that I should salute the Union Jack. But I remained adamant. In the midst of the discussion, he suddenly began to administer fists and slapped me on my face and eyes, made me fall flat on the ground and kicked me freely. Then, I was taken to the Parade Ground and was ordered to salute the Union Jack. On my refusal, under orders of the officers, two chowkidars knocked my head against the ground. Not satisfied with that, the S. I. joined them and knocked my head 15 to 20 times against the ground. I was also given 15 to 20 kicks. There was a public gathering then at that time. I felt pain all over the body, there were bruises in the body and the head, and I was given no food or bed in the night. In this condition, on the 11th, I was made to walk a distance of 11 miles and I reached the soldiers' camp at Datalghat at 11 o'clock. I was again urged to salute the Union Jack, and, on my refusal, the senior S. I., with the help of some chowkidars, made my head knock against the ground thrice and turned me out at noon. No food was given this day too."

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March 1934.)

Remarks.

(26) This is another case :

"On the 3rd January, 1934, when the troops were passing through the village Karanji (P. S. Ramnagar), two boys of the village shouted "Bande Mataram". The soldiers gave a chase after them and assaulted whomsoever they came across. They entered the Karanji upper primary school and seriously assaulted the head pandit, S. Ramkrishna Jana, and the students of the school. They searched the school and seized the photos of Mahatma Gandhi and Deshabandhu Chittaranjan. The teachers were asked to go to the Balisi camp with the boys who shouted "Bande Mataram" although they were not students of the school. In the afternoon, the two boys, Sm. Bijoy Krishna Sahoo and Sm. Abala Kanta Das, were made to stand in the sun for 2½ hours with their heads caught by their hands passing under the thighs and the hips upwards. They were crying piteously through pain. After 2½ hours, they fell at the feet of the subedar and the circle officer of Egra. The circle officer gave them kicks and flogged them, and at last made them rub their nose against the ground for a distance of 30 cubits. The sub-divisional inspector has stopped the stipend of the said upper primary school and has called for an explanation from the teachers asking them why they purchased the pictures of Mahatma Gandhi and Chittaranjan."

(26) It is a fact that when the troops were passing through the village Karanji, P. S. Ramnagar, two boys of the village shouted "Bande Mataram" with the obvious intention of annoying the troops. Enquiries were made at the Karanji Upper Primary School as to the identity of the boys, who had run away; but the Headmaster denied that they came from his school. No student of the school was assaulted but certain photos calculated to encourage subversive activities were found hanging on the school walls and for this reason the stipend of the school has been stopped.

The Honourable Sir Harry Haig : Sir, I lay on the table the information promised in reply to starred question No. 376 asked by Mr. Lalchand Navalrai on the 6th March, 1934.

COLLECTION OF OPINIONS ON THE TEMPLE ENTRY BILL THROUGH THE POLICE AT KARACHI.

*376. (a) and (c). No. It was the case however that the Superintendent of Police, Karachi and Tatta Districts, was asked by the District Magistrate, Karachi, to give his opinion on the Bill. The Superintendent asked for the views of his senior officers, and they doubtless consulted Hindu members of the force and non-officials with whom they came in contact.

(b) Yes.

The Honourable Sir Harry Haig : Sir, I lay on the table the information promised in my reply given on the 17th April, 1934, to Mr. Jagan Nath Aggarwal's starred question No. 765, regarding traffic control at Naya Bans, Khari Baoli and Nai Sarak in Delhi.

TRAFFIC CONTROL IN KHARI BAOLI AND NAI SARAK IN DELHI.

*765. (a) Yes.

(b) It is reported that there has been a very slight rise in tonga fares, but that there has been no increase in the rates charged by *thelawalas*.

(c) As stated in my reply to Mr. Bhagat Chandi Mal Gola's question No. 177, asked on the 10th March, 1934, the arrangement in question is reported to be working satisfactorily. Further enquiries made show that there has been no adverse effect on the business community residing in the areas mentioned. Government do not therefore propose to take any action.

The Honourable Sir James Grigg : Sir, I lay on the table :

(i) the information promised in reply to starred question No. 735 asked by Maulvi Muhammad Shafee Daoodi on the 17th April, 1934 ; and

(ii) the information promised in reply to starred question No. 683 asked by Mr. Vidya Sagar Pandya on the 11th April, 1934.

EXTENSION OF TIME LIMIT FOR PAYMENT OF INCOME-TAX IN THE EARTHQUAKE STRICKEN AREA IN BIHAR.

*735. (a) and (c). Income-tax Officers of the areas affected by the earthquake have been instructed to grant time liberally for payment of tax in cases where the assesses have suffered from the earthquake. The Government do not think it necessary to postpone the issue of further notices for the realisation of income-tax.

(b) No.

(c) The Commissioner of Income-tax visited the earthquake affected areas twice once in January immediately after the earthquake and again in March.

(d) No. Each individual case of hardship is being dealt with sympathetically by the local officers.

COINS MINTED AND ISSUED FROM INDIAN MINTS.

*683. (a) The attention of the Honourable Member is invited to pages 48, 49 and 53 of Part IV (a) of the Financial Statistics of British India published by the Director General of Commercial Intelligence in 1908, which gives the required figures from 1835-36 to 1906-07 ; the figures for 1907-08 to 1919-20, are contained in tables 8 and 9 at pages 20 and 21 of Volume II of the same publication issued in 1922, while the figures for 1920-21 to 1929-30 are given on pages 326-329 of the Statistical Abstract for British India published in 1932. Later figures are available in the Reports on the Administration of the Mints.

(b) (i) Silver half and quarter rupees were coined in pursuance of Act XVII of 1835. So far as can be ascertained, silver one-eighth rupees were first struck in 1842. Nickel eight anna and four anna pieces were introduced in 1919, two anna pieces were introduced in 1918 and one anna pieces were introduced in 1907.

Copper double pice, single pice, half pice and pies were also coined in pursuance of the Act referred to above.

Bronze pice, half pice and pies were introduced in 1906.

(ii) Silver one-eighth rupees are still legal tender but since June, 1925, they are being withdrawn from circulation because of the comparative unpopularity of the coin since the introduction of the nickel two anna piece.

Nickel eight anna coins were called in with effect from the 1st of October, 1924. This coin never became popular with the public mostly owing to the appearance of particularly good counterfeits shortly after its introduction and partly also owing to its resemblance in size and shape to the single pice.

L179LAD

The coinage of double piee has been stopped since 1880 owing to the inconvenient size of the coin. Other copper coins were discontinued from 1906 on account of their shorter life and greater cost in comparison with bronze coins.

(c) It is not possible to state the loss on destruction of each type of coin, as no separate accounts are maintained.

(d) (i) No.

(ii) Government have no information.

(e) (i) Nickel coins have been introduced because they last longer and are more convenient, cheaper and more difficult to counterfeit.

(ii) It is not considered desirable to publish the correspondence.

(f) The metal is purchased by the Secretary of State in London. Government do not consider it desirable to disclose the details of the transactions.

(g) The coinage of four anna nickel pieces was discontinued in 1923, and only silver quarter rupees are now being coined. It is not proposed to reintroduce the two anna silver coin, as the popularity of the hard-wearing nickel coin is attested by the absorption figures.

Lient-Colonel A. F. R. Lumby : Sir, I lay on the table :

(i) the information promised in reply to unstarred question No. 111 asked by Khan Bahadur Haji Wajihuddin on the 3rd March, 1934 ;

(ii) the information promised in reply to unstarred question No. 115 asked by Khan Bahadur Haji Wajihuddin on the 3rd March, 1934 ;

(iii) the information promised in reply to starred question No. 408 asked by Mr. Gaya Prasad Singh on the 7th March, 1934 ;

(iv) the information promised in reply to starred question No. 410 asked by Mr. Gaya Prasad Singh on the 7th March, 1934 ;

(v) the information promised in reply to unstarred question No. 181 asked by Mr. S. G. Jog on the 10th March, 1934 ;

(vi) the information promised in reply to unstarred question No. 223 asked by Mr. S. G. Jog on the 21st March, 1934 ; and

(vii) the information promised in reply to unstarred question No. 285 asked by Mr. S. G. Jog on the 3rd April, 1934.

REVISION OF THE WATER AND SCAVENGING TAXES IN THE AMBALA CANTONMENT.

111. (a) Yes, except that, with reference to part (v), the minimum scavenging tax, in the case of a building having a rental of Rs. 3 per annum, is annas two per mensem, unless the house has a private latrine, when the tax is annas eight per mensem.

(b) No. Only two members voted against the proposals.

(c) (a) and (d) The revised proposals were published on February 14th, inviting objections up to 16th February, 1934. The latter date was a misprint. The following day they were re-published giving a period of thirty days and inviting objections. Under the Cantonments Act, these proposals did not require to be published by the Cantonment Authority for criticism. But as the connected bye-laws required previous publication, they were published along with the proposals for the convenience of the public.

CRITICISM BY CANTONMENT BOARD MEMBERS OF THE GOVERNMENT OF INDIA.

115. (a) and (b). Yes.

(c) Government are not aware of the views of the elected members of the Board. The attention of those concerned is being drawn to the fact that criticism of a particular executive act performed by Government does not involve *per se* a failure to discharge the obligations recited in the oath of affirmation set out in section 13 of the Cantonments Act and that therefore the ruling was incorrect. At the same time Government are satisfied from the inquiries they have made that the ruling was given under considerable provocation and that the President has certainly no desire to stifle legitimate criticism of proposals coming before the Board.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

*408. (a) To the fullest extent possible. It is unquestionably the duty of administrative officials to watch the interests of men serving under them and to act as claimants for pension purposes. This only refers, however, to cases where a reasonable claim exists.

In the first case quoted the soldier was granted a temporary pension for the period his disability lasted, i.e., from June, 1918, to June, 1920. A medical board held on him in 1920 decided that he was suffering from no disability.

As regards the second I would invite attention to the reply laid on the table to the Honourable Member's question No. 414, dated the 7th March, 1934.

As regards third, medical boards held in 1922 and 1930, held the individual concerned to be suffering from no pensionable disability.

Having regard to the previous history in each case the commanding officers concerned acted within their powers in deciding not to submit the appeal to higher authority.

(b) It is not proposed to lay down any limitations, as commanding officers do not hesitate to submit any claim in which there is any degree of doubt.

(c) The right of petitioning higher authority already exists in paragraph 379 and Appendix VII of the Regulations for the Army in India.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

*410. Government are prepared to act up to their orders to the fullest extent. The answer to the Honourable Member's second question is in the affirmative. The first memorandum quoted by him refers to the case of a man who is suffering from disability certified to be less than 20 per cent. There is no record of its ever having been more severe. The acceptance of attributability does not commit Government to the waiving of the other conditions governing the grant of disability pensions.

The second memorandum referred to deals with a case which was carefully investigated in 1932. The man concerned was invalided in 1915 with a gratuity at a time when a great many other reservists were also discharged on medical rounds merely because they were too old for further service. A medical board held in 1930, certified that he was not then suffering from a disability attributable to military service. In such circumstances Government would not be justified in granting a disability pension.

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DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

181. (a) Cases in which individuals refused to undergo operations were covered by the provisions of paragraph 1039, Army Regulations in India, Volume I (1915), which read as follows:

"Any person who aggravates, or retards the cure of, his wound or injury in the hope of obtaining a pension or gratuity will be dismissed the service, without reference to his claims."

(b) Government are not aware of any such case.

(c) There is no conflict between the terms of the recommendation and the memorandum of instructions referred to. The latter merely gives discretion, when a man refuses to undergo an operation, to admit or withhold a disability pension according to certain specified principles.

(d) The effect of the memorandum was to explain an existing policy and perhaps enable deciding authorities to take a more generous view of refusal to undergo an operation than the letter of the regulations might suggest. There could be no question therefore of "adverse retrospective effect".

(e) No. What the Deputy Controller of Military Pensions stated was that the acceptance of Recommendation No. V, did not concede that the mere statement of an individual, uncorroborated by any documentary evidence should be accepted as conclusive proof of his disability having been contracted on field service. In the case referred to the available evidence consisted of the report of a medical board held in 1915 that the Indian officer's disability was not due to field or foreign service.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

223. (a) to (f). Government have on reconsideration decided to admit the claim to which the Honourable Member refers from the 1st January, 1922, instead of from the 24th January, 1924.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

285. (a) and (b). Yes.

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

(e) and (f). The individual case was submitted to the Government of India who passed orders after careful consideration. I may mention that the man concerned received a grant of Rs. 120 early in 1933, from the Indian Army Benevolent Fund, for the purchase of artificial limbs.

(g) Attention is invited to the Regulations for the Army in India, Appendix VII, and India Army Order No. 560 of 1933. Government are satisfied that commanding officers forward petitions in all cases in which the slightest element of doubt exists as to the finality of the previous decision.

(iv) the information promised in reply to unstarred questions Nos. 249 to 264 asked by Mr. S. C. Mitra on the 5th December, 1933;

(v) the information promised in reply to unstarred question No. 310 asked by Shaikh Sadiq Hasan on the 14th December, 1933;

(vi) the information promised in reply to starred questions Nos. 1425 and 1510 asked by Mr. S. G. Jog on the 16th December, 1933, and the 22nd December, 1933, respectively;

(vii) the information promised in reply to starred question No. 323 asked by Lieut.-Colonel Sir Henry Gidney on the 2nd March, 1934;

(viii) the information promised in reply to starred question No. 450 asked by Bhai Parma Nand on the 13th March, 1934;

(ix) the information promised in reply to starred question No. 531 asked by Pandit Satyendra Nath Sen on the 19th March, 1934;

(x) the information promised in reply to starred question No. 576 asked by Rao Bahadur M. C. Rajah on the 3rd April, 1934;

(xi) the information promised in reply to unstarred question No. 272 asked by Mr. M. Maswood Ahmad on the 3rd April, 1934;

(xii) the information promised in reply to starred question No. 648 asked by Mr. Lalchand Navalrai on the 7th April, 1934; and

(xiii) the information promised in reply to starred question No. 761 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

SUPPLY OF RULE BOOKS TO THE EAST INDIAN RAILWAY EMPLOYEES.

*13. (a) The Agent, East Indian Railway, reports that the service agreements of subordinate employees drawing Rs. 15 and upwards (except menials) contain an acknowledgment from all staff, other than clerical, that they have received a copy of the Government Servants' Conduct Rules, the General Rules for Indian Railways, and the Subsidiary Working Rules in force on the East Indian Railway, and that the clerical staff shall be supplied with a copy of the Government Servants' Conduct Rules and a copy of certain paragraphs of General Rules for Indian State Railways, which paragraphs form an enclosure to the agreement. The Government Servants' Conduct Rules have been published in full, as also extracts therefrom from time to time, in the East Indian Railway Weekly Gazette. As regards the General and Subsidiary Rules, these have been printed in three parts and copies of a part, or parts, supplied to the staff concerned, with the Rules contained in that particular part or parts.

(b) The Agent, East Indian Railway has been instructed to supply copies of the rules to such staff as are entitled to receive them in accordance with their service agreements or, in the event of it not being necessary to supply certain portions of the rules to certain staff, to make the necessary modification in the relevant clause in the agreement.

FILLING UP OF VACANCIES OF SUB-HEADS ON THE EAST INDIAN RAILWAY.

135 and 136. Controller of Railway Accounts reports that the matter was looked into and no further action was considered necessary.

EMPLOYMENT OF STAFF ON WORKS OTHER THAN THOSE TO WHICH THEIR PAY IS CHARGED ON THE NORTH WESTERN RAILWAY.

*1188. (a) The Agent, North Western Railway, reports that the orders referred to in Railway Board's letter No. 6862-F., dated the 26th March, 1931, are carried out on the Karachi Division.

(b) and (c). The Agent explains that there was surplus staff in certain categories, and the persons referred to, were utilised in other capacities, as an alternative to discharge. He has been informed that the pay of the persons in question should have been charged to the posts in which they were actually employed.

RETRENCHMENT DUE TO THE AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

(249.) (a) 78 industrial hands were retrenched.

(b) Yes.

(c) I lay a statement on the table of the House.

(d) Staff surplus to requirements have been retrenched:

(i) No additional staff have been appointed during the past two months. In August, 1933, 2 Photo Litho Operators, 1 Litho Machineman and two Litho Fly boys were appointed. This is the only Press in India apart from the Survey Office which has such a plant and the staff pay for themselves owing to the pricing system. One Mono Learner was appointed in July, 1933, on account of the installation of additional plant. One of the Fly boys is a retrenched hand. Therefore only 4 new hands have been appointed with special qualifications.

(ii) No abolished posts have been filled up, but 23 boys have been engaged temporarily for specific work, such as stripping covers from old books in order that the Boards can be re-utilized for other purposes and sorting stocks of printed forms returned from stations.

(iii) The personal pay received by certain press employees is admissible under their conditions of service.

(e) 52 binders have been retrenched as they were surplus to requirements.

(f) Paper issuers are now classified as binders and it was necessary owing to their qualifications to retain the two men, named, - Abdul Majid and Nawab Ali Chaudhuri, in the service.

(g) and (h). Advance copies of the memorials from the Eastern Bengal Railway Staff, which were forwarded by the Honorary Secretary, Press Employees' Association, Calcutta, have been received. I have placed copies of two sample memorials in the Library.

The matter is under reference to the Agent, East Indian Railway.

RETRENCHMENT DUE TO THE AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

250. (a) Telegrams were received from the President, Press Employees' Association and General Secretary, Press Employees' Association, Calcutta. No action was taken on the said telegrams, as the matter was one which is within the competence of the Agent to deal with. A copy of the telegram in question is given below:

Member in-Charge Railway and Commerce, Simla.

Please postpone present retrenchment of Compositors, Distributors, Binders, in East Indian and Eastern Bengal Railway Presses Members. My Association facts in our possession prove retrenchment unnecessary and inequitable great discontent among workers letter follows:

President Press Employees Association, Calcutta.

Honourable Sir Joseph Bhore Windcliffe, Simla.

Arbitrary retrenchment and demotion in East Indian and Eastern Bengal Railway combined press, Calcutta. Beharilal Ghose's demotion is recent instance great panic and discontent prevails among workers all my members please take immediate steps and postpone demotions and retrenchment memorials of Beharilal Ghose and our memorandum follows.

General Secretary Press Employees Association, Calcutta.

(b) A letter was received from the Secretary, Press Employees' Association, dated 12th September, 1933, as the matter was within the competence of the Agent, East Indian Railway, to deal with, no action was taken at the time, but the Railway Board are now in correspondence with the Agent, East Indian Railway, on the question.

RETRENCHMENT DUE TO THE AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

251. (a) Yes.

(b) Yes.

(c) Retrenchment of surplus staff has taken place. No reduction was made in the supervising staff, as there was no surplus.

(d) The total output from the amalgamated Presses is approximately the same as when the Presses were separated, but owing to the co-ordination of the work, fewer industrial workers are required. The Agent reports that the amalgamation did not justify any decrease in the supervising and clerical staff.

(e) No, the total amount is Rs. 13,328 per annum.

(f) The question has been given full consideration, the retention of the supervising and clerical staff is essential and not uneconomical.

(g) (i). I lay a statement on the table.

(ii) I lay a statement on the table.

(iii) The average savings per annum in the Cost of Staff is estimated at Rs. 1,33,276.

Statement 'A'.

Men discharged from 1931 to 1933 owing to retrenchment and amalgamation.

Question 249 (c).

Question 251 (c).

	1931.	1932.	1933.	Remarks.
Compositors	19	..	6	Including temporary staff.
Distributors	1	..	6	Ditto.
Binders	25	14	13	Ditto.
Impositors	1	..	1	
Assistant Superintendent	..	..	..	
Overseer	..	..	..	
Section holder	..	1	..	
Readers	..	..	..	
Copy holder	..	..	..	
Computer	..	..	..	
Clerks	1	..	11	Including 1 Time Keeper.

Statement 'B.'—*Technical supervising staff with their average pay.*

Question 251 (g) (i).—*The present strength of industrial staff with their average pay.*

Designation.	Total strength.	Average pay.
Lanotype operator	2	134
Monotype operator	7	469
Ludlow operator	1	67
Mono Mechanic	71	67
Mono Caster-in-Charge	1	60
Mono Learner	1	37
Compositor	123	6,951
Impositor	9	297
Head Distributor	1	72
Distributor	31	1,016
Proof Puller	10	290
Machinemen	36	1,728
Hand Pressmen	3	144
Electro Typewriter	1	37
Stereo Typewriter	6	264
Type-caster	3	111
Binders	184	5,844
Press mechanic	1	222
Fitter	4	272
Carpenter	11	439
Tinsmith	1	39
Litho Draftsman	1	124
Photo Litho operators	6	334
Litho machinemen	5	255
Gestetner machineman	1	33
Machine Inkmen	48	1,392

Designation.	Total strength.	Average pay.
Press Inkmen	3	81
Press Flyboy	2	34
Roller moulder	5	160
Mono Caster	7	224
Litho Layer-on	3	87
Litho Polisher	3	57
Litho Flyboy	3	51
Packerman	20	500
Packerboys	8	112
Shop messengers	6	60
Coolie Jamadar	2	54
Coolies	51	969

Question No. 251 (g) (ii).

Statement 'B. J.'—

The present strength of technical supervising staff with their average pay.

Designation.	Total strength.	Average pay monthly.	Duty.
Overseer	No. 3	Rs. 1,113	Direct supervision over labour in all departments.
Foreman Composing	1	248	In-charge of work in Composing Department.
Section-holder	5	615	Distribution of work to Sections of staff of Composing Department.
Foreman Machine	2	348	In-charge of work of the Machine Department.
Jamadar	3	210	Distribution of work to section of staff of Machine Department.
Foreman Binding	2	274	In-charge of work in Binding Department.
Jamadar Binding	2	126	Distribution of work to section of staff of Binding Department.
Assistant Foreman	1	69	Maintenance of work register and indenting for binding materials and disposal of completed work to despatch section.
	19		

AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

252. The Agent, East Indian Railway, reports : (a) Yes.

(b) (i) Rs. 86,530-0-0 approximately.

(ii) Rs. 40,090 approximately.

(iii) Engineering Department of the East Indian Railway.

(iv) Under the Agent's orders.

EMPLOYMENT OF A HIGHLY PAID MECHANIC AND ASSISTANTS IN THE EAST INDIAN RAILWAY PRESS.

253. The Agent, East Indian Railway, reports : (a) One Mechanic and 4 fitters re employed.

(b) No.

(i) All repair work was formerly sent to the Block Signal Workshops but when the Mechanical Composing Plant and Rotary Printing machines were installed, the Chief Engineer considered it advisable that the Printing Department should be in a position to undertake the major portion of their own repairs.

(ii) No outside experts have been employed other than those required for dismantling and re-erecting the Meible and Linotype machines owing to the amalgamation. The cost of this work amounted to Rs. 667-8-0.

(iii) There have been considerable savings but as the practice of sending repair work to the Block Signal Shops practically ceased in 1927 it is not possible to supply figures.

QUALIFICATION, PAY, ETC., OF THE SUPERINTENDENT OF THE EAST INDIAN RAILWAY PRESS.

254. The Agent, East Indian Railway, reports : (a) and (b). The expression "Passed Printers" is not understood, and is not used in England.

(i) The Superintendent of the East Indian Railway Press is a competent printer and efficient Manager.

(ii) Assistant Printing Superintendent, East Indian Railway Press.

(iii) Rs. 800 per month as substantive pay.

(iv) Mr. E. E. Joy is a Printer of many years experience, both in England and in this country, and possesses a sound knowledge of printing in all its branches, he has been in the trade since boyhood and received his training in England where he worked about 10 years. He joined the railway in 1908, and has proved that he is exceptionally well qualified for the duties of Printing Superintendent. His management of the Printing Department has been most efficient and economical.

(v) Mr. Joy was appointed by the Agent, East Indian Railway Company. His appointment to the post was confirmed by the Board of Directors and approved by the Railway Board. He was promoted to the post of Superintendent in July, 1924.

(vi) Initial salary on promotion to the post of Superintendent Printing was Rs. 1,000 per mensem. His present salary is Rs. 1,000 plus sterling overseas pay £30 per mensem.

(vii) Mr. Joy's age is 54 years and he has 20 years' service in the Railway.

BINDERS OF THE EAST INDIAN RAILWAY PRESS.

255. (a) Yes.

(b) Yes. In this connection, I would draw the Honourable Member's attention to paragraph 8, of the Government of India Communiqué, dated the 6th June, 1932, a copy of which is already in the Library of the House.

(c) Yes.

(d) No, but leave due and admissible was granted.

(e) Government are not aware of any such memorial.

(f), (g) and (h). The employees were reinstated in their former posts without loss of service, the intervening period being treated as leave to the extent due and in respect of the balance as *dies non*.

BINDERS OF THE EAST INDIAN RAILWAY PRESS.

256. (a) Yes.

(b) No, but machine and press staff are occasionally employed in packing forms and on despatch work, when their machines, for various reasons, such as a breakdown or want of work, are idle.

(c) Overtime is only allowed in special circumstances to meet urgent demands. As regards extra hands engaged, I would draw the Honourable Member's attention to the reply given to part (d) of Question No. 249.

(d) Government do not see any reason to retain surplus staff to meet occasional demands.

COMPOSITORS OF THE EAST INDIAN RAILWAY PRESS.

257. The Agent, East Indian Indian Railway, reports : (i) 91, (ii) 102, and (iii) 123.

INTRODUCTION OF NEW SYSTEM OF SERVICE IN THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

258. The Agent, East Indian Railway, reports : (a), (b) and (d). Yes.

(c) The average monthly working hours of the East Indian and Eastern Bengal Railway Presses were not the same prior to the revision of scales of pay in 1930, hence, the increase of pay allowed to the employees of the two presses also varied.

The average monthly working hours of the two presses were 145 hours of the Eastern Bengal Railway and 152 for the East Indian Railway.

The method of fixing the initial pay of the men in the new scales of pay, on the 200 hour basis was approximately the same for both Railways as shown below :

Category of staff.	Eastern Bengal Railway.	East Indian Railway.
Monthly rated staff ..	$\frac{\text{Pay} \times 200}{145}$	$\frac{\text{Pay} \times 200}{152}$
Hourly rated staff ..	As above ..	As above.
Piece workers ..	Piece earnings No. of hours work $\times 200$.	Mean average of piece earning rate per hour and class* rate $\times 200$.
		* On the East Indian Railway the piece workers received pay at class rates for work which could not be piece rated.

PROMOTIONS IN THE EAST INDIAN RAILWAY PRESS.

259. The Agent, East Indian Railway, reports : (a) No.

(b) Yes, because some junior industrial hands owing to superior qualifications were recruited on higher initial hourly pay than some senior hands and their average earnings were also more when they were working on piece. Therefore when the monthly rates system was introduced in 1930 their average earnings were greater in some cases than the senior hands and their pay was fixed accordingly.

(c) Appointments are as a rule filled by promotion from a lower class or grade. To fill the posts of 2 overseers and one press mechanic, outsiders were engaged, there being no hands already employed in the Press with the necessary qualifications.

(d) (i) The present Assistant Binding Foreman was appointed to the service on 25th June, 1929 :

(ii) No, the post was created in 1930, as it was necessary for it to be held by a man who could read and understand work, orders and correspondence written in English.

(iii) So far as can be ascertained. No.

PRINTING OF "ECONOMY REPORT" IN THE EASTERN BENGAL RAILWAY PRESS.

260. The Agent, East Indian Railway, reports : (d) No Economy Report was printed in the Eastern Bengal Railway Press in 1930.

(b) Does not arise.

CERTAIN APPOINTMENTS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA, AND THE EAST INDIAN RAILWAY PRESS.

261. (a) The proportion of supervising staff to industrial staff in the East Indian Railway Press is about 1 to 6.9 and that in the Government of India Press, Calcutta about 1 to 7.

(b) Does not arise.

(c) The number of men now holding the following appointments in the Government of India Press, Calcutta and East Indian Railway Press, Calcutta and Howrah is as follows :

East Indian and Eastern Bengal Railway Press amalgamated.	Total Number of men.	Government of India Press.
Workshop Accountant ..	1	Computers .. 21
Time Keeper ..	3	Checkers (Correction) .. 2
Jemadar ..	5	Clerks .. 43
Storekeeper ..	Nil.	Workshop Accountant .. 1
Compositor ..	123	(There is no such appointment but the appointment of the Accountant has been taken into account).
Reader ..	14	Time keepers .. 2
Copy holder ..	10	Jemadars .. 2
Distributor ..	31	(Excludes peon Jamadar).
Binder ..	184	Store keeper.. 1
Pressman ..	3	(General Storekeeper).
Machineman ..	36	Compositors 193
Inkman ..	51	(Including 43 mono-type correctors who are really compositors).
Lino Mono Operator ..	9	Readers .. 44
Mono Caster ..	8	(Excluding the appointment of Head Reader).
		Copy holders 44
		Distributors 12
		Binders .. 163
		Pressmen .. 20
		Machinememen 28
		Inkmen .. 20
		Linotype Operators .. 6
		Monotype Operators .. 14
		Monotype (Caster Attendants) 13
		Labourers .. 50

The figures given above are those for appointments and not "men holding appointments". The Calcutta Press is at present undergoing a substantial reduction of establishment, and the number of employees is therefore reducing. If figures for "men holding appointments" are required, the data with reference to which the figures should be prepared may kindly be specified.

(d) After the amalgamation of the East Indian and Oudh and Rohilkhand Railway Presses, the number of supervising and clerical staff in the East Indian Railway Press was increased by 6 per cent. After the amalgamation of the East Indian and Eastern Bengal Railway Presses the percentage increased in this connection was 18.

(e) Figures for 1930 are given below. Figures from 1919 are not available.

Superintendent	1
Assistant Superintendent	1
Overseers	2
Foremen	4
Section Holders	4
Jemadars	4
Assistant Foremen	2
Clerks	48
Compositors	88 including temporary staff.
Readers	10
Copy-Holders	10
Monocasters	6
Lino Mono Operators	5
Distributors	22 including temporary staff.
Binders	184
Pressmen	5
Machinemen	29
Inkmen	43

EXTRA WAGES OR CREDIT LEAVE FOR COMPOSITORS OF THE EAST INDIAN RAILWAY PRESS WORKING ON HOLIDAYS.

262. (a) Compensation leave for attendance on gazetted holidays not falling on Sundays, on which the Press is closed, has been entirely abolished from 1st July, 1928, and the employees, both salaried and piece, are now entitled to extra payment for attendance on "closed" holidays only. The salaried industrial employees who were in service before the above date have, however, been given the option of either continuing to enjoy the compensation leave or to get extra payment for attendance on "closed" holidays. For attendance on a Sunday, a compensatory holiday is usually granted. In rare cases where the compensatory holiday has to be withheld, extra payment is made for attendance on a Sunday.

The Clerical Staff is entitled to compensation leave in lieu of attendance on all holidays, but the question does not evidently relate to them.

(b) No. Industrial staff are given 25 per cent. addition to their day's pay for working on shop holidays.

CUT IN THE PAY OF THE INDUSTRIAL EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS.

264. (a) Yes, the emergency cut in pay is enforced on all employees of the East Indian Railway Press.

(b) For purposes of holidays, industrial staff are treated in the same way as workshop staff.

(c) Ministerial staff are eligible for holidays like similar staff of the headquarter offices at the discretion of the Agent. The industrial staff are allowed the leave sanctioned under Annexure II of the Government of India, Railway Department, Resolution No. 8373-E. of 20th February, 1930, plus 13 days shop holidays with pay.

(d) Yes, for purposes of economy overtime has been curtailed and is not allowed except in special circumstances to meet urgent demands.

(e) Overtime is worked to the extent necessary to meet urgent demands. Grade increases are sanctioned as they become due.

(f) Yes.

(g) It is a fact that they mentioned that they were made to work compulsorily for about 47 hours a month more than what they did under the old system, but this is not correct.

(h) Government do not see any reasons for exempting them from income-tax and emergency cut which is applicable to the other staff.

WITHHOLDING OF HOUSE RENT ALLOWANCE FROM THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

310. "Agent, North Western Railway, reports: (g) to (k). From enquiries, it transpires that on certain Divisions some of the present Special Ticket Examiners have been wrongly admitted to the concession of free quarters or house allowance in lieu.

The condition for the grant of free quarters or house allowance in lieu, only permits this concession to those who, at any time during the course of their previous service, held a post which carried the privilege of rent-free quarters or house allowance in lieu, whenever in the course of their subsequent service, they were transferred or promoted to posts which carried the same concession before 1st August, 1928. As the old Travelling Ticket Examiners never enjoyed this concession and the present category of Special Ticket Examiners has not been admitted to it, the old Travelling Ticket Examiners now classed as Special Ticket Examiners are not entitled to this concession; and steps are being taken to stop any further grant of this concession to them wherever it is now being given.

The irregular grant of this concession to some of the old Travelling Ticket Examiners now classed as Special Ticket Examiners will possibly be found to arise from the fact that when the scheme for old Special Ticket Examiners (Flying Squads) was introduced in 1926, as a trial, it was staffed with men drawn from different classes, some of whom were entitled to free quarters or house allowance in lieu in their substantive positions, and it was decided that those who formerly enjoyed the privilege of free quarters or house allowance in lieu would continue to do so during the period of their service with Flying Squads, the remainder being required to pay rent on the same basis as they did in their substantive posts."

ALLEGED ABUSES OF RULES AND REGULATIONS BY THE AGENTS AND SUBORDINATE ADMINISTRATIVE AUTHORITIES OF RAILWAYS.

1425. (a) The reply to the first query is in the affirmative. On the 1st September, 1933, the Railway Board drew the attention of Agents of State-managed Railways to the fact that the submission of advance copies of appeals serves no useful purpose and that instructions should be issued that the practice should be discontinued. The Railway Board do not consider that the practice of sending advance copies of appeals calls for disciplinary action and they have advised the Agent, East Indian Railway, accordingly.

(b) Government do not consider that special action is called for.

(c) Yes.

APPEALS WITHHELD BY CERTAIN DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

*1510. (a) The Honourable Member's attention is invited to the reply to part (a) of his question No. 1425. The Financial Commissioner of Railways was not aware of Board's letter No. 2035-E.G., dated the 1st September, 1933, to Agents of State-managed Railways, when he replied to a supplementary question No. 795 on 12th September, 1933.

(b) and (d). The attention of the Honourable Member is invited to rules 10 and 11, of the rules regulating the discharge and dismissal of State Railway non-gazetted Government servants, copies of which are in the library. As stated therein in ordinary matters no appeal lies beyond the officer next above the officer passing the original orders. Appeals in contravention to these rules are not forwarded to the Agent and so obviously the Agent cannot and does not look into them.

(c) It is regretted that the detailed information asked for is not available. Government do not consider that the labour involved in collecting this would be commensurate with the results to be obtained.

PROMOTIONS IN CERTAIN GRADES ON THE LUCKNOW AND MORADABAD DIVISIONS OF THE EAST INDIAN RAILWAY.

*323. A statement, showing particulars of all officers who have held permanent appointments in the Local Service or the Lower Gazetted Service, since the 1st July, 1925, when the late Oudh and Rohilkhand Railway was amalgamated with the East Indian Railway, is enclosed.

Statement showing particulars of all officers who have held permanent appointments in the local service or the lower gazetted service since the 1st July, 1925, when the late Oudh and Rohilkhand Railway was amalgamated with the East Indian Railway.

N.B.—The lower gazetted service was established on 1st March, 1931.

No.	Name.	Date of appointment or promotion to Local Service or Lower Gazetted Service.	From what source appointed.	Whether an old East Indian or old Oudh and Rohilkhand Railway employees.
1	2	3	4	5
1	Mr. Badri Dass ..	1st January 1922.	Temporary Engineer	Oudh and Rohilkhand Railway.
2	.. A. N. Puri ..	1st January 1924.	Do.	Do.
3	.. A. N. Bhasin	13th October 1927.	Do.	Central Indian Coal Field Railway.
4	.. M. F. J. Hecquet.	Do.	Subordinate	East Indian Railway.
5	.. E. J. Harris	Do.	Do.	Do.
6	.. K. C. Goswami	Do.	Do.	Oudh and Rohilkhand Railway.

No.	Name.	Date of appointment or promotion to Local Service or Lower Gazetted Service.	From what source appointed.	Whether an old East Indian or old Oudh and Rohilkhand Railway employee.
1	2	3	4	5
7	Mr. C. M. Galvin	3rd January 1924.	Was appointed as a Junior Scale Officer from 11th March 1915 but subsequently relegated to Local Service from 3rd January 1924.	East Indian Railway.
8	.. N. O. W. Bennett.	21st June 1923.	Subordinate ..	Do.
9	.. E. L. M. Maroon.	1st July 1923	Do. ..	Do.
10	.. A. H. Satti ..	30th July 1924.	Apprentice A. T. Superintendent.	Oudh and Rohilkhand Railway.
11	.. T. D. Bandey	26th November 1925.	Apprentice L. S. O. ..	East Indian Railway.
12	.. H. E. F. Watling.	27th August 1931.	Subordinate ..	Do.
13	.. P. C. Roy ..	27th August 1931.	Do. ..	Do.
14	.. C. Clarke* ..	Do. ..	Do. ..	Do.
15	.. J. W. Blacker	Do. ..	Do. ..	Do.
16	.. N. C. Sen ..	Do. ..	Do. ..	Do.
17	.. W. B. Robinson.	Do. ..	Do. ..	Do.
18	.. S. P. Chaudhury.†	1st August 1924	† ..	Do.
19	.. A. Gordon ..	27th August 1931.	Subordinate ..	Do.
20	.. E. D. Graham	Do. ..	Do. ..	Do.
21	.. D. R. Carmody.	Do. ..	Do. ..	State Railways.
22	.. A. R. Harrow	1st July 1932	Do. ..	East Indian Railway.

*Since retired.

†Appointed as a Traffic Probationer (Superior Grade) on 20th March 1913. Confirmed as Assistant Traffic Superintendent on 11th March 1918. Relegated to Local Traffic Service on 1st August 1924 and again promoted to the Grade of Assistant Superintendent Junior Scale from 25th July 1931.

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No.	Name.	Date of appointment or promotion to Local Service or Lower Gazetted Service.	From what source appointed.	Whether an old East Indian or old Oudh and Rohilkhand Railway employee.
1	2	3	4	5
23	Mr. Veda Mitra*	15th November 1921.	Apprentice Engineer	Oudh and Rohilkhand Railway.
24	„ W. H. Gillon*	18th October 1923.	Do.	Do.
25	„ N. K. Misra*	30th July 1924.	Apprentice Assistant Traffic Superintendent.	Do.
26	„ A. G. Khan*	26th July 1925.	Traffic Probationer	East Indian Railway.
27	„ J. N. Dass*	19th November 1923.	Apprentice L. S. O.	Do.
28	„ R. E. Lazar†	1st August 1924.	Was appointed as a Junior Scale Officer from 1st April 1922 but subsequently relegated to Local Service from 1st August 1920.	

*Promoted to the Superior Service.

†Since retired.

HEAD TICKET COLLECTORS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

*450. The Agent, East Indian Railway, reports : (a) to (e). Yes.

(f) (i). The old head ticket collectors were not promoted to the posts of Assistant Head Ticket Collectors on restoration of their pay, as senior men had to be provided for and there are not sufficient posts to accommodate all.

(ii) No junior men are holding these posts.

(iii) Yes, on occurrence of vacancies and in order of seniority.

EXTRACT FROM A LETTER No. 1023-E., DATED THE 25TH AUGUST, 1925.

Fining System.—The system of punishing by fines has already been abolished on State Railways in respect of clerical and office staff, but it still remains in force in respect of the remaining staff. The Government of India recognise the difficulty of maintaining discipline among the large staff of employees, many of whom are ignorant and illiterate men, and of punishing breaches of rules (many of which are concerned with the safety of the public) slackness carelessness absenteeism and the like, without resort to a system of fines, and they are aware that the fines are credited not to the Railway administration, but to separate fine funds. But they trust that Railway Administrations will make a careful survey of the various offences, at present punishable by fines, with the object of gradually reducing fines as much as possible so as to eliminate avoidable hardship.

REFRESHER COURSE AT KOT LAKHPAT, NORTH WESTERN RAILWAY.

*576. The Agent, North Western Railway, reports : (a) The object of Refresher courses is to enable the staff to keep themselves up to date in their professional duties and so assist them to fit themselves for promotion when the time comes. Failure in a Refresher course does not result in forfeiture of appointment, unless the removal of an individual whose duties are connected with the safety of the travelling public is considered necessary because he is likely to endanger the lives and safety of those travelling and cannot be found alternative suitable employment.

(b) and (c). Staff of the following classes of the Commercial Branch are required to attend Refresher courses at intervals of 5 years, irrespective of whether they have previously failed or not, up to the age of 45 :

Goods clerks.

Booking clerks.

Parcel clerks.

Ticket Collector, Grade I.

The result of each course has no immediate effect on commercial staff, but as promotion to higher posts is by selection, failure reduces an individual's chances of securing a recommendation of fitness for promotion to a higher post.

CREATION OF A POST OF SUPERINTENDENT FOR CO-ORDINATION OF PERSONNEL BRANCHES ON VARIOUS DIVISIONS OF THE NORTH WESTERN RAILWAY.

272. The Agent, North Western Railway, reports as under : (a) to (d). The reply is in the affirmative.

(e) Steps already taken to ensure co-ordination of personnel work in the various offices on the Railway as alluded to in parts (c) and (d) of the question, were found to be insufficient, and it was therefore considered necessary to augment this, by placing an individual with experience in establishment matters on special duty to visit and inspect the various offices and assist them with advice in the proper organisation of the work of the personnel branch on a uniform basis. This step towards co-ordination has been taken with the object of securing uniformity, increasing efficiency, reducing correspondence and last, but not least, securing economy.

(f) A special standard report form has been designed outlining in detail the principal points to which special attention is to be directed by the Superintendent when visiting an office, and has been applied, so far, to three divisions, and copies of his report furnished to the divisions for the use of the Divisional Superintendent, his Divisional Personnel Officer and the office, to enable them to effect an improvement in methods and to secure a uniform procedure in all offices.

(g) The necessity has not arisen.

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The special standard report form provides for observation during the inspections whether the business of all branches of a Divisional office is being conducted properly and in accordance with the orders of the Headquarters office.

PAY OF THE ASSISTANT CONTROLLERS ON THE NORTH WESTERN RAILWAY.

*648. The Agent, North Western Railway, reports : (a) The Assistant Controllers re-confirmed with effect from 1st January, 1931, retained the same scale in grade Rs. 500—10—350 previously held by them.

(b) No.

(c) Their re-confirmation was ordered after a detailed and careful examination of the whole question.

(d) and (e). Do not arise.

SUB-LETTING OF VENDORS' CONTRACTS ON THE EAST INDIAN RAILWAY.

*761. (a) No.

(b) There are six such cases on record since 1927.

ANNOUNCEMENT RE INFORMATION PROMISED BY GOVERNMENT IN REPLY TO QUESTIONS.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has to make an announcement regarding the practice which the House now follows in placing on the table information promised by Government in reply to questions. The present practice of reading out a list of such statements involves an unnecessary waste of the time of the House, and, in addition, involves some delay in actually placing such statements on the table. To avoid these two inconveniences, the Chair has directed that in future this list will not be read out to the House, but a circular will be sent to Honourable Members containing a list of such statements placed on the table as soon as possible after the statements are received in the Assembly Department. The statements will, as usual, be printed as part of the proceedings of the House.

THE FACTORIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Factories Bill.

The question is :

"That clause 5 stand part of the Bill."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

"That clause 5 of the Bill be deleted."

Before I advance my arguments, I should like to mention a great piece of humour which I read in the newspaper today. The Associated Press reported that I suggested and pressed that this Factories Bill should be applied to the Navy. I thought it was a great humour. I suggested that certain provisions ought to be applied to the railway

workshops, but railway workshops are quite different from the navy, which the Associated Press reported as having been said by me. I was told by my Honourable friend, Sir Frank Noyce, the other day that I did not read so carefully all the papers supplied to me as I used to do when I was younger and a student in Cambridge. But unfortunately he does not take into consideration the fact that the papers which are supplied to his Secretary are not supplied to me by my Secretary, I mean the actual Acts, the amendment of which we are going to discuss, are certainly in the hands of the Honourable Member, but unfortunately they are not in the hands of Members of the Opposition.....

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I am always very happy to supply the Honourable Member with any copy of any Act that he desires. I take it that this Act and all the other Acts are in the Library of the House to which he has ready access.

Dr. Ziauddin Ahmad : I was just coming to it. Sir, in the Library there are a limited number of copies, and there is always a race between Members as to who would take them first, and, I daresay, sometimes I win the race, but not always. If a few more copies are placed at the disposal of the Secretary of the Assembly Department for the use of those Members who would like to consult these Acts, it will be very convenient. We are handicapped by not having a copy of the original Act when we discuss its amendment. Very often we find that the Act is not available, because it has been taken away from the Library by a Member who is more enthusiastic than the one who goes to the Library a little later. Therefore, Sir, I would take this opportunity to request you to have several copies of the original Act placed at the disposal of the Legislative Assembly Department whenever we discuss its amendment, so that those Honourable Members who are interested in reading the original Act can have easy access to it.

Now, Sir, coming to the clause itself, I was told that this clause existed in the old Act, and this particular clause was copied from one of the old Acts. I should like to know whether this particular clause has ever been applied by any of the Local Governments. If it has never been applied, if it has remained a dead letter, then I think it is high time, when we are trying to consolidate the whole position, that this obsolete clause is deleted altogether. Sir, I have certain apprehensions that if this clause is applied by the Local Governments, some of them, who are more energetic, might very much misuse it. For example, there is nothing in the provisions of this Act debarring any Local Government from applying this clause 5 to any places where wheat is taken out from husks. Now, the definition of "manufacturing process" is given in clause 2 (g), and it says :

"Manufacturing process means any process for making, altering, repairing, ornamenting, or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal."

Sir, husk is an article which is being transformed into wheat. Therefore, according to the definition given under 2 (g), all places where wheat is taken out of husk can be included in the category of factories. There are places where more than ten persons are employed on a particular day, and if these places are declared as factories, then it will mean

[Dr. Ziauddin Ahmad.]

a great hardship to the poor people and agriculturists. It is a good thing that the Local Governments have not so far applied this Act to such places, but if they do apply it to such places, there is considerable room for misusing this particular clause. Therefore, I say that if it is not to be applied, then there is no use of retaining it; if it is to be misused, then it will be mischievous. Therefore, in either case, it will be undesirable to retain it. The fact that this particular clause was in the original Act is no reason that we should incorporate it in the present Bill.

Then, Sir, the second apprehension which I have, if we retain this particular clause, is that *khandsaris*, which do not use power and which employ ten persons only, are now exempt from the excise duty, and I am afraid that if these *khandsaris* are declared as factories, then the excise duty may be imposed on them. Of course, great injustice has been done by us to the *khandsari* system on account of the propaganda of the sugar manufacturers, and, I am afraid that by this Bill further harm will be done to this cottage industry. If this clause is misused or misapplied by the Local Governments, then they will kill a large number of cottage industries. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That clause 5 of the Bill be deleted."

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I would like to point out a difficulty which I experienced in this matter some time ago, while I was the Chairman of a Municipality, in the administration of this particular clause. There is the Water Works Department in which we employ only a few people, but there are a few other people who are employed as mechanics, labourers, and so on, and all people included in it were found that they had just one more number than the required number, and we were forced to.....

The Honourable Sir Frank Noyce : May I ask the Honourable Member what the required number was? I presume it was 20?

Mr. Muhammad Yamin Khan : Yes, it was 20, but this particular clause seeks to reduce that number to ten. I think, Sir, it will be a great hardship, because places which are not really intended to be included within the purview of this Act will *ipso facto* be brought under it. These people will have to apply for a licence and they will come under the Factories Act, which will mean great trouble and hardship. I think the arguments advanced by my friend, Dr. Ziauddin Ahmad, are sound to a certain extent in that we had experienced a difficulty in the past, but I feel that this amendment has some force behind it. So I support it.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Sir, I also support this amendment, and I would support it by the argument which my Honourable friend, the Law Member, used yesterday with regard to a similar amendment which was moved. In the definition of a factory, it was proposed yesterday to bring down the number of working people from 20 to ten, but the Honourable the Law Member in his admirable speech, to which we all

listened with interest, opposed that amendment. The very same argument applies *mutatis mutandis* to the present case. This particular clause seeks to empower the Local Government to declare any premises, in which a manufacturing process is carried on, whether with or without the aid of power, and in which there are ten or more persons employed, a factory.

The Honourable Sir Frank Noyce : It is "may", and not "should".

Mr. Gaya Prasad Singh : Yes, it is stated there "may be declared a factory" by the Local Government. This will work a great hardship in regard to some of the small cottage industries which are carried on by members of the same family with the aid of a few more persons, an example of which was given by my Honourable friend, the Law Member, yesterday. Therefore, I say this clause is objectionable, and, without taking any more time of the House, I would request the Honourable Member in charge of the Bill to accede to the request made by us on this side of the House and agree to the deletion of clause 5. With these few words, I support this amendment.

Mr. Bhuput Singh (Bihar and Orissa : Landholders) : Sir, I also rise to support this amendment. Besides the point mentioned by my friend, Mr. Gaya Prasad Singh, the definition says that the factories which are run without the aid of power will be included in the purview of the Act if the Local Government so desires. Therefore, it will be better to delete the whole amendment, so that it may not be abused by the Local Governments, because small factories and cottage industries are likely to feel a great hardship.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Ordinarily I will not oppose any measure that comes from our very able friend, Dr. Ziauddin Ahmad, but I feel compelled to oppose this amendment. It was only yesterday, when my amendment was before the House, that it was objected to—that the meaning of the word factory should be restricted to only 20 persons and more. If that amendment had been agreed to, I would have been in accord with this amendment that has been proposed by Dr. Ziauddin. Yesterday it was not done so. Now, here, they find a difficulty. The difficulty is, even those factories which are worked with hand are going to be also in the hands of the Local Government. I wanted to cover that defect yesterday, but it was not agreed to. Therefore, I am sorry to say that it would mean that if I now accept this amendment, a factory, in which ten or more men work, can never come under the Factories Act, and that will be a great disadvantage. Yesterday, when the Law Member for the first time spoke and spoke very ably, he gave us a distinction between factories where ten men will work with power and that factory which is smaller and has the same dangers and same risks will come under clause 5, and the Local Government will allow only such factories. He gave an example, but I think it is an extreme case. I have no such fear. Now that a factory means, according to our central legislation here, a factory which has 20 men and over, if I agree to this amendment, it would mean absolutely putting a bar on any factory, having only ten or more workers, being regulated and given the benefit and the privileges of a factory if this clause were deleted. On these grounds, I would even request my Honourable friend to withdraw this amendment.

Mr. A. Hoon (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I am sorry I have got to oppose this amendment as proposed by Dr. Ziauddin Ahmad, because I feel that clause 5 of the Bill is a very salutary one by itself. Yesterday we had a discussion on the floor of this House as to whether the number of workmen should be limited to ten in respect of what the Act calls a factory, and the Honourable the Law Member explained that it would entail an amount of hardship on those people who do their work on a small scale. That idea I had in my mind when the clause was gone through in the Select Committee, and if I remember well, I think I put forward the point of view that workmen, when they are only ten, should not ordinarily be considered to form a factory, because, in a business like a laundry, or a soda water factory, or a sugar making mill on a small scale, or a flour mill, what we call *Ata chakki*,—it is possible that members of the same family may all combine and work, and, when members of a family are working together under the head of the family, it could ordinarily be assumed that they would not be allowed to overwork.

Clause 5 leaves a discretion with the Local Government to declare a certain group of men working under certain circumstances a factory, and I think that the discretion would be exercised only when the Government come to know that it is not a combination of the members of the same family, but it is an employer employing ten men at a time. If an employer is employing ten men at a time and if he is doing things there in order to get more profit which the ordinary principles, on which the Factories Act is based, do not permit, I think it will be perfectly right that the Local Government should step in to declare that that combination of men should be called a factory.

The Honourable Sir Frank Noyce : Sir, I might have taken exception to the amendment put forward by my Honourable friend, Dr. Ziauddin Ahmad, on the ground that it was placed in my hands after I came into this House yesterday morning, and two clear days' notice of it had not been given, in spite of the fact that my Honourable friend has had at least six months in which to study the report of the Select Committee on this Bill. But I am quite prepared to deal with the amendment on its merits. It represents one extreme point of view, as does the subsequent amendment which my Honourable friend, the Deputy President, is moving to this clause the other, and I fear I shall have to oppose both of them. I cannot believe that this House would agree to what can only be described as a retrograde step. As my Honourable friend, Dr. Ziauddin Ahmad, pointed out, this clause repeats the provision which is to be found in the existing Act. Our Bill is intended to mark an advance in the direction of regulation of factory labour and the omission of a clause dealing with small factories would, I consider, be a blot on the whole Bill. The Royal Commission on Labour wanted to go considerably further than we have been able to do. They wanted to extend the Act in a far greater measure to factories which do not at present come within its scope. We have not been able to accept that point of view at present, though we hope later on that it may be possible to deal further with some of the unregulated factories. But for the time being we have had to confine the scope of our Bill to such factories as already come within the scope of the existing Act. The reason is, as I explained yesterday, mainly the financial one as the

Provinces, in their present financial condition, are not in a position to engage the staff that would be necessary if any further large number of factories were to be placed under the operation of the Act. That, Sir, is the position, and it is for that reason that I regret I must oppose my Honourable friend's amendment. He wished to know how far the present section is being used. I am afraid I cannot give him any information on that subject as I do not know whether it is a dead letter or not. I hope it is not, but what I can assure him is that we do not intend that it should be a dead letter in the future. We hope that Local Governments will use all the powers which are conferred on them by this clause, and we have no doubt that they will use them with discretion and not to the harassment of the small industries. It seems to me quite obvious that it is the small factories which are in the greatest need of regulation. It is in such factories obviously that machinery is most likely to be carelessly looked after, or is most likely to be insecurely fenced, and that conditions of work of children are most likely to be of an unsatisfactory character. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 5 of the Bill be deleted.”

The motion was negatived.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I beg to move :

“ That in sub-clause (1) of clause 5 of the Bill, for the word ‘ ten ’ the word ‘ five ’ be substituted.”

This clause, as will be evident from the further discussion which has taken place just now, gives power to the Local Government to declare any premises as a factory which employ ten or more persons. My amendment is to reduce that number to five. Sir, these powers that are being given to the Local Government are purely discretionary. A Local Government is not compelled to declare any factory that employs five persons as a factory ; but if they find that the circumstances are such, that the conditions are so revolting that they must interfere, then I submit they must have the power to deal with such factories. In the speech which I made, when the Bill was referred to Select Committee, I referred particularly to the case, of *biri* factories in Madras and bangle factories at Firozabad, and I pointed out what the conditions were in those factories. What we want is that if a Local Government find that they must interfere, so as to improve the conditions in those factories, they must have the power to deal with them. This only gives them power to deal with such situations, and it will act somewhat like a check on the small factories having unsatisfactory conditions in those factories, and it will operate as an incentive to them to improve their working. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in sub-clause (1) of clause 5 of the Bill, for the word ‘ ten ’ the word ‘ five ’ be substituted.”

The Honourable Sir Frank Noyce : Sir, I have very little, if anything, to add to what I have already said in regard to this amendment. I have already pointed out the great difficulty that Local Governments would have in dealing with factories employing from ten to nineteen people. It is obvious that that difficulty would be very greatly enhanced if the number were reduced to five, and I would very much deprecate placing a provision on the Statute-book which would certainly be a dead letter for many years to come. Sir, I regret I am unable to accept the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in sub-clause (1) of clause 5 of the Bill, for the word ‘ ten ’ the word ‘ five ’ be substituted.”

The motion was negatived.

Clause 5 was added to the Bill.

Clauses 6 to 10 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 11 stand part of the Bill.”

Mr. G. Morgan (Bengal : European) : Sir, I move :

“ That in clause 11 of the Bill, for sub-clauses (b) and (c) the following be substituted :

- ‘ (b) make such examination of the premises and plant and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ;
- (c) make, during working hours, such examination of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and
- (d) exercise such other powers as may be necessary for carrying out the purposes of this Act ’.”

The reason for this amendment, Sir, is that although in the first instance we thought of moving an amendment for “ a reasonable time ”, we came to the conclusion that that is a very difficult thing to define. We do feel, however, that in connection with the examination of registers and documents, which, I take it, are generally kept in the office part of a factory, it would be better if the words “ during office hours ” were inserted for the examination of any prescribed registers and documents. It is quite possible that Government may not view this in the same light as we do, but we feel that there might be a certain amount of trouble and harassment if people were coming at odd hours when offices were closed to examine documents and registers. Sir, I move.

The Honourable Sir Frank Noyce : Sir, I regret I am unable to accept this amendment. I will give the House an instance of how it might work in practice. Suppose the Factory Inspector believes that a ten-hour day was not being adhered to. He endeavours to make a “ raid ” on the factory, but he finds on arrival that work has just stopped. Is he to be precluded from comparing the work registers there and then with the facts as known to him ? If so, the register will probably be faked by the following day. That is the reason why I am unable to accept this amendment. The Inspector turns up at the factory out of working hours ; the factory authorities who have or may have been guilty of an infringement of the Act are not called upon to produce their registers ; by the time those registers are available for the Inspector’s examination, it is perfectly possible that the entries in the register may have been altered. I think the House will agree that that is a very good reason for not accepting this amendment. The Local Governments have ample opportunities for taking disciplinary action in any case in which it is called for, in which this power of inspection is abused. All powers of inspection are, of course, open to abuse, and that is a risk which we have to face. We have to trust Local Governments and the Factory Inspectors to do their best to avoid unnecessary harassment. I may note in passing that in any case it would have been impossible to accept the amendment in the form in which it has been tabled, as Mr. Morgan does not seem to have been able to decide whether the taking of evidence should also be limited to working hours or not. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 11 of the Bill, for sub-clauses (b) and (c) the following be substituted :

- ‘ (b) make such examination of the premises and plant and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ;
- (c) make, during working hours, such examination of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and
- (d) exercise such other powers as may be necessary for carrying out the purposes of this Act ’.”

The motion was negatived.

Clause 11 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 12 stand part of the Bill.”

Mr. Lalchand Navalrai : Sir, the amendment which stands in my name runs as follows :

“ That after sub-clause (1) of clause 12 of the Bill, the following new sub-clause be inserted and the existing sub-clause (2) be re-numbered as sub-clause (3) :

- ‘ (2) No person shall be appointed to be a certifying surgeon under subsection (1), or, having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith ’.”

Clause 12, Sir, allows certain medical practitioners to be appointed to perform the functions which are required by this Bill, and those func-

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things. One is the protection and the welfare of children and the second is the protection to the employers also as well as to the workers. Now, these two things are very important—one, this business of holding that a certain person, a child, who is of twelve years of age or any adolescent, who is fifteen years of age, is fit for such work, has to be decided by a certificate given by a medical officer; and also as regards the fitness of a person who can be allowed to go to a factory, that also has to be decided upon mostly upon the certificate that that surgeon gives. Now, the point is this. My amendment says that that person, who should be a medical officer, should be a disinterested person, should be an impartial person, should be a person who has no interest of his own to manipulate his certificate. In other words, I only want purity, honesty and impartiality of service. Sir, I do not think we can find anywhere else that a person can be the judge in any function in which he himself is interested. Take the Criminal Procedure Code which governs the whole of India. Under that Code, the Judges are appointed and if they are interested in any matter that comes before them, the law decides that the case will be transferred from their Courts. I cannot understand why in this Bill an unlawful procedure, an extraordinary procedure and a most objectionable procedure should be adopted. I really wonder how it came to be that this provision was deleted by the Select Committee at all. With due deference to the Select Committee, I must say that I do not understand what must be the motive behind their decision. I must, however, give the House the real facts before I go into the reasons given by the Select Committee. Referring to the old Factories Act, which is now going to be amended, I find that sections 6 to 8 refer to this very subject and under the old Act a surgeon had to be appointed by Government. It is mentioned in section 6 which I will read to the House. It runs thus :

“The Local Government may appoint any qualified medical practitioner, as it thinks fit, to be a certifying surgeon for the purpose of this Act within such local limits as it may assign to him respectively.”

Then there is another section which says :

“The certifying surgeon can delegate his powers to another registered medical practitioner.”

Now, Sir, these sections do not say that the certifying surgeon will be a disinterested person, but, ordinarily, when a man is taken into the service of a business like this, he must be disinterested in order to be impartial. The presumption is, according to the old Act, that if a person was interested, he should not be appointed. Now, what has happened is this. The changes were made in the present Bill by the framer of the original Bill before it went to the Select Committee. Instead of appointing a surgeon in the first instance and then asking him to delegate his powers to the medical practitioners, they simplified the matter. They found that at present any number of registered medical practitioners can be had who are fit enough. So, the framer of the Bill decided to put in only registered medical practitioners. Later on, it appeared to him to make it more clear by saying that the certified medical practitioner should be a person who should be disinterested. Therefore, they put in actually a clause, which is clause 2 in the original Bill, exactly in the same words as is my amendment. Then, when the matter went to the Select Committee, they, for ought I know, decided to delete clause 2. In other words, they say that they would be satisfied with any doctor. Let him

be a dishonest man, let him be concerned directly or indirectly with the factory, let him be even the manager of the factory itself. They do not mind all that. Sir, I cannot understand the reason of this deletion. Sir, I can only say that the Honourable Member in charge of the Bill is putting in a thing which has never happened in any law. I do not think the Honourable the Law Member will get up and speak on this motion and say that we want such persons who may be interested directly or indirectly with the factory. I, therefore, submit that if my amendment is accepted, it will make the law remain as it is and will make the Bill absolutely pure from this defect. In other words, if this Honourable House is to be a party to a measure like this, it must see that it is an impartial measure. Therefore, looking at it from that general point of view, I think it will be but right to revert back to the position in which we were when the Bill was framed by the Honourable Member himself. If the Select Committee has made this change, then we can reject it. After all, their decision is not the Gospel truth and the old clause can be put in. Sir, I do not wish to give any lengthy reasons, because the point is so clear. Therefore, I submit that my amendment should be accepted by this House.

Now, I wish to say one word more with regard to the reasons that the Select Committee have given and then I have done. I already referred to them yesterday at the consideration stage of the Bill, but for the benefit of those who were not in the House yesterday, I will just refer to them again. We find that in their report on clause 12 the Committee says :

“This clause combines the provisions contained in clauses 13 and 14 of the Bill as introduced. We have modified them to provide that only registered medical practitioners may be appointed as certifying surgeons. Sub-clause (2) of clause 13 has been omitted.”

This sub-clause (2) referred to the surgeon being a disinterested person. They are going to omit this sub-clause and the reason that they have given for doing so is this :

“On the ground that it might give rise to practical difficulties and might unduly limit the field of choice.”

I fail to understand, Sir, what difficulty can there be in finding out a suitable man from amongst hundreds of medical practitioners that we find in India ?

Mr. E. Studd (Bengal : European) : There will be the greatest difficulties.

Mr. Lalchand Navalrai : I am surprised to hear that statement from a Member who hails from Calcutta where we can find so many surgeons and so many medical practitioners, and yet the Honourable Member says that there will be difficulties. What is the difficulty, may I ask ? I pause for a reply. (No reply.) Sir, I do not find any difficulty.

The Honourable Sir Frank Noyce : I cannot allow that statement to pass unchallenged. I shall, in due course, explain what the difficulties are.

Mr. Lalchand Navalrai : I hope you will consider the purity point of view also. I cannot understand how there can be any difficulty. Even supposing there is some difficulty in considering the question of finding out suitable certifying surgeons, you have to place the difficulties, if any, on the one side of the scale, and on the other you have to put impartiality

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and see whether it will be right to appoint such surgeons. I, therefore, submit that even though there may be some difficulty which, I think, may only be fanciful or fantastic, yet these difficulties should not deter us from giving due consideration to the question of purity and impartiality of service. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That after sub-clause (1) of clause 12 of the Bill, the following new sub-clause be inserted and the existing sub-clause (2) be re-numbered as sub-clause (3):

(2) No person shall be appointed to be a certifying surgeon under sub-section (1), or, having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith."

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): Sir, I have listened very carefully to the able arguments adduced by my Honourable friend, Mr. Navalrai, but they have not convinced me in any way to change my views which I, as a Member of the Select Committee, have expressed in the note which I have appended. The position is this. The medical officer to be appointed must be a registered one. We all know what that means. My Honourable friend does not know and I gather from his speech that he is apparently ignorant of the condition of mufassil villages, even of his own Province, not to say of Bengal or other Provinces of India. In the mufassil towns, you will scarcely find a doctor who is a registered one.

Mr. Lalchand Navalrai: Question. There are several.

Mr. S. C. Sen: Because my Honourable friend has no knowledge of Bengal, he cannot speak of that Province. I should also say he has no knowledge even of his own Province.

Mr. Lalchand Navalrai: I have of my own Province fully.

Mr. S. C. Sen: I can say without fear of challenge that mufassil towns and villages in Bengal, most of them, do not possess a single registered medical practitioner. There may be unqualified medical practitioners, such as *kavirajes* and *hakims*, but there are very few registered medical practitioners. Supposing there is one in a particular village, and supposing there is a factory open in that village, and supposing it is mainly controlled by people in whom the medical practitioner is interested, then, according to my Honourable friend, the onus is on the factory to get a medical practitioner who is not interested in the factory to function. My Honourable friend waxed eloquent on purity, etc. Now, Sir, what are the duties of this medical practitioner? He shall have to certify whether a particular boy is below the age of 12 or he is an adolescent capable of working in a factory. Supposing he certifies a man who is unworthy to be certified, then whom does he favour? Is he favouring the boy or is he favouring the factory? The factory will lose by employing such a boy. Therefore, his being interested in the factory helps whom? The factory loses by getting a man who is unfit. Therefore, this question of purity is all a moonshine. This question of purity haunts the minds of people who have no knowledge of the conditions in mufassil towns. Sir, I oppose the amendment.

Mr. E. Studd: Sir, I had not intended to speak on this amendment, but as my Honourable friend, Mr. Navalrai, has challenged me on the question of difficulty, as a plain straightforward businessman, I can tell him the difficulty as I see it. I will not deal at any length with his contention that, because a doctor happens to have some interest, he could not be trusted to give a perfectly fair and impartial opinion. I entirely disagree with that point of view. The point I want to lay stress upon is the practical difficulty. I, Sir, am not a legal expert, but reading his amendment in which he says "no person shall be appointed to be a certifying surgeon if he becomes directly or indirectly interested in a factory" which I interpret to mean "any" factory, the result would surely be that those who happen to hold shares in a tea company or a jute company could not be appointed to be a certifying surgeon even for a cotton mill.

Mr. Lalchand Navalrai: That is not my interpretation.

Mr. E. Studd: I have already said that I do not claim legal knowledge, but that seems to be the interpretation, to the ordinary plain man in the street, of the amendment as it is worded. But even if that is not so, how is it possible, practically to know whether a doctor has any interest in a factory or not. Is it feasible to examine all his interests and all his investments and see whether amongst them there is anything which has either direct or indirect interest in any factory? I submit that even if that was feasible, if you found a doctor who was dishonest and who particularly wanted to get an appointment of this sort, it would be perfectly easy to cover up his interest by transferring his shares into the name of somebody else. I think, Sir, from the point of view of the plain man in the street, there are very grave practical difficulties in the way of this amendment, and, I, therefore, oppose it.

Mr. Gaya Prasad Singh: I quite realise the difficulty which has been pointed out by my Honourable friend, Mr. Sen, and my Honourable friend, Mr. Studd. I should like to ask one question as to how the amendment of which notice has been given by my Honourable friend, Mr. Lalchand Navalrai, found a place in the original Bill when it was introduced for the first time last year. In the original Bill, when it was introduced, it was clause 13, sub-clause (2) of which reads as follows:

"No person shall be appointed to be a certifying surgeon under sub-section (1), or, having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith."

This is exactly the amendment which has just been moved by my Honourable friend. I should like to know from the members of the Select Committee or from the Honourable Member in charge of this Bill as to why this particular clause which found a place in the original Bill has been deleted. I would certainly assume that, before the Bill was originally introduced, all the difficulties, which have been pointed out by my Honourable friends, who have just preceded me, must have been present before their minds. I cannot really believe that they drew up the original Bill in a hurry without looking at all into the relevant circumstances, but, even as it was, I find that this clause found a place in the original Bill and the onus lies on the Government and on the members of the Select Committee to explain what considerations weighed with them in deleting that clause in the Select Committee.

The Honourable Sir Frank Noyce: Sir, my Honourable friend, Mr. Navalrai, has advanced a curious theory of the position of the Member in charge of a Bill when it comes before a Select Committee and that theory appears to have found a certain measure of support from my Honourable friend, Mr. Gaya Prasad Singh.

Mr. Gaya Prasad Singh: I am not supporting Mr. Lalchand Navalrai.

The Honourable Sir Frank Noyce: I am told by my Honourable friend, Mr. Navalrai, that I ought to have stood on my rights, that I ought to have insisted that this clause should remain in the Bill when it was under discussion in the Select Committee. Well, Sir, I have served on some Select Committees with my Honourable friend, and I have not noticed that he then held that the Member in charge of the Bill should stand strictly on the letter of the Bill, that he should accept no change at all in the course of the discussions in the Select Committee and that he should be entirely impervious to any arguments advanced in support of change. My Honourable friend would be the first to contest that view if it were brought forward in support of any other amendment than his own. It is obvious that the passage of legislation through Select Committees and through this House would hardly be facilitated if Government were to take that attitude. Mr. Gaya Prasad Singh is perfectly entitled to ask why we dropped this clause which Mr. Lalchand Navalrai now seeks to restore. The reason is that it was not a well considered clause. We do endeavour to take all relevant considerations into account when we are drafting Bills, but it is bound to be the case that sometimes they escape our notice and this was frankly a case of that character. It was only in Select Committee that the difficulty of working the clause was fully revealed.

Mr. Lalchand Navalrai: May I know if there is any such clause deleted in any other Act?

The Honourable Sir Frank Noyce: I have not the slightest doubt that many clauses in Government Bills are deleted in the course of their passage through Select Committee. I am quite certain that every Member who has served on any Select Committee could bring forward instances of that kind.

Mr. Lalchand Navalrai: I did not mean that. What I asked was whether there is any other instance where a clause like this has been deleted that no man should be appointed in any capacity if he has got an interest in that business either directly or indirectly.

The Honourable Sir Frank Noyce: I do not know whether any such clause has ever appeared in any Act, but, if the Honourable Member will allow me to continue, I will point out the difficulties in working this sub-clause. It runs:

"No person shall be appointed to be a certifying surgeon under sub-section (1), or, having been so appointed, shall continue to hold the office of certifying surgeon who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith."

The interpretation put on the sub-clause by Mr. Studd was perfectly correct and was upheld by our legal advisers. We found on further examination that the possession of a share in a company owning a factory anywhere in India would be a disqualification for appointment as a certifying

surgeon. I admit that we ought to have foreseen that, and it is a matter for regret that we did not. That is the position. My Honourable friend, Mr. Lalchand Navalrai, is at a disadvantage in that he does not know exactly what happened in the Select Committee. We did discuss in the Select Committee at very great length whether we could not get round this in some way or other and whether we could not insert a provision that a certifying surgeon should be disqualified from acting in respect of any particular factory in which he was directly or indirectly interested. But we found there were difficulties in regard to that. It is very difficult to define "direct" and still more difficult to define "indirect" interest. Take the case of a man who is appointed certifying surgeon for a factory, many of the superior officers of which are his patients. Would you say that he was directly interested or indirectly interested in that factory? He is obviously interested, but it is very difficult to say whether his interest is direct or indirect.

And then there is the case which has been brought forward from Assam, the difficulty of finding certifying surgeons for factories on tea estates in remote parts of Assam, or indeed in other parts of India. It is obvious that where a tea estate in such parts has its own doctor, it may be very difficult to find any other doctor near at hand to act as a certifying surgeon.

These are the reasons why we deleted this clause and they seem to me to be convincing ones. I trust that they will prove equally convincing to the House.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That after sub-clause (1) of clause 12 of the Bill, the following new sub-clause be inserted and the existing sub-clause (2) be re-numbered as sub-clause (3):

"(2) No person shall be appointed to be a certifying surgeon under sub-section (1), or, having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith."

The motion was negatived.

Clause 12 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 13 stand part of the Bill."

Mr. Lalchand Navalrai: Sir, I beg to move:

"That in clause 13 of the Bill, before the words 'Every factory' the following be inserted:

"Every factory shall be provided with drains for dirty, bad smelling and sullage water with suitable escapes outside the premises without causing any nuisance inside or outside, and."

I need not say many words on this amendment, though I feel that it is a very important one which should also appeal to the Member in charge. Yesterday I gave examples of certain factories which are worked with

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power which have no drains at all, and I gave my personal experience of several such factories where they throw the drain water into the premises itself, and the Inspectors who are in charge are unable to help them. If they throw the water outside, the municipalities come and prosecute them. If they throw water inside, there is a nuisance and the Inspectors say that there is no such rule that there ought to be a drain. There was in the former Bill also a similar provision about cleansing of drains, and it may be interpreted to mean that, where it is provided that the drain should be cleansed, it presupposes that there is a drain. But that is not the view that is being taken in practice. Therefore, I have put in this amendment to make it quite clear that when there is sullage water or some other dirty water which has got to be removed, there ought to be drains and also escapes outside which should be done by the factory owners. I, therefore, do not think this amendment should be opposed.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 13 of the Bill, before the words 'Every factory' the following be inserted :

"Every factory shall be provided with drains for dirty, bad smelling and sullage water with suitable escapes outside the premises without causing any nuisance inside or outside, and."

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I should like to point out to the House that this amendment is wholly unnecessary. If the House will turn to the language, which has been used in the draft clause 13, it will be found that :

"Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed, etc."

So it is clear that all that is wanted in the amendment is covered by the provision about drains being cleansed at such times and by such methods as may be prescribed. I think, therefore, that the amendment is unnecessary. Moreover, the amendment, as it is drafted, is rather inappropriate. It says, "Every factory shall be provided with drains, etc". There is no reason why every factory should be provided with drains for dirty water. It is quite conceivable that there are factories where there is no accumulation of dirty water. I ask the House to consider whether it is necessary at all to put in this amendment and I submit that it is not.

Mr. Lalchand Navalrai : Sir, in view of the interpretation which the Honourable the Law Member puts upon it, and which, I say, is also an interpretation which is susceptible of being put, I would ask the House to give me leave to withdraw this amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. G. Morgan : Sir, I beg to move :

"That in sub-clause (3) of clause 15 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

This and my subsequent amendments are in identical terms and are moved for the same reason ; therefore, what I shall say on this amendment applies to them all. What we feel is that the powers given to the Inspectors are too varied and extensive. Under this clause and the following clauses, he has to specify the measures which should be carried out. There might arise the question, if we say merely "effective measures", as to what "effective" means : I quite grant that, and I do not see any way out of that. Under clause 31(3), an appeal can be lodged within 30 days. Now, suppose the Inspector specifies measures which have to be carried out and gives a short date for those measures to be carried out, what is to happen when an appeal has been lodged and the appellate Court has not got time to take up the case and come to an early decision on that matter ? The Inspector has already specified the measures and he has specified the date and an appeal has been lodged ; the appellate Court cannot sit at once ; and although the decision may be in favour of the owner of the factory, he may have already been compelled under the clause to carry out the measures specified by the Inspector. That, to my mind, is one of the difficulties of this definite wording of specified measures. What I say on this amendment applies to all my subsequent amendments—they are exactly on the same basis. The difficulty seems to be about the appeal in clause 31 (3). Section 16 is all right. But the appellate Court may not be able to come to a decision before the date expires, and meantime the specified measures have to be carried out. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved.

"That in sub-clause (3) of clause 15 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The Honourable Sir Frank Noyce : Sir, I must confess that I was under the impression that my Honourable friend, Mr. Morgan, represented the employers' interests in this House. The amendment which he has just moved throws very considerable doubt on that point in my mind, for I trust that I shall be able to convince the House that this amendment is in the interests, neither of the employers, nor of administration. My Honourable friend, Mr. Morgan, is evidently of opinion that the employers should have an opportunity to decide what steps should be taken to remedy defects and that so long as effective steps are taken, that is all that should be required. But, as a matter of fact the effect of his amendment is to introduce fresh causes of dispute and to confuse the procedure at every possible stage. I will endeavour to show how that comes about. The position at present is that the employer has to be given full particulars of the measures he is expected to take and that he can appeal against the order on such grounds as that the conditions in his factory are satisfactory, that the measures are impracticable of execution, that they are not likely to be effective, and that there is a better way of achieving the end in view. Mr. Morgan proposes, in the first place, to remove the safeguard that the employer has to be given full particulars of the measures he is expected to take. I would remind the

[Sir Frank Noyce.]

House that, in the course of the discussion yesterday, great stress was laid on the necessity that, in administering this Act, we should be as definite as possible. If Mr. Morgan's amendment were adopted, the Inspector need not and should not specify the measures which the factory owner is called upon to take. I submit to the House that even a well qualified manager of a big factory would be greatly assisted in framing his appeal and in deciding whether to appeal or not, if he knew what the Inspector thought sufficient. The manager of a small factory may be in very considerable perplexity as to the measures he should take. A further result of Mr. Morgan's amendment would be that all the grounds of appeal would be cut out except the first, that conditions in the factory were satisfactory. Having given its finding on that point, whether conditions in the factory are satisfactory or not, the tribunal has no further authority, and all the other matters must be left for the decision of the less pleasant and much less well-qualified criminal Court before whom the manager may be dragged for failure to carry out ideas of which he is ignorant. In short, the manager has complete protection against unwise orders in the appellate provisions of the Bill, but Mr. Morgan reduces the appellate authority to one which can in most cases pronounce on the Inspector's initial finding of fact. From the point of view of the Inspector, the position would be equally unsatisfactory. If he and the manager fail to agree regarding the necessary measures, he can only get what he regards as necessary by prosecuting; then complicated technical issues may come before the Courts which are ill-equipped to examine them. I trust that the House will be convinced that it would be unwise to accept Mr. Morgan's amendment. The only reason he has put forward seems to be that he is in some doubt about the question of appeal. If that is the case, I should have thought that he would have moved an amendment to the clause relating to appeals which he has not done. I do not think there is really any very great danger of an Inspector being unreasonable. If his requirements are extensive, he must obviously give sufficient time in which to enable them to be carried out; and during that time, the appellant will be able to go to the appellate authority and get the order suspended. There is no real danger, I think, that the Inspector will direct that an order involving a factory owner in any considerable expenditure must be carried out within a period so short that he will not be able to go to the appellate Court and get the order suspended. Here, again, I think, we have to trust our Inspectors to see that orders are reasonable and leave the Local Government to see that the Inspectors carry out their duties in the proper spirit. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (3) of clause 15 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 15 was added to the Bill.

The Assembly then adjourned for Lunch till Thirty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does Mr. Morgan wish to move his other amendments?

Mr. G. Morgan : Yes, Sir, I should like to move them.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 16 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

"That in clause 16 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

I have nothing to add to what I have already said on clause 15. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 16 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 16 was added to the Bill.

Clause 17 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : Where is clause 18 in the Bill?

The Honourable Sir Frank Noyce : Sir, there appears to be a misprint in the Bill. 18 should appear before (1) where it is stated that a factory shall be sufficiently lighted during all working hours. The number "18" is unfortunately missing.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member mean that the paragraph referring to lighting should be 18?

The Honourable Sir Frank Noyce : Yes.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 18 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

"That in sub-clause (2) of clause 18 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (2) of clause 18 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 18 was added to the Bill.

Clauses 19 to 22 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 23 stand part of the Bill.”

Mr. G. Morgan : Sir, I beg to move :

“ That in sub-clause (2) of clause 23 of the Bill, for the words ‘ specifying the measures which, in his opinion, should be adopted ’ the words ‘ that effective measures shall be taken ’ be substituted.”

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in sub-clause (2) of clause 23 of the Bill, for the words ‘ specifying the measures which, in his opinion, should be adopted ’ the words ‘ that effective measures shall be taken ’ be substituted.”

The motion was negatived.

Clause 23 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 24 stand part of the Bill.”

Mr. G. Morgan : Sir, I move :

“ That in sub-clause (2) of clause 24 of the Bill, for the words ‘ specifying the measures which, in his opinion, should be adopted ’ the words ‘ that effective measures shall be taken ’ be substituted.”

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in sub-clause (2) of clause 24 of the Bill, for the words ‘ specifying the measures which, in his opinion, should be adopted ’ the words ‘ that effective measures shall be taken ’ be substituted.”

The motion was negatived.

Clause 24 was added to the Bill.

Clause 25 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 26 stand part of the Bill.”

Mr. G. Morgan : Sir, I move :

“ That in sub-clause (1) of clause 26 of the Bill, for the words ‘ specifying the measures which, in his opinion, should be adopted ’ the words ‘ that effective measures shall be taken ’ be substituted.”

Sir, I move :

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in sub-clause (1) of clause 26 of the Bill, for the words ‘ specifying the measures which, in his opinion, should be adopted ’ the words ‘ that effective measures shall be taken ’ be substituted.”

The motion was negatived.

Clause 26 was added to the Bill.

Clauses 27 to 31 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 32 stand part of the Bill.”

Mr. Abdul Matin Chaudhury : Sir, I move :

“ That in clause 32 (c) of the Bill, the words ‘ other than Railways subject to the Indian Railways Act, 1890 ’ be omitted.”

This section gives power to the Local Government to provide against dangers arising from the use of mechanical transport in factories, “ other than Railways subject to the Indian Railways Act ”. If the use of mechanical transport involves a danger, they must be guarded against, and we do not understand why the Indian Railways should be excluded from the category of mechanical transport from the use of which dangers may arise.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 32 (c) of the Bill, the words ‘ other than Railways subject to the Indian Railways Act, 1890 ’ be omitted.”

Dr. Ziauddin Ahmad : Sir, I understand, during the course of the general discussion, that the provisions of this Bill would also apply to railway workshops, and I do not see why in this particular clause the railway workshops are explicitly excluded. In fact, if there is any need for protection anywhere, it is in the railway workshops, because they are not regularly inspected by non-railway men, and it is, therefore, very desirable that the safety of the men employed in railway workshops should be properly looked into by the executive and judicial officers in the same manner as they would do in regard to men working in any other factory. Therefore, I support this motion.

The Honourable Sir Frank Noyce : Sir, In the first place, I should like to point out to the House that there is no special exemption for railway workshops in this provision. The provision is against the danger arising from the use of mechanical transport in factories other than railways subject to the Indian Railways Act of 1890, and the position is that all railways within the precincts of factories, whether they are railway factories or not, are subject to the Indian Railways Act of 1890. There is no discrimination here in favour of railway factories. They are exactly in the same position as other factories, and other factories are exactly in the same position as railway factories. In the minute of dissent, Mr. Joshi, Mr. Thampan and Mr. Abdul Matin Chaudhury said that they were not sure whether there was adequate provision to guard against dangers arising from the use of mechanical transport in those factories within the precincts of which there are railways subject to the Indian Railways Act, 1890. I can assure the House that there is adequate provision, and I will explain to the House exactly what that provision is. As I said at the outset, all railways within the precincts of a factory are subject to the Railways Act. Under section 47 (i) of the Railways Act. General rules must be made for regulating the

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mode in which and the speed at which rolling stock used on the railway is to be moved or propelled. General Rules 147 to 155 made under section 47 (i) of the Act refer particularly to shunting and securing of vehicles in station yards and sidings, while certain others of the General Rules, e.g., those relating to signals, points and speed, are also applicable to the movement of vehicles on railways in factories. Each railway administration has issued subsidiary rules to those General Rules, giving more detailed instructions to meet local conditions. Every accident such as is described in section 83 of the Indian Railways Act, which includes any accident attended with, or of a description usually attended with loss of human life or with grievous hurt, has to be reported to the Inspector appointed under section 4 of the Act. The duties of these Inspectors in connection with enquiries into and reports on such accidents are detailed in rules 7 to 12 of the rules issued under the Railway Department Notification No. 1926-T, dated the 19th March, 1930. Furthermore, these Inspectors have power to inspect any railway or rolling stock used thereon, under section 5 of the Act. Our position in this matter is that the Railway Administrations and the Railway Board know much more about the railway working than the Factory Inspectors, and, if there is any question of choice between rules under the Railways Act and rules under this Act, we prefer rules under the Railways Act. It is not advisable that there should be any conflict in this matter between rules issued by the Local Government and rules issued under the Railways Act. I think I have said sufficient to show that adequate provision to guard against dangers arising in the use of mechanical transport in factories within the precincts of which there are railways subject to the Indian Railways Act does exist and that there is every justification for excluding such railways from the operation of the Factories Act. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That in clause 32 (c) of the Bill, the words ‘other than Railways subject to the Indian Railways Act, 1890’ be omitted.”

The motion was negatived.

Clause 32 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That clause 33 stand part of the Bill.”

Mr. Abdul Matin Chaudhury : Sir, I move :

“That in sub-clause (1) of clause 33 of the Bill, after the word ‘factory’ the words ‘or a class of factories’ be inserted.”

This clause provides that, when in any specified factory 150 persons or more are employed, the Local Government may make rules providing adequate shelter for the use of workers during periods of rest. Our suggestion is this. If the Local Government is empowered to make rules with regard to any specified factory, it should also be empowered to make rules in regard to a ‘class of factories’, because what may be considered necessary for a specified factory may be equally applicable to the case of a class of factories of that kind. That is why I move this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“That in sub-clause (1) of clause 33 of the Bill, after the word ‘factory’ the words ‘or a class of factories’ be inserted.”

The Honourable Sir Frank Noyce : I regret that I am unable to accept this amendment. The matter was very fully discussed in the Select Committee which came to the conclusion that it was desirable that the Local Government should have the circumstances of each individual factory before them when deciding whether a room should be reserved for the use of children under the age of six years. Conditions in different localities, and, indeed, in the same locality, may vary considerably, and the Select Committee wanted the Local Government to give attention to each individual case before making a rule. That, I think, is the simple explanation of the change made in the Select Committee. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That in sub-clause (1) of clause 33 of the Bill, after the word ‘factory’ the words ‘or a class of factories’ be inserted.”

The motion was negatived.

Mr. Abdul Matin Chaudhury : Sir, I formally move the next amendment :

“That in sub-clause (2) (a) of clause 33 of the Bill, after the word ‘factory’ the words ‘or a class of factories’ be inserted.”

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“That in sub-clause (2) (a) of clause 33 of the Bill, after the word ‘factory’ the words ‘or a class of factories’ be inserted.”

The motion was negatived.

Mr. Abdul Matin Chaudhury : Sir, I move :

“That after sub-clause (4) of clause 33 of the Bill, the following new sub-clause be inserted :

“(5) The Local Government may also make rules, requiring that in any factory or class of factories, where the conditions and circumstances of employment of the nature of the processes carried on are such, as to require special provisions to be made at the factory for securing the welfare of the workers or any class of workers employed therein, in relation to matters regarding the supply of protective clothing, ambulance and first-aid arrangements, arrangements for preparing or heating and taking meals, the supply and use of seats, accommodation for clothing, facilities for washing, supply of drinking water, arrangements for supervision of workers and the provision for rest rooms :

Provided the rules made under this sub-section are placed on the table of the Legislative Council of the Province concerned and provided further that the Council does not pass a resolution within forty days after the rules were placed on the table, disapproving of those rules.”

By the insertion of this sub-clause, we want to insert matters with regard to welfare orders. The Labour Commission very specifically recommended that the Local Government should be given power to issue welfare orders, and these welfare orders relate to matters like protective clothing, ambulance and first-aid arrangements, facilities for washing and matters of that kind. In England, the Ministry of Health has got power

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to issue such welfare orders, and the Labour Commission was convinced that these welfare orders have contributed materially to the wellbeing of the workers. I have not been able to understand why the Government of India chose to reject this recommendation of the Labour Commission, particularly when the Governments of Bombay and Madras supported the recommendation of the Royal Commission and when they also said that there was no danger of this power being abused by the Local Governments. We have also laid down a provision that the views may be placed before the Local Council, and, if they are not approved by the Council, they may be rejected.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That after sub-clause (4) of clause 33 of the Bill, the following new sub-clause be inserted :

"(5) The Local Government may also make rules, requiring that in any factory or class of factories, where the conditions and circumstances of employment of the nature of the processes carried on are such, as to require special provisions to be made at the factory for securing the welfare of the workers or any class of workers employed therein, in relation to matters regarding the supply of protective clothing, ambulance and first-aid arrangements, arrangements for preparing or heating and taking meals, the supply and use of seats, accommodation for clothing, facilities for washing, supply of drinking water, arrangements for supervision of workers and the provision for rest rooms :

Provided the rules made under this sub-section are placed on the table of the Legislative Council of the Province concerned and provided further that the Council does not pass a resolution within forty days after the rules were placed on the table, disapproving of those rules."

The Honourable Sir Frank Noyce : Sir, I should like to point out, in the first instance, that much of the contents of this motion are already covered by the existing provisions in the Act. As far as I have been able to discover, the explanation for the form which this amendment has taken is to be found in section 7 of the British Police, Factories, etc., (Miscellaneous Provisions) Act, 1916, the provisions of which have been copied without any regard to the extent to which they are already covered by the other provisions of our Bill. It is very dangerous to copy legislation in other countries without rather more detailed examination than I venture to think has been given in this instance. Now, Sir, I would invite the attention of the House to the extent to which we have dealt with the matters mentioned in this amendment in the provisions of our Bill. Take the supply of protective clothing. It is possible to make rules under clause 33 (4) (d) which will enable the imposition of a liability on the management to supply protective clothing to workers employed in hazardous operations. Ambulance arrangements are more a business of a hospital than of the factory management. First-aid arrangements are covered by clause 32 (b) which makes a provision for the maintenance of first-aid appliances. Facilities for washing can be secured for workers employed on dirty processes under sub-clause (3) of clause 19, and sub-clauses (1) and (2) of the same clause provide for the supply of drinking water. Rest rooms can be secured for workers under sub-clause (1) of the clause to which the amendment is tabled. As regards accommodation for clothing, I do not think that the Indian labourer has much clothes for which he requires accommodation when he is at work. I do not quite know what is

meant by the supply and use of seats. If by that phrase the use of seats in rest rooms is meant, I do not think the Indian labourer requires much in that direction. He usually prefers to lie on the ground than to sit on a seat. There are only three items in this amendment which are really not covered by our Bill in some way or the other. These are firstly arrangements for cooking and eating meals. I cannot say how far they would be a success in any place in India that I know of. Cloak rooms, I have already mentioned. What is meant by arrangements for the supervision of workers, I am not certain.

Now, Sir, I come to the reasons which led the Government to take a view in this matter which differs from that of the Royal Commission on Labour. They were very fully explained in our letter on the subject to Local Governments which I will read to the House :

"In one important respect the recommendations of the Commission have been varied in the Bill. On page 64 of their Report, the Commission suggest that, following the principle embodied in British Legislation, Local Governments should be empowered in general terms to pass orders applicable to particular classes or groups of factories relating to welfare. 'Welfare' is a wide term and the Commission have given some indication of the variety of subjects which can be included under this head. The Government of India are provisionally opposed to such wide extension of the rule-making power as this recommendation would involve. They consider it preferable and more in consonance with the principles underlying the Act, that fresh requirements of the kind regarded by the Commission as desirable should have the approval of the Legislature and should not be imposed on factory-owners by the Executive Government. While, therefore, they have embodied in the draft Bill amendments designed to carry out the specific recommendations of the Commission in respect of welfare, (that is a point on which I would lay special emphasis) they have not made provision for any such general order-making power as the Commission contemplated."

It seems to me that whatever we do on this side of the House in this matter of rules, we certainly cannot please all the sections of the House on the opposite Benches. When we take power to make rules, the criticism is brought forward that we are placing too much power in the hands of the Executive. When we say that we do not wish to take power to make rules and that we would prefer to bring concrete measures before this House or that concrete measures should be brought before the Provincial Councils for their approval, we are also subjected to criticism. My own view naturally is that which has been accepted by the majority of Local Governments and also by the majority of the Select Committee, namely, that it is desirable that these welfare orders should be embodied in definite and concrete amendments to the factory legislation which should receive the sanction either of the Central Legislature or of Provincial Legislatures. It is for that reason that I am compelled to oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That after sub-clause (4) of clause 33 of the Bill, the following new sub-clause be inserted :

"(5) The Local Government may also make rules, requiring that in any factory or class of factories, where the conditions and circumstances of employment of the nature of the processes carried on are such, as to require special provisions to be made at the factory for securing the welfare of the workers or any class of workers employed therein, in relation to matters regarding the supply of protective clothing,

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ambulance and first-aid arrangements, arrangements for preparing or heating and taking meals, the supply and use of seats, accommodation for clothing, facilities for washing, supply of drinking water, arrangements for supervision of workers and the provision for rest rooms :

Provided the rules made under this sub-section are placed on the table of the Legislative Council of the Province concerned and provided further that the Council does not pass a resolution within forty days after the rules were placed on the table, disapproving of those rules."

The motion was negatived.

Clause 33 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 34 stand part of the Bill."

Mr. Abdul Matin Chaudhury : Sir, I move :

"That in clause 34 of the Bill, for the word 'fifty-four' the word 'forty-eight' and for the word 'sixty' the word 'fifty-four' be substituted."

The purpose of this amendment is to reduce the working hours in perennial factories from 54 to 48 and in seasonal factories from 60 to 54. This provision in the Bill is based on the recommendation of the Royal Commission on Labour. I would like to point out that that recommendation was not unanimous. Three of the Members of the Commission, Mr. Cliff, Mr. Joshi and Diwan Chaman Lall, have advocated 48 hours a week for the Indian factories and they based their arguments mostly on the climatic and physical grounds. I regret very much that my friend, Mr. Mody, is not here, because he is one of the vigorous opponents of this 48-hour week. Yesterday, while giving his reasons for opposing the 48-hour week, he said that the conditions in India and in Western countries are not similar. We quite agree with him that the conditions are dissimilar. For example, as my friend, Mr. Jadhav, yesterday very lucidly explained, if you cannot expect a worker in the cold climate of England to give his best if he is required to work for more than eight hours a day, how can you expect efficient work from the Indian workers in this tropical heat of India if they are required to work for ten hours a day. This very dissimilarity of climatic conditions makes it all the more necessary that Indian workers should have lesser hours of working than even what prevails in England. Then Mr. Mody said that the Indian workers were inefficient. Sir, if you want efficiency, you must give them lesser working hours, because you cannot expect your Indian worker, working under Indian conditions, to keep up sustained effort for ten hours a day. Efficiency depends upon other factors also. It depends upon the standard of life of the worker, and that again depends upon his wages. If Mr. Mody is not prepared to give American wages to the Indian workers, then he cannot expect American efficiency from them. Mr. Mody said that he would be agreeable to accept 48 hours if simultaneously with the reduction in working hours, we reduced the wages also and if we gave him protection without grumbling. Sir, we gave him protection all right, though we grumbled to a certain extent, and as regards reducing the wages simultaneously with the reduction of working hours, well, if Mr. Mody were here, I would have reminded him of what is happening in America. There, Sir, in the textile industry, under the new law, the working hours have been reduced by 25 per cent., and, at the same time,

the wages have been increased by 30 per cent. That only shows a reduction of working hours and an increase in wages are not incompatible. Then, again, Mr. Mody took great credit for having induced the Employers' Federation in India to agree to fifty-four hours a week. Well, that is no advance from the present position. If you take the case of the jute industry—I think my friend, Mr. Morgan, will correct me if I am wrong—workers in the jute mills which work single shifts do not work more than 54 hours, and, with double shifts, more than 44 hours a week; and, in the case of the engineering trade, they do not work for more than fifty hours a week, and, in the metallurgical works at the Tata Iron and Steel Workshops at Jamshedpur, the workers do not work for more than 50 to 54 hours a week, and, in some cases, not more than 48 hours a week. So, it is no credit for Mr. Mody to say that he induced the Employers' Federation to grant this so-called concession, because that means no advance at all on the present position. Actually, many workers are working a less number of hours; and if you want to make an advance in the direction of reducing the hours of work, it should be in the direction of reducing them to 48 hours. Sir, I have reminded the House on many previous occasions of what is being done in other countries, particularly in Geneva, about working hours. Only last year a Conference at Geneva adopted a Resolution supporting 40 hours a week for the workers. We are satisfied with forty-eight. Though it is too much to expect Government to accept our suggestion, still we contend that our claim is a modest one. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 34 of the Bill, for the word 'fifty-four' the word 'forty-eight' and for the word 'sixty' the word 'fifty-four' be substituted."

Dr. Ziauddin Ahmad : Sir, the discussion on this particular amendment very much depends upon the subsequent clause which is to follow, but at any rate I take it for granted that the clause will continue to exist. Now, in this case, I should have thought that it would always be correct if we fixed the wages of labour for each hour. Taking the average wage of a worker to be fifteen rupees a month, I think it will work out to about one anna per hour. If we fix up wages at that rate, then we will find that the labourers will always be willing to work as long as they possibly can in order to get more wages, and I think if we fix the wages in proportion to the amount of work done, then we will find that the labourers will always be clamouring for more work, because each hour will bring more money to them and you will find that the pull will be from the opposite direction. Labour would always try to work more and draw more wages, and employers will try to give them less work in order to employ a larger number of men in the hope of getting more efficient work. Now, if we fix the whole thing not in the manner of the time spent actually on work and fix it at one anna per hour, that will come to Rs. 15 a month and that will be a good method of adjustment and then the tug-of-war as to whether the working hours should be 54 or 50 or 48 will come to an end, and then there will be no definite test by means of which you can decide this particular question. That, to my mind, is the simplest way of doing it, and the Local Governments should, for each district, fix up the minimum wage on which a person can comfortably live under conditions in which labour usually lives in that particular locality, and then they should

[Dr. Ziauddin Ahmad.]

fix the wage for each hour and leave it to the employers and the workmen to decide as to what should be the amount of work, but it is not fair for us to lay down that a man should not work for more hours. By working for more hours he will earn more and we should not prevent him from doing so. Therefore, I believe we ought to change our formula altogether, and, instead of fixing the number of hours for each week, we should always regulate the value of each hour in a particular locality dependent upon the nature of the work and also upon the nature of the workmen and then leave it to the employers and the workmen, and, as long as there is room for work, the workman should get as much as possible and as much as he likes and then this struggle between capital and labour will practically disappear.

There is one more point which I have been thinking about. Since there was a joke about it in the morning, I have been thinking about one other thing. I was wondering whether a book is an article or not. I think everybody will say that a book is an article. Then, I thought it over in my mind as to whether a Bill is an article. A Bill is an article. Then, naturally, under the definition in clause 2 (j), the Legislative Assembly can be declared under clause 5 to be a factory by the Chief Commissioner of Delhi. Well, we are otherwise treating an article here and this can be declared to be a factory. Then in that case I think all these things will apply to us. I think the Associated Press ought to have used the words "Legislative Assembly" to which this Factories Bill will apply instead of Navy. Sir, I should like to emphasize that, in this matter of fixing the hours, we ought not to discuss what is the minimum number of hours a worker should work, because many workers can work for ten or twelve hours a day, provided they are paid for it. The objectionable thing is that you ask them to work, but do not pay them for it. Sir, the value of each hour ought to be fixed by the local conditions and once these have been fixed by the Local Government, then the whole question about hours of work will automatically be settled. Under normal conditions, eight hours a day I consider to be a good amount of work which a person may be expected to do. I think this is really fixed practically everywhere, and, really speaking, in factories, which work continuously for 24 hours, they usually have three shifts, each shift consisting of eight hours. It is automatically settled that every workman will have to work for eight hours if you agree to the following amendment which I am going to move to delete, but if you do not agree to delete, then six days will become the week and six times eight will become 48. Either you have eight hours a day and keep the following condition, or, otherwise, the Government have no alternative but to accept the amendment moved by my Honourable friend, Mr. Abdul Matin Chaudhury, that is, 48 hours, though I myself would prefer that there should be no maximum or minimum and the wages should be settled according to the amount of work done by each worker.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment. The fifty-four hour week has been put in the Bill, and, taking into consideration the present work that is exacted from the labourers in factories, it is a great advance in favour of the labourers. But it must be pointed out that the hours of

labour in Western countries are still further reduced and for very good reasons, because it has been found that a man cannot work efficiently for longer hours, and, therefore, he must get sufficient rest. In England, the hours of work are 44 or 48, and, as was pointed out yesterday, the Indian conditions require that the hours of work here should be even less ; because, in the enervating climate of India a man cannot put much energy for longer hours.

I was really interested in the mathematical problem placed before the House by our Professor of Mathematics, Dr. Ziauddin Ahmad. In the Arithmetic classes, I have worked examples in which it was said that if a work could be done by ten men working four hours a day, how many men will be required to do the same work if the hours of work are raised to six. Of course, according to mathematical calculation, the number of men will be found to be about two-thirds. But there one great assumption is made that a man works uniformly the same quantity of work every hour that he is working. But it is not found to be actually the case. Early in the morning, when a man is fresh and has taken his breakfast, he could put in more work than when he is exhausted or when he is hungry. In the same way, if, as the Doctor says, the wages should be fixed on the number of hours put in, he assumes that the work done for every hour, whether it is ten or nine or eight, will be the same, and, therefore, it will be to the advantage of the employer and also of the employee. But actually it is not so. The employer himself has come to realise that it is more to his advantage to have fewer hours than to have longer hours.

Dr. Ziauddin Ahmad : On a point of personal explanation. I said if we accept the formula, the position would be reversed, that is, the capitalist employers would demand less hours and the labourers would demand longer hours, just the opposite of what we are doing now.

Mr. B. V. Jadhav : I do not think I need enter into this discussion further, because the absurdity of the Doctor's proposition is self-evident. In the printing presses, whenever there is pressure of work, the owners ask the compositors to put in longer hours of work, and they do get more wages certainly. But the compositors, who have already worked for eight or nine hours, find it very tiresome to work any further and they usually grumble. So the point which the Doctor wants to make that the labourer will be very willing to work longer hours is not borne out by experience even if he is to get more wages. I need not take any further time of the House. I do feel, Sir, that the Government are not in a mood to accept this amendment at present, and I would, therefore, request them to make a note of it and to bring in an amending Bill at the earliest opportunity reducing the working hours to forty-eight.

The Honourable Sir Frank Noyce : Sir, this provision is undoubtedly the most controversial one in the Bill, but it has already been so thoroughly discussed in the general discussion that there is very little that I can add to the arguments which have been already adduced. I would, however, remind the House of what the Royal Commission said on this subject, and add that our position on these Benches is exactly that of the Leader of the Opposition. He expressed the view yesterday, with which I entirely agree, that we should not be justified in going any further than is recommended by the Royal Commission which explored

[Sir Frank Noyce.]

the subject most thoroughly and whose ability and capacity to come to a decision on the subject cannot be questioned. As I said, I should like to remind the House, as probably Members have not looked up the report of the Royal Commission for sometime past, of the reasons why the Commission was unable to accept anything below 54 hours. They point out :

"The introduction of the lower limit would involve a change of hours in the great majority of the perennial factories and it would mean a very heavy reduction in the factories now working 60 hours. Many operatives would have to face large reductions in their earnings and, while we do not doubt that part of this loss would be made good before long, we are not convinced that the operatives as a whole are in a position to regain their old standard in any reasonably short period. From the point of view of industry, the employer is entitled to claim that, until the worker is ready to approximate more nearly to western standards of discipline, it is unreasonable to attempt an eight hour day, and even an eight and half hour day would involve an amount of dislocation that would be serious. It may be possible in the future, when efficiency has risen further, to go lower than 54 hours. But efficiency is not likely to be raised so surely by a sweeping reduction as by a smaller one, and there will be nothing to prevent a further reduction if the results of the smaller change which we advocate indicate that this is desirable. Finally, we believe that the 48 hours limit which some of our colleagues advocate could only be operative at present if great latitude was given in the matter of exemptions. In our view, the worker will be better protected by a limit which can only be relaxed in exceptional circumstances than by one to which many exceptions have to be attached."

That, Sir, was the view held by seven of the eleven members of the Royal Commission, the dissentients being Mr. Cliff, Mr. Joshi and Diwan Chaman Lall, who wanted a 48-hour week and Sir Victor Sassoon who, at that time, was not prepared to go below sixty. The point which I wish to emphasise is that this Bill is only an instalment of progress. It is undoubtedly the biggest instalment which has been made since the Factories Act was passed, but it is only an instalment.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I hope the next instalment will be long in coming.

The Honourable Sir Frank Noyce : I am afraid I cannot altogether subscribe to my Honourable friend, Mr. Mody's view. There are many directions in which I should like to see more rapid advance made than he may wish. But my point is that, as I have said, the Bill is an instalment. Let us try the effect of the 54-hour week before we move in the direction of anything shorter. I do not think, Sir, that there is any further argument that I can adduce in opposition to my Honourable friend, the Deputy President's amendment. The matter was, as the House knows, discussed in the Select Committee, and, as in the case of the Royal Commission, there was a minority view. Government stand by their original proposal, and I have to oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 35 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That clause 35 of the Bill be omitted."

Clause 35 runs thus :

"No adult worker shall be allowed to work in a factory on a Sunday....."

and then certain provisos follow. Sir, if it is intended to give some relief to the workers, I do not see why Sunday or any other day should be specially selected. As far as the Muslim workers are concerned, they would prefer to have a half-holiday on Fridays and in the whole month of *Ramzan*, and a few other holidays, such as the two *Id* days, so that the total may come up to 52 days, instead of giving them 52 holidays on the 52 Sundays of the year. Similarly, the Hindu workers would, I am sure, prefer a week's holiday during the *Dusserah*, four days during *Holi*, two days on the occasion of the *Diwali* and other holidays on religious festivals, and it should be arranged in a manner so that the total may come to 52 days in a year which would be equivalent to the 52 Sundays. So, instead of giving them 52 holidays on the 52 Sundays, it would be better appreciated if you give them holidays on religious festivals. And, I am sure that the holidays given on the occasion of festivals will be employed usefully and in social and religious work which will be appreciated by the family and the society, and these holidays will not be misused. As regards the holidays on Sundays, of course leaving out the morning hours when some workmen may go to church, if you take the opinion of the wives of the workmen in the west, probably they would in large majority be against giving them a holiday, because they employ their time in a manner which their wives seriously object to. So, if they are given holidays on days when they have no work and nothing to do in the way of recreation, I am afraid their time will be spent in a manner which, not only their wives would object to, but possibly the police may also object to, and this is a thing which may possibly develop. So it is really not a good thing to keep these workmen free without any work. Although I appreciate the idea of giving them some kind of relaxation, I do not like that they should be given relaxation in the manner provided in this clause, so that they may spend the time in the manner I have just described, which would be objectionable to two categories. So it would be much better if this relaxation were given on the occasion of religious festivals which certainly the workers would appreciate, society would appreciate, and the capitalists and employers of labour who follow some religion or other would not seriously object to. Therefore, I do not see any reason why this particular clause should be there.

The other objection which I have is that if they regularly take off one day in a week, then the amount of work per day will work up to about nine hours, and I think nine hours is not really a suitable limit for each day's work. Eight hours in a day has always been considered to be a good limit. There is an old slogan which I think still holds good, that a day is divided into 24 parts and one-third is reserved for sleep, one-third for recreation including time spent on meals, and one-third for work.

[Dr. Ziauddin Ahmad.]

I think that is a good slogan and we ought to follow that. But if we accept this particular clause, this slogan will be violated, because he will have to work for 54 hours in six days, that is, about nine hours a day, which is really not very desirable. Therefore, I would very much like that this clause should be removed altogether and that some new clause may be added according to which holidays may be given on the days on which there are religious festivals and not on days when these workmen have nothing to do and might possibly utilise these holidays in a manner which may not be considered to be desirable by one class or the other whom I have mentioned.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“That clause 35 of the Bill be omitted.”

The Honourable Sir Frank Noyce : Sir, I have seldom listened to more confused thinking aloud than has been given us in my Honourable friend's speech. His amendment is that clause 35 of the Bill should be omitted ; in other words, that all the workers in this country shall be deprived of their weekly holiday. I do not think that an amendment of that character is likely to commend itself to this House, if for no other reason,—and there are many and very important reasons,—than that we are bound by international obligations to the weekly holiday. We have ratified the Weekly Rest-Day Convention for Industrial Undertakings. My Honourable friend suggests that something should be substituted for the weekly holiday. There is no amendment to that effect before the House. He has not thought out the effect of his proposal and put it in a concrete form and we have to take this amendment at its face value and realise that, if we accept it, there will no longer be any weekly holiday. My Honourable friend, Dr. Ziauddin, suggests that Muhammadan employees should have their weekly holidays on Fridays and that Hindu employees should have their holidays on other days. He sees no reason why Sunday should be a general holiday. There is no reason why Sunday should be a general holiday, and, in point of fact, Sunday is not a general holiday ; there is nothing whatever to prevent employers of labour, under this provision, fixing any day of the week they like for the weekly holiday, any day that suits them or their employees. The reason why Sunday is mentioned here is that, it is the first day of the week and is, therefore, a convenient starting point ; but the weekly holiday can be arranged according to the circumstances of each factory. I trust that I have said sufficient to convince the House that there is really less to be said in favour of this amendment than of almost any other amendment that has so far been brought forward, and I trust the House will reject it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That clause 43 stand part of the Bill.”

Mr. G. Morgan : Sir, I beg to move :

“That in sub-clause (2) (b) of clause 43 of the Bill, after the figures ‘34’ the figures ‘35’ be inserted.”

This is an amendment to claim exemption under clause 35 for workers on preparatory or supplementary work. Preparatory and supplementary work is generally done before the factory is started or after the factory has closed ; and generally work in connection with transmission of power and water supply which may have to be done probably on every day of the week. We think, therefore, that the exemption from clause 35 also should be included amongst the exemptions which have been given in this clause. There are generally long intervals of rest between the periods during which they are employed and they may be required to work on a Sunday for a few hours. We think, therefore, that it should be within the power of a Local Government to grant exemption from clause 35 for preparatory and complementary work. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“That in sub-clause (2) (b) of clause 43 of the Bill, after the figures ‘34’ the figures ‘35’ be inserted.”

The Honourable Sir Frank Noyce : Sir, I oppose the amendment. I trust that the House will by this time have discovered that I am opposing amendments equally whether they are put forward on behalf of labour or from representatives of capital. I oppose this amendment on general grounds. We are allowing exemptions from the weekly holiday of workers engaged on urgent repairs, the production of articles of prime necessity, seasonal or irregular processes and engine room work. The point is that in all these cases there is a common factor, which is, that, for widely varying reasons, continuity of work is essential. This factor is not necessarily present in the categories with which this amendment and the following amendment that Mr. Morgan has put forward deal. For the sake of convenience and, with your permission, Sir, I am dealing with the two amendments together. In many cases intermittent workers might come under the exemptions allowed for urgent repairs. I cannot see any reason why workers engaged on preparatory or intermittent work should not as a rule get their weekly holiday ; where there is exceptional press of work, clause 44 (2) would apply. Workers, who are engaged in complementary or preparatory work, have, I think, if anything, an even stronger claim to a weekly holiday than other workers as their hours on week days are normally longer. The same argument also applies to persons whose work is intermittent except in continuous process factories ; and, if they work in such factories, exemption from the weekly holiday can be granted under clause 43 (2) (d). For this reason, I oppose both this amendment and the following one. I can see no reason why these two classes of workers should be deprived of their weekly holiday.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (2) (b) of clause 43 of the Bill, after the figures '34' the figures '35' be inserted."

The motion was negatived.

Mr. G. Morgan : Sir, I beg to move :

"That in sub-clause (2) (c) of clause 43 of the Bill, after the figures '34' the figures '35' be inserted."

This refers to intermittent workers and the clause explains what "intermittent" means. I think I am correct in saying that under the present Bill, section 30, exemption can be granted from the provisions of clause 22 of that Act,—and I do not see why any exception should be made in the Bill before the House ; though the Honourable Member has already replied, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (2) (c) of clause 43 of the Bill, after the figures '34' the figures '35' be inserted."

The motion was negatived.

Clause 43 was added to the Bill.

Clauses 44—48 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 49 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

"That for clause 49 of the Bill, the following be substituted :

"49. The Local Government may, subject to the previous sanction of the Governor General in Council, make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts save with the permission of the Local Government and subject to such conditions as it may impose either generally in such rules or in the case of any particular factory. Such shifts, if permitted, shall be so arranged that not more than one relay of workers is engaged in work of the same kind at the same time."

This, I may say, at the outset, is an amendment put forward by special constituents whom I represent here. The Bill is of general application, and, therefore, there is no other way by which they could put forward their views. Sir, with your permission, and, in order to save a long description of the reasons for this amendment, I will read out the views expressed by the Jute Mills Association desiring me to put forward this amendment. They say :

"The Association finds it difficult to see how the position of the Factory Inspection Department will be greatly improved so far as the checking of registers and working hours is concerned so long as 'end-on' shifts are allowed. For unless machinery is stopped between shifts and the mill cleared, it will always be possible for a worker employed in the first shift to continue at work throughout the whole or part of the succeeding shift. 'End-on' shifts are of course necessary in certain industries where the process is continuous, but in the jute mill industry they are not, and if the control aimed at is to be effective, separate legislation in respect of jute mills is essential, and that is impossible under the present Act."

Sir, the interests represented by this Association put forward this view ; they think it would strengthen the hands of the Local Government in preventing any abuse of the "end-on" shift system if this clause were amended as proposed by me. Sir, I have nothing to add to the views I have expressed, and I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That for clause 49 of the Bill, the following be substituted :

"49. The Local Government may, subject to the previous sanction of the Governor General in Council, make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts save with the permission of the Local Government and subject to such conditions as it may impose either generally in such rules or in the case of any particular factory. Such shifts, if permitted, shall be so arranged that not more than one relay of workers is engaged in work of the same kind at the same time."

The Honourable Sir Frank Noyce : Sir, I oppose this amendment very strongly. It is not designed to control labour in factories, but to control production. The object aimed at in the amendment is, as I have said, to secure control of production, and to bring that about it is proposed to impose a restraint which I can only call absurd on the employment of labour in factories throughout India. We propose to control over-lapping shifts, while Mr. Morgan proposes to control all shifts and to prohibit over-lapping shifts altogether. It is a great pity that my friend, Mr. Mody, is not here. He would have explained that, as a part of the schemes for the rationalisation of the cotton industry in Bombay, it might be desirable to resort to over-lapping shifts which this amendment seeks to prohibit. Mr. Morgan may answer that what is good enough for the cotton industry may not be good enough for the jute industry and that special exemption should be made in favour of the jute industry. We might be prepared to accept that view if we could be convinced that this exemption was in the interests of the factory labour. But it is our considered view that it has nothing whatever to do with labour at all. It is merely designed to reduce over-production, and, for that reason, Sir, I am emphatically opposed to it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That for clause 49 of the Bill, the following be substituted :

"49. The Local Government may, subject to the previous sanction of the Governor General in Council, make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts save with the permission of the Local Government and subject to such conditions as it may impose either generally in such rules or in the case of any particular factory. Such shifts, if permitted, shall be so arranged that not more than one relay of workers is engaged in work of the same kind at the same time."

The motion was negatived.

Clause 49 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 50 stand part of the Bill."

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That for clause 50 of the Bill, the following be substituted :

"It shall be the duty of the Manager to send every child worker, who has not completed the twelfth year, to a recognised school for at least three hours in a week."

but it should be three hours in a day.

In the original clause, it is stated that no child who has not completed his twelfth year shall be allowed to work in any factory. This particular clause is practically taken from other countries where education

[Dr. Ziauddin Ahmad.]

is compulsory. Boys up to the age of 12 in all civilized countries of the world attend schools, but in India we all know that education is not compulsory, and a very small proportion of the children actually attend schools. Besides that, Sir, our country is a very poor country, and very often every member of the family has to work in order to earn a living. We have seen that in country places, men, boys and girls, all work together in the fields to complete their daily work. We also know that at present wages are so meagre that every member of the family has to work to make both ends meet. Very often both father and mother go out for work, and if the child which is, say, between six and 12 is not allowed to work and there is no school which it can attend, what will it do the whole day? The child will really waste the time in a society which is anything but desirable. So when such children are employed, the managers of factories ought to be compelled to send the children to schools for at least three hours every day, so that they may get some education and be able to earn a better living. In the absence of facilities of schools, the boys will practically waste their time in the streets and spend it in a manner, as I said, which is anything but desirable. The original provision in the Bill might be very salutary in countries where every child has to attend a school up to the age of 12, but, in our country, where the Government unfortunately have not provided sufficient educational facilities for want of funds, it is very necessary that boys between the ages of six and 12 should be kept occupied, but they should be sent to school by the managers for at least three hours every day. We should not merely follow the conditions prevailing in the civilized countries in all respects; we should see our own conditions and judiciously apply them to this country. In this particular case, our conditions are different from those obtaining in other civilized countries where they have compulsory education. In those countries, every boy at the age of 12 is at school and he is not found in the streets as we see them here. In this country, the majority of the boys below 12 do not attend schools, but waste their time. Such a state of things is not good for society. Therefore, the managers should be compelled to send the children working in factories to schools for at least three hours a day, so that they may learn something, and they will also get into the habit of doing some work. If you allow a boy up to the age of 12 to do absolutely nothing, then he practically loses the habit of doing work, and, if at the age of 13, he is asked to do some work, he would refuse to do it, because in all the previous 12 years he had never done any serious work. Therefore, I suggest that the situation in India being very peculiar on account of the absence of educational facilities, and on account of the absence of compulsory education, we should not follow blindly the practice of the West. Therefore, we should impose a condition that if these boys are employed in factories, the managers should be compelled to send them to schools for three hours every day. With these words, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That for clause 50 of the Bill, the following be substituted :

"It shall be the duty of the Manager to send every child worker, who has not completed the twelfth year, to a recognised school for at least three hours in a week."

Dr. Ziauddin Ahmad : May I put in an amendment? "Three hours a week" must be changed into "three hours a day".

Mr. President (The Honourable Sir Shanmukham Chetty) : Very well.

Mr. Lalchand Navalrai : I support this amendment. It is very necessary in the interests of giving education, and a provision of this kind must be made. I recommend that the amendment be accepted.

The Honourable Sir Frank Noyce : Sir, according to this amendment it is to be the duty of the manager to send every child worker, who has not completed his twelfth year, to a recognised school for at least three hours a week—that has been altered into three hours a day. The necessity for alteration is, if I may say so, evidence of the haste with which this amendment was formulated, and also of haste in other directions. The amendment refers to child workers who have not completed their 12th year. From the speech of my Honourable friend, I gathered that he thinks that children under 12 work in factories. If he had studied the Bill, he would find that no children under 12 can be employed in a factory.

Dr. Ziauddin Ahmad : Do you mean to say, not in one created under clause 5 of this Bill?

The Honourable Sir Frank Noyce : Clause 5 deals with power to declare premises to be factories. "No child, who has not completed his twelfth year, shall be allowed to work in any factory"—that is the clause he is dealing with.

Dr. Ziauddin Ahmad : I want to delete that and substitute the other.

The Honourable Sir Frank Noyce : That makes it even worse. I did not realise that. I am sorry I misunderstood my Honourable friend. I apologise for doing so. I gather that his proposal is that children under 12 should be allowed to work in a factory. That is his proposal. If this clause is deleted, you can send children of the age of three or four to a factory, as unfortunately they did in England at the time of the Industrial Revolution. If the House accepts that position, well and good, but I know this House better than that. As I have said before, every Member of this House is a member for the protection of children, and I am quite certain that they will not agree. I strongly oppose this amendment, even more strongly than I did when I did not realise its full implications, and I am astonished that it should ever have been put forward.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That for clause 50 of the Bill, the following be substituted :

"It shall be the duty of the Manager to send every child worker, who has not completed the twelfth year, to a recognised school for at least three hours a day."

The motion was negatived.

Clause 50 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 51 stand part of the Bill."

Mr. G. Morgan : Sir, I move :

"That for clause 51 of the Bill, the following be substituted :

'51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(a) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(b) he carries while he is at work a token giving a reference to such certificate."

The clause, as it is in the Bill, only necessitates that while at work in the factory they should carry either the certificate itself or a token giving reference to it. We hold that it will be very much better to prevent children wandering from factory to factory and getting employment elsewhere, if the certificate remains in the custody of the manager of the factory and the child or adolescent carries a token with reference to the same. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That for clause 51 of the Bill, the following be substituted :

'51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(a) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(b) he carries while he is at work a token giving a reference to such certificate."

The Honourable Sir Frank Noyce : My Honourable friend will, I am sure, rejoice to hear that he has at last put forward an amendment which we are able to accept. There is no doubt that children never do carry their certificates of fitness with them when they are at work, and it is, therefore, rather absurd to retain a provision which recognises this alternative. I am, therefore, prepared to accept this and the next amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That for clause 51 of the Bill, the following be substituted :

'51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(a) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(b) he carries while he is at work a token giving a reference to such certificate."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 51, as amended, stand part of the Bill."

The motion was adopted.

Clause 51, as amended, was added to the Bill.

Clause 52 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 53 stand part of the Bill."

Mr. G. Morgan : I move :

"That in sub-clause (1) of clause 53 of the Bill, for the words 'carries either the certificate itself or a token giving reference to it' the words 'carries a token giving reference to the certificate' be substituted."

This is consequential on clause 51, as amended. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (1) of clause 53 of the Bill, for the words 'carries either the certificate itself or a token giving reference to it' the words 'carries a token giving reference to the certificate' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 53, as amended, stand part of the Bill."

The motion was adopted.

Clause 53, as amended, was added to the Bill.

Clauses 54 to 57 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 58 stand part of the Bill."

Mr. G. Morgan : Sir, I move :

"That at the end of clause 58 of the Bill, the words 'such certificate to be granted within a period to be specified in the rules' be added."

The clause, as it stands in the Bill, does not provide for any date by which the certifying surgeon is to grant the certificate, and we feel that it is necessary to have some time limit with regard to the granting of the certificate. Therefore, the period should be specified in the rules within which such certificate should be granted. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That at the end of clause 58 of the Bill, the words 'such certificate to be granted within a period to be specified in the rules' be added."

The Honourable Sir Frank Noyce : I am afraid I cannot accept this amendment. For one thing I think my Honourable friend has omitted to notice that the amendment assumes that a certificate will be granted. That assumption is entirely unfounded. There is no reason why a certificate should be granted in every case, and for that reason alone the amendment is unsuitable. But apart from that, I think the point which he has in mind is sufficiently covered by the rule making power given under clause 59 (c), which provides that the Local Government may make rules regulating the procedure of certifying surgeons under the Chapter. The Local Government could, under that rule, direct that no undue delay shall take place in the medical examination and the grant of a certificate under clause 58. It would be difficult, I think, to prescribe a time limit suitable to all cases, and a general provision of the type that my Honourable friend is

[Sir Frank Noyce.]

asking for does not seem either necessary or desirable. For these reasons I regret that I am unable to accept his amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That at the end of clause 58 of the Bill, the words 'such certificate to be granted within a period to be specified in the rules' be added."

The motion was negatived.

Clause 58 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 59 stand part of the Bill."

Mr. G. Morgan: Sir, after what the Honourable Member has said in regard to clause 58, I do not think it is necessary for me to move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 59 stand part of the Bill."

The motion was adopted.

Clause 59 was added to the Bill.

Dr. Ziauddin Ahmad: Sir, I beg to move.

"That after clause 59 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly:

'60. The medical fee for obtaining certificate shall be paid by the manager.'"

Sir, this thing is not quite clear from the Bill as to who will pay the medical fee—whether it will be free or some fees will have to be paid; and I am afraid if such fees have to be paid by the labourers, then most of them will go without medical certificates and will not get employment. Sir, a good many of these labourers, when they come, are just on the point of starvation and do not have even a pice with them to pay for a fee for the medical officer. So, unless some provision is made for inspection being either free or at the expense of the Government or of the manager, most of these people will never get employment; and, instead of securing employment for those who are unemployed and who are really destitute, you will really be giving employment to people who are sufficiently rich to pay medical fees. I would request my Honourable friend, the Member in charge, to consider this point. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That after clause 59 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly:

'60. The medical fee for obtaining certificate shall be paid by the manager.'"

The Honourable Sir Frank Noyce: Sir, I think I can re-assure my friend on the subject-matter of this amendment. As far as we know, no medical fees are charged for this inspection at all. We have looked up the rules of three Provinces, Bombay, Bengal and the Central Provinces, and find that no fee is ordinarily levied for the medical examination of workers in general. I imagine the position is the same elsewhere, and, therefore, it does not seem necessary to include any explicit provision on the subject. For that reason, I oppose the amendment.

Dr. Ziauddin Ahmad: This point is not specifically mentioned in this Bill, but we are expecting that it will be regulated by the rules of the Local Government?

The Honourable Sir Frank Noyce: All the rules we have been able to trace show that no medical fees are charged.

Mr. Gaya Prasad Singh: In none of the Provinces?

The Honourable Sir Frank Noyce: I imagine the position is much the same elsewhere as it is in Bombay, Bengal and the Central Provinces. I have no reason to believe that medical fees are charged, though I cannot speak definitely except for these three Provinces.

Mr. F. W. Hockenhull (Assam: European): No medical fees are charged for this purpose in Assam.

The Honourable Sir Frank Noyce: I am obliged to the Honourable Member for the information, which goes to confirm my own conviction.

Dr. Ziauddin Ahmad: Will these doctors examine these labourers free, or somebody pays them the fees? If so, who would pay the fees?

Mr. F. W. Hockenhull: Such examination is part of the routine work of the doctor's business.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, there must be some indication in the Bill itself as to who will pay the fee of the medical officer. It is easy to say that the rules in three Provinces provide like that, but the Honourable Member ought to provide for this specifically somewhere as they are giving powers to the Local Governments to make rules, so that on that head the Local Government may make rules with regard to the party that will pay if at all for the medical inspection of the labourer. There must be some indication somewhere in the Bill. This word of mouth won't do.

The Honourable Sir Frank Noyce: Sir, I am glad to say that the point has now been verified by my Department, we know that nowhere in India are fees charged for this medical inspection, and, as far as I know, there is no intention of charging such fees. It is regarded as part of the duty of the certifying surgeon whose pay as a whole-time or part-time officer is met by the Government.

Mr. Gaya Prasad Singh: What is the objection to making it express in some part of the Bill? What is the objection to making this point clear?

The Honourable Sir Frank Noyce: The objection on the part of the Government is that there is no specific amendment before us except this one that the medical fees for obtaining certificates should be paid by the manager. As there is no fee charged at present for a medical certificate, why throw a new burden on the manager? There is no specific amendment here.

Mr. Gaya Prasad Singh: Who is going to pay such fee?

The Honourable Sir Frank Noyce: As I have already explained, this is regarded as part of the duties of the certifying surgeon who, whether as a whole-time or part-time officer, is paid by the Government, and there is no intention whatever of altering that practice, and, therefore, there does not seem to be any necessity for making any specific provision in this Bill.

Dr. Ziauddin Ahmad : Take the case of a particular district, say Aligarh, and there is a factory there. Then the labourer will have to go to the Civil Surgeon or the Assistant Surgeon. Do I understand that it is the duty of the Civil Surgeon or any of his Assistants to give them certificates free of charge?

The Honourable Sir Frank Noyce : Yes, certainly.

Dr. Ziauddin Ahmad : But this is not the case in practice.

The Honourable Sir Frank Noyce : If the Honourable Member's information differs from mine, I shall be glad to have full particulars as to how it differs.

Dr. Ziauddin Ahmad : The fact is, anyone who wants a medical certificate is charged a fee of, I believe, Rs. 16 in the case of the Civil Surgeon, except in the case of those persons who are already in the employ of Government. At least this is the practice in the smaller towns.

The Honourable Sir Frank Noyce : Do I understand my Honourable friend to say that the United Provinces certifying surgeons charge a fee for this purpose? Is that my Honourable friend's statement?

Dr. Ziauddin Ahmad : That is my information.

The Honourable Sir Frank Noyce : I shall be very glad to have that definitely verified from the United Provinces Government, and, if the facts are as stated, to consider the question further, but at the moment my own information is that no fees are levied anywhere, and, for that reason, it does not seem necessary to make any specific provision here.

Dr. Ziauddin Ahmad : Then, with the assurance given that my Honourable friend will have further inquiries made, I beg to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 60 stand part of the Bill."

Mr. E. W. Perry (Government of India : Nominated Official) : Sir, I move :

"That in sub-clause (a) (iii) of clause 60 of the Bill, the words and figure 'of sub-section (2)' be omitted."

At present, there are no sub-clauses in clause 32 of the Bill, and the words and figure in question were not eliminated at an earlier stage of the consideration of the Bill by an oversight.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (a) (iii) of clause 60 of the Bill, the words and figure 'of sub-section (2)' be omitted."

The motion was adopted.

Mr. E. W. Perry : Sir, I move :

"That in sub-clause (a) (iv) of clause 60 of the Bill, for the words and figures 'or under section 32' the words, figures and letters 'or under clause (b), clause (c) or clause (g) of section 32' be substituted."

This amendment merely makes matters more precise, by omitting from this sub-clause reference to those clauses of section 32 which are

provided for elsewhere in clause 60 or are not clauses which should be made subject to penalties.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (a) (iv) of clause 60 of the Bill, for the words and figures 'or under section 32' the words, figures and letters 'or under clause (b), clause (c) or clause (g) of section 32' be substituted."

The motion was adopted.

Mr. E. W. Perry : Sir, I beg to move :

"That for sub-clause (c) of clause 60 of the Bill, the following be substituted :

'(c) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under section 41 or to any modification or relaxation made under section 44, or '."

This amendment, together with the amendment which I will subsequently move, is designed to make this clause complete as regards all offences by managers or occupiers.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That for sub-clause (c) of clause 60 of the Bill, the following be substituted :

'(c) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under section 41 or to any modification or relaxation made under section 44, or '."

The motion was adopted.

Mr. E. W. Perry : Sir, I beg to move :

"That in sub-clause (f) of clause 60 of the Bill, the words, figures and letter 'or under clause (d) of section 59' be inserted at the end."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (f) of clause 60 of the Bill, the words, figures and letter 'or under clause (d) of section 59' be inserted at the end."

The motion was adopted.

Mr. Lalchand Navalrai : Sir, I move :

"That in clause 60 of the Bill, for the words 'five hundred' the words 'two hundred' be substituted."

I find that four amendments prior to this have fortunately been accepted, and I hope mine will also have the same fate. However, I submit that my amendment refers to a penalty clause that is provided in this Bill. Clause 60 refers to offences or acts which have been penalised, and it will be noticed that clause 60 refers to those offences which are first offences. That is to say, in clause 60, the punishment of Rs. 500 has been provided for a first offence under the Bill. My submission is—and I would request the House to consider it—whether for the very first offence the punishment should be to the extent of Rs. 500. I have referred to some clauses which go to show what offences are going to be punished. Amongst them there are such trivial offences as not keeping sufficient water in the factory for drinking, and I think the maximum fine of Rs. 500 is too much for such an offence.

[Mr. Lalchand Navalrai.]

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I should say it is ridiculous. It might be said that it is in the hands of the Magistrate to give the minimum punishment, which might be a fine of one or two rupees. But, Sir, experience has shown that the maximum fixed is the standard from which they make the minimum and the middling course. It may be that the Courts will impose a very small fine in trivial cases but in a way the fear is there. And why should we leave that fear to remain and to leave the Court to its whims. It is just possible that a man might be punished very heavily for a trivial offence. I, therefore, submit that for the first offence the maximum should be reduced to Rs. 200.

Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That in clause 60 of the Bill, for the words 'five hundred' the words 'two hundred' be substituted."

The Honourable Sir Frank Noyce : Sir, I am sorry that in spite of my Honourable friend's appeal, I am unable to accept this amendment. This maximum fine of Rs. 500 was introduced in 1922 and no cause has at any time been shown since then as to why it should be reduced. Unscrupulous employers often grow rich in various ways, such as employing children in out of the way ginning factories and I think it is desirable that, when those offences are discovered, the defaulter should be heavily dropped upon. I doubt if the experience of many Members in this House who have knowledge of the working of the factories is the same as that of Mr. Lalchand Navalrai. I am quite certain that Inspectors of Factories would be very glad if it were. The complaint which they always make is that the fines imposed are altogether too trivial and that instead of working from the top downwards, Magistrates are inclined to work from the bottom upwards and to impose fines of a few rupees for what are really serious offences. I see no reason why we should alter any of the penalty figures suggested in the Bill, all of which have the approval of the Select Committee. The arguments which I have adduced in the present instance apply to the similar amendments brought forward by my Honourable friend, Mr. Lalchand Navalrai.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That in clause 60 of the Bill, for the words 'five hundred' the words 'two hundred' be substituted."

The motion was negatived.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 60, as amended, stand part of the Bill."

The motion was adopted.

Clause 60, as amended, was added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 61 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, the fate seems to be against my amendments, and I, therefore, do not want to move my amendments.

Clauses 61 to 65 were added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 66 stand part of the Bill."

Mr. G. Morgan : Sir, I do not wish to move amendment No. 41, but I move amendment No. 42 which runs as follows :

"That to clause 66 of the Bill, the following *Exception* be added :

Exception.—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process."

It is now known that naked lights are used for some particular processes of manufacture and the clause in the Bill would prevent those lights being used. I hope Government will see their way to accept my amendment which lays down that in accordance with such precautions, as may be prescribed, naked lights can be used in the process of manufacture.

Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That to clause 66 of the Bill, the following *Exception* be added :

Exception.—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process."

The Honourable Sir Frank Noyce : Sir, I am quite ready to accept this amendment. We have ourselves made inquiries on the point and we have found that naked lights are used in singeing jute and that this is in practice which is free from danger. Mr. Morgan, as the House will see, has drafted his amendment in such a form that precautions may be prescribed for the use of naked lights, and that removes all our objections. I am prepared to accept the amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That to clause 66 of the Bill, the following *Exception* be added :

Exception.—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process."

The motion was adopted.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 66, as amended, stand part of the Bill."

The motion was adopted.

Clause 66, as amended, was added to the Bill.

Clauses 67 to 69 were added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“ That clause 70 stand part of the Bill.”

Mr. E. W. Perry : Sir, I beg to move :

“ That clause 70 of the Bill be omitted and that all amendments consequential on the omission including the re-numbering of clauses and the correction of references be made accordingly.”

Sir, clause 70 of the Bill provides a sweeping up clause as regards offences by managers and occupiers. Clause 60, by reason of the amendments made in it, has become complete as regards those offences. Clause 70 also provides that any workman, who contravenes any of the provisions of the Bill, is liable to punishment. This Department, after examining the question very carefully, is of opinion that clause 72 provides adequately for all ordinary offences by workmen which are not covered by such special clauses as clause 66 which provides penalties for using naked lights. Clause 70 also provides for breaches of the Act by third parties. Important breaches of the Act which might be committed by third parties are also provided for in other clauses. Therefore, for two reasons, it is now considered by the Department that this clause is better omitted. The first reason is that all the necessary provisions are made by other clauses and the second consideration is that a number of acts and omissions which should not be made penal, such as the failure by the Judge to appoint assessors under clause 31 (2), are made penal by this clause. After a very exhaustive examination by this Department and the Legislative Department, Government have come to the conclusion that this clause should be omitted. Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“ That clause 70 of the Bill be omitted and that all amendments consequential on the omission including the re-numbering of clauses and the correction of references be made accordingly.”

The motion was adopted.

Clause 71 was added to the Bill.

Clause 72 was added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“ That clause 73 stand part of the Bill.”

Mr. E. W. Perry : Sir, I beg to move :

“ That clause 73 of the Bill be omitted and that all amendments consequential on the omission including the re-numbering of clauses and the correction of references be made accordingly.”

Sir, clause 73 of the Bill repeats section 45 of the existing Act. This clause seems to have escaped criticism in the Select Committee and also

when the draft Bill was circulated for opinion. But soon after the report of the Select Committee was published, the Honourable Member from the Bombay Millowners' Association pointed out the objectionable characteristics of this provision. We then had it carefully examined and we find that it has very little to commend it. The repetition of offences is provided for by section 71 of the Indian Penal Code and the best course in a matter of this nature is to allow the general law of the land to apply to the special Act. Apart from that, this clause is very difficult to interpret, and, as far as we know, has never been called into use in any proceedings of any Court. I, therefore, move the omission of this clause.

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

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 73 of the Bill be omitted and that all amendments consequential on the omission including the re-numbering of clauses and the correction of references be made accordingly.”

The motion was adopted.

Clauses 74 and 75 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 76 stand part of the Bill.”

Mr. Lalchand Navalrai : Sir, I beg to move :

“ That in sub-clause (1) of clause 76 of the Bill, before the word ‘ Inspector ’ the word ‘ Chief ’ be inserted.”

Sir, I find clause 76 reads thus :

“ No prosecution under this Act, except a prosecution under section 66, shall be instituted except by or with the previous sanction of the Inspector.”

Sir, my object in moving this amendment is that there ought to be some safeguard against prosecutions specially when the offence is detected by the Inspector himself. It would mean that the person who detects an offence also goes to Court and brings the accused before the Court without any other safeguard. In this Act, it has been provided that wherever there is an Inspector who finds that any offence has been committed of a certain nature, there he has to give notice to the factory owner or occupier with regard to that offence. Then the factory owner or the occupier has got the right of going to an appellate Court to have that order set aside. In some offences, where the Inspector has not got to give notice in writing, no appeal lies. I, therefore, submit that why should it not in all cases be that there should be a safeguard with regard to the doings of Inspectors, and, specially when the Bill provides for a Chief Inspector, why should it not be that he should get the sanction of the Chief Inspector to drag the man to Court. In that case, no delay will happen and the papers could be laid before the Chief Inspector who could go into the matter and give sanction to go to Court if necessary. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in sub-clause (1) of clause 76 of the Bill, before the word ‘ Inspector ’ the word ‘ Chief ’ be inserted.”

The Honourable Sir Frank Noyce : Sir, I regret I must oppose this amendment. In permitting Inspectors to sanction the institution of proceedings, we are merely following the present Act. If we were to transfer that duty to the Chief Inspectors, it would throw an intolerable burden of work upon them and the result would undoubtedly be congestion and delay. My Honourable friend talked about safeguards. Surely the safeguard is, in reality, the Magistrate before whom the case is brought. If it should be discovered—I know of no cases in which it has been discovered—that Inspectors are instituting vexatious prosecutions, that fact would undoubtedly come to the notice of the Chief Inspector. All the reports of cases in which prosecutions are instituted are brought to the notice of the Chief Inspector, and if we were to find that an Inspector brought forward a number of cases which proved unsuccessful, he would doubtless take suitable action and bring the matter to the notice of the Local Government, so that any disciplinary action necessary could be taken. I do not think there is any sufficient reason for altering the present procedure, and I must, therefore, oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That in sub-clause (1) of clause 76 of the Bill, before the word ‘Inspector’ the word ‘Chief’ be inserted.”

The motion was negatived.

Clause 76 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That clause 77 stand part of the Bill.”

Mr. Lalchand Navalrai : Sir, I move :

“That in clause 77 of the Bill, for the word ‘six’ the word ‘three’ be substituted.”

Clause 77 refers to the time within which a prosecution under this Bill can be instituted, and a period of six months has been provided within which the Inspector can file a prosecution. It appears to me that so much time is not needed for offences under the Factories Act. There is no reason why the matter should hang on for six months. I have put in three months, and I hope the amendment will be accepted. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“That in clause 77 of the Bill, for the word ‘six’ the word ‘three’ be substituted.”

The Honourable Sir Frank Noyce : Sir, I am afraid I must also oppose this amendment. This six months’ limitation was provided by the Act of 1911 in section 49. It has, therefore, been in force for over twenty years, and there does not seem any good reason for reducing it. My Honourable friend says he sees no reason why matters of this kind should hang on for six months, but the point is that the factory staff, as the House is aware, is not very strong, and that it takes them a good deal of time to get round and inspect all the factories in their charge. It is for that reason that a six months’ limit is necessary, and my Honourable friend’s complaint is the first that has ever been voiced against that limit. In these circumstances, there is no justification for a change.

Mr. President (The Honourable Sir Shanmukham Chetty) : question is :

“That in clause 77 of the Bill, for the word ‘six’ the word ‘three’ be substituted.”

The motion was negatived.

Mr. Lalchand Navalrai : Sir, I beg to move :

“That the proviso to clause 77 of the Bill be omitted.”

This proviso is a new one altogether, and I do not think the able Member would be in a position to say here that the former Act provides a certain thing and, therefore, it should be retained. There is no reason that because the former Act provided certain matter, therefore we should stick to it. It may be that the Factories Act at present needs certain improvements, and we must make improvements. With regard to this amendment, I may say that the new proviso altogether and it reads thus :

“Provided that when the offence consists of disobeying a written order by an Inspector complaint thereof may be made within twelve months of the date on which the offence is alleged to have been committed.”

I cannot understand any logic in this that if it is a written order, the matter should hang on for 12 months, otherwise it will be six months. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“That the proviso to clause 77 of the Bill be omitted.”

The Honourable Sir Frank Noyce : Sir, my Honourable friend is perfectly correct in stating that this is a new provision. It was suggested by the Chief Inspectors of Factories and was inserted in the Bill by the Select Committee for reasons which appeared satisfactory to them. I will, I trust, also prove satisfactory to this House. The point is that there are certain remote factories which are inspected and indeed can be inspected not more than once a year. As I have said, the police staff is small and it takes a good deal of time to get round the factories to be inspected. The Inspector goes to a certain factory, he finds that something has to be done, he gives an order in writing that it should be done, he gets a report that it has been carried out, but when he goes there again, which may be several months later, he finds that the statement that his orders had been carried out is not correct and the offence continues.

Mr. Lalchand Navalrai : He must be an idle Inspector who does nothing there only after 12 months.

The Honourable Sir Frank Noyce : I would invite my Honourable friend to read the reports of the Factory Inspectors. He would get a little more of what their duties are and not make statements of that kind. I submit to the House that when definite orders are given and those orders are not carried out, it is equitable that the complaint should be instituted when it is found that the orders have not been obeyed, when the Inspector next visits the factory. I cannot see any objection to the factory owner in that. It is obviously desirable that some

[Sir Frank Noyce.] of limitation should be fixed, and with the approval of the Select Committee, it was fixed at twelve months. I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the proviso to clause 77 of the Bill be omitted.”

The motion was negatived.

Clause 77 was added to the Bill.

Clauses 78 to 84 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : Sir, I move :

“ That the Bill, as amended, be passed.”

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill, as amended, be passed.”

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I have refrained so long from taking part in the debate on this Bill, as I thought that it is a salutary measure and it has given some stronghold to the workers all over India. Sir, something has been attempted and something done, and I can say that my Honourable friend, Sir Frank Noyce, deserves the congratulations that he received from both sides,—from the workers' representatives and from the representatives of the Employers' Federation, my Honourable friend, Mr. Mody. Mr. Mody particularly paid a compliment to Sir Frank Noyce that he was an admirable Chairman or rather he balanced well both sides, the employers and the workers, and that he anthropometrically analysed Mr. Mody's constitution. He perhaps found that the employers have become a little rickety and the workers have become a little stout. However, if the Honourable Member for Industries and Labour maintains that impartial attitude and tries to give the workers their just dues, much will be done to ameliorate the condition of the workers.

Sir, I was a little pained to hear the speech of my friend, the Deputy President, Mr. Abdul Matin Chaudhury. I know that he is working singlehanded and has no helpmate in this House due to the unfortunate absence of Mr. Joshi owing to the illness of his daughter which we all deplore. Yet Mr. Abdul Matin Chaudhury, in spite of his great love for the workers, ought to realise that a landmark has been reached in the matter of legislation on behalf of the workers. My friend, Mr. Abdul Matin Chaudhury, ought to realise also that this legislation is placing a certain amount of handicap on the employers. Each piece of beneficent social legislation places handicaps whereby the employers will have to spend more money. Although, when this Bill was introduced and was under the consideration stage, I made certain observations, and was under the consideration stage, I made certain observations, after the speech of my friend, Mr. Abdul Matin Chaudhury, that the

time has come when the workers in India must think that they must get an economic wage, they must not follow the Third International ideals of Russia and demand standard wages which, in the present economic conditions of India, the industries cannot pay. This is a subject which requires very careful attention both from the employers and from the workers. I am equally a good friend of the workers and of the employers ; and the recent strike in Bombay demonstrates—although I know it was not inspired or started by sober labour leaders like Mr. N. M. Joshi or our Deputy President, but by a batch of men who rather want to keep up strikes, not so much for the benefit of the workers, but to keep up their leadership and their flag flying with their undigested ideas of third internationals and other socialist ideals which our present labour leaders in India have not themselves digested. That is a phase which I advise labour leaders in India to cogitate upon. It is for them to meet—whether it is Mr. Giri of the Railway Labour Federation or whether it is the Trade Union of workers in mills and factories—they have to see whether their demand of standard wages is not something ephemeral and ethereal. Have not the prices gone down ? Has not the ordinary man, the middle class man, been putting up with wages which are 30 to 40 per cent. below the standard of income which he was getting three or four years ago ? Today, if the Indian workers go on demanding increments in wages—I have not seen one single labour leader in India who says that the economic depression and the low prices prevalent all over India require that the wages should be reduced—I hope sanity will be restored amongst the labour leaders all over India and that they will think of all these things.

I will also offer one word of advice to the employers, particularly to Mr. Mody, the President of the All-India Employers' Federation, who is present here. The employers and workers must work harmoniously. It is no use my friend, Mr. Mody, saying “ I have graciously condescended and agreed to a 54-hour week ”. Unfortunately world ideals, socialist ideals and ideals from Moscow are wirelessed and broadcast, and so the labour leaders in India, though they may not digest them fully, get hold of these ideals and demand a 48-hour week in India. Whether the time is ripe in India to have a 48-hour week, I am not at present in a position to give an opinion. But I think the time has come when the employers in India, however big and however aristocratic they might be,—they are Indians mostly and I even appeal to my friend, Mr. George Morgan, and other capitalist employers sitting in those Benches,—should understand and appreciate the workers' difficulties and the workers' conditions and they should have harmonious and human relations with the workers. If that is done, there would be no strikes ; there would be no bad blood between the workers and the employers.

I am grateful, and the House is grateful to Mr. Mody for referring to one aspect of the issue in his note of dissent, which he also mentioned in his speech. It is the advantageous position in which Indian States are placed owing to the incompetence and ineptitude of the Government of India. Today, the Government of India, as they stand, cannot apply and enforce humanising legislation on the Indian States. Yet I have seen representatives of Indian States and Indian princes visiting Geneva as representatives of India. I cannot understand how they are

[Mr. B. Das.] allowed to grace those International Conferences, whether it is the League of Nations or the I. L. O., when they do not submit and subscribe to the Conventions, and when they do not ratify these Conventions. If they are within the British Empire—I am not here discussing questions of paramountcy, I am glad my Honourable friend, Mr. Metcalfe, is here, I am not talking of sovereignty or paramountcy—these two things I have talked about often and I will get ample opportunity to talk later—but if they are in the British Empire, they are part of the British Empire, and they must ratify these Conventions which the British Government and the Government of India ratify; and, however much these princes may bluff and blubber outside, they are still subordinate to the Government of India; and if the Government of India do ratify these labour Conventions, I want to know what justification there is why the Government of India are so incompetent that they cannot enforce on these princes to adopt these Conventions in their States. There is forced labour prevalent in almost every State. The Honourable Mr. Glancy admitted that there exists forced labour in the Indian States. How can over-worked capitalists like my friend, Mr. Mody, with all this legislation and Factory Inspectors, and the Honourable Member for Industries and Labour keeping an eye on behalf of the workers, how can he compete with industries that are started in these Indian States and may be worked by forced labour, and this Government has no means today to abolish forced labour in the Indian States? This Government has no means to compel these Indian States that they must adopt a 54-hour week. There are other things too. There is no income-tax in many of these States. In India, the employers pay so much income-tax—if the British Indian employer had not to pay income-tax and super-tax to the Honourable the Finance Member, then he would have been able to pay one or two annas more a day to the workers.

An Honourable Member : Question.

Mr. B. Das : He might spend more money to start social welfare work and to start creches for the children of the women workers that work in mills and factories for which Dr. Dalal gave us such a delightful speech and advice which I do not think the present Government of India will ever accept. But we have noted it down in our minds, and when the time comes and when we get that opportunity, we will see that some of those beneficial measures are carried through. But, Sir, the Government of India stand pilloried. The Honourable Member for Industries and Labour was silent in his reply to the particular charge which Mr. Mody levied in his note and also in his speech, but if Government sleep over it today, they will have to face it tomorrow; the problem will certainly have to be faced. Whether there is going to be a Federation or no Federation, the present Government of India or their successor will have to face that problem, and they will have to face that problem, not only for the sake of humanity to keep one uniform standard in the so-called Indian Empire of His Majesty the King-Emperor, but to maintain an equal standard of working conditions for all working classes, both in British India and in Indian India. It is no use penalising the working classes in these Indian States, and if they are penalised, it is the Government of India and the British Government, under the dictates of high political issues, who are parties to penalising

the working classes in the Indian States, and the indirect consequence of it is that the employers in India are penalised; they are working at a certain disadvantage. Sir, I do hope that my friend, the Honourable Sir Frank Noyce, will be able to say something as to what steps the Government of India have taken in the matter, whether they are in touch with the administration of these Indian States, and whether they are trying to make the Indian States, the princelings and princes conform to the conditions obtaining in British India, whether the Government of India will make them accept all those labour legislations that exist here, particularly all those Conventions that the Government of India have ratified and to which the I. L. O. is a party.

STATEMENT OF BUSINESS.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable the Leader of the House will make a statement with regard to the list of business for tomorrow.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, I ask your permission to make a statement with reference to the List of Business for tomorrow which is already in Honourable Members' hands. The order in which legislative business is shown in that list proceeded on the assumption that the business entered on the original list for the 16th, 17th and 18th July would be disposed of before the House rose today. That assumption has not been realised; and, therefore, Government desire to dispose of the business entered on the original list for the 16th, 17th and 18th before embarking on the new business entered in the list for tomorrow. A revised List of Business will be issued accordingly.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th July, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 19th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

IMPORTANT GOVERNMENT BILLS PENDING BEFORE THE LEGISLATIVE ASSEMBLY.

83. ***Mr. Lalchand Navalrai** : Is it a fact that Government want to pass all their pending important Bills through the present Legislative Assembly in order to avoid the same coming up before the next Assembly ?

The Honourable Sir Joseph Bore : The anxiety of Government to complete, as much as possible, of their pending legislative programme, during the course of the present Session, is inspired, not as the Honourable Member appears to suggest, by any apprehension that the attitude of the next Assembly would be less favourable to that programme than the attitude of the present Assembly, but in part by the fact that many of the items in the pending programme are in themselves urgent and in part by the fact that the postponement of any considerable proportion of the Bills, now pending, would inevitably lead to an undue congestion of the business requiring to be transacted during the opening Sessions of the new Assembly.

Mr. Lalchand Navalrai : I did not follow even one word of what my Honourable friend said. I would request the Honourable Member to repeat the answer.

The Honourable Sir Joseph Bore : This is the first time that I have been charged in this House with incoherence.

Mr. Lalchand Navalrai : I have not charged the Honourable Member with anything at all. There was noise on this side of the House and I could not hear.

Some Honourable Members : No, no. It was on account of the rains.

The Honourable Sir Joseph Bore : I have no objection to reading it out again. (Reads out the answer again.)

Dr. Ziauddin Ahmad : Will Government kindly give us a list of all the Bills which they intend to lay before the Assembly for being disposed of in this Session ?

The Honourable Sir Joseph Bore : I am afraid I could not give him the information straight off, but if it will be of any assistance to the House, I shall endeavour to do so at the earliest possible opportunity.

Dr. Ziauddin Ahmad : It will be of very great assistance to us, because we would like to co-operate with Government and with the President to finish them in time so that we may go back as early as possible.

The Honourable Sir Joseph Bhore : I gratefully accept my Honourable friend's offer of co-operation.

Mr. Lalchand Navalrai : May I ask the Honourable Member if some of the contemplated work cannot be postponed till the next Assembly?

The Honourable Sir Joseph Bhore : If they could have been postponed we would not have made an attempt to get them through the present Assembly.

Mr. Lalchand Navalrai : May I know if the Government Benches will be ready to sit on Friday and Saturday.

Several Honourable Members : No, no.

Mr. B. V. Jadhav : May I know whether any more new Bills are to be introduced?

The Honourable Sir Joseph Bhore : As I said just now, I am not in a position to give complete information at the present moment, but I shall endeavour to supply that information to the House at the earliest possible opportunity.

COMPULSORY RETIREMENT OF POSTAL EMPLOYEES HAVING OVER 25 YEARS' SERVICE.

84. *Dr. Ziauddin Ahmad : (a) Have Government issued any circular for compulsory retirement of all servants in the Postal Department who have put in 25 years service, irrespective of age?

(b) If the orders issued are not to the effect stated in part (a), will Government be pleased to state the exact terms of such orders?

(c) Are those orders applicable to all grades of services gazetted, ministerial and menial?

(d) Do these orders apply to persons serving in the offices of the Director General and the Postmasters General?

(e) Are these rules framed only for the Postal Department, or for all departments under the Government of India? If these rules have been framed for the Postal Department only, what is the reason for this differentiation?

(f) Are Government aware that the Superintendent of the Postal Department, Fatehgarh (U. P.) Circle, issued orders stating that voluntary retirement of certain persons were accepted, and that he changed those orders into compulsory retirement in consequence of a protest from the servants concerned?

(g) If Government have accepted the principle of compulsory retirement of persons who have put in 25 years' service, will they please state whether the rule also applies to high officials, e.g., Postmasters General, Director General and others? If not, why not?

The Honourable Sir Frank Noyce : (a) No.

(b) A copy of the order is laid on the table.

(c) and (d). Yes.

(e) The orders referred to are applicable to all Departments under the Government of India.

The second part does not arise.

(f) It is a fact that some confusion arose owing to the issue of wrong forms by the Superintendent of Post Offices, Fatehgarh Division, but the mistake was subsequently rectified by the cancellation of the original orders and by the strict application of Government orders on the subject.

(g) Does not arise in view of the reply to part (a).

Order referred to in part (b) of reply to starred question No. 84.

Selection of Individuals for Discharge.

A. Retrenchment of permanent personnel should be effected in the following order, subject to the maintenance to the nearest practicable figure in each category of the ratio between the various communities represented by their present numbers in the category:

(i) by the acceptance of voluntary resignations or retirements;

(ii) by the discharge of officers whose work is considered to be so consistently unsatisfactory that to retain them on the cadre, while others are discharged from it, would be unjustifiable;

(iii) by the discharge of selected men from among the following:

(a) those who have attained 55 years of age,

(b) others with 30 years' service or over,

(iv) by the discharge of selected officers of 25 years' but less than 30 years' service;

(v) by the discharge of selected officers with less than 10 years' service;

(vi) by the discharge of selected officers with 10 years' but less than 25 years' service.

B. Temporary staff should be treated entirely separately from permanent staff, and, if less than the whole temporary staff is to be reduced, the same principles should be followed as in reducing permanent staff.

Mr. Lalchand Navalrai : May I know from the Honourable Member if any officers' posts in the Director General's Office, such as, Directors of Post Offices and Deputy Directors and Assistant Directors, have been retrenched?

The Honourable Sir Frank Noyce : I must ask for notice of that question.

Dr. Ziauddin Ahmad : May I ask whether the rules framed for compulsory retirement are applicable only to the subordinate staff or both to the subordinate staff and the officers?

The Honourable Sir Frank Noyce : No, Sir. They are applicable to all staff, but if the Honourable Member wants definite information on the point, I would ask him to put down a question on the order paper.

Dr. Ziauddin Ahmad : Then, they are applicable to the Director General, Postmasters General and everybody else?

The Honourable Sir Frank Noyce : The question of retrenchment?

Dr. Ziauddin Ahmad : Compulsory retirement after 25 years' service—that is what I am asking about.

The Honourable Sir Frank Noyce : No, Sir.

Mr. Vidya Sagar Pandya : In theory no doubt the rules are applicable alike, but are they in practice applied so ?

The Honourable Sir Frank Noyce : Presumably orders on the subject are being carried out.

Mr. Lalchand Navalrai : I think the Honourable Member might kindly reply to part (d) of the question.

The Honourable Sir Frank Noyce : The answer to part (d) is, yes.

Mr. Lalchand Navalrai : Then may I know who those persons are ?

The Honourable Sir Frank Noyce : I cannot give the information offhand. I do not carry all these details in my head. If the Honourable Member will put down a question, I will endeavour to answer it.

Dr. Ziauddin Ahmad : Will Government be pleased to make enquiries on this point, because my information is that this rule is applied only to peons and not to other officers ?

The Honourable Sir Frank Noyce : I have already said that if he will put down a question, I will answer it.

REFUND OF CUSTOMS DUTIES CHARGED AT INDIAN PORTS ON GOODS ENTERING KASHMIR.

85. ***Lala Hari Raj Swarup :** (a) Is it a fact that for purposes of customs Kashmir State is regarded as a foreign province like Afghanistan and is allowed a complete refund of customs duties charged at Indian ports on goods entering Kashmir ?

(b) If the answer to part (a) be in the affirmative, will Government please state if Kashmir also will be regarded as a foreign power for purposes of Indian excise duty on sugar and a refund of excise duty allowed to the manufacturers of sugar as on other exports of sugar out of British India ?

The Honourable Sir James Grigg : (a) As the result of a treaty concluded with Kashmir in 1870, the customs duty collected on goods imported at British Indian ports and transmitted through British India to Kashmir is made over to the Kashmir Durbar.

(b) The treaty does not cover excise duties levied on goods produced in British India, and the Government of India at present see no sufficient reason to grant a concession in respect of the excise duty on sugar.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

86. ***Lala Hari Raj Swarup :** (a) Is it a fact that the Pusa Research Institute is proposed to be transferred from Pusa to some central place near Delhi ?

(b) If the answer to part (a) be in the affirmative, what are the reasons that have impelled the Government to make this change ?

(c) What will be the cost of the new institute and what will happen to the old institute at Pusa ?

(d) What are the places that have been considered for the location of the new institute, and which place has been finally selected ?

(e) By what date is it expected to start the new institute ?

***Mr. G. S. Bajpai :** I would refer the Honourable Member to the answer given to Mr. Gaya Prasad Singh's question No. 69 yesterday.

REDUCTION OF THE RATES OF JAVA SUGAR AT THE INDIAN PORTS.

87. ***Lala Hari Raj Swarup :** (a) Has the attention of Government been drawn to the fact that Java is continuously reducing its rates for sugar at the Indian ports in order to undersell Indian sugar and to dump its own old stocks ?

(b) Is it a fact that the price of Java sugar has now been reduced to about three rupees per maund *ex-Indian Port* without duty ?

(c) Is it not a fact that in the Sugar Protection Act the Legislature gave power to the Governor General in Council to increase import duty on foreign sugar whenever it was found that Java was selling below four rupees a maund at the Indian ports ? If so, why have Government not taken any action under those provisions as yet in order to protect Indian industry ?

The Honourable Sir Joseph Bhoré : (a) No. The prices of Java White sugar at the ports have remained practically steady during the last six months.

(b) The present price of Java sugar at the ports corresponds to Rs. 3-3-6 per maund *ex-duty*.

(c) Under section 4 of the Sugar Industry (Protection) Act, 1932, the Governor General in Council is competent to increase the duties imposed by the Act, if he is satisfied that sugar is imported into British India at such a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industry by such duties. The Act imposes no obligation on the Governor General in Council to increase the duty whenever the price of imported sugar at the ports should fall below Rs. 4 per maund *ex-duty*, though one of the recommendations of the Tariff Board was that an off-setting duty of 8 annas per cwt. should be imposed on the occurrence of such a contingency. The existing margin between the import and excise duties, however, already includes the off-setting duty recommended by the Board.

COST OF MAINTAINING REGULAR OFFICERS OF THE ARMY BORNE BY THE TERRITORIAL BUDGET.

88. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that three regular King's commissioned officers and two regular Indian officers during the period of their secondment for duty with each Provincial Unit draw the pay from the Territorial Budget of that unit for more than nine months in a year even when they are not required for duty with that unit ?

(b) If the reply to part (a) be in the affirmative, why is the Territorial Budget made to bear the cost of maintaining regular officers of the

Army during the period when they are not needed for duty with the Territorial Force ?

(c) Why are not the Territorial officers of suitable qualification employed in place of these regular officers throughout the non-training periods when generally these regular officers are not needed for duty with Indian Territorial Force ?

(d) In view of the liabilities of the officers of the Provincial Units of the Indian Territorial Force to perform military service at any time during the year, are these officers regarded as officers of the Indian Army for the purposes of paragraph 58 of the R. A. I. and are they considered as belonging to a branch of Government service whenever such a term is used for the rest of the officers of the other departments of Government ?

(e) Are not the officers of the Indian Territorial Force considered eligible for appointment to the Regular Units under the new Indianisation scheme ?

Lieut.-Colonel A. F. R. Lumby : (a) Yes.

(b) The Territorial Force Budget is not separate from, but is part of, the Defence Services Budget. Regular King's Commissioned Officers and Indian Officers are seconded from the regular Army, for duty with the Indian Territorial Force, for periods of three years. During this time the Indian Territorial Force has first call on their services. When their Indian Territorial Force units do not require them, they return for duty to their regular units.

(c) During the non-training period Indian Territorial Force units are not embodied. During this period the work of these units is carried out by the Administrative Commandant who is a Regular King's Commissioned Officer employed with the Indian Territorial Force throughout the whole year, and there are no duties upon which Indian Territorial Force officers could be employed. Opportunities are, however, provided annually for the attachment of a certain number of officers of the Indian Territorial Force to regular units for training in the non-training period.

(d) Regulations for the Army in India, paragraph 58, applies to officers of the regular Army. Officers of the Indian Territorial Force are, however, under certain conditions eligible for appointment to the Cantonment Department. Personnel of the Force, not being members of the regular Army, cannot be regarded as being in Government Service in the sense in which that term is ordinarily used.

(e) Officers of the Indian Territorial Force are not eligible for direct appointment to regular units, but members of the Force are eligible for Indian Army Cadetships at the Indian Military Academy under the same conditions as apply to personnel of the regular Indian Army.

Mr. Lalchand Navalrai : May I know from the Honourable Member if Indian officers are being allowed in the Indian Territorial Force and if there are any such officers now ?

Lieut.-Colonel A. F. R. Lumby : Certainly. There are senior grade officers and junior grade officers. I cannot give the exact number offhand.

Mr. Lalchand Navalrai : I mean Indians.

Lieut.-Colonel A. F. R. Lumby : They are all Indians.

INSTALLATION OF A SEISMOGRAPH IN NORTH BIHAR.

89. **Mr. Gaya Prasad Singh :** Do Government propose to instal a seismograph in North Bihar in view of frequent earthquakes in that part of the country ?

The Honourable Sir Frank Noyce : The attention of the Honourable Member is invited to the information laid on the table of the House on the 7th April, 1934, in reply to part (h) of Mr. Nabakumar Sing Dudhuria's starred question No. 435.

Mr. B. Das : Might I suggest to Government that they should instal a seismograph in Muzaffarpur so that my Honourable friend may get out his bed at night in case there is an earthquake.

CONCESSION IN RAILWAY FREIGHT FOR THE CARRIAGE OF GOODS AND PACKAGES TO EARTHQUAKE AREA.

90. **Mr. Gaya Prasad Singh :** (a) Is it proposed to terminate the Railway freight concession for the carriage of goods and packages to earthquake area in the near future ? If so, is it not a fact that during and after the rains, it will be necessary to convey food-grains, building materials, etc., for relief in those areas ?

(b) Do Government propose to continue the Railway concession facilities for some months more ?

Mr. P. R. Rau : (a) The freight concessions originally granted terminated on the 30th June, 1934. Government understand that there is no longer any necessity for importing materials for the immediate relief of distress, and that operations have now reached a stage at which they are directed entirely towards the permanent reconstruction of damaged buildings and public works.

(b) The question of allowing certain other freight concessions for the carriage of materials has been raised by the Government of Bihar and Orissa and is now under examination.

Maulvi Muhammad Shafee Daoodi : Are Government aware that the relief committees in the Tirhut Division have all applied for the continuance of the concession of the railway freight ?

Mr. P. R. Rau : The Government of India understood from the Government of Bihar and Orissa that there was no longer any necessity for importing materials for the immediate relief of distress, but the Government of Bihar and Orissa have put forward certain other proposals for the carriage of materials. They are under consideration.

Maulvi Muhammad Shafee Daoodi : May we know the gist or the substance of that proposal ?

Mr. P. R. Rau : I am afraid I do not remember the exact proposals, but if my memory is correct, they are contingent on certain firms making reductions in the prices of materials.

Maulvi Muhammad Shafee Daoodi : I would like to inform the Honourable Member that there is a strong feeling against the discontinuance of the concession which was granted at the time of the earthquake and all the Relief Committees in North Bihar have unanimously resolved that the Railway Department should be pressed on that point.

Mr. Gaya Prasad Singh : Do I understand the Government to say that Mr. Brett, the Relief Commissioner in charge, has agreed to the discontinuance of this railway concession ?

Mr. P. R. Rau : To the best of my recollection, the Government of Bihar and Orissa have agreed to it.

Mr. Bhuput Singh : Will Government consider the question of giving concession to food grains if they are required for relief work ?

Mr. P. R. Rau : That is a hypothetical question.

Mr. Gaya Prasad Singh : Are Government aware of the alarming reports in the Press today and yesterday that very serious floods have overtaken Motihari and other parts of North Bihar and that urgent measures of relief are very essential ?

Mr. P. R. Rau : I have seen those statements in the papers.

Mr. Gaya Prasad Singh : Do they produce any effect on the Railway Board of the Government of India ?

Mr. P. R. Rau : The Local Government will certainly draw our attention to the subject, if they consider that there are any special steps that we should take in this matter.

ATTEMPT TO REACH MOUNT KAILASH BY THE INDIAN HIMALAYAN EXPEDITION CLUB, DELHI.

91. ***Mr. Gaya Prasad Singh :** (a) Have Government refused permission to the Indian Himalayan Expedition Club, Delhi, to attempt to reach Mount Kailash on the ground that the Tibetan Government might raise objection ? If so, were the Tibetan authorities consulted in the matter ?

(b) Were the Tibetan Government, or the Nepal Government consulted, and their previous permission obtained, when the British Expedition visited India last time on a similar mission ?

Mr. H. A. F. Metcalfe : (a) The Government of Tibet have the strongest objection to visits by foreigners to their territory without their previous permission, and no mountaineering or scientific expedition has ever been allowed by the Government of India to visit Tibet until the express permission of the Tibetan Government had been obtained. It came to the notice of the Government of India that an expedition describing itself in the terms stated in the Honourable Member's question, had advertised its intention to proceed on a mountaineering expedition to the neighbourhood of Mount Kailas and Lake Mansarowar. The equipment of the expedition was stated to include rifles, cinematograph and other scientific apparatus, together with large quantities of tentage, baggage, and transport. As is well known, a number of Hindu pilgrims visit these places annually, and no protest has been made by the Tibetan Government in the case of such *bona fide* pilgrims. As, however, the advertisements of the proposed Kailas expedition, which were widely published in the Press, were likely to come to the notice of the Tibetan Government, who would conclude that the expedition did not consist of pilgrims, the organiser was asked not to proceed with his plans without first obtaining the Tibetan Government's permission. No applica-

tion has been received from the organisers for obtaining such permission and no reference has therefore been made to the Tibetan Government.

(b) The Honourable Member is no doubt referring to the British expedition which attempted to climb Mount Everest in 1933. The previous permission of the Tibetan Government was obtained. The Nepal Government were not concerned.

Mr. Gaya Prasad Singh : Was the previous sanction of the Tibetan Government obtained with regard to the British expedition which visited these places last year ?

Mr. H. A. F. Metcalfe : The permission was obtained through the Government of India who applied through the Political Officer, Sikkim.

Mr. Gaya Prasad Singh : Why was not the same procedure followed in the case of the Indian expedition which wanted to go on the same errand ?

Mr. H. A. F. Metcalfe : Exactly the same procedure would have been followed had the organisers of the expedition taken the trouble to ask us to obtain the permission for it ?

Mr. Gaya Prasad Singh : Is it not a fact that even before this foreign expedition applied to the Government of India, it was widely advertised in the Press, both here and in England, that such an expedition was coming out from England.

Mr. H. A. F. Metcalfe : That, Sir, is not the case.

Mr. B. Das : Is it not a fact that the Tibetan Government is apprehensive of disasters....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot go into the reasons which actuated the Tibetan Government.

Mr. Gaya Prasad Singh : Is it not a fact that the British expedition came out with the same sort of equipment—rifles and other things—for self-protection ?

Mr. H. A. F. Metcalfe : I am not aware that any rifles were taken, but I do not see how that affects the matter. In the case of the British expedition, it was definitely a mountaineering expedition and it was acknowledged as such. The permission of the Tibetan Government was obtained for it, but in the case of the expedition, to which the Honourable Member refers, no permission was asked for whatsoever.

Mr. Gaya Prasad Singh : How does the constitution of this Indian expedition differ materially from the constitution of the British expedition for which the Government asked the permission of the Tibetan Government ?

Mr. H. A. F. Metcalfe : I am afraid I have not made myself quite clear. As I explained, the advertisement of this expedition clearly differentiated it from the ordinary pilgrimage, which could have proceeded without any objection whatsoever.

Mr. Gaya Prasad Singh : Is it not a fact that the equipments were widely advertised for months together and even an aeroplane was also

being built, before the Government of India applied to the Tibetan Government for permission?

Mr. H. A. F. Metcalfe : I have already stated that this is not the case. The permission of the Tibetan Government was obtained before, so far as I know, any advertisements appeared in the Press.

RESTORATION BY GOVERNMENT OF CONGRESS MONEY AND PROPERTIES.

92. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly make a statement showing separately the amount of money, and the properties, of the Congress forfeited, or taken possession of by them in different provinces, and restored to the Congress after the recent withdrawal of notifications?

(b) How much money, and what properties, are still held by Government, and what action is contemplated in respect of them?

The Honourable Sir Harry Haig : (a) I regret that I have not the information for which the Honourable Member asks.

(b) No action is contemplated in respect of funds and movable property forfeited to Government. Immovable property which has been taken possession of under the provisions of section 17A of the Indian Criminal Law Amendment Act, 1908, as amended by Act XXIII of 1932, will be returned when the notification under that section ceases to be in force.

Mr. Gaya Prasad Singh : With regard to part (a), do I understand the Government to say that they are engaged in collecting the information and will lay it on the table?

The Honourable Sir Harry Haig : I think my Honourable friend is under a misapprehension.

Mr. Lalchand Navalrai : May I know from the Honourable Member who is to decide in these matters—the Local Governments or the Government of India?

The Honourable Sir Harry Haig : The return is made automatically under the law when the notification is cancelled.

Mr. Lalchand Navalrai : Have any press been returned?

The Honourable Sir Harry Haig : I do not think that presses would come under the description of immovable property.

CONSTRUCTION OF THE NEW HOWRAH BRIDGE.

93. ***Mr. Gaya Prasad Singh :** Are Government in possession of any information to show when the new Howrah Bridge is going to be built, and what steps, if any, are going to be taken to give preference to Indian steel and other materials in its construction?

The Honourable Sir Joseph Bore : The subject matter of the Honourable Member's question is primarily the concern of the Government of Bengal and the Government of India have no official information on the points raised by the Honourable Member.

Mr. Gaya Prasad Singh : May I know how the materials are to be obtained with regard to the construction of the Howrah Bridge—through

the High Commissioner in England or the Indian Stores Department; or how?

The Honourable Sir Joseph Bore : My Honourable friend has overlooked the fact that even tenders have not been called for. The question of obtaining materials has not yet arisen.

RELEASE OF SARDAR VALLABHBHAI PATEL.

94. ***Mr. Gaya Prasad Singh :** Has there been any correspondence between the Government of India and the Government of Bombay relating to the release of Sardar Vallabhbhai Patel?

The Honourable Sir Harry Haig : Yes.

GARHWALI SOLDIERS IMPRISONED FOR DISOBEYING MILITARY ORDERS IN PESHAWAR.

95. ***Mr. Gaya Prasad Singh :** (a) How many Garhwali soldiers were convicted and imprisoned in 1930 for disobeying military orders to fire on a peaceful crowd in Peshawar?

(b) How many of them have been released before their term, and why have not the rest of them been released yet?

Lieut.-Colonel A. F. R. Lumby : (a) and (b). No Garhwali soldiers were convicted and imprisoned for disobeying orders to fire on a peaceful crowd in Peshawar. The Honourable Member presumably has in mind the seventeen Garhwali soldiers who were sentenced to various terms of imprisonment for mutiny and who formed the subject of Mr. C. S. Ranga Iyer's starred question No. 1653, dated the 12th December, 1932. In reply to that question it was stated that eight of those soldiers had been released. Five more have since been released under the orders of His Excellency the Commander-in-Chief. The cases of the four men still remaining in jail have been considered by His Excellency the Commander-in-Chief, but in view of the gravity of their offences he has not seen fit to grant any remission.

REFUSAL OF PASSPORT TO REVEREND B. OTTAMA TO ATTEND THE SECOND PAN PACIFIC BUDDHIST CONFERENCE IN TOKIO.

96. ***Mr. Gaya Prasad Singh :** (a) Have Government received any communication on the subject of the refusal of passport to Reverend Ottama, who has been invited to attend the Second Pan Pacific Buddhist Conference in Tokio?

(b) Why has a passport been refused?

(c) Was he refused a passport in 1932 when he intended to proceed to London?

AGE LIMIT FOR COMPETITIVE EXAMINATIONS FOR GOVERNMENT SERVICES.

97. *Sir Cowasji Jehangir : (a) Will Government be pleased to state for which services Government have competitive examinations ?

(b) Is it a fact that some of these examinations have not been held annually due to retrenchment ?

(c) Is it a fact that an age limit is prescribed for candidates for these services ?

(d) Are Government aware of the fact that a number of candidates who would have been within the age-limit had the examinations been held annually will now be debarred from appearing ?

(e) Are Government prepared to amend the rules for all services for which examinations are held, so as to enable such candidates to get a chance of appearing at the next examinations ?

(f) Are Government prepared to make the age-limit rules the same for all services with regard to subordinates in Government service appearing for these examinations ?

The Honourable Sir Harry Haig : (a) A statement is laid on the table.

(b) and (c). Yes.

(d) and (e). I would refer the Honourable Member to my reply to Mr. Maswood Ahmad's starred question No. 16, on the 1st February, 1933. Government see no sufficient reason for amending the rules.

(f) The answer is in the negative. The age limits for each examination are fixed with reference to the requirements of the particular service to which recruitment is to be made.

List of Services for which Recruitment is made by Competitive Examination.

1. Indian Civil Service.
2. Indian Audit and Accounts Service.
3. Imperial Customs Service.
4. Military Accounts Department.
5. Indian Railway Accounts Service.
6. Indian Forest Service.
7. Indian Police.
8. Transportation (Traffic) and Commercial Departments of the Superior Revenue Establishment of State Railways.
9. Indian Railway Service of Engineers.
10. Indian Service of Engineers.
11. Superior Telegraph and Wireless Engineering Branches of the Posts and Telegraphs Department.
12. Signal and Electrical Engineering Departments of the Superior Revenue Establishment of State Railways.
13. Imperial Secretariat Service, Class II.
14. Imperial Secretariat Subordinate Service.
15. Clerical staff of offices attached to the Imperial Secretariat.

PILGRIMS TO HEDJAZ BY OVERLAND ROUTE BY MOTOR LORRIES.

98. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that a number of Hedjaz pilgrims left India during the last Haj season by motor lorries, and if so, were they given pilgrim passports by the Government of India after satisfying themselves that the new route was quite safe and comfortable for the intending pilgrims ?

(b) Is it a fact that pilgrims were refused passports by lorry route in the previous year on the plea that the road was not suitable for lorry traffic, and if so, on what ground were passports issued last season ?

(c) How many pilgrims proceeded to Arabia by lorry traffic during the last season ?

(d) Did they reach their destination in time to perform the duty of pilgrimage fixed for 9th of Zilhij every year ? If not, who is responsible for the loss of expenses and trouble sustained by the Indian pilgrims ?

Mr. H. A. F. Metcalfe : (a) The Government of India are aware that certain pilgrims went from Delhi to Mecca, by the overland route, during the last Haj season. Pilgrim passports are issued by Local Governments, all of whom were requested to warn intending pilgrims against using the overland route. This warning was conveyed by the local authorities at Delhi to all pilgrims who applied for passports or passes.

(b) So far as the Government of India are aware, no pilgrims were refused passports either last year or this year, merely because they wished to use the overland route. All pilgrims were, however, warned on both occasions of the difficulties which they were likely to encounter and a similar warning was conveyed by the Deputy Commissioner of Delhi to the Muslim Trading Corporation, Limited, who were undertaking the venture and providing the transport.

(c) Thirty-five.

(d) The responsibility appears to rest upon those who insisted on disregarding the plain warnings given to them by the Government.

ARRANGEMENTS MADE BY THE SHIPPING COMPANY FOR FOOD OF HAJ PILGRIMS.

†99. *Khan Bahadur Haji Wajihuddin : Are Government of India aware that the deck pilgrims generally who proceeded by various steamers to Arabia, are dissatisfied with the arrangements made by the Shipping Company for their food on the voyage to Jeddah and back, and if so, how do Government propose to solve the problem ?

INDIAN PILGRIMS TO HEDJAZ.

100. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to state the figures of Indian pilgrims who proceeded to Hedjaz in each year during the last five years from each of the Indian ports, respectively ?

Mr. G. S. Bajpai : A statement giving the figures for the five years ending 1932-33 is laid on the table. Figures for the Haj season 1933-34 are not yet available.

†For answer to this question, see answer to question No. 61.

Statement showing the number of Indian pilgrims who proceeded to the Hedjaz from Indian ports during the five years ending 1932-33.

Pilgrim Season.	No. of pilgrims who proceeded to the Hedjaz.			
	From Bombay.	From Karachi.	From Calcutta.	Total.
1928-29	10,611	3,368	1,009	14,988
1929-30	7,528	2,957	557	11,042
1930-31	4,341	2,566	370	7,277
1931-32	5,328	3,780	371	9,479
1932-33	3,634	2,778	278	6,690

SANCTION GIVEN BY GOVERNMENT TO PILGRIMS TO PROCEED TO HEDJAZ BY MOTOR LORRIES.

101. *Khan Bahadur Haji Wajihuddin : Has the attention of Government been drawn to a note published in the *Daily Hamdam*, dated the 20th June, 1934, page 3 with regard to the sanction given by Government to Indian pilgrims for proceeding by lorry traffic ? If so, will Government be pleased to lay on the table all the correspondence which passed between them, the Hedjaz and other Governments in this connection upon which sanction was given by the Government of India ?

Mr. H. A. F. Metcalfe : Yes. As explained in my answer to the Honourable Member's question No. 98, Government gave no sanction to any Indian pilgrims to proceed to the Hedjaz by the overland route ; but, on the other hand, did all they could to dissuade them from doing so. The sanction of the Government of India was neither given nor was necessary for the expedition and the last part of the question does not therefore arise.

BLOCKING OF TRAFFIC ON THE CART ROAD IN SIMLA BY THE POLICE.

102. *Mr. Bhuput Singh : (a) Has the attention of Government been drawn to an article headed "*Simla Road Scandal*", "Colonel's passage blocked by policemen", published in the *Hindustan Times*, dated the 22nd May, 1934 ?

(b) Are Government aware that such things frequently happen on the Cart Road when Their Excellencies are expected to motor down to Kalka ? If so, are Government aware that the blocking of the only road between Kalka and Simla puts the public to a great inconvenience ?

(c) Do Government propose to devise means by which the traffic should not be held up at any one spot on the road more than 20 minutes ? If not, why not ?

(d) Will Government be pleased to state whether the allegations of the writer that this sort of blocking traffic on the road is never allowed by any other Government in the world excepting the Indian Government, is true ? If not, do Government propose to prosecute the writer of the article for making false allegations ? If not, why not ?

The Honourable Sir Harry Haig : (a) Yes.

(b) Government are aware that some inconvenience is occasionally caused.

(c) It is impossible for the Government to undertake to observe a definite time-limit, but as little inconvenience will be caused as is compatible with effective measures for His Excellency's safety.

(d) Government have no information. The second and third parts of the question do not arise.

Mr. Lalchand Navalrai : Will the Honourable Member kindly say if he has read the paper which made the allegation referred to in sub-clause (d), namely, that in no other Governments does any such system prevail ? I want to know whether the Honourable Member has actually read that statement in the papers.

The Honourable Sir Harry Haig : I did read an extract from the paper which is referred to in this question, but, as I have said in sub-clause (d) of my answer, Government have no information whether this particular allegation is correct or not.

Mr. Lalchand Navalrai : And the Government have remained indifferent and is not going to make any inquiries about that ?

The Honourable Sir Harry Haig : Government are content to deal with affairs in India. (Laughter.)

AFFAIRS IN THE OFFICE OF THE DIRECTOR OF CONTRACTS, ARMY HEADQUARTERS.

103. *Mr. Bhuput Singh : (a) Will Government be pleased to state the number of cases during the last three years in which clerks in the office of the Director of Contracts, Army Headquarters, have at first been condemned in their confidential reports and then in the following year or thereafter, enlogised and promoted or in the first instance praised and subsequently condemned, their promotion and annual increments being all stopped ?

(b) Is it a fact that at the present moment some permanent clerks are under charge sheet with a view to dismissal ? If so, what are the exact charges against them ?

(c) Will Government be pleased to state whether the office of the Director of Contracts is the only office in the Government of India where such practices as described in parts (a) and (b) are permitted ? If so, will they be pleased to state the action, if any, they propose to take to ensure the prospects of the Indian clerks ?

Lieut.-Colonel A. F. R. Lumby : (a) Government are not prepared to give information in regard to entries in the confidential reports of their employees.

As each report is based on work performed during a specific period, it is only natural that, if an individual's efficiency varies from year to

year, this fact should be reflected by a corresponding variation in his reports.

(b) No, Sir.

(c) Does not, therefore, arise.

**DUTIES OF THE ASSISTANT MASTER GENERAL OF ORDNANCE WHILE
ACCOMPANYING THE MASTER GENERAL OF ORDNANCE ON TOUR.**

104. *Mr. Bhuput Singh : Will Government please state the duties of the Assistant Master General of Ordnance when the latter accompanies the Master General of Ordnance on tour ?

Lieut.-Colonel A. F. R. Lumby : The duties of the Assistant Master General of the Ordnance when on tour with the Master General of the Ordnance are such as the latter officer may assign to him.

Mr. Bhuput Singh : If there are no particular duties to be performed, why does this high officer accompany the Master General of the Ordnance ?

Lieut.-Colonel A. F. R. Lumby : He is not always accompanied by him.

Mr. Bhuput Singh : Is it a fact that other M. G. O's. in previous years did not have any Assistant M. G. O. ?

Lieut.-Colonel A. F. R. Lumby : The appointment of A. M. G. O. is a quite recent one. At the same time, previous M. G. O's did tour often by themselves ; the other officers of the M. G. O's Branch toured separately.

Mr. Bhuput Singh : Is it a fact that the A. M. G. O.'s function is that of an A.-D.-C. to the M. G. O. ?

Lieut.-Colonel A. F. R. Lumby : No, Sir.

Mr. Bhuput Singh : Then those duties can be done by a small petty officer ?

Lieut.-Colonel A. F. R. Lumby : That is quite incorrect, Sir.

**TRAVELLING OF POLICE CONSTABLES IN AN INTERMEDIATE CLASS
COMPARTMENT BETWEEN KALKA AND SIMLA.**

105. *Mr. Bhuput Singh : (a) Will Government please state whether on the 20th April, 1934, three police constables in uniform, with their rifles, were permitted to share, with the general public, inter class accommodation between Kalka and Simla by the train which arrives at Simla at 1-16 P.M. ?

(b) If the answer to part (a) above be in the affirmative, will Government please state whether police constables on duty are entitled to inter class travelling ? If so, why was no reserved accommodation provided for the three constables referred to in part (a) above, and why were the public made to sacrifice comfort on their account ?

(c) Do Government propose to take action against the Kalka Railway staff for such illegal actions of theirs ? If not, why not ?

Mr. P. R. Rau : (a) Government have no information.

(b) The question of the class in which police constables are entitled to travel is one for Provincial Governments to decide. It is understood that ordinarily police constables on duty are not entitled to accommodation in intermediate class, but, so far as the railway is concerned, if they hold intermediate class tickets they can travel in that class. Reserved accommodation is not provided for constables unless charges for reserved accommodation, as prescribed in the railway's tariff, are paid.

(c) Government cannot see, from the facts in the Honourable Member's question, that there was any illegal action on the part of the railway staff.

Mr. Bhuput Singh : May I inquire from the Honourable Member whether soldiers or police in uniform are generally allowed to accompany ordinary passengers in the train ?

Mr. P. R. Rau : If they hold tickets, they are certainly entitled to travel in that train.

Mr. Bhuput Singh : Having their uniforms and their rifles with them ?

Mr. P. R. Rau : I am not aware of any rule forbidding intermediate class tickets to be sold to people in uniform.

**TRAINING SCHOOL AT CHANDAUSI FOR REFRESHER COURSE OF INDIAN ASSISTANT
STATION MASTERS AND COMMERCIAL CLERKS ON THE EAST INDIAN RAILWAY.**

106. *Pandit Satyendra Nath Sen : (a) Has the attention of Government been drawn to the articles published in the *Mazdoor*, dated the 13th September, 4th October, and 28th October, 1933, 8th January, 20th April, and 28th May, 1934, regarding the Training School at Chandausi for Refresher Course of Indian Assistant Station Masters and Commercial clerks of the East Indian Railway ?

(b) Have Government received any representation from the Indian Assistant Station Masters of the East Indian Railway, protesting against the system of training given in that school ? If so, what action has been taken by Government ?

(c) Are Government aware that there is grave discontent among the Indian Assistant Station Masters of the East Indian Railway over the Refresher Course training which is given by the lower subordinate staff possessing no academical qualifications ?

(d) Is it a fact that previously gazetted officers were appointed as instructors in the same school ? If so, why have they been replaced by lower subordinate staff to teach people of their own rank ?

(e) Is it a fact that on no other State Railway such a school for Refresher Course exists ? If so, what is the necessity for maintaining such a school on the East Indian Railway only ?

(f) What is the annual cost of maintaining the School ?

Mr. P. R. Rau : (a) Government have seen some of the articles referred to in the question.

(b) An appeal from the Indian Assistant Station Masters of the Dinapur Division was forwarded to the Railway Board by the President
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of the East Indian Railway Union, Dinapur (Khagoul), but as this is not a recognised union, and as the matter is one that lies within the competence of the Agent, East Indian Railway, no action was taken on the appeal.

(c) As stated in the reply to part (b) above, a copy of an appeal from certain Assistant Station Masters has been received, which indicates that there is discontent to some extent.

(d) Government understand that gazetted officers were not appointed previously to all the Instructors' posts. If more of these posts are now held by non-gazetted staff than was formerly the case it is no doubt due to the fact that the Administration consider it a more suitable and economical arrangement.

(e) The reply to the first part of the question is in the negative ; the latter part does not arise.

(f) About Rs. 73,000 per annum.

Mr. Lalchand Navalrai : In view of the complaints of this nature which have already been made and are now being made, has the Honourable Member thought fit to inquire from the Agent and make some arrangements to give them such conveniences and to see whether the school is going on very well ?

Mr. P. R. Rau : Government have no reason to believe that the school is not going on very well.

Mr. Lalchand Navalrai : I am asking the Honourable Member's Department to inquire from the Agent and then give a reply, after the Government have got the information from the Agent. We will then accept the answer, as I think the House will require to know whether anything is really being done, or the mere assertion is being repeated by Government that they have got no information. May I inquire from the Honourable Member if he is now really going to make some inquiries ?

Mr. P. R. Rau : Sir, the main complaint in this question seems to be that gazetted officers were appointed instructors in the school before, and now they have been replaced by lower subordinate staff to teach people of their own rank. Government do not consider that the mere fact that gazetted officers have been replaced by officers of subordinate rank is any justification for their making an inquiry in the matter.

Pandit Satyendra Nath Sen : If the present system of training is to be continued, will Government see their way to employ better teaching staff ?

Mr. P. R. Rau : Government have no reason to believe that the present staff are not equal to their duties.

Mr. Lalchand Navalrai : Have the Government got any information with regard to the staff ?

Mr. P. R. Rau : No, Sir ; Government see no reason to call for any information.

Mr. Lalchand Navalrai : I would like the Honourable Member to explain why the Government think so ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question. **Mr. Maswood Ahmad.**

JUDGES OF HIGH COURTS AND CHIEF COURTS IN INDIA.

107. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the number of the permanent and temporary judges of the different high courts and chief courts ?

(b) Will Government be pleased to state how many judges in different high courts and chief courts are Muslims ?

The Honourable Sir Harry Haig : (a) and (b). I lay on the table a statement giving the information

Statement showing the present strength of the High Courts and the Chief Court, Oudh, and the number of Muslim Judges.

Name.	HIGH COURTS.		
	Strength.		Muslim Judges.
	Permanent.	Additional.	
Madras	14	..	..
Bombay	10	1	1
Calcutta	15	2	2
Allahabad	9	2	3
Lahore	9	4	3
Patna	9	1	2
Rangoon	11	..	..
CHIEF COURT.			
Oudh	5	..	1*
Total	82	10	12

*The vacancy will be filled from the 22nd

*The vacancy will be filled from the 29th July 1934.

JUDGES IN THE BOMBAY HIGH COURT.

108. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the number of the judges in the Bombay High Court ? How many of them are Muslims ?

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(b) Are Government aware of the feelings of Muslims of Bombay, including Sindh, against the exclusion of the Muslims from the Bench?

The Honourable Sir Harry Haig : Sir, with your permission, I propose to answer questions Nos. 108 and 109 together. There are ten Judges and one Additional Judge in the Bombay High Court of whom the Additional Judge is a Muslim.

Government are aware that the Muslim community would welcome the appointment of more Muslim Judges. As stated before in this House the main criterion in filling up vacancies is necessarily that of legal qualifications subject to which the claims of Muslims receive careful consideration.

APPOINTMENT OF MUSLIMS AS JUDGES OF HIGH COURTS AND CHIEF COURTS.

†109. ***Mr. M. Maswood Ahmad :** (a) Are Government aware that many matters affecting the Muslim community come up before Honourable Judges of the High Courts and the Chief Courts?

(b) Are Government aware that the Muslim community is an important community in India?

(c) Do Government propose to make an effort so that in the Bench of any of the High Court or Chief Court Muslim community should not be unrepresented?

WINNER OF THE PRIZE FOR THE DESIGN OF AN IMPROVED BONE-CRUSHER.

110. ***Mr. S. C. Mitra :** Will Government please state when they will declare the winner of the prize of Rs. 3,500 offered by the Imperial Council of Agricultural Research for the design of an improved bone-crusher for which designs were submitted to the Secretary, Imperial Council of Agricultural Research, before the 1st November, 1931?

Mr. G. S. Bajpai : A design has been selected and will shortly be put to the actual test of construction and working. The result of the competition will be announced thereafter.

BOOKING OF ACCOMMODATION ON RAILWAYS.

111. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following paragraph in the *Roy's Weekly*, dated the 18th June, 1934 (page 8) :

"Recently a very high Indian official of the Railway booked accommodation for his people, and discovered it had been allotted to some one else—perhaps for a consideration. But for the fact that the official disclosed his identity he would have had no relief: the Railway official concerned would find explanation easy."

(b) What are the facts of the case, and are Government aware that non-official Indian passengers are frequently treated in a similar, or worse manner by Railway administrations generally?

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

†For answer to this question, see answer to question No. 109.

(b) Government have no information regarding the case referred to. They have received no complaints. As regards the second part of the Honourable Member's question, Government have no reason to believe that such incidents are common.

RED SHIRT ORGANISATION IN THE NORTH-WEST FRONTIER PROVINCE.

112. ***Mr. Gaya Prasad Singh :** What is the evidence in possession of Government to show that the Red Shirt organisation in the North-West Frontier Province is engaged in unlawful and subversive activities?

The Honourable Sir Harry Haig : I would invite the Honourable Member's attention to the statements issued by the North-West Frontier Province Government on the 24th and 28th December, 1931 (copies of which were laid on the table in reply to Kunwar Hajee Ismail Khan's question No. 417 on the 22nd February, 1932), which set forth the activities which led to the declaration of these organisations as unlawful.

Maulvi Muhammad Shafee Daoodi : Will Government say whether the events that took place in 1931 or 1932 will now in 1934 be construed as unlawful for the purpose of declaring this organisation as an unlawful one?

The Honourable Sir Harry Haig : There is no question of a new declaration. The declaration has been in force ever since 1931 when the facts detailed in these statements very abundantly justified the action.

Dr. Ziauddin Ahmad : Have not the circumstances changed in 1934 in view of the decision of the Congress?

The Honourable Sir Harry Haig : The circumstances may have changed, but the intentions of that organisation were, as I have said already in this House, of a definitely revolutionary character and cannot be permitted.

Maulvi Muhammad Shafee Daoodi : May I take it, then, that there has been no allegation against this organisation of an unlawful character recently, say, since the beginning of this year?

The Honourable Sir Harry Haig : It may be said not to have been in existence since 1931. At any rate, it has not had any lawful existence.

Sir Abdur Rahim : Is there any written declaration of the policy of this organisation?

The Honourable Sir Harry Haig : I am not sure what written declarations there may or may not be, but for a considerable period of time its activities were clearly directed to violent revolution.

Mr. Gaya Prasad Singh : Are Government in a position to place all their evidence on the table of the House which would go to substantiate their allegation that this particular organisation is connected with revolutionary activities?

The Honourable Sir Harry Haig : As I have already said, the evidence is contained very fully in these two statements, one of which consisted of three printed pages and the other of 28.

Mr. Gaya Prasad Singh : Have these statements been laid on the table of the House?

The Honourable Sir Harry Haig : They were laid on the table of the House in 1932.

Maulvi Muhammad Shafee Daoodi : What evidence is there to connect this organisation, of which the Honourable Member has just now spoken, with the one which is a branch of the Congress organisation? What evidence is there to connect the two?

The Honourable Sir Harry Haig : It was at the time that it was proclaimed on account of its revolutionary activities described as a branch of the Congress organisation.

MISERIES OF INDIANS REPATRIATED FROM BRITISH GUIANA.

113. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the following public statement of Dr. Lanka Sundaram, regarding the miseries of the 500 Indians repatriated from British Guiana, Fiji, South Africa, and other places, and now living at Matia Burz Camp (Calcutta) :

"I have examined their cooking establishments, and it is terribly distressing to confess that they are subsisting on a few handfuls of rice which they succeed in collecting from the neighbouring people."

(b) Have Government made any enquiry into this and will they please make a statement on the subject and state the action taken in the matter?

Mr. G. S. Bajpai : (a) Yes.

(b) A report has been called for from the Local Government. On receipt of it the Government of India will consider whether any action is called for.

Mr. Gaya Prasad Singh : Will that report be placed on the table of the House?

Mr. G. S. Bajpai : I shall consider that suggestion.

Mr. Gaya Prasad Singh : Thank you.

APPOINTMENT OF INDIAN EX-CADETS OF THE INDIAN MERCANTILE MARINE TRAINING SHIP "DUFFERIN" AS LEADSMAN APPRENTICES IN THE BENGAL PILOT SERVICE.

114. *Mr. Gaya Prasad Singh : (a) Is it a fact that Government received a representation from the Bengal Chamber of Commerce, protesting against the appointment of seven Indian ex-cadets of the Indian Mercantile Marine Training Ship "Dufferin", as leadsmen apprentices in the Bengal Pilot Service, and urging the continuance of the policy of appointing Europeans on the ground of efficiency?

(b) What is the result of the representation?

The Honourable Sir Joseph Bhore : (a) The Government of India have received a representation from the Bengal Chamber of Commerce, suggesting that the present method of recruitment to the Bengal Pilot Service should be so changed as to permit of the appointment of a certain percentage of Europeans, until such time as Government and the various interests concerned are assured, that Indianization of the Service is not likely to impair its efficiency.

(b) After careful consideration of the representation, the Government of India have come to the conclusion that there is no sufficient justification at present for making a change in the method of recruitment on the lines suggested by the Chamber.

PLACE OF ORIGIN ON IMPORTED GOODS.

115. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the following Resolution adopted by the Federation of the Indian Chambers of Commerce and Industry, held in Delhi, on the 31st March, 1934 :

"The Federation draws the attention of the Government of India to the imports of foreign goods without any marks of origin, similar in form and design to corresponding swadeshi products, and urges that the lacuna in the Merchandise Marks Act be removed by a provision imposing an obligation for the country of origin being distinctly shown on all imported goods."

(b) Are Government aware that a great deal of confusion arises owing to the place of origin not being indicated on imported goods, and do Government propose to take any steps in the matter?

The Honourable Sir Joseph Bhore : (a) Yes, Sir.

(b) Government have received representations to that effect and propose taking steps in the near future to review the existing body of commercial legislation in India. The question of the amendment of the Indian Merchandise Marks Act will be a subject of examination in that connection.

ABSENCE OF AN ENCLOSED BATHROOM FOR THIRD CLASS WOMEN PASSENGERS AT PHULERA RAILWAY STATION.

116. *Mr. Gaya Prasad Singh : With reference to my question No. 234 of the 25th February, 1931, regarding the absence of any enclosed bathroom for third class women passengers at Phulera Junction Station (Bombay, Baroda and Central India Railway), and the subsequent statement of Government (*vide* Railway Board's letter to me, No. 903-W., dated the 2nd April, 1931) that "the Bombay, Baroda and Central India Railway administration agree that the provision of bathing facilities at Phulera Station for third class passengers is necessary. An estimate of cost of erecting two enclosed bathrooms on the platform is, therefore, under preparation", are Government aware that nothing has yet been done in the matter, and the grievance continues as before? What is the estimated cost, and when is the work likely to be taken in hand?

Mr. P. R. Rau : Enquiries are being made from the Railway Administration, and a reply will be laid on the table in due course.

DIVERSION OF TRADE FROM BOMBAY PORT TO KATHIAWAR PORTS.

117. *Mr. Gaya Prasad Singh : What steps have Government taken, or propose to take, in the matter of the diversion of trade from Bombay Port to Kathiawar Ports, and with what result?

The Honourable Sir James Grigg : I would refer my Honourable friend to the reply which I gave to question No. 56.

Mr. Lalchand Navalrai : May I ask whether within the time, when the Honourable Member answers the former question and today, has he come to know that there is any diversion of trade from Karachi to Kathiawar ?

The Honourable Sir James Grigg : No, Sir ; I have not had time to get answers from Karachi yet.

LOW PLATFORMS ON CERTAIN IMPORTANT STATIONS ON THE EAST INDIAN RAILWAY.

118. ***Mr. A. H. Ghuznavi :** (a) Are Government aware of the considerable inconvenience of the travelling public on account of the very low platforms at such an important junction station as Kiul on the East Indian Railway ?

(b) Do Government propose to take steps to remedy this grievance ? If not, why not ?

Mr. P. R. Rau : (a) and (b). This suggestion has been brought to the notice of the Agent, East Indian Railway, for consideration when preparing his programme of works.

PROVISION OF A SHED OVER THE PLATFORM AT KALKA.

119. ***Mr. A. H. Ghuznavi :** (a) Are Government aware of the considerable hardship caused (particularly during the summer months and the rains) to the travelling public owing to the absence of a shed over the platform at such an important station as Kalka on the North Western Railway ?

(b) Do Government propose to take steps to remedy this ? If not, why not ?

Mr. P. R. Rau : (a) and (b). This suggestion has similarly been brought to the notice of the Agent, North Western Railway.

INSTALLATION OF FANS IN INTERMEDIATE AND THIRD CLASS CARRIAGES.

120. ***Mr. A. H. Ghuznavi :** (a) Are Government aware of the sufferings of the Intermediate and Third Class Railway passengers, especially during the summer, for want of electric fans ?

(b) If the reply to part (a) be in the affirmative, do Government propose to take early steps to instal them in such carriages ? If not, why not ?

Mr. P. R. Rau : The Honourable Member's attention is invited to the reply given by me to Mr. Thampan's question No. 752 on the 7th September, 1933. I may add that the question has been put down for discussion at the next meeting of the Central Advisory Council for Railways.

NON-CARRIAGE OF MAILS BY THE HOWRAH-DELHI-KALKA MAIL.

121. ***Mr. A. H. Ghuznavi :** (a) Is it a fact that the train described in the Railway Time Tables as the Howrah-Delhi-Kalka Mail carries no mails ? If so, are Government aware that the word "Mail" misleads the public in posting letters ?

(b) Do Government propose to change the name of the train from "Mail" into "Express" ? If not, why not ?

Mr. P. R. Rau : (a) I understand a mail van is run on the up train from Moghal Sarai to Kalka and on the down train from Kalka to Delhi. Government understand that there have been cases where the public has been misled by the nomenclature.

(b) The suggestion is being considered.

PRECLUDING THE RAISING OF A QUESTION DISCUSSED AT THE MEETING OF THE INDIAN MEDICAL COUNCIL FROM BEING RAISED WITHIN A YEAR AFTER SUCH DISCUSSION.

122. ***Mr. Bhuput Singh** (on behalf of Mr. S. C. Mitra) : (a) Has the attention of Government been drawn to the fact that one of the members of the Indian Medical Council, recently formed, raised a point of order at the meeting of the Indian Medical Council held on the 12th of June last with regard to Regulation 4 (1) (b) framed by the Governor General in Council and issued by notification on the 27th January, 1934, precluding the raising of a question which had been discussed at the meeting of the Council from being raised within a year after such discussion ?

(b) Is it a fact that the President of the Indian Medical Council ruled that the Regulation 4 (1) (b), mentioned above, does not preclude such discussion ?

(c) Are Government prepared to take any action on this matter ?

(d) Have Government consulted their legal advisers as to the legality of the steps taken by the President at the meeting of the Indian Medical Council held on the 12th of June, 1934 ?

Mr. G. S. Bajpai : (a) Yes.

(b), (c) and (d). The President ruled that the motion in respect of which the point of order was raised was admissible, and, under Regulation 22 of the Regulations referred to by the Honourable Member, he was competent to do so and his decision is final.

FORMATION OF THE EXECUTIVE COMMITTEE OF THE INDIAN MEDICAL COUNCIL.

123. ***Mr. Bhuput Singh** (on behalf of Mr. S. C. Mitra) : (a) Are Government aware that the Indian Medical Council Act (Act XXVII of 1933) has a provision under section 18 of the Act that "the Council may with the previous sanction of the Governor General in Council make regulations for the mode of appointment of the Executive Committee" ?

(b) Is it a fact that an executive committee was appointed by the Council at its meeting held on the 9th and 10th of March, 1934 ?

(c) Is it a fact that at the time of such appointment no regulation indicating the mode of appointment of the executive committee as contemplated under section 18 of the Act was framed either by the Indian Medical Council or by the Governor General in Council ?

(d) Have Government taken the opinion of their legal advisers on the point whether the formation of the executive committee

before the regulations for its mode of formation had been framed, is in order?

(e) Have Government taken the opinion of their legal advisers as to whether any action taken by such an executive committee regarding the appointment of Inspectors, etc., could be challenged by any person affected by such order?

Mr. G. S. Bajpai : (a) Yes.

(b) The Committee was appointed by the Council at its meeting held on the 9th March, 1934.

(c) Yes.

(d) Under sub-section (2) of section 18 of the Act, a regulation in this behalf might have been made by the Governor General in Council but, in fact, was not made. When the Council proceeded to appoint the Executive Committee no regulation on the subject of the making of appointments to the Executive Committee was in force. The Council, in deciding to proceed in a particular manner, was not framing a regulation under section 18, which is subject to the previous sanction prescribed by the law, but were taking an *ad hoc* decision as to their mode of procedure in the absence of a regulation. It was open to the Council, in the exercise of its power, to constitute an Executive Committee and, in the absence of a regulation, to take the action which it took in appointing the Committee in a particular manner.

(e) Does not arise.

PROPOSAL TO EXCLUDE THE SECRETARY OF THE INDIAN MEDICAL COUNCIL FROM ACTING AS AN INSPECTOR.

124. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : Will Government be pleased to state whether it is a fact :

(a) that a member of the Indian Medical Council had proposed the exclusion of the Secretary, appointed by the Governor General in Council, from acting as an Inspector in March last at the meeting held on the 12th June, 1934; and

(b) that the members of the Medical Council in the service of Government had been approached, before the meeting held on June 12, by officials to delete their former resolutions passed at the meeting of the 10th March on the same subject?

Mr. G. S. Bajpai : (a) Yes.

(b) The regulation framed by the Council on the subject referred to in (a) was subject to the previous sanction of the Governor General in Council under sub-section (1) of section 18 of the Indian Medical Council Act, 1933. The Council met on the 12th June to consider the request of Government that this particular regulation be reconsidered. The Government have no reason to assume that, in deciding this matter, members of the Council, whether officials or non-officials, did not give their verdict in favour of what they considered to be the right course.

Mr. Lalchand Navalrai : May I know from the Honourable Member what were the reasons for the member who recommended the exclusion of the Secretary as is mentioned in part (a)?

Mr. G. S. Bajpai : I suggest that it be addressed to the member who suggested the exclusion of the Secretary.

Mr. Lalchand Navalrai : Were no reasons given which have come to the notice of the Government?

Mr. G. S. Bajpai : What came to the notice of the Government was that the Council by a majority had framed a regulation to the effect that the Secretary should be excluded from the inspectorate. The reasons were not there.

Mr. B. Das : Is it not a fact that all the non-official members of the Executive Committee of the Medical Council say that they were against the appointment of the Secretary as Inspector?

Mr. G. S. Bajpai : That is not so.

Mr. D. K. Lahiri Chaudhury : What is the general custom in the British Medical Council?

Mr. G. S. Bajpai : I want notice. I cannot say what the custom is in England.

Dr. Ziauddin Ahmad : Is it not a fact that, while discussing the Medical Council Bill, it was emphasized that none of the members of the Inspection Committee should be a person engaged in teaching in any University and there was no mention about the Secretary there at all?

Mr. G. S. Bajpai : If my Honourable friend wishes to suggest that at no stage in the course of the discussion it was said that the Secretary shall not be an Inspector, then I agree with him.

Dr. Ziauddin Ahmad : What I meant was that a person engaged in teaching should not be a member of the inspectorate.

Mr. G. S. Bajpai : The position according to my recollection is that any one actually engaged in teaching shall not be an Inspector for the purpose of inspecting the college where he teaches.

Mr. Vidya Sagar Pandya : What was the proportion of those who were for and against the appointment of the Secretary as an Inspector?

Mr. G. S. Bajpai : The position is that in March there was a majority in favour of exclusion, and in June there was a majority in favour of inclusion, and I cannot exactly state the mathematical proportion between those for and against.

Mr. Vidya Sagar Pandya : What was the reason for revising the opinion later on?

Mr. G. S. Bajpai : I have already stated that the Governor General in Council, to whose approval the regulation is subject, asked the Council to reconsider the decision.

Mr. D. K. Lahiri Chaudhury : Can they alter a decision taken in the same year?

Mr. G. S. Bajpai : I have already answered the question. Not in regard to this particular matter, but in regard to another matter that was raised, the President of the Council, whose decision in regard to questions of interpretation of the regulation is final, decided that the point could be taken into consideration by the Council.

Mr. D. K. Lahiri Chaudhury : Did the Government consult their legal authority on the matter ?

Mr. G. S. Bajpai : My Honourable friend may rest assured that Government do not authorise anybody to give an answer without taking all the advice that is necessary.

Mr. Lalchand Navalrai : Was there any rule or regulation allowing the Secretary to be included instead of being excluded ?

Mr. G. S. Bajpai : I do not follow what the Honourable Member means by "rule".

Mr. Lalchand Navalrai : Rule is a rule, and any dictionary will give the meaning. What I mean to say is, if there was any provision to allow the Secretary to be included instead of being excluded from the Council ?

Mr. G. S. Bajpai : I shall gladly follow my Honourable friend's advice to study the dictionary. In this particular case, the point is that there is no rule made in regard to the Secretary by the Government. A regulation was made by the Council itself excluding the Secretary. That regulation was subject to the previous approval of the Governor General in Council and previous approval of the Governor General in Council to the original regulation excluding the Secretary was not forthcoming.

Mr. B. Das : May I enquire if in the Select Committee the Government representatives did not give an assurance that the Secretary should not be an Inspector ?

Mr. G. S. Bajpai : No, Sir.

Mr. B. Das : Has not a statement been made in the Press and have Government contradicted it ?

Mr. G. S. Bajpai : I do not remember to have seen any statement in the Press to the effect that Government had given an assurance that the Secretary shall not be an Inspector. Any how, if such a statement has been made and has escaped my notice, I hope that the contradiction which I have now given will receive due publicity.

Mr. Vidya Sagar Pandya : Was due notice given, for the subsequent change, in the agenda ? Was the subject sprung upon the Council subsequently and the alteration made ?

Mr. G. S. Bajpai : No, Sir. The subject was not sprung upon the Council. The items of the agenda were circulated to the Council in due time.

FORMAL COMPROMISE AGREED TO AT AN INFORMAL MEETING OF THE MEMBERS OF THE INDIAN MEDICAL COUNCIL.

125. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Will Government be pleased to state whether they are aware that at an informal meeting of the members of the Medical Council with the House a compromise was agreed to but was subsequently rejected ?

(b) Will Government be pleased to state the reason why such a compromise was not given effect to ?

Mr. G. S. Bajpai : (a) No.

(b) Does not arise

APPOINTMENT OF THE SECRETARY OF THE INDIAN MEDICAL COUNCIL.

126. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that Mr. Macrae, the Secretary of the Indian Medical Council, was appointed on the recommendation of Sir Norman Walker, the President of the British General Medical Council in England ?

(b) Is it a fact that the provisions of the Indian Medical Council Act contemplate the appointment of a Secretary who could also act as the Treasurer ?

(c) Is it a fact that there is no provision in the Act for the appointment of the Secretary as one of the Inspectors ?

Mr. G. S. Bajpai : (a) No. The initiative in Mr. Macrae's appointment was taken by the Government of India who acted in the usual way through the High Commissioner for India. The High Commissioner reported that Mr. Macrae was exceptionally qualified for the post of Secretary.

(b) Section 9 (1) (c) of the Act empowers the Council to appoint a Secretary who may also, if deemed expedient, act as Treasurer.

(c) There is no provision in the Act prohibiting the appointment of the Secretary as one of the Inspectors.

Mr. Gaya Prasad Singh : Was this gentleman formerly connected with the British Medical Council ?

Mr. G. S. Bajpai : He was, I understand, one of the Inspectors on behalf of the General Medical Council of Great Britain.

Dr. Ziauddin Ahmad : Is it not a qualification ?

Mr. G. S. Bajpai : Government certainly think so.

RETRENCHMENT IN THE ARMY HEADQUARTERS.

127. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) With reference to the following clause at page 39 of the pamphlet entitled *Some Facts and Figures about Indian Defence, 1933-34*, issued by the Army Department :

"On the one hand, without any relaxation of financial control—and the Retrenchment Committee were satisfied after full enquiry that the contract system involved no such relaxation—the financial authorities have found it possible on this account to make considerable reductions in their own staff ; and the decrease of work thereby secured has contributed towards such reductions in the Staff of Army Headquarters as have been found possible in the last few years.....",

will Government please state (i) the number of King's commissioned officers employed in each of the following Branches of Army Headquarters before the inquiry of the late retrenchment committee, and (ii) the number of such officers in employment there on the 1st of June, 1934 :

General Staff Branch,

Adjutant General's Branch,

Q. M. G.'s Branch, and

M. G. O.'s Branch ?

(b) Will Government please state whether before writing the pamphlet mentioned at part (a) above, steps were taken to ensure that all unnecessary officers' posts were abolished at Army Headquarters?

(c) Will Government please state which posts of officers in Army Headquarters were abolished as a retrenchment measure, and have since been revived?

Lieut.-Colonel A. F. R. Lumby : (a)—

(i) General Staff Branch	44
Adjutant General's Branch	32
Quartermaster General's Branch	31
Master General of the Ordnance Branch	30
(ii) General Staff Branch	40
Adjutant General's Branch	28
Quartermaster General's Branch	27
Master General of Ordnance Branch	27

The total reduction is 15 officers.

(b) Unnecessary appointments did not, and do not, exist. The decrease of work referred to in the extract quoted by the Honourable Member enabled some appointments to be dispensed with, while others were reduced owing to the urgent need for economy and their duties distributed between the holders of other appointments.

(c) One first grade staff appointment, in the Adjutant General's Branch, has been revived and another simultaneously abolished.

One third grade staff appointment, in the General Staff Branch, has been revived, but without causing any extra expense owing to economies effected elsewhere.

In addition, the Signal Officer in Chief, whose headquarters were moved from Army Headquarters to Jubbulpore, has been brought back for administrative reasons to Army Headquarters without replacement in the latter place.

Mr. Lalchand Navalrai : May I know how many of these 15 officers, who have been reduced, are Indians and how many Europeans?

Lieut.-Colonel A. F. R. Lumby : I think they all must have been British.

SANCTION OF THE POSTS OF AN OFFICER SUPERVISOR AND FIVE TECHNICAL MILITARY CLERKS FOR THE MASTER GENERAL OF THE ORDNANCE BRANCH.

128. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that an extra post of officer supervisor and five technical military clerks have been recently sanctioned for the M. G. O. Branch? If so, for what work and for what period has this additional staff been allowed?

(b) Will Government please state the cost of this extra staff?

Lieut.-Colonel A. F. R. Lumby : (a) One temporary appointment of Officer Supervisor has been sanctioned, for a period of six months, in

the first instance, and three, not five appointments of Technical Military Clerks have been sanctioned, two for four years and one for two years. This staff is for the revision of Equipment Regulations, India, and the preparation of a combined indent and ledger form for annual allowances of units. The Honourable Member, in whose name this question is down on the paper, will remember that the Military Accounts Committee recently enquired about this revision the necessity for which was brought to notice by the Military Accountant General in his audit certificate.

(b) The cost of the Officer Supervisor will be Rs. 3,250 and that of the three Technical Clerks approximately Rs. 14,040 per annum.

HOLDING OF A COLONEL'S COMMAND BY A MAJOR-GENERAL.

129. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Will Government please state the number of posts which are tenable by general officers of the Indian Army, and the number of general officers (other than Medical) who are maintained on the Active List?

(b) Is it a fact that two Major-Generals of the Indian Army are in command of Brigades which are Colonel's appointments? If so, is there any precedent for this in the British Army, i.e., a Major-General holding a Colonel's command?

(c) Is it a fact that the state of affairs stated at part (b) above is due to an overflow in the cadre of general officers of the Indian Army?

Lieut.-Colonel A. F. R. Lumby : (a) The number of appointments tenable by General Officers of the Indian Army varies between 22 and 23. The sanctioned establishment is 25.

(b) Two Major-Generals of the Indian Army are commanding Brigades at present. One of them has only recently been promoted to that rank and will vacate his command on the 4th August, 1934, in accordance with the rule under which an officer is only permitted to continue for three months in the appointment he is holding at the time of notification of his promotion to the rank of Major-General. A similar rule prevails in the British Army. The other is holding one of the three appointments of Brigade Commander in which His Excellency the Commander-in-Chief is authorised, for administrative reasons special to India, to employ a Major-General.

(c) No. The small surplus of the authorised establishment of General Officers of the Indian Army over the actual appointments available for them is designed to provide a margin for selection and to make available officers of appropriate rank to officiate in long leave vacancies in the higher Command and Staff appointments.

DUTIES OF THE ASSISTANT MASTER GENERAL OF ORDNANCE.

130. ***Mr. Uppi Sahab Bahadur :** (a) Is it a fact that in the M. G. O. Branch at Army Headquarters, the incumbent of the post called Assistant Master General of Ordnance, costing about 25,000 rupees per annum, which is classed as a first grade staff appointment, has no regular duties to discharge?

(b) Is it a fact that some duties which had hitherto been performed by the officer supervisor of the Branch, have been transferred to the

Assistant Master-General of Ordnance ? If so, will Government please state the duties so transferred ?

(c) Is it a fact that the Assistant Master General of Ordnance is also responsible for the following duties :

Writing office orders ; reading files released by the M. G. O. ; arranging clerical and menial personnel for the Branch Camp Office at Delhi ; visiting the Imperial Bank for cashing office cheques ; dealing with papers of the Simla Gymkhana Club while in office ?

(d) Will Government please state the names of the posts in the G. S., A. G. and Q. M. G. Branches to which identical duties pertaining to those branches are assigned ?

(e) Are Government aware of the prevailing feeling that the duties enumerated above could be easily performed by a clerk drawing pay not more than Rs. 100 per mensem ? If so, are Government prepared to abolish the expensive post of Assistant Master General of Ordnance at the earliest possible moment and relieve the tax-payer of this unnecessary burden ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) No.

(b), (c) and (d). The duties of the Assistant Master General of Ordnance are concerned primarily with co-ordination of matters affecting policy, including those relating to mobilisation and preparation for war, in so far as they relate to the Master General of the Ordnance Branch. For reasons of administrative convenience, certain duties formerly performed by an Officer Supervisor have been transferred to the Assistant Master General of Ordnance, but these comprise an insignificant part of his work. In the course of his duties he naturally has, like officers of all Branches at Army Headquarters, to read the files which come to him, but otherwise it is ordinarily no part of his duties to concern himself with any of the matters included in the Honourable Member's list.

(e) No. The other questions consequently do not arise.

APPOINTMENT OF ASSISTANT MASTER GENERAL OF ORDNANCE.

131. *Mr. Uppi Saheb Bahadur : Will Government please state whether the appointment of Assistant Master General of Ordnance exists on the staff of the War Office ?

Lieut.-Colonel A. F. R. Lumby : No ; the first grade appointment held by the officer of the Master General of Ordnance Department of the War Office who is responsible for the duties corresponding to those performed at Army Headquarters by the Assistant Master General of Ordnance carries a different designation.

COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

132. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to furnish a statement showing (i) the number of Bihari Hindus, domiciled Bengalis, Muslims and others in the various gazetted and non-gazetted posts of the Bihar and Orissa Income-tax Department as it

stood on the 1st April, 1931, and (ii) the number of Bihari Hindus, domiciled Bengalis, Muslims and others recruited for appointment after 1st April, 1931, up-to-date ?

(b) Will Government please further state whether it is a fact that two new appointments of clerks have just been made in the Income-tax Department, Bihar and Orissa, and whether one vacancy was filled by a Hindu and the other by a Bengalee and none by a Muslim ?

(c) If the answer to part (b) be in the affirmative, will Government please state why the claims of the Muslims have been ignored ?

The Honourable Sir James Grigg : With your permission, Sir, I propose to answer questions Nos. 132, 133, 135, 138 and 139 together. The information is being obtained and will be laid on the table in due course.

OVER-REPRESENTATION OF DOMICILED BENGALIS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

†133. *Mr. M. Maswood Ahmad : Is it a fact that the domiciled Bengalis are over-represented in all grades of Bihar and Orissa Income-tax Service ? If not, what is their exact proportion ?

APPOINTMENT OF OFFICERS IN THE INCOME-TAX DEPARTMENT.

134. *Mr. M. Maswood Ahmad : Is it not a fact that the appointments of all officers below the rank of Commissioner of Income-tax are made on a provincial basis ?

The Honourable Sir James Grigg : The answer is in the affirmative as regards officers appointed by Commissioners of Income-tax under section 5 (4) of the Income-tax Act.

PREPONDERANCE OF ONE COMMUNITY IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

†135. *Mr. M. Maswood Ahmad : Is it not a fact that the Government of India attach importance to the observance of their instructions regarding the necessity of securing that members of no community should have undue preponderance in the public services ? If so, will Government please state why no steps have been taken to avoid the preponderance of one community in the Income-tax Service, Bihar and Orissa ?

APPOINTMENTS, PROMOTIONS, TRANSFERS, ETC., IN THE INCOME-TAX DEPARTMENT.

136. *Mr. M. Maswood Ahmad : Have Government any control in the matters of appointments, departmental promotions, transfers, etc., in the Income-tax Department, and do Government periodically review the orders of Commissioners in these matters ?

The Honourable Sir James Grigg : Under section 5 (4) of the Income-tax Act, Assistant Commissioners and Income-tax Officers are appointed by Commissioners of Income-tax subject to the control of Government, and to this extent, appointments and promotions to these posts are

†For answer to this question, see answer to question No. 132.

under their control. As regards transfers, they are ordered by the Commissioner of Income-tax concerned and Government do not exercise any control over them. The answer to the last part of the question is in the negative.

APPOINTMENT OF A MUSLIM AS AN ASSISTANT COMMISSIONER OF INCOME-TAX IN BIHAR AND ORISSA.

137. *Mr. M. Maswood Ahmad : (a) Has the attention of Government been drawn to the glaring fact that there is not a single Muslim Assistant Income-tax Commissioner in Bihar and Orissa, and that there is no likelihood of any Muslim becoming one for at least another 25 years, in view of the cadre of the Income-tax Officers being composed of young men recruited during the course of a few years ?

(b) If the answer to part (a) be in the affirmative, what steps do Government propose to take in order to remove the grievance of the Muslims ?

(c) Are Government, with a view to adjusting the communal inequality, prepared to transfer one of the two Assistant Income-tax Commissioners to other Provinces and secure in his place the services of a Muslim officer ? If not, why not ?

The Honourable Sir James Grigg : (a) It is the case that neither of the two Assistant Commissioners of Income-tax in Bihar and Orissa is a Muslim and that the prospects of a Muslim being promoted to one of these posts, in the near future, are not bright.

(b) But I am afraid that there are no steps that the Government could usefully take in the matter.

(c) Assistant Commissioners are not liable to transfer from one Province to another and it would be in the interests neither of the Department nor of the Muslims of British India as a whole that they should be made so.

TRANSFERS OF ASSISTANT COMMISSIONERS OF INCOME-TAX.

†138. *Mr. M. Maswood Ahmad : Is it a fact that the Income-tax Assistant Commissioners are not transferred from one circle to another and are left in charge of one Circle for almost the whole of their lives unless they get a lift or otherwise quit the service of Government ? If so, why ?

GRIEVANCES OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

†139. *Mr. M. Maswood Ahmad : (a) Has the attention of Government been drawn to the series of articles published in the *Searchlight*, Patna, about the Income-tax Department of Bihar and Orissa ?

(b) Have Government, or the Commissioner of Income-tax, or his Assistants, or any other officer of Government, ever examined the reasons which are creating dissatisfaction and discontent among the staff and among the inhabitants of Bihar and Orissa about the Income-tax Department and about the appointments made in that department ?

†For answer to this question, see answer to question No. 133.

(c) Do Government propose to ask the Commissioner of Income-tax Department to receive suggestions from the representatives of the people to examine the grievances mentioned by them and to try to remove their legitimate grievances ?

INSANITARY CONDITION OF THE LAND SITUATED OUTSIDE TURKMAN GATE, DELHI.

140. *Kunwar Hajee Ismail Ali Khan : With reference to my starred question No. 1245, dated the 1st December, 1933, will Government kindly state :

(i) when the land situated outside Turkman Gate, Delhi, was transferred to New Delhi Municipal Committee and on what terms ; and

(ii) how long it will take to remove dumping rubbish from outside the Turkman Gate and improve the vicinity in general ?

Mr. G. S. Bajpai : (i) The boundaries of the Municipalities of Delhi and New Delhi have not yet been revised so as to include this area within the jurisdiction of the New Delhi Municipal Committee.

(ii) The land is Government nazul land, and work has already commenced on clearing and levelling the area with a view to converting it into a park. It is hoped to complete the process of levelling in about two months' time, and steps to complete the lay out, and plant the area with grass, will be taken in due course.

FARMANS, ETC., OF THE MOGHAL EMPERORS RELATING TO THE GRANT OF LANDS TAKEN BY THE BRITISH GOVERNMENT.

141. *Sir Muhammad Yakub : Will Government be pleased to state where the records of the Moghal Emperors, including the Farmans relating to the grant of lands, were taken by the British after the deposition of the last Moghal Emperor ? Are these documents open to public and can copies of the same be obtained ? If not, why not ?

Mr. G. S. Bajpai : With your permission, Sir, I shall reply to questions Nos. 141 and 142 together. Enquiries are being made and the information will be laid on the table of the House in due course.

RECORDS OF GRANTS OF VILLAGES MADE BY THE MOGHAL EMPERORS TO THE SYEDS OF AMROHA IN THE MORADABAD DISTRICT.

†142. *Sir Muhammad Yakub : Will Government be pleased to state if they have got any record of the *Moafi* (Revenue free) grants of villages made by the Moghal Emperors to the Syeds of Amroha in Moradabad District ? If so, will copies of these documents be available to the Syeds of Amroha ?

CONTROL OF MONEY-LENDING AND RATES OF INTEREST.

143. *Sir Muhammad Yakub : (a) Are Government aware that I moved a resolution in this House on the 17th September, 1931, regarding

†For answer to this question, see answer to question No. 141.

the control of money-lending and rates of interest, and that replying on behalf of Government, Sir James Crerar, the then Home Member, said :

" I should like to assure the Honourable Member that we shall press this upon the attention of the Local Governments as a matter requiring very prompt consideration " ?

(b) Will Government be pleased to state what action was then taken by the Local Governments in this connection ?

(c) Has any law on the subject been passed by any Local Government in India ? If not, are Government prepared to press upon the Local Governments the necessity of taking prompt action in the matter ?

The Honourable Sir Harry Haig : (a) Yes.

(b) and (c). Acts have been passed in Bengal, Central Provinces and Assam, limiting the rates of interest. In Madras, Bombay, the United Provinces and the Punjab, Bills dealing with the subject have been introduced either by Government or non-officials. The matter was also discussed at the Provincial Economic Conference held at Delhi in April last, and I would invite the Honourable Member's attention to paragraph 5 of the Finance Department Resolution No. F-16 (1)-F-34, dated the 5th May, 1934 (published in the Gazette of India of the same date), from which it will be seen that the general view of the Conference was that the diversity of the conditions of the agricultural classes in India was so great, both in respect of land tenures and general economic status, that any legislative measures to afford relief must be primarily provincial. It will also be seen from the Resolution referred to that Local Governments are fully alive to the necessity of taking steps to meet the situation. I shall, however, forward a copy of the question and this answer to them.

Maulvi Muhammad Shafee Daoodi : Have the Government of Bihar and Orissa done anything in that direction ?

The Honourable Sir Harry Haig : I do not think any action has been taken so far in Bihar and Orissa, as far as I remember.

Maulvi Muhammad Shafee Daoodi : May I know whether they said anything in the last Economic Conference as to whether they were going to take any steps in that direction ?

The Honourable Sir Harry Haig : I am afraid I shall have to ask for notice of that question.

Mr. Gaya Prasad Singh : Should not this question be left to the Local Governments and their local Legislative Councils ?

The Honourable Sir Harry Haig : That, Sir, undoubtedly was the feeling in the Provincial Economic Conference.

Dr. Ziauddin Ahmad : Will Government be pleased to circulate the proceedings of the Economic Conference among the Members of the Legislature ?

The Honourable Sir Harry Haig : I think, Sir, it is a document of which the Finance Department is in charge, and perhaps my Honourable colleague would consider the suggestion.

PROVISION OF A BATH ROOM IN THE FIRST AND SECOND CLASS WAITING ROOM AT BAREILLY JUNCTION, ROHILKUND AND KUMAON RAILWAY.

144. ***Kunwar Hajee Ismail Ali Khan :** (a) Are Government aware that there is no bathing place in the First and Second Class Waiting Room at the Bareilly Junction Station of the Rohilkund-Kumaon Railway ?

(b) If the answer to part (a) be in the affirmative, do Government propose to remove the inconvenience of the First and Second Class passengers by providing a separate bath-room for bathing purposes ?

Mr. P. R. Rau : Government have no information, but I have sent a copy of the question to the Agent of the Rohilkund and Kumaon Railway for such action as he may consider necessary.

EXPIRY OF THE TERM OF AGREEMENT OF THE DEHRA DUN HARDWAR RAILWAY.

145. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government please state when the term of the agreement of Dehra-Dun Hardwar Company-managed Railway will expire ?

(b) Was there any condition made with the Company to construct a Rope Aerial Railway for carrying the goods to Mussoorie Hills ?

(c) If the answer to part (b) be in the affirmative, will Government kindly inform this House what action so far has been taken by the Company to construct the Rope Aerial Railway for Mussoorie ?

Mr. P. R. Rau : (a) 31st December, 1939, or, if not terminated then, at intervals of 10 years thereafter.

(b) There is no such provision in the contract entered into with the Company.

(c) Does not arise.

PILGRIMS TO HEDJAZ FROM EACH PROVINCE OF INDIA.

146. ***Kunwar Hajee Ismail Ali Khan :** (a) What was the total number of pilgrims to Hedjaz from each Province of India during the last Haj season ?

(b) How many of them died abroad and how many returned to India ?

Mr. G. S. Bajpai : (a) and (b). The information is not at present available. It will be laid on the table of the House, when received.

PILGRIMS TO HEDJAZ BY OVERLAND ROUTE BY MOTOR LORRIES.

147. ***Kunwar Hajee Ismail Ali Khan :** (a) Is it a fact that a large number of pilgrims to Hedjaz went from India by overland route by motor lorries ?

(b) Have they performed the Haj safely and have they returned to India without any trouble ?

(c) What was the number of those pilgrims who went by motor lorries ?

(d) Who conducted the tour for them, and at what cost ?

Mr. H. A. F. Metcalfe : (a) and (c). The number of pilgrims who went by this route is reported to be thirty-five.

(b) The pilgrims arrived in Mecca two or three days too late for the pilgrimage having lost their way at least once. Out of 35 pilgrims who went by this route, 18 returned by lorry, 6 remained in the Hedjaz and 11 arranged to return to India by sea.

(d) The Muslim Trading Corporation, Limited, Daryaganj, Delhi. It is reported that the charge for the journey from Delhi to Mecca and back was fixed at Rs. 500 per head.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN ZANZIBAR.

148. *Mr. Gaya Prasad Singh : (a) Is it a fact that the Government of Zanzibar have passed, or are about to pass, two Bills which are calculated to prevent Indians from acquiring land, and which deprive them of their ancestral rights of dealing in the only important local industry there, viz., cloves?

(b) Are Government aware that there are about fifteen thousand Indians in that territory, and that they have invested about eight million rupees as capital in business?

(c) What steps have Government taken in the matter to safeguard the rights of Indians?

Mr. G. S. Bajpai : (a), (b) and (c). The Honourable Member is presumably referring to recent legislation in Zanzibar regarding which telegraphic representations have been received by the Government of India from the Indian National Association of Zanzibar and also from certain public bodies in this country. The Government of India had no previous notice that such legislation was before the Zanzibar Legislative Council, nor were the texts of the various decrees before them when the first representations were received. Government could, therefore, only suggest postponement of legislation. This request was not successful. The text of five of these decrees, as published in the Zanzibar Gazette, has recently become available, and certain representations have already been made to the Secretary of State. On receipt of the detailed comments of the Indian community in Zanzibar on the measures, further representations will be made, if necessary. I can give the Honourable Member the assurance that the Government of India will do whatever lies in their power to safeguard legitimate Indian interests in Zanzibar.

Mr. Lalchand Navalrai : May I know if up to this time Indians in Zanzibar have acquired land or was there any restriction in acquiring it?

Mr. G. S. Bajpai : Until these decrees were passed, transfers of land between the Arabs and the natives on the one hand and Indians on the other were not subject to any restriction or regulation. The recent decree on the subject makes such transfers subject to the previous approval of the Resident of Zanzibar.

Mr. Lalchand Navalrai : May I take it that in fact they do possess land?

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

Mr. B. Das : Had Government appointed a Trade Commissioner at Mombassa, would it not have been easy for Government to get information in right time and take adequate steps?

Mr. G. S. Bajpai : That, Sir, is a hypothetical question as to what would have happened if something else had happened.

Mr. B. Das : May I ask the Leader of the House what are the causes of the delay in the appointment of the Trade Commissioner at Mombassa which was settled four or five years ago?

The Honourable Sir Joseph Bhore : Does that arise out of this question, Sir?

FORCIBLE ABDUCTION OF ONE SRIMATI GORI FROM DHAN JOLANGRA IN MALKAND AGENCY.

149. *Mr. Gaya Prasad Singh : Is it a fact that a lady, named Srimati Gori, wife of Lala Dina Nath of Mardan, was forcibly abducted from Dhau Jolangra, in Malkand Agency? Will Government kindly make a statement of the case, and state the steps taken to prevent recurrence of such outrages?

Mr. H. A. F. Metcalfe : Information is being obtained from the Local Government and will be given to the House as soon as it is received.

Pandit Satyendra Nath Sen : Are Government aware that cases of abduction have become very frequent during the last few years?

Mr. H. A. F. Metcalfe : I gather from the Press that there have been a certain number of cases of abduction in British India, but I do not think that arises out of this question which refers to tribal area.

Mr. Lalchand Navalrai : Have Government ever inquired into the causes of these abductions now-a-days?

TURKISH SOLDIERS IMPRISONED IN INDIA.

150. *Mr. Gaya Prasad Singh : Is it a fact that about 1,000 Turkish soldiers and others are still imprisoned in India ever since the repatriation of Turkish prisoners on the cessation of hostilities in 1919? If so, under what circumstances have such Turkish prisoners continued to be kept in India, and what is being done to repatriate them?

Lieut.-Colonel A. F. R. Lumby : The answer to the first question is in the negative and therefore the other questions do not arise.

FRESH EXPEDITIONARY PARTY FROM ENGLAND FOR THE "CONQUEST" OF MOUNT EVEREST.

151. *Mr. Gaya Prasad Singh : (a) Is it intended to bring out a fresh expeditionary party from England for the "conquest" of Mount Everest? If so, have the Governments of Tibet and Nepal been consulted, or will their agreement be obtained?

(b) Have Government given their sanction?

(c) Is it a fact that an Indian party, with the same object, was refused permission by Government? If so, why?

Mr. H. A. F. Metcalfe : (a) There is no such proposal at present.

(b) Does not arise.

(c) If the Honourable Member is referring to the proposed expedition by an Indian Club to the neighbourhood of Mount Kailas in Tibet, he is referred to the answer given to his starred question No. 91.

RELEASE OF KHAN ABDUL GHAFFAR KHAN.

152. *Mr. Gaya Prasad Singh : (a) Is it a fact that Khan Abdul Ghaffar Khan, has lost weight in Hazaribagh Jail on account of his being provided with an unsuitable cook ?

(b) How much has he lost in weight ?

(c) Do Government propose to release him ?

The Honourable Sir Harry Haig : (a) and (b). Khan Abdul Ghaffar Khan has lost 21 pounds in weight since his incarceration in December, 1931 ; but this is not attributed to any unsuitable cooking of his food. The medical reports show that he has kept and is keeping good health.

(c) I would refer the Honourable Member to the answer given by me to Mr. M. Maswood Ahmad's question No. 701 on the 6th September, 1933.

Mr. Gaya Prasad Singh : Do I understand Government to say that there has been no change in the policy of Government with regard to the release of Khan Abdul Ghaffar Khan since that answer was given last year ?

The Honourable Sir Harry Haig : Yes, Sir ; the answer given was that he will be released when Government are satisfied that his detention is no longer essential in the public interest.

Mr. Gaya Prasad Singh : How long will it take Government to be satisfied on this point ?

The Honourable Sir Harry Haig : That depends on conditions generally. But I must make it clear that the Government of the North-West Frontier Province, in view of the activities of Khan Abdul Ghaffar Khan when he was at liberty, cannot at present foresee the time when it will be safe to allow him to return to the Province.

Mr. Gaya Prasad Singh : Then do I understand Government to say that the Local Government of the North-West Frontier Province are at present opposed to the release of this gentleman ?

The Honourable Sir Harry Haig : Yes, Sir, the Honourable Member may certainly assume that.

Maulvi Muhammad Shafee Daoodi : Is it a fact that Khan Abdul Ghaffar Khan was convicted of an offence committed in prosecution of the Civil Disobedience Movement and not on account of any crime involving violence ?

The Honourable Sir Harry Haig : He is held at present not as a result of any conviction, but under Regulation III, and he is so held in respect of activities which very definitely included incitements to violence.

Mr. Lalchand Navalrai : Will the Honourable Member please say if Government are prepared, until he is released, to take care that he does not lose weight ?

The Honourable Sir Harry Haig : Weight, Sir, is not the only consideration in keeping good health. (Laughter.)

Maulvi Sayyid Murtuza Saheb Bahadur : Is it not a fact that, under the leadership of Khan Abdul Ghaffar Khan, the Pathan people proved true to the creed of non-violence, and, if that is a fact, does it not follow that he richly deserves release ?

The Honourable Sir Harry Haig : No, Sir ; I must differ entirely from my Honourable friend. They were not at all true to the creed of non-violence, and various very violent acts were committed.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 819, asked by Mr. S. C. Mitra on the 21st April, 1934.

CORRESPONDENCE WITH HIS RELATIONS OF MR. SATIN SEN, A STATE PRISONER IN THE CAMPBELLPUR JAIL.

(a) and (b). Mr. Satin Sen is allowed correspondence according to the ordinary rules in force, but he himself appears to be reluctant to correspond with his relatives.

(c) No application for an interview has been received by the Jail Superintendent from his brother.

Information promised in reply to part (b) of starred question No. 297 asked by Mr. Muhammad Anwar-ul-Azim on the 26th February, 1934.

DESPATCH OF BOOKS TO OVERSEAS STATIONS BY THE CENTRAL PUBLICATION BRANCH.

The expenditure incurred during the eight months from the 1st June, 1933, to the 31st January, 1934, on account of the freight and other incidental charges in sending consignments of books from the Delhi office of the Central Publication Branch to the office of the Deputy Controller, Stationery, Calcutta, was Rs. 1,384.

Information promised in reply to Mr. S. G. Jog's unstarred question No. 308 asked on the 4th April, 1934.

PROMOTION TO THE POST OF INSPECTOR IN THE DELHI HEAD POST OFFICE.

(a) Yes.

(b) No.

(c) The posts of Town Inspectors on conversion from the selection-grade rate of pay to the time-scale rate of pay are filled by selection from amongst the ordinary time-scale clerks belonging to the respective first-class head post office group. The passing of the Lower Selection Grade or Accountants Examination or the possession of degrees in Science or Law are not prescribed qualifications

for appointment to the post of Town Inspectors. No question of supersession arises as Town Inspectors continue to retain their position in the seniority list of time-scale clerks.

(d) No. I may add that in making appointments of the kind no question of communal representation arises.

(e) Some officials appealed to the Postmaster-General, Punjab, who rejected the appeals for the reason mentioned by the Honourable Member. All such appellants were senior to the clerks against whose appointment as Town Inspectors they appealed. Even though such appellants were senior in the gradation list it does not follow that they were necessarily better experienced or better qualified for the appointments in question. The first-class postmaster is the proper judge of the suitability of any official for the appointment.

(f) Government have no information nor do they propose to collect it, as they understand that the posts of Town Inspectors in the ordinary time-scale of pay are being filled in accordance with the orders issued by them in 1933.

(g) Does not arise in view of the replies to parts (c), (d) and (f) above.

Information promised in reply to unstarred question No. 291, asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934.

REALISATION OF INCOME-TAX DEMANDS BY CERTIFICATES OR DISTRESS WARRANTS IN ORISSA.

Figures pertaining to years prior to 1930-31 are not available. Those for the years 1930-31, 1931-32 and 1932-33 are embodied in the following two statements (A) and (B) :

A

Statement showing the number of cases in which Income-tax Demands were realised by certificates or distress warrants in each district in Orissa and in the Ganjam District during the period 1930-31 to 1932-33 and the amount of income-tax revenue realised by such processes each year :—

District.	No. of cases in which demand was realised by certificates or distress warrants.			Amount of tax realised.		
	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.
				Rs. A. P.	Rs. A. P.	Rs. A. P.
Sambalpur ..	22	32	11	6,400 11 0	3,992 0 0	1,266 2 0
Cuttack ..	7	11	15	2,467 0 0	2,104 0 0	3,023 0 0
Puri ..	6	8	14	242 0 0	3,754 0 0	2,331 0 0
Balasore ..	11	13	7	1,800 0 0	2,153 0 0	2,732 0 0
Ganjam ..	49	42	27	7,761 7 0	7,439 8 0	1,213 0 0

B

Statement showing the total number of persons against whom warrants of arrests were issued and who were put in civil jail in Orissa, district by district, and in the Ganjam District during the years 1930-31 to 1932-33 and the amount of revenue involved in such cases and the cost incurred on such arrests :—

District.	No. of persons against whom arrest warrants were issued and who were put in civil jail.			Amount of revenue involved in such cases.			Cost incurred for such cases.		
	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.
				Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Puri ..	..	1	..	..	634 0 0	..	..	(b)15 12 0	..
Sambalpur ..	..	1	2	..	99 3 0	212 14 0	..	(a)	(a)
Cuttack ..	..	..	..	..	..	..	..	..	..
Balasore ..	..	..	..	..	..	..	..	..	..
Ganjam ..	5	..	..	2,197 12 0	..	..	58 10 4	..	..

(a) No cost was incurred by the Income-tax Department; the cost of civil jail is met by the Certificate Officer, Sambalpur.

(b) Recovered from the defaulter.

Information promised in reply to starred question No. 786, asked by Mr. Sitakanta Mahapatra on the 20th April, 1934.

DEVELOPMENT OF THE SOURCES OF SALT SUPPLY IN ORISSA.

The Government of Bihar and Orissa have undertaken to consider carefully every application for permission to manufacture salt in Orissa. One of the applications received is for permission to manufacture Karkatch salt at Gurubai in the Puri District, and the Local Government have undertaken to provide temporary buildings at their own cost for the preventive staff and to bear the cost of that staff for the first three years. Another application for permission to manufacture salt for the Bengal market on the South Orissa coast has not been followed up by the applicants. Arrangements for taking brine readings, as recommended in Mr. Pitt's report, have been made by the Local Government.

Information promised in reply to unstarred question No. 270 asked by Mr. M. Maswood Ahmad on the 3rd April, 1934.

COMMUNAL COMPOSITION OF THE STAFF OF THE NEW DELHI MUNICIPAL COMMITTEE.

(a) The information is as follows:—

	Hindus.	Muslims.	Sikhs.	Total.
Secretary's Office	26	12	4	42
Office of the Electric and Water Works Engineer.	13	3	2	18
Health Office	2	1	..	3
Total	41	16	6	63

(b) Hindus	..	..	..	40
Muslims	..	..	..	16
Sikhs	..	..	..	5

Since the 1st April, 1933, two appointments (one Hindu and one Sikh) have been made.

(c) (i)	..	..	..	7
(ii)	..	..	..	9
(iii)	..	..	..	2
(iv)	..	..	..	2
(v)	..	..	..	2
(vi)	..	..	..	4

Of these 17 are Hindus, 8 are Muslims and one is a Sikh.

(d) The four persons referred to in part (c) (iv) and (v) are qualified as follows. The Sanitary Inspector is a qualified Sanitary Surveyor of the Royal Sanitary Institute of London, and the Sanitary Sub-Inspector has 20 years' practical experience of sanitary and conservancy work. One Vaccinator has recognised Sanitary Inspector's qualifications from Lahore, and the other is a qualified compounder. The answer to the second part of the question is in the negative, and the remaining portions do not arise.

(e) In the Electrical and Water Works Section Muslim representation is inadequate. It is proposed to rectify the deficiency as vacancies occur.

(f) The superior staff to which the Honourable Member presumably refers consists of the Secretary, the Electrical Engineer, and the Assistant Electrical Engineer. The Secretary is an Indian Christian whose services have been secured for the Committee by the local administration from the Punjab Government. He was specially selected for his responsible post in view of his qualifications and past experience. The Electrical Engineer and the Assistant Electrical Engineer are Hindus, and were formerly Government servants. In common with the rest of the staff of the Electrical Department, they were transferred as a unit to the Municipality when the responsibility for electric supply was handed over to the Municipal Committee. The Honourable Member will appreciate that the question of recruiting successors to these three officers will not arise until they relinquish their present posts. When this happens it is hoped that the Municipality will

make fresh recruitment. They will pay due regard to the claims of qualified Muslims.

Information promised in reply to part (e) of starred question No. 72 asked by Mr. Lalchand Navalrai on the 5th February, 1934.

ALLEGATIONS AGAINST BRITISH OFFICERS AND SOLDIERS.

(e) Government are not prepared to admit that there is any long standing nuisance as suggested by the Honourable Member. It has been ascertained that in recent years only two cases have occurred on the larger railways in which conduct of the nature indicated in the question has been alleged. For these reasons and because Garrison Military Police are posted for platform duty at important cantonment stations, Government see no need for any special action.

I may mention that I enquired personally into one of the two incidents referred to at the Honourable Member's request and found that the officer who was involved had behaved correctly and that the matter had been amicably settled.

Information promised in reply to unstarred question No. 69, asked by Khan Bahadur Haji Wajihuddin on the 19th February, 1934.

APPEALS DETAINED BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT BOARD.

(a) The answer is in the negative. The exact position is that the original appeal, which was submitted on the 19th January, 1934, was kept till the Board meeting on the 31st January, 1934. It was forwarded to the Northern Command, on the 5th February, 1934, with the replies of the Cantonment Board to the points raised therein. It is understood that in order to avoid delay provisional replies approved by the President, Ambala Cantonment Board, together with a copy of the appeal were forwarded to the Northern Command in advance.

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

Information promised in reply to unstarred question No. 70, asked by Khan Bahadur Haji Wajihuddin on the 19th February, 1934.

ALLEGED INFLUENCE OF THE NORTHERN COMMAND ON THE EXECUTIVE OFFICER OF THE AMBALA CANTONMENT BOARD.

(a) The following is the exact statement which was made in the replies sent to the Northern Command:

"The Executive Officer is doing his duty. He is under the influence of General Officer Commanding-in-Chief, Northern Command, whose orders he is endeavouring to carry out under difficult conditions."

(b) Under section 24 of the Cantonments Act, 1924, the Executive Officer is responsible for carrying out all the duties imposed upon him by or under the Act, and consequently he is bound to carry out the orders of the General Officer Com-

manding-in-Chief the Command, under the Act, without unnecessary delay. Such orders do not always require to be confirmed by the Board before they are carried out.

(c) to (e). In part (c) the Honourable Member is apparently referring to the fact that the Executive Officer was desired by the Officer Commanding-in-Chief the Command to inform, and did inform, the persons directly concerned, first that, if the building applications submitted by them were sanctioned by the Cantonment Authority, the Officer Commanding-in-Chief the Command would use his powers under clause (b) of sub-section (1) of section 52 of the Cantonments Act to suspend the sanction, and secondly, on the building applications being sanctioned by the Cantonment Authority, that the Officer Commanding-in-Chief the Command had so used those powers. The Government of India consider that the action taken was properly taken and that the Executive officer would have failed in his duty if he had acted otherwise. They therefore see no justification for the suggestions conveyed in part (d) and the first part of part (e), and they do not consider that occasion for the issue of any instructions by them has arisen.

Information promised in reply to starred questions Nos. 642 to 645, asked by Mr. S. C. Mitra on the 7th April, 1934.

SELECTION OF SENIOR GRADE OFFICERS FROM THE BOMBAY GRENADIERS, AJMER.

642. (a) Yes.

(b) Yes. Although three of the eight candidates were considered suitable for Senior Grade Commissions, it was decided not to select more than one on this occasion in order to avoid having several officers in the same battalion of exactly the same seniority.

(c), (d), (f) and (g). Government are not prepared to make public the proceedings of the Unit Advisory Committee which are of a confidential nature. They are, however, satisfied that the Committee exercised its discretion as regards selection correctly and in accordance with paragraph 5 of Appendix VII to the Regulations for the Indian Territorial Force, 1930.

(e) No.

(h) No. The second question consequently does not arise.

SELECTION OF SENIOR GRADE OFFICERS FROM THE BOMBAY GRENADIERS, AJMER.

643. (a) Two. Both were Rathore Rajputs.

(b) A list of unsuccessful candidates who appeared before the Unit Advisory Committee in August, 1931, 1932 and 1933, is attached. The qualifications are shown in each case.

STATEMENTS LAID ON THE TABLE.

List of unsuccessful Candidates.

Names.	Qualifications.	Status in life.	Class.
Lieut. Kunwar Dalpat Singh.	Passed F.A.	Appeared before Unit Advisory Committee on the 17th August, 1931.	Rajput.
Abd-el-Alim, Syed	Matriculate	 An officer of the A. I. R. O. ..	Syed, Muhammad-an.
B. L. Rawat	M. Sc. No Military training	 The son of Khan Sahib Syed Abdul Haq, Civil Veterinary Officer, Ajmer. Candidate was an Apprentice in the B. B. and C. I. Railway Workshops.	Hindu.
A. C. Johari	Passed F. Sc., 4 years' training in U. T. C., Benares	 Professor of Physics and Chemistry in Government College, Ajmer.	Hindu.
Ram Singh Rathore	B.A.	Appeared before Unit Advisory Committee on the 3rd August, 1932.	Rajput.
Abd-el-Alim, Syed (2nd appearance).	Matriculate. Six months' training with 10/6th Rajputana Rifles.	 A student at Benares Engineering College. Was about to become an Udaipur State Cadet.	Syed, Muhammad-an.

Names.	Qualifications.	Status in life.	Class.
A. C. Johari .. (2nd appearance).	F.Sc. Obtained certificate of proficiency from 3rd Battalion, U. T. C., Benares University. <i>Appeared before Unit Advisory Committee on the 24th August, 1933.</i>	Student, Engineering College, Benares Hindu University.	Hindu.
Indar Bhan Bhargava	School Leaving Certificate .. 6 months' Military training with 10th Battalion, 6th Rajputana Rifles.	Landlord ..	Hindu (Brahmin).
Harbant Singh	B.A., LL.B. 3 years' training in 9th Delhi U. T. C.	Munsif, Bikaner State	Sikh.
Satwant Singh	Matriculate. 6 months' training with Jaipur State Infantry.	Son of Captain Piyara Singh of Jaipur State Infantry. Candidate has no fixed occupation. Medically unfit.	Sikh.
K. Himmat Singh	M.A., LL.B. Obtained certificate of proficiency from 3rd Battalion, U. T. C., Lucknow.	No fixed profession ..	Kshtriya.
V. N. Misra ..	B.A. Studying for LL.B. ..	No fixed profession ..	Hindu (Brahmin).

MEMBERSHIP OF MR. GANPATI SINGH OF THE UNIT ADVISORY COMMITTEE OF THE BOMBAY GRENADIERS, AJMER.

644. Kunwar Ganpati Singh of Kharwa has been nominated annually by the Honourable the Agent to the Governor General in Rajputana and Chief Commissioner, Ajmer-Merwara.

UNIT ADVISORY COMMITTEE OF THE BOMBAY GRENADIERS, AJMER.

645. The Administrative Commandant and a Junior Grade officer have represented the unit on the Committee. The selection of Senior Grade officers is not its only duty, and the existing arrangement was considered the most suitable, having regard to the composition of the Committee as a whole.

Information promised in reply to starred questions Nos. 1326, 1327 and 1328 asked by Mr. E. H. M. Bower on the 11th December, 1933.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1326. (a) and (b). The Agent, East Indian Railway, reports that the rules have not been published in the East Indian Railway Weekly Gazette as this was not considered necessary and that the rules have not been withheld from the staff, a sufficient number of copies of these rules having been supplied to all offices for reference purposes.

(c) These rules govern the promotion of subordinates to officiating appointments.

(d) Does not arise.

(e) Yes.

(f) Assistant Train Examiners and Train Examiners are normally appointed from among the technically trained apprentices who are recruited and trained in accordance with the rules for the recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical workshops of State-managed Railways. A separate circular on the subject was issued by the Agent in April, 1933, and circulated to the departments concerned.

(g) Yes.

(h) Yes.

(i) The scales of pay of the posts in question are as follows:

Gunner Guards.—

Rs. 85—10—125 (East Indian Railway Company).

Rs. 85—10—115 (State Railway).

Pilot Guards.—

Rs. 130—10—210 (East Indian Railway Company).

Rs. 120—10—180 (State Railway).

Guards, Grade I.—

Rs. 105—5—110—10—210 (East Indian Railway Company).

Rs. 90—10—180 (State Railway).

Guards, Grade II.—

Rs. 45—5—100 (East Indian Railway Company).

Rs. 30—5—70 (State Railway).

(j) (i). Direct recruitment of guards is made in accordance with rule 17 of the rules for the recruitment and training of subordinate staff.

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(ii) Gunner Guards are in a different category, their channel of promotion being to the post of Pilot Guards whose maximum pay equals that of ordinary guards and both Pilot Guards and ordinary guards are eligible for promotion to Assistant Yard Master and Assistant Station Master.

(k) Does not arise.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1327. (a) and (b). Yes.

(c) The posts of Relieving Guards are filled by qualified men from the ordinary grade I Guards' and Pilot Guards' lists.

(d) It is not the practice to promote Grade II guards or gunner guards to the post of relieving guards. Their normal channels of promotion are from Grade II to Grade I and pilot guards respectively.

(e) Yes.

(f) No. No other subordinates below the grades specified in part (c) of the reply are normally considered suitable for direct promotion to Relieving Guard.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1328. (a) Yes.

(b) The Agent reports that the normal avenue of promotions of the Ticket Checking Branch staff is as follows:

T. C. Grade III.

T. C. Grade II.

T. T. E. Grade II.

T. C. Grade I.

T. T. E. Grade I.

Assistant H. T. C.

Head T. C. Grade II.

Inspector Grade II.

Head T. C. Grade I.

Inspector Grade I.

Chief Inspector.

(c) Promotions to higher appointments in the ticket checking branch except that of Chief Inspector are confined to Divisions.

(d) Such promotions are governed by rules set forth in Note (f) to rule 61 of the Rules for the recruitment and training of subordinate staff.

Information promised in reply to the latter part of starred question No. 312, asked by Mr. S. G. Jog on the 2nd March, 1934.

PERSONS DISCHARGED BY THE DIVISIONAL SUPERINTENDENT, EAST INDIAN RAILWAY, MORADABAD.

The Agent, East Indian Railway, reports that the number of persons discharged with or without one month's notice as per term of their agreements, during the year 1933, by the Divisional Superintendent, Moradabad, is 28.

Information promised in reply to starred question No. 452, asked by Bhai Parma Nand on the 13th March, 1934.

EXAMINATIONS FOR REFRESHER COURSES IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports as follows:

The ticket checking staff are required to pass triennial tests prescribed by the Chief Operating Superintendent. This test was approved by the Agent in terms of rule 64 of the rules for the recruitment and training of subordinate staff on State-managed Railways.

Information promised in reply to starred question No. 459 asked by Mr. S. G. Jog on the 13th March, 1934.

POSTS OF TICKET COLLECTORS AND TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports as follows:

(a), (b) and (c). Yes.

(c) It was first introduced as an experimental measure for six months.

(d) The sanction for the crew system was extended from time to time but the periods of extensions varied.

(f) No. Some of the grades in the crew system were higher than some of the grades in the old ticket collecting and (travelling) examining system and vice-versa.

(g) and (h). On the abolition of the crew system on the 1st June, 1931, most of the crew staff were absorbed in the new system and only those who were considered unsuitable were discharged.

(i) On the introduction of the new system, all the men were brought on a common seniority list irrespective of the source of recruitment. Relative seniority was determined by the pay drawn and where pay was equal, by the length of service.

Information promised in reply to parts (b) and (c) of starred question No. 462 asked by Mr. M. Maswood Ahmad on the 13th March, 1934.

ALLEGATIONS AGAINST AN OFFICIAL OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

(b) (i). Enquiries were made by the Divisional Superintendent, Moradabad, East Indian Railway, who reported that the account appearing in the newspaper was inaccurate and exaggerated.

(ii) The official in charge of the Mela was Mr. A. N. Logawney, Traffic Inspector.

(iii) and (iv). Yes.

(v) No.

(vi) Both cases were enquired into by the Superintendent, Transportation, and the Railway Administration considered that Mr. Logawney had not been guilty of intentional incivility.

(c) (i). Mr. A. N. Logawney has been serving in the Moradabad Division since 1921.

(ii) No.

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Information promised in reply to starred questions Nos. 627 and 628 asked by Lieut.-Colonel Sir Henry Gidney, on the 4th April, 1934.

SURPLUS POSTS IN THE OFFICE OF THE DEPUTY COMMERCIAL MANAGER, CLAIMS, EAST INDIAN RAILWAY.

Question No. 627.

The Agent, East Indian Railway, reports as follows :

- (a) Yes.
- (b) (i) and (ii). No.
- (c) (i) and (ii). Both the posts referred to were sanctioned in place of higher grade appointments.
- (d) These posts were sanctioned after the Job Analysis of the Commercial Department, East Indian Railway, had been completed, in place of one post in grade of Rs. 280—20—500 and another in grade of Rs. 150—10—250.

POSTS DECLARED SURPLUS BY THE CHIEF COMMERCIAL MANAGER, CLAIMS, EAST INDIAN RAILWAY.

Question No. 628.

The Agent, East Indian Railway, reports as follows :

- (a) Yes.
- (b) The saving effected was Rs. 16,704 per annum.
- (c) No.
- (d) The number of staff found surplus were discharged.
- (e) Yes.

Information promised in reply to starred question No. 629 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

SENIORITY OF SUBORDINATES OFFICIATING IN THE TRANSPORTATION INSPECTOR'S GRADE ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports that if a question arises as to which of the officiating Transportation Inspectors is the senior it would be decided on the basis of the relative seniority of the individuals in their substantive grades.

Information promised in reply to starred question No. 630 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

RATES AND CLAIMS OFFICES OF THE COMMERCIAL DEPARTMENT ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports as follows :

- (a) Yes.
- (b) Yes, provided that staff are suitable to fill places in either branch.
- (c) Yes, a man's services can be so utilised if required in the interest of the administration.

Information promised in reply to unstarred question No. 340 asked by Khan Bahadur Haji Wajihuddin on the 10th April, 1934.

DIFFERENT RULES GOVERNING PAY AND ALLOWANCES FOR THE STAFF IN DIFFERENT DIVISIONS OF THE NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports that the rules regulating pay and allowances other than local allowances of staff are the same throughout the Railway.

Information promised in reply to starred question No. 725 asked by Mr. Lalchand Navalrai on the 16th April, 1934.

PROMOTION OF RAILWAY EMPLOYEES SUBJECT TO THE PASSING OF THE WALTON TRAINING SCHOOL EXAMINATION.

(a), (b), (c) and (d). The Agent reports that failure to pass a refresher course does not debar an employee automatically from promotion and that the existing orders provide for the results of examinations, qualified by reports from the Superintendent of the School giving estimates of each man's real worth, being given due weight when considering the question of promotion.

(e) The Agent does not propose to take any action in the matter.

Information promised in reply to starred question No. 746 asked by Rai Bahadur Lala Brij Kishore on the 17th April, 1934.

PAY, ETC., GRANTED TO THE OLD OUDH AND ROHILKUND RAILWAY STAFF ON PROMOTION.

The Agent, East Indian Railway, reports as follows :

(a) and (b). It is not a fact that old Oudh and Rohilkund Railway employees who are serving on the old East Indian Railway section are forced to accept the East Indian Railway grades on promotion. In 1928, the revised co-ordinated scales of pay were introduced for subordinate staff and old Oudh and Rohilkund Railway and East Indian Railway staff were given the option to elect these scales. With the exception of such of the old staff who elected the revised scales of pay and who are therefore governed by them the position in respect of old Oudh and Rohilkund or East Indian Railway staff is briefly stated below :

If an Oudh and Rohilkund Railway employee is transferred to the old East Indian Railway area, the old Oudh and Rohilkund or the equivalent East Indian Railway scale whichever is better automatically becomes his scale of pay.

The same principle applies to men of the old East Indian Railway when transferred to any station on the original Oudh and Rohilkund Railway area.

Information promised in reply to unstarred question No. 178 asked by Mr. S. G. Jog on the 10th March, 1934.

CLAIMS RECEIVED IN THE PENSION CONTROLLER'S OFFICE UNDER DIFFERENT RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

The figures below state the position on the 1st July, 1934 :

- (i) 171.
- (ii) 2.
- (iii) 77.

- (iv) 36. Out of this seven were admitted, fifteen were rejected and fourteen were under consideration.
- (v) 70 [including fourteen mentioned in (iv)].
- (vi) One reference was made to the Secretary of State to obtain his confirmation of the orders of the Government of India on Recommendation IX of the War Pensions Committee.

Information promised in reply to parts (b) to (f) of starred question No. 441 asked by Pandit Satyendra Nath Sen on the 13th March, 1934.

AMALGAMATION OF THE OUDH AND ROHILKUND RAILWAY WITH THE EAST INDIAN RAILWAY.

(b) and (c). Government are informed that except in respect of educational assistance, the staff appointed between the 1st January and 30th June, 1925, have been treated in the same way as staff appointed earlier, but in so far as educational assistance is concerned, staff appointed prior to the 1st January, 1925, are governed by the old Oudh and Rohilkund Railway rules as notified in Gazette, No. 4 of 1921 and staff appointed to the old Oudh and Rohilkund Railway between the 1st January and 30th June, 1925, have been governed by the East Indian Railway rules.

(d) Staff appointed on and after the 1st February, 1929, and also those appointed prior to that date who have elected to come under the new rules for educational assistance published in paragraph 1134 of East Indian Railway Gazette No. 41 of 1930, are governed by the said rules.

(e) and (f). It was recently brought to the notice of the Railway Board that the East Indian Railway rules regarding educational assistance had been applied to staff appointed on the old Oudh and Rohilkund Railway between the 1st January and the 30th June, 1925, and that this had caused hardship. It has been decided that such staff should be allowed to remain under the old Oudh and Rohilkund Railway rules.

Information promised in reply to parts (a), (c), (d), (e), (f), (g) and (h) of starred question No. 362 asked by Mr. M. Maswood Ahmad on the 6th March, 1934.

MUSLIM HEAD CLERKS IN THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY, DELHI.

- (a) Yes.
- (c) Yes.
- (d) Yes.
- (e) Yes. The previous clerk in charge of the Copying Branch was a Grade IV stenographer.

(f) and (h). The Agent, North Western Railway, reports that it was decided in December, 1931, to hold in abeyance the post of Grade IV stenographer in charge of the Copying Branch as a measure of retrenchment. The Stenographer, Grade III, who was subhead of the Copying Branch and happened to be a Muslim, was ordered to look after that Branch in addition to his duties as a stenographer to the Divisional Transportation Officer.

(g) Yes, but it has since been found to be incorrect.

Information promised in reply to starred question No. 458 asked by Mr. S. G. Jogi on the 13th March, 1934.

NON-RECOGNITION OF SERVICES RENDERED DURING THE GREAT WAR BY THE EAST INDIAN RAILWAY EMPLOYEES.

The reply is in the negative. The East Indian Railway was not a State-managed Railway when the Home Department Resolutions Nos. 1099 and 2165, dated the 8th

August, 1919, and the 15th September, 1921, respectively, were issued and forwarded to the State-managed Railways for information and guidance. The Agent, East Indian Railway, reports that employees who proceeded on war service with the approval of the Railway Administration have been allowed to count their war service for the purposes of retiring gratuity, seniority and increments on the East Indian Railway. Cases of non-railway employees, who had rendered war service were dealt with on their merits by the late East Indian Railway Company.

Information promised in reply to unstarred question No. 303 asked by Mr. M. Maswood Ahmad on the 4th April, 1934.

THEFT OF RAILWAY PROPERTY AT THE NEW DELHI RAILWAY STATION.

Government have since been informed that as a result of further enquiries into the matter, the North Western Railway Administration are satisfied that there was no theft committed.

Information promised in reply to starred question No. 759, asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

RECRUITMENTS IN THE CENTRAL PUBLICATION BRANCH.

(i) Total number of candidates	..	..	..	..	233
Muslims	..	..	..	..	105
(ii) Number of candidates selected for recruitment	..	..	..	..	96
Muslims	..	..	..	..	39

Information promised in reply to unstarred question No. 276 asked by Mr. S. C. Mitra on the 11th December, 1933.

INTRODUCTION OF NEW CONDITIONS OF SERVICE IN THE EASTERN BENGAL RAILWAY PRESS.

(a) to (d). Yes.

(e) The staff of the press were divided into five categories.

(f) No. In accordance with the instructions in Railway Board's telegram No. 229-E.G., dated the 20th December, 1930, industrial press employees of the Eastern Bengal Railway were given 20 paid holidays to conform to the number of holidays given to corresponding employees in that Railway's workshops.

(g) Yes.

(h) and (i). The conditions of service remained intact except that the number of holidays for Press Industrial Staff was made to conform to the number allowed to the East Indian Railway staff. The conditions on which the staff were to be transferred, including the above mentioned exception, were intimated to them by a notice issued by the Agent, Eastern Bengal Railway, in July, 1933, before the transfer actually took place.

(j) No. Readers, copy-holders, time-keepers, etc., were in category II prior to the amalgamation whereas industrial superior establishment were in category IV (a).

(k) Readers, copy-holders and time-keepers are allowed shop paid holidays on the East Indian Railway and such other holidays as may be declared as closed holidays by the Agent, East Indian Railway.

(l) The reply to parts (h) and (i) above furnishes replies to items (i) and (ii) in part (i).

Information promised in reply to starred question No. 563 asked by Pandit Satyendra Nath Sen and Mr. S. G. Jog on the 27th March, 1934.

DISCHARGE AND RE-INSTATEMENT OF EMPLOYEES ON THE EAST INDIAN RAILWAY.

(a) to (c). The Agent, East Indian Railway, reports that the number of non-gazetted employees discharged, dismissed, re-instated and re-appointed in the Dinapur, Allahabad, Asansol and Lucknow Divisions of the East Indian Railway during the year 1932 and 1933, excluding staff discharged on medical grounds or on account of retrenchment, is shown in the enclosed statement.

The figures of staff discharged on the Asansol Division are high as compared to similar figures in other divisions owing to a large number of staff absconding and overstaying leave, which is peculiar to the coal-fields area.

Statement.

Division.	1932.				1933.			
	No. of employees discharged.	No. of employees dismissed.	No. of employees re-appointed.	No. of employees re-instated.	No. of employees discharged.	No. of employees dismissed.	No. of employees re-appointed.	No. of employees re-instated.
Dinapur ..	18	1	..	..	22	7	..	2
Allahabad ..	2	..	1	..	5	1	3	..
Asansol ..	108	4	4	1	88	8	..	3
Lucknow ..	2	4	..	..	3	1	..	..

Information promised in reply to unstarred question No. 76 asked by Sardar Sant Singh on the 21st February, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) Recommendation No. XII of the War Pensions Committee deals with cases of discharge on medical grounds for disabilities contracted on field service or attributable to such service. A discharge certificate of the kind referred to in the question cannot be regarded as sufficient proof of invalidment from the service by a medical board for a disability (wound, injury or illness) of the nature mentioned above.

(b) The fact that a man has been declared medically unfit for active service does not mean that he must have been invalided from the service on account of a physical disability contracted on, or attributable to, military service in a field, foreign or ordinary peace service area. Yet he must satisfy the latter condition to be eligible for a disability pension.

(c) No.

(d) The nature of proof required is that usually contained in invaliding rolls, hospital records, medical history sheets and documents, and other service documents showing details of field or foreign service and of periods of leave during such service due to illness, etc.

(e) I am not clear as to the object of this part of the question, but if the Honourable Member wishes to know whether the mere fact that the case was disposed of before the War Pensions Committee sat precludes its being reconsidered, the answer is, in the negative. Before it can be reconsidered, however, the fresh facts referred to in the note to Recommendation No. XXI must be proved by the claimant.

(f) The medical history sheets and original Medical Board proceedings are not now available. It is, however, definitely established that the reservist was invalided in 1915 with a service gratuity at a time when a great many other reservists were also discharged on medical grounds as too old for further service, and in addition a medical board held in 1930 certified that he was not then suffering from a disability attributable to military service. In face of these facts Government are unable to grant him a disability pension.

Information promised in reply to unstarred questions Nos. 78 and 80 asked by Mr. S. G. Jog on the 21st February, 1934.

RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

78. (a) and (c). The 20th April, 1932, was the date of the Indian Officer's application for the revision of his pension. It was fixed as the date from which the revised rate of pension should be granted after full consideration of the merits of the case.

(b) No.

RELATED CLAIMS FOR FAMILY WAR PENSIONS.

80. (a) and (c). Each case is considered on its merits under paragraph 96, Financial Regulations for the Army in India, Part I.

(b) Family pension claims are not time-barred.

Information promised in reply to parts (c) and (e) of starred question No. 319 asked by Mr. S. G. Jog on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(c) The reference quoted deals with a case which was carefully investigated in 1932. The man concerned was invalided in 1915 with a gratuity at a time when a great many other reservists were also discharged on medical grounds merely because they were too old for further service. A medical board held in 1930 certified that he was not then suffering from a disability attributable to military service. In such circumstances Government would not be justified in granting a disability pension.

(e) Pension Controller's memorandum of the 6th December, 1933, related to a case in which the extent to which arrears of pension should be granted had already been settled by the Government of India. Instructions have been issued that appeals against such decisions should be forwarded to the Government of India for reconsideration, provided they comply with the provisions of the Note to Recommendation No. XXI of the War Pensions Committee.

The memorandum of the 23rd October, 1933, from the Officer Commanding, 2/6th Rajputana Rifles, merely covered the transit to the Pension Controller of an appeal in a case in which the Government of India have since issued orders.

Information promised in reply to starred questions Nos. 412 and 413 asked by Mr. Gaya Prasad Singh on the 7th March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

412. (a) Government are prepared to act up to their order to the fullest extent possible. The second question is not clear. If the Honourable Member will give details of any cases which he has in mind, they will be examined.

(b) The attention of the Honourable Member is invited to the answer given on the 11th December, 1933, to part (a) of starred question No. 1386. The Secretary of State has since confirmed the decision of the Government of India.

(c) No.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

413. (a) To the fullest extent possible.

(b) No.

Information promised in reply to starred question No. 481 asked by Lieut.-Colonel Sir Henry Gidney on the 14th March, 1934.

RETRENCHMENT ON STATE RAILWAYS.

(a) During the second block retrenchment after June, 1932, the selection for discharges was based on length of service, but the Agent reports that all temporary staff were not discharged. Temporary staff having over one year's service were, under the rules regarding retrenchment, treated on the same footing as permanent employees for this purpose.

(b) There was no block retrenchment of officers and no special instructions were laid down by Government for discharge of officers on railways, but a large number of temporary engineers were actually discharged.

(c) A statement showing the number of temporary engineers and other temporary officers discharged from the State-managed Railways as a measure of retrenchment is placed on the table of the House.

(d) Only one of the officers in the statement referred to above has been re-appointed temporarily. He is a temporary engineer on the Great Indian Peninsula Railway.

Statement showing the number of temporary engineers and other temporary officers discharged as surplus to requirements on State-managed railways.

Railway.	Number of temporary engineers.	Number of other temporary officers.
Burma	Nil	2
Eastern Bengal	6	Nil
East Indian	13	..
Great Indian Peninsula	9	5
North Western	15	..

Information promised in reply to starred question No. 1331 asked by Mr. S. G. Jog on the 11th December, 1933.

PERCENTAGE OF FAILURE OF STUDENTS IN THE RAILWAY SCHOOL OF TRANSPORTATION.

1931-32	10 per cent.
1932-33	23 per cent.
1933-34	36 per cent.
(First half)	

(b) One, who is a Cabin Signaller. Although he had passed the School Examination he was subsequently found unsuitable for the higher post of Assistant Station Master.

(c) Government regret that they cannot place on the table information regarding the marks obtained by individual students. Government are informed that marks are given in all cases except when a student has definitely failed in any branch of a subject in which case he is generally not further examined in that subject.

(d) The Agent reports that in most cases this is not so but it is not always possible to provide an examiner who has not also lectured in the same subject. In the case of written examinations papers are set by the Superintendent and examined by him.

(e) Three additional instructors have been added to the School Staff as it has been necessary to duplicate the probationary Assistant Station Masters' course. The provision previously made to train probationers was not sufficient to meet the requirements of this railway and in consequence the course had to be duplicated.

(f), (i) and (j). The men were discharged by the School Superintendent. With a month's pay in lieu of notice on and from the 1st April, 1933. This order was subsequently cancelled as there were no orders for retrenchment of staff on special terms at the time. The men were recalled to duty and their absence from the 1st to the 30th April, 1933, was treated as leave without pay. (The Agent.) It has since been decided that as these men were considered to have been incorrectly discharged and were re-instated in their former posts the period of one month should be treated as leave with pay so that they will not be put to any financial loss.

Information promised in reply to parts (b) (ii) and (b) (iii) of starred question No. 485 asked by Lieut.-Colonel Sir Henry Gidney on the 16th March, 1934.

LOWER GAZETTED SERVICE APPOINTMENTS SANCTIONED FOR THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

(b) (ii) Nil.

(iii) The balance of posts in the Lower Gazetted Service has not been filled. There are ten officers of the superior service in excess of the sanctioned cadre for superior officers of the Engineering Department and there are five temporary engineers who have been retained in service or re-appointed as a special case.

Information promised in reply to Lala Rameshwar Prasad Bagla's unstarred question No. 18 on the 5th February, 1934.

REVERSION OF CERTAIN CLERKS IN THE UNITED PROVINCES POSTAL CIRCLE.

(a) The fact is not as stated. Ten officials of the ordinary clerical time-scale who had been holding in an officiating capacity posts in the cadre of Sub-Divisional Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices in the selection grade of Rs. 160—10—250 against available permanent vacancies in that cadre were reverted to ordinary time-scale posts.

(b) For reasons explained in the reply to part (d) of Mr. N. M. Joshi's starred question No. 398 in the Legislative Assembly on the 19th September, 1932, none of these officials had been given permanent promotion to the Rs. 160—10—250 grade, but were appointed only in an officiating capacity.

(c) The Honourable Member apparently refers to the orders issued in June, 1933, according to which selection grade posts of Town Inspectors were to be replaced by ordinary time-scale posts by the transfer on their own pay of the existing substantive holders of those selection grade posts to the existing and future permanent vacancies in the cadre of sub-divisional Inspectors and head clerks to Superintendents of Post Offices.

(d) The reply to the first part of the question is in the affirmative. The reply to the second part is in the negative. The last part does not therefore arise. In this connection, the Honourable Member is referred to the reply to part (b) above.

(e) The fact is not as stated. While the officials in question were officiating in the selection grade posts on Rs. 160—10—250, their permanent posts in the ordinary clerical cadre were kept unfilled. On reversion from their officiating posts, they were at first posted to work as Town Inspectors in the ordinary time-scale of pay without liens on their substantive posts in the clerical cadre. The position has since been regularised by the Postmaster-General, United Provinces.

(f) It is a fact that in some of the other circles, there are still some Town Inspectors in the Rs. 160—10—250 grade whose posts have not been converted to the time-scale for want of vacancies in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents to which they could be transferred. In the United Provinces, all the posts of Town Inspectors have been converted to the time-scale as there was a sufficient number of vacancies in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents to which they could be transferred.

(g) The permanent vacancies on Rs. 160—10—250 in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents of Post Offices mentioned in part (a) above were correctly treated as 'existing vacancies' for purposes of the orders referred to in part (c) above. Government do not therefore propose to take the action suggested by the Honourable Member.

Information promised in reply to parts (a), (b) and (c) of the starred question No. 226 asked by Bhai Parma Nand on the 24th February, 1934.

FIXATION OF HOLIDAYS FOR DUSSEHRA AND DIWALI ON PROPER DAYS IN THE UNITED PROVINCES POSTAL CIRCLE.

(a) The Local Government of the United Provinces of Agra and Oudh declared, under section 25 of the Negotiable Instruments Act, September 26th to September 29th, 1933, as the Dussehra holidays, and October 18th, 1933, as Diwali holiday. The last day of the Dussehra being the most important day of the festival the 29th September, 1933, was declared as a Post Office holiday on account of Dussehra and the 18th October, 1933, was declared as a Post Office holiday on account of Diwali in the United Provinces Circle. Government are satisfied that postal holidays for Dussehra and Diwali were fixed on proper dates in the United Provinces.

(b) Representations were received by the Postmaster-General, United Provinces, from the members of the staff of some Post Offices in the United Provinces Circle requesting a change in the date fixed for the Post Office holiday on account of Dussehra from the 29th September to the 28th September, and on account of Diwali from the 18th October to the 19th October. The dates were not changed in view of the notification already made by the Local Government fixing the dates for the observance of these two holidays no change in which was made by the Local Government.

(c) Government do not propose to take any action as they consider that the holidays were fixed on the correct dates.

Information promised in reply to supplementary questions to starred question No. 654 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

TENDERS FOR TREASURY CONTRACTS FOR THE BOMBAY AND POONA POST OFFICES.

The Assistant Postmaster-General who was present at the time of the opening of the tenders was Mr. Muhammad Siddique Hasan.

Information promised in reply to part (b) of unstarred question No. 324 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

LOWER AND UPPER SELECTION GRADE POSTS HELD BY EACH COMMUNITY IN THE PUNJAB POSTAL CIRCLE BEFORE AND AFTER RETRENCHMENT.

(b) On the assumption that by 'Punjab Postal Circle' the Honourable Member refers to the entire Punjab and North-West Frontier Posts and Telegraphs Circle, the numbers are as follows:

	On 1st July, 1931.	On 1st November, 1933.
Hindus	200	118
Muslims	77	39
Sikhs	23	11
Christians	8	6
Total	308	174

Information promised in reply to parts (i) and (iii) of unstarred question No. 326 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

MUSLIMS RECRUITED IN THE LEH AND GILGIT POSTAL SUB-DIVISIONS IN THE KASHMIR STATE.

(i) and (iii). In pursuance of the existing orders that no posts are to be filled, except in an officiating capacity, no one has been confirmed in the Gilgit and Leh Sub-Divisions during the last three years. Nine vacancies in the Gilgit Sub-Division and seven vacancies in the Leh Sub-Division occurred in the postmen's cadre and four vacancies in the Gilgit Sub-Division and five in the Leh Sub-Division occurred in the line of packers during the said period. All the above mentioned posts were filled in an officiating capacity as detailed below:

Postmen's Cadre.	
Gilgit Sub-Division.	Leh Sub-Division.
1 by a Muslim who had been reverted from postmanship in consequence of revision of establishment.	2 by Muslims } filled by qualified inferior servants. 1 by a Hindu }
2 by Muslims } filled by promotion 5 by Hindus } from qualified inferior servants. 1 by a Sikh }	1 by a Muslim who had been reverted from postmanship in consequence of revision of establishment. 1 by a Hindu by merit. 1 by a Muslim by merit. 1 by a Muslim by reservation.
9	7
Packers.	
Gilgit Sub-Division.	Leh Sub-Division.
4 by Muslim approved candidates by merit	2 by Hindus by merit. 1 by a Muslim by reservation. 1 by a Hindu by merit. 1 by a Muslim by merit.
	5

Information promised in reply to parts (a) and (b) of starred question No. 739 asked by Mr. D. K. Lahiri Chaudhury on the 17th April, 1934.

CETRAIN POSTAL OFFICIALS IN THE BENGAL AND ASSAM CIRCLE, INCLUDING CALCUTTA.

- (a) The total number of the officials referred to is 201.
- (b) In Calcutta—66.
In the Mofussil—135.

Information promised in reply to starred question No. 310 asked by Mr. S. G. Jog on the 2nd March, 1934.

STAFF EMPLOYED AT THE RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.

- (a) and (d). These rules do not apply to persons retrenched on reduction of establishment and offered lower posts as an alternative to discharge.
- (b) Yes. The surplus staff of the Railway School of Transportation, Chandausi, was included.
- (c) and (e). Do not arise.

Information promised in reply to part (c) of starred question No. 632 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

DEPUTATION TO THE RAILWAY BOARD REGARDING THE RATIO OF POSTS TO BE HELD BY THE EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY OFFICERS.

- (c) The Agent, East Indian Railway, reports that this ratio could not be worked to satisfactorily in practice in case of officers and in fact its abolition was pressed for by the officers themselves. It was never observed in respect of promotions of subordinates to officers grades; such promotions were based on merit and seniority. There would in these circumstances be no point in now introducing for the promotion of subordinates to officer's grade a ratio already found unsuitable for officers.

Information promised in reply to parts (b) to (e) of unstarred question No. 38 asked by Seth Haji Abdoola Haroon on the 11th September, 1933.

COMMUNAL COMPOSITION OF THE STAFF IN THE OFFICE OF THE CHIEF MEDICAL AND HEALTH OFFICER, NORTH WESTERN RAILWAY.

- (b) to (e). Government have made enquiries and consider that so far as recruitment to the categories of the Medical Department mentioned in part (a) of the question is concerned, the North Western Railway Administration have carried out orders subject to slight adjustments from time to time.

Information promised in reply to starred questions Nos. 180 to 183 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 21st February, 1934.

DIRECT RECRUITMENT OF SOME OF THE EX-CREW INSPECTORS ON THE EAST INDIAN RAILWAY.

Question No. 180.

The Agent, East Indian Railway, reports as follows:

- (a) On the introduction of the crew system, it was found necessary to increase the strength of the ticket checking staff and consequently direct recruitment was made.

- (b) When the crew system was introduced a few of the travelling ticket inspectors were taken over from the Accounts Department against appointments for which they were most suited. A travelling ticket inspector was selected as an inspector, Crew Training School, Fyzabad, as he was fully qualified in the duties required under the crew system.

- (c) No.
- (d) Yes.
- (e) Yes.
- (f) Yes.

- (g) No. The crew scale was fixed independently in accordance with the conditions prevailing in 1926.

- (h) The maximum pay of a crew inspector was Rs. 460 and that of a travelling ticket inspector was Rs. 300.

SENIORITY OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

Question No. 181.

The Agent, East Indian Railway, reports:

- "Yes. The term 'service' used in connection with seniority invariably means permanent service."

SENIORITY OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

Question No. 182.

- (a) The letter referred to in this part of the question was specifically intended to regulate the policy of retrenchment.

- (b) No. Except, in so far as the selection of men for discharge was concerned. Certain recommendations of the Court of Enquiry were accepted by the Government of India and announced in Government of India Communiqué of the 6th June, 1932, a copy of which is already in the Library of the House.

- (c) The Agent's circular No. 464 of the 26th January, 1927, only dealt with the question of co-ordination of the rates of pay of subordinates on the old East Indian and Oudh and Rohilkund Railways and is not superseded by the Railway Board's letter of the 3rd March, 1931, which referred to the retrenchment of staff made subsequent to March, 1931. The former had no connection with the latter.

- (d) The Agent, East Indian Railway, reports that as neither the Railway Board's letter nor the Agent's circular were in his opinion applicable to the crew staff who are all temporary, the fixation of seniority by pay and length of service was resorted to as being the fairest method.

- (e) As stated in part (c) above Railway Board's letter No. 6839-E.G. of the 3rd March, 1931, applied to retrenchment of staff and had no reference to fixation of seniority of staff.

INAUGURATION OF THE CREW SYSTEM OVER THE DINAPUR DIVISION.

Question No. 183.

The Agent, East Indian Railway, reports:

- (a) Yes. Out of the 36 posts of crew inspectors and assistant crew inspectors sanctioned for the Dinapur Division, 21 were filled by direct recruitment and 15 by promotion of suitable travelling ticket inspectors and head ticket collectors.

- (b) The old travelling ticket inspectors who were not selected to fill vacancies of crew and assistant crew inspectors were absorbed as crews-in-charge.

- (c) After training the newly recruited crew and assistant crew inspectors were examined, 13 passed and the remaining eight men who failed were reduced to lower ranks and replaced by suitable old travelling ticket inspectors."

Information promised in reply to unstarred question No. 287 asked by Mr. S. C. Mitra on the 11th December, 1933.

INCREASE OF THE PAY OF THE EASTERN BENGAL RAILWAY TICKET PRINTING STAFF.

- (a) There was an increase in the hours of work and a corresponding increase in pay.
- (b) Yes.
- (c) Yes, except that the number of holidays was altered to conform to the practice on the East Indian Railway.
- (d) Yes.
- (e) The hours of work of the staff of the Eastern Bengal Railway Ticket Printing Section transferred to the amalgamated press were increased to correspond to those worked by the similar staff of the East Indian Railway on the 1st November, 1933, under the orders of the Agent, East Indian Railway.

(f) Yes.

(g) In conformity with the statement made by the Honourable Sir Joseph Bhore on the 24th February, 1934, in reply to a cut motion moved by Mr. S. C. Mitra, certain grievances of the State Railway Press Employees are to be examined by the Railway Board. A Committee has been appointed by the Agent, East Indian Railway, to enquire into the matter and as this is one of the alleged grievances, the matter will be further considered by Government on receipt of the report of the above-mentioned Committee.

Information promised in reply to unstarred questions Nos. 359, 360 and 361 asked by Sardar Sant Singh on the 16th April, 1934.

NON-ADOPTION OF THE MOODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

359. The Agent, North Western Railway, reports as follows:

- (a) Yes. Orders were issued in 1932 and 1933 that a group may at times be further subdivided into sub-groups of two men each and at times Special Ticket Examiners may even be allowed to work singly though they always form part of the group to which attached.
- (b) The orders referred to in part (a) above were issued in 1932 and 1933 whereas the instructions alluded to in reply to part (d) of question No. 475 were issued on the introduction of the present system on the North Western Railway in 1931.
- (c) (i) Yes.
- (ii) There are two instances where the Divisional Superintendent, Ferozepur, has, due to the unimportance of certain sections, not provided a grade III post for the groups-in-charge; he has since been instructed to provide grade III posts for all groups-in-charge.

NON-ADOPTION OF THE MOODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

360. The Agent, North Western Railway, reports:

- (a) The group-in-charge in the course of his programme supervises and checks the work of the Special Ticket Examiners who are working to a similar programme.
- (b) The amount of correspondence which a group-in-charge is called upon to undertake is not such as to preclude him from working to the programme of a Special Ticket Examiner and supervising the work of his group. As already stated in reply to part (c) (ii) of question No. 359, the Divisional Superintendent, Ferozepur, has since been instructed to provide Grade III posts for all groups-in-charge.

NON-ADOPTION OF MOODY-WARD SYSTEM OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

361. Government are informed that (a) checking group is required to be detailed to a Section for three months and then changed over to another Section. A change of headquarters is not essential in order to permit of this, and the Rawalpindi and Lahore Divisions are the only ones in which the headquarters of the checking groups are changed, but this is done very infrequently and when it becomes necessary three days' joining time is allowed to effect such a transfer.

The attention of the Agent, North Western Railway, has been drawn to the inconveniences referred to by the Honourable Member as attendant on frequent transfers of headquarters and he has been requested to reduce such transfers as far as possible.

Information promised in reply to unstarred question No. 140 asked by Khan Bahadur Haji Wajihuddin on the 6th March, 1934.

RULES IN CONNECTION WITH APPEALS REGARDING PAY AND ALLOWANCES ON THE EAST INDIAN RAILWAY.

(a) to (c). Orders also exist on the East Indian Railway about the submission of appeals regarding pay and allowances. These orders were issued by the Agent, East Indian Railway, in Notification No. 1315 of Weekly Gazette No. 49 of 9th December, 1925. The orders are still operative except that submission of appeals in cases of discharge and dismissal is now governed by Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants, a copy of which is already in the Library of the House. I place a copy of the Agent's Notification referred to above on the table of the House.

(d) Agents of State-managed Railways have full powers to deal with non-Gazetted Staff with certain exceptions. Memorials regarding pay and allowances do not fall under the exceptions and as such they lie within the competence of the Agent.

Weekly Gazette No. 49 of 9th December, 1925.

1315. Notice to subordinate staff:

The staff are aware that under the new organisation Divisional Superintendents have powers very largely in excess of the powers formerly given to District Officers.

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In fact their powers are very much greater than those formerly exercised by Heads of Departments. On a very large system such as the East Indian Railway has now become, without such a decentralisation of authority and work the administrative organisation in the head office tends to become over-burdened.

As a further step in this decentralisation the staff are advised that, while I am fully prepared to give the most careful personal consideration to all appeals regarding dismissals, discharges and loss of gratuity, if received through the proper channel, appeals against all other orders passed on their cases can in future only be to the officers immediately above the officer passing the orders. For example, if a Divisional Superintendent has reduced a member of the staff, or has superseded him by another man, the member of the staff may appeal to the Chief Operating Superintendent, or, if he be one of the Engineering staff, to the Chief Engineer. In such cases appeals should not be addressed to me.

G. L. COLVIN,

Agent.

Information promised in reply to starred question No. 820 asked by Rao Bahadur S. R. Pandit on the 21st April, 1934.

FUND CREATED FROM THE PERSONAL PROPERTY OF RAJA RAGHUJI III.

The amount of the fund in question, as it stood at the time of its creation, was about 19½ lakhs. Since the annual charges of the Palace stipends *khasee* lists and religious endowments which were to be defrayed from the fund considerably exceeded the interest that would have accrued from its investment, the fund was credited to Government who undertook to bear these charges in future. Pensions to the Bhonsla family are paid from general revenues. The Nagpur District Gazetteer is not an authoritative publication and the statement made therein is incorrect.

Information promised in reply to starred questions Nos. 667 and 686 asked by Mr. S. C. Mitra on the 10th and 14th April, 1934, respectively.

TENDERS FOR BODY VARNISH HARD DRYING INSIDE.

Question No. 667.

(a) The Honourable Member has not stated the particular year or period for which the information is required. The Indian Stores Department calls for tenders annually for paints, pigments and varnishes including Body Varnish Hard Drying Inside. No Indian Stores Department specification has been framed for this particular class of varnish, but samples are tested to see if they satisfy the Indian Stores Department specification for Copal Varnish. The tender of Messrs. Jenson and Nicholson for Body Varnish Hard Drying was accepted for the annual contract for 1931-32.

(b) No.

(c) No.

(d) No.

(e) The answer is in the negative in so far as it concerns contract referred to in part (b) of the question.

The circumstances connected with the transaction which appear to be referred to by the Honourable Member are as follows:

The East Indian Railway placed two requisitions No. I.S.D.-22425, 4[Gb5]CST-53, dated 7th November, 1930, for 200 gallons and No. I.S.D.-22445[4]Gb5[CST]53, dated

the 12th November, 1930, for 1,300 gallons of varnish Body Hard Drying Inside with Jenson and Nicholson (India), Ltd., Calcutta. The varnish so ordered was to conform to a special sample approved by the East Indian Railway. Through a misunderstanding the Indian Stores Department Inspectorate tested this varnish against an Indian Stores Department standard sample and as the varnish offered for supply did not conform to this Indian Stores Department standard sample it was rejected. When the East Indian Railway pointed out that the varnish ordered was to comply with an East Indian Railway sample which had been found satisfactory in service, it was re-tested by the Inspecting Authorities and found to conform to the East Indian Railway sample and was, therefore, accepted.

(f) The reply to the first part of this question is in the affirmative. As regards the second part, no case existed for an application of the rule.

(g) No reasons exist for Government enquiring into the matter.

(h) No, but if specific cases are given, the Government will enquire into these cases.

CONTRACT FOR THE SUPPLY OF READY MIXED BLACK PAINT TO THE EAST INDIAN RAILWAY.

Question No. 686.

(a) The answer to the first part is in the affirmative. With regard to the second part, three years' working test in service was carried out by the Eastern Bengal Railway and found satisfactory.

(b) Yes.

(c) It is understood that the paint manufactured by Messrs. Jenson and Nicholson, called special black paint ready mixed for wagon bodies and underframes, and supplied to the East Indian Railway, was of the same quality as that supplied to the Eastern Bengal Railway. It is not possible to ascertain from analysis whether the black pigment contains 3 per cent. carbon black or not, but paint of the quality has been found to give satisfactory results in service although exposure tests of paint of similar composition made on panels tested under non-service conditions were not satisfactory.

(d) Does not arise.

(e) Jenson and Nicholson (India), Ltd., are a Company registered in India with Rupee capital. No information about shareholders is available.

(f) I invite the Honourable Member's attention to the "Rules for the supply of articles required to be purchased for the Public Service" in which the policy of Government in regard to the preference to be shown to articles produced by indigenous industries is clearly laid down.

(g) It is not a fact that against the tender in question contracts were given to three firms for supply of black paint to Indian Stores Department Specification No. G.O.P.[21]1 with 3 per cent. carbon black.

Against tender No. 04[M., for 1932-33 contracts for black paint were awarded as follows:

(1) Messrs. Napier Paint Works for Indian-made Paint Black Stiff to Indian Stores Department Specification No. G.O.P.[121], which lays down that the paint should contain 20 per cent. lamp black.

(2) Messrs. Jenson and Nicholson for Indian-made Paint Black Stiff for underframes and wagon bodies. No Indian Stores Department specification was stipulated for this supply but paint was to be supplied exactly as previously supplied to the Railway.

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- (3) Messrs. Murarka Paint and Varnish Works for Paint Black Stiff for underframes and wagon bodies to Indian Stores Department Specification No. G.O.P.121, which lays down that the paint should contain 3 per cent. carbon black.

- (4) Messrs. Murarka Paint and Varnish Works for "Muraco" special Black ready-mixed paint for underframes and wagons.

Messrs. Jenson and Nicholson quoted Rs. 9-7-0 per cwt. for their particular paint and Messrs. Murarka Paint and Varnish Works quoted Rs. 8-10-0 per cwt. for their black paint stiff. The paint of Messrs. The Murarka Paint and Varnish Company was tested by the Alipore Test House.

(h) The East Indian Railway did not place orders with Messrs. Murarka Paint and Varnish Company, for the black paints stiff tendered by them at Rs. 8-10-0 per cwt., but did place orders for 23,000 gallons of "Muraco" special black ready mixed paint manufactured by that firm.

(i) The difference in price between the two tenders referred to is As. 13 per cwt. and not As. 14 as stated by the Honourable Member.

With regard to the second part of the question, Government do not consider there has been any loss in revenue, as the price of paint is not the sole index of relative value nor do Government consider that undue patronage has been shown to any particular firm.

(j) Does not arise.

Information promised in reply to part (b) of starred question No. 674, asked by Mr. S. C. Mitra on the 10th April, 1934.

SOLDIER AND LADY CLERKS IN THE ARMY HEADQUARTERS.

The total pay during 1933-34 of the 172 soldier, ex-soldier and lady clerks was Rs. 4,92,141 and that of the 558 civilian clerks Rs. 13,57,173.

Information promised in reply to a supplementary question arising out of starred question No. 653 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

LEAVE FACILITIES TO CLERKS IN THE RAILWAY AUDIT DEPARTMENT TO PREPARE FOR THE RAILWAY SUBORDINATE AUDIT SERVICE EXAMINATION.

A statement showing for the last two years the names of clerks in the office of the Chief Auditor, Railway Clearing Accounts, who applied for leave to prepare for the Subordinate Railway Accounts Service Examination, the leave granted to them, and the reasons for refusal or postponement of the leave is laid on the table of the House. In eight cases out of nine occurring in the last two years it was possible to grant the leave. In the ninth case (i.e., of Mr. Meharban Ali) the applicant was asked to wait as no leave reserve was then available. He did not, however, renew his application for the leave when a leave reserve was available, nor did he send in his name as a candidate for the Subordinate Railway Accounts Service Examination held that year.

STATEMENTS LAID ON THE TABLE.

Statement showing the names of clerks of the Office of the Chief Auditor, Railway Clearing Accounts, Delhi, who applied for leave to prepare for the S. R. A. S. Examination and the leave granted to them or reasons for refusal or postponement of leave.

	Leave applied for.		Leave granted.		Reasons for refusal.	Remarks.
	Date of appli- cation.	Leave applied for.	Date from which granted.	Leave granted.		
1933.						
1. Mr. Meharban Ali	19-6-33	3 ms. on A. P. and 1 m. 7 d. on H. A. P. from 1st July 1933.	..	..	Were asked to await better opportunities as no Leave Reserves were available at that time.	Leave was applied on account of ill-health and for S. R. A. S. Examination preparation.
2. Mr. Ram Lal	20-6-33	2½ ms. from 2nd July 1933.	*	..		
3. Mr. R. R. Khan	16-8-33	2 ms. from 1st September 1933.	3-10-33	1 m. 17 ds. ..	* See entry No. 4. Postponed to 3rd October 1933 due to no leave reserve being available then.	
4. Mr. Ram Lal	15-9-33	1½ ms. from 1st October 1933.	3-10-33	1 m. 15 days		
5. Mr. A. J. Mukherjee	30-9-33	1 m. whenever convenient.	21-10-33	1 month ..		
1932.						
1. Mr. Durga Dass	26-10-32	12 days from 8th November 1932.	8-11-32	12 days ..		
2. Mr. A. J. Mukherjee†	14-10-32	1 m. 10 days from 1st November 1932.	1-11-32	1 month ..		
3. Mr. H. N. Sen	26-10-32	12 days from 8th November 1932.	8-11-32	12 days ..		
4. Mr. S. V. Ramchandani	7-11-32	10 days from 10th November 1932.	10-11-32	10 days ..		
5. Mr. R. R. Khan	26-10-32	15 days from 7th November 1932.	10-11-32	10 days ..		† Leave was applied on account of ill-health, Examination and other causes.

Sd. H. K. BOSE,
Chief Auditor.

Information promised in reply to starred question No. 386 asked by Mr. M. Maswood Ahmad on the 6th March, 1934.

MEDICAL ARRANGEMENTS FOR THE MENIAL AND SUBORDINATE STAFF ON STATE RAILWAYS.

On the State-managed Railways detailed instructions have been issued by Railway Administrations for medical attendance on menial and subordinate staff. No specific penalties have been laid down for neglect or carelessness, but obviously staff concerned are liable to be punished for not carrying out their duties properly.

Information promised in reply to unstarred question No. 129 asked by Mr. D. K. Lahiri Chaudhury on the 3rd March, 1934.

SAVINGS BANKS WORK IN CERTAIN POST OFFICES.

(a)(i)(1)	1,48,552
(a)(i)(2)	7,04,035
(a)(i)(3)	5,68,012
(a)(ii) Number of clerks employed for the performance of savings bank duties—	
in Calcutta G. P. O.	Wholetime —36
.. .. .	Part time —64
in Bengal and Assam and Bihar and Orissa Circles excluding Calcutta G. P. O.	Wholetime —124
.. .. .	Part time —1,060
in Madras and Burma Circles	Wholetime —82
.. .. .	Part time —227
(a)(iii) Number of officials employed in savings bank audit section of Calcutta Audit Office	161
Do. of Madras Audit Office	108
(b) None.	

Information promised in reply to starred question No. 665, asked by Mr. N. M. Joshi on the 10th April, 1934.

RECRUITMENT OF OUTSIDERS ON THE GREAT INDIAN PENINSULA RAILWAY.

(a), (b) and (c). The Agent, Great Indian Peninsula Railway, reports that so far as can be ascertained outsiders have only been engaged when there have been no suitable retrenched staff or ex-strikers available.

Information promised in reply to starred questions Nos. 471 and 474 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 14th March and to unstarred question No. 218 asked by him on the 19th March, 1934.

STENOGRAPHERS IN THE JUDICIAL DEPARTMENT IN DELHI.

No. 471.

(a) A statement giving the information required is attached.

(b) The Government of India have no information.

STATEMENTS LAID ON THE TABLE.

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(a) Number.	Muhammadan.	Non-Muhammadan.	Grade of pay.	Class of Court to which attached.
			Rs.	
1	..	1	100—5—150	Senior Sub-Judge.
1	..	1	100—5—150	Judge, Small Cause Court.
3	..	3	75—5—125	3 Sub-Judges, first Class.

PROMOTIONS IN THE JUDICIAL DEPARTMENT IN DELHI.

No. 474.

(a) Both seniority and efficiency are considered when promotions are made.

(b) No posts are graded as selection appointments.

STRENGTH OF STAFF IN THE JUDICIAL DEPARTMENT OF DELHI.

No. 218.

(a) A statement giving the information is attached.

(b) and (c). Since the orders of 1926 were issued nine appointments out of 23 were filled by Muhammadans. There is no necessity therefore to take any action such as is suggested by the Honourable Member.

Grades.	No. of posts.	Muham-madans.	Christians.	Hindus.	Sikh.
Rs.					
150—5—225	1	..	..	1	..
100—5—175	2	..	1	1	..
100—5—150	3	..	..	2	..
75—5—150	1	..	..	1	..
75—5—125	13	..	..	10	1
45—2—95	8	4	..	4	..
35—1—75	10	6	..	4	..
35—1—55	15	4	..	11	..
	53	14	1	34	1

	Percentage.
Muhammadan	26%
Christian	2%
Sikh	70% (Includes 3 Jains).
Hindus	

Information promised in reply to starred question No. 631 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

FILLING UP OF VACANCIES IN ONE DIVISION ON THE EAST INDIAN RAILWAY FROM OTHER DIVISIONS.

The Agent, East Indian Railway, reports :

- (a) Yes, but only to posts of lesser responsibility.
- (b) The attached list shows the higher posts in the Operating Department to which staff are not promoted locally from the division in which the vacancy occurs but appointments are made by selection from amongst all eligible staff.

List.

Station Superintendent.
 Transportation Inspector.
 Coal T. I.
 Station Master, Grade I.
 Chief Controller.
 Yard Master, Grade I.
 Deputy Station Superintendent.
 Dy. Gr. Controller.
 Yard Master, Grade II.
 Station Master, Grade II.
 Office Superintendent.
 R. S. F., Grade I.
 R. S. F., Grade II.
 R. S. F., Grade III.
 R. S. F., Grade IV.
 A. R. S. F.
 P. T. I.
 P. T. I.
 P. T. I.
 Trial Engine Inspector.
 Senior Fuel Inspector.
 Junior Fuel Inspector.
 Foreman T. X. R.
 Foreman T. X. R.
 S. T. I.
 S. T. I.
 S. T. I.
 Section Boiler Maker.
 Inspecting Fitter.
 Mechanics, Grade I.
 Mechanics, Grade II.
 Mechanics, Grade II.
 Mechanics, Grade III.

Drivers on the old East Indian Railway Grade :

- Grade I (Mail).
- Grade II (Passenger).
- Grade V (Passenger).

Drivers on the Old O. and R. Scales :

- Scale IV .. (Senior Drivers on the Mail and Passenger Services).
- Scale II .. Senior Drivers on the Passenger Service.
- Scale I

Drivers on the Revised Scales of pay :

- Grade I .. (Senior Drivers on the Mail and Passenger Services).
- Grade III .. (Senior Drivers on the Passenger Service).

Information promised in reply to unstarred question No. 366 asked by Mr. Bhuput Sing on the 16th April, 1934.

PROMOTION OF THIRD DIVISION CLERKS IN THE ARMY HEADQUARTERS.

(a) Permanent Third Division clerks in Army Headquarters may, if they wish, sit for the Public Service Commission examination for the Second or the First Division, provided they satisfy the ordinary rules for the examination. They are not required, however, to qualify for the Second Division before being promoted into one of the vacancies set apart for departmental promotion. A man so qualified would naturally receive preference.

Seven clerks who qualified for the Third Division have been confirmed in the Second Division. This occurred in a single branch of Army Headquarters before the introduction of a Third Division in that Branch. The men concerned had proved their fitness for the Second Division.

(b) and (c). The reply to the first portion of (b) is in the negative. The remaining portion of (b) and part (c) do not therefore arise.

(d) No Third Division clerk has so far been promoted to the Second Division under the concession referred to. The reply to the last portion is in the negative.

(e) The orders referred to were waived, as a special case, to provide for the absorption in the Second Division of 18 supernumerary Second Division clerks and eight Third Division clerks, who were qualified for the Second Division, but whose promotion to that Division was retarded on account of the absorption of the 18 supernumerary Second Division clerks.

Information promised in reply to unstarred question No. 271 asked by Mr. M. Maswood Ahmad on the 3rd April, 1934.

RETRENCHMENT IN THE METEOROLOGICAL DEPARTMENT.

(a) to (d). The required information is given in the statement enclosed.

Statement.

Name of Office.	Number of perma- nent gazetted and non-gazetted men retrenched.		Number of men absorbed.		Proportion of Muslims.			Remarks.
	Hindus.	Muslims.	Hindus.	Muslims.	Before retrench- ment.	After retrench- ment.	At present.	
Poona	11	4	8	..	22.6	19.3	20.8	The 3 Hindus who were not absorbed retired on full pension. Of the 4 Muslims 3 retired on full pension and 1 was not considered fit for re-employment.
Agra	3	..	3	..	27.6	28.03	28.0	
Delhi	..	..	..	..	9.1	Office was abolished.	..	Of the 4 Hindus who were not absorbed, 1 retired on full pension and 3 retired voluntarily.
Calcutta	9	..	5	..	4.1	4.3	4.7	

Information promised in reply to supplementary question asked by Mr. S. C. Mitra in connection with starred question No. 641 (d) asked by Mr. K. P. Thampan on the 7th April, 1934.

SERVICES OF RAILWAY EMPLOYEES PROSECUTED FOR CRIMINAL OFFENCES BUT FOUND NOT GUILTY.

The Agent, Madras and Southern Mahratta Railway, reports as follows:

No. The Chief Transportation Superintendent and Traffic Manager did not write that there had been "miscarriage of justice".

Information promised in reply to unstarred questions Nos. 392 and 393 asked by Mr. S. G. Jog on the 21st April, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

392. (a) Yes.

(b) Yes.

(c) Yes.

(d) The administrative instructions referred to were issued in 1922. As they are confidential, they cannot be laid on the table. At the same time I shall, however, be glad to show them to the Honourable Member if he will call at my office at any time convenient to himself.

(e) The answer to both the questions is in the negative.

(f) No further definition of the term has ever been laid down, nor is it necessary.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

393. (a) The subsequent medical board was held to consider the eligibility of the person concerned for a disability pension under the 1922 rules. It had been decided that he was ineligible for a pension under the 1915 rules.

(b) As strict evidence is not required in the case of field and foreign service disabilities the question does not arise.

(c) No.

(d) (i) as a matter of fact; (ii) as a matter of opinion based on facts.

(e) No medical certificate or any other evidence is ignored.

Information promised in reply to starred questions Nos. 658, 659, 663 and 664 asked by Mr. N. M. Joshi on the 10th April, 1934.

TREATMENT OF THE ex-STRIKERS IN THE ENGINEERING DEPARTMENT ON THE GREAT INDIAN PENINSULA RAILWAY AT NAGPUR AS A NEW ENTRANT ON RE-INSTATEMENT.

658. (a) Yes, if re-appointed in a vacancy after the 16th July, 1931.

(b) Yes. The Agent, Great Indian Peninsula Railway, reports that this was at variance with the standing orders and happened through a misunderstanding of the

orders in the Transportation Department. The orders are being correctly observed now.

(c) The men were correctly dealt with in accordance with the orders in force.

(d) The difference arose owing to a misunderstanding as referred to in part (b) above. No difference now exists in the different Departments.

RE-INSTATED *ex*-STRIKERS IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY AT NAGPUR

659. (a) and (b). The Agent, Great Indian Peninsula Railway, reports :

(i) *Ex-strikers* were taken back as vacancies occurred and hence some were re-engaged within two months.

(ii) No such rule is in existence on the Railway.

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

RE-INSTATEMENT OF CERTAIN *ex*-STRIKERS OF BHUSAVAL AND NAGPUR ON THE GREAT INDIAN PENINSULA RAILWAY.

663. The Agent, Great Indian Peninsula Railway, reports :

(a) Yes.

(b) Individual cases differed, but mostly they did not offer to resume duty by the date specified in the communiqué.

(c) An enquiry was held in November, 1930, by the Deputy Agent, Staff, Great Indian Peninsula Railway, in accordance with the announcement made by the Railway Board at the first half-yearly meeting with the All-India Railwaymen's Federation, and as a result it was decided to place on the waiting list the names of certain ex-strikers who were found to have complied with the terms of the Government of India Communiqué, dated the 1st March, 1930. Government do not consider any further enquiry necessary.

REDUCTION OF MEN ON THE GREAT INDIAN PENINSULA RAILWAY.

664. The Honourable Member's attention is invited to the reply given to his starred question No. 660 on the 9th April, 1934. It is not possible to forecast the number of staff likely to be reduced on the Great Indian Peninsula Railway.

Information promised in reply to unstarred question No. 6 asked Mr. M. Maswood Ahmad on the 24th January, 1934.

EDUCATIONAL FACILITIES GIVEN TO THE CHILDREN OF THE SUBORDINATE EMPLOYEES ON THE EAST INDIAN RAILWAY.

(a) I lay on the table a statement giving information regarding the cost and number of students in Schools on the State-managed Railways.

ad (b) Agents of State-managed Railways have been addressed on this question.

Railway European Schools.				Railway Indian Schools.			
Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of		Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of	
		Railway Employees.	Others.			Railway Employees.	Others.
	Rs.				Rs.		
<i>East Indian Railway.</i>							
Lillooah ..	1,853	23	..	Barilly, Victoria M. E. ..	5,396	88	87
Bandal ..	1,296	18	..	Pathardibi, L. P. ..	640	52	19
Burdwan ..	1,720	14	..	Ondal, H. E. ..	2,688	106	67
Ondal ..	1,512	33	..	Asansol, M. E. ..	9,150	287	224
Asansol ..	2,460	73	..	Gomoh, L. P. ..	702	86	3
Dhanbad ..	1,512	89	..	Jhaja, M. E. ..	1,080	54	34
Gomoh ..	1,296	17	..	Sahibganj, H. E. ..	6,518	139	134
Madhupur ..	2,240	210	6	Jamalpur, Islamia M. E. ..	1,080	200	23
Jhaja ..	1,812	15	..	Dinapur, H. E. ..	4,902	222	138
Rampur Haut ..	1,396	11	..	Moghalsarai, M. E. ..	3,032	165	151
Sahibganj ..	1,323	12	..	Tundla, A. V. High ..	8,367	183	116
Jamalpur ..	2,160	89	..	Jamalpur, Keshavapur Behari, M. E. ..	1,064	91	49

Railway European Schools.			Railway Indian Schools.		
Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of	Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of
	Rs.	Railway Employees. Others.		Rs.	Railway Employees. Others.
East Indian Railway—contd.					
Gaya ..	1,188	14	Girdih, Miners' Elementary	6,000	654
Dinapore ..	1,720	46	Jamnapur, H. E. ...	3,774	238
Buxar* ..	1,920	9			
Moghalsarai ..	1,496	34			
Mirzapur ..	1,272	20			
Cawnpore ..	2,236	18			
Tundla ..	1,728	72			
Allahabad† ..	1,215	58			
Moradabad ..	2,970	36			
Oakgrove School ...	1,61,280	370			
Great Indian Peninsula Railway.					
Parel ..	1,670	50			
Kalyan ..	2,719	78			
Lonavla ..	3,332	35			
Igatpuri ..	2,325	35			

No Indian Schools are run by the Great Indian Peninsula Railway. A certain number of non-Europeans are admitted to the European Schools.					
Mannad ..	1,552	47			
Bhusawal ..	3,896	130			
Dhond ..	1,536	26			
Sholapur ..	3,278	32			
Bina ..	2,555	42			
Jhansi ..	7,189	59			
Itarsi ..	1,473	27			
Ajni ..	2,337	26			
<i>North-Western Railway.</i>					
St. Andrew's School, Lahore	7,814	108	Railway Punjabi School, Sukkur ..	7,495-12	289
N. W. R. School, Saharanpur	5,236-8	25	Railway A. V. Middle School, Samastha ..	6,061	209
Joint Railways School, Ghazialbad		5	N. W. R. Hadow Sindi School, Lahore	2,281	36
Railway European School, Kotri	2,280	10			
<i>Eastern Bengal Railway.</i>					
European Day School, Kanchrapara ..	3,600	17	Not known		
European Day School, Chitpur ..	1,271	16	Do.		
European Day School, Kathihar ..	1,090	12	Do.		
European Day School, Saidpur ..	1,383	8	Do.		
<i>Burma Railways.</i>					
Insein ..	900	12	Insein ..	4,110	138
			Myitnge	4,896	183

No Indian Schools are maintained by the E. B. Railway.

* Closed from 3rd May, 1933.

† Closed from 1st January, 1933.

Information promised in reply to supplementary questions to starred question No. 498 asked by Mr. M. Maswood Ahmad on the 16th March, 1934.

FREIGHT ON RICE FROM PATNA TO DELHI.

The Agent, East Indian Railway, reports as follows :

1. With reference to the Railway Board's letter No. 4910-T., dated the 24th March, 1934, I beg to observe that from enquiries made in the matter it is ascertained that :

- (i) There have been no despatches of rice from Patna to Delhi during the last 12 months. On the contrary Patna usually imports rice from stations on the East Indian Railway's loop line section and the Bengal Nagpur Railway.
- (ii) The rice merchants of Patna do not appear to be interested in the Delhi market as they consider there is small prospect of any movement of rice from Patna to Delhi.
- (iii) The rice merchants in Delhi also appear disinterested in the proposal to obtain supplies of rice from Patna.
- (iv) Delhi usually consumes a better quality rice than that obtainable at Patna.
- (v) Rice was received at Delhi during 1933-34, as follows :

	Mds.
From the Province of Bengal	1,20,632
From the Province of Behar and Orissa	2,461
From the Province of United Provinces	9,209
From the Province of Central Provinces	4,879
Total	1,37,181

2. So far as the Province of Behar and Orissa is concerned rice moved to Delhi from Sultanganj, Karmatar Sarak, via Bukhtiarpur, and via Futwah, and it is significant that the freight charges from these points to Delhi are higher than the rate from Patna.

3. Indeed, it is of even greater significance that of the total despatches from Bengal 65,963 maunds of rice were drawn from Howrah at a rate of Re. 0-11-2 per maund as compared with a rate of Re. 0-9-0 per maund from Patna.

4. In these circumstances it is obvious that there can be no justification for introducing a reduced rate for rice from Patna to Delhi.

Information promised in reply to part (b) of starred question No. 191 asked by Mr. Goswami M. R. Puri on the 21st February, 1934.

LOW SALARIES OF ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports that steps are being taken to give the same scales of pay to Assistant Station Masters performing similar duties at big stations like Ghaziabad.

Information promised in reply to unstarred questions Nos. 304, 305, 306 and 307 asked by Kunwar Hajeer Ismail Ali Khan on the 4th April, 1934.

MANAGING COMMITTEE OF THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.

304. The Agent, East Indian Railway, reports as follows :

- (a) Ten including the three *Ex-Officio* members.
- (b) Europeans two,
Muslims two and
Hindus six.

Europeans.

- (1) R. E. Rutherford, Esq., Divisional Superintendent, President.
- (2) Reverend G. F. Buchanan, Secretary.

Muslims.

- (1) Mr. Ishtiaq Ali Khan.
- (2) Mr. Bashir Khan.

Hindus.

- (1) Capt. B. G. Kane.
- (2) Mr. A. N. Puri, Assistant Superintendent Way and Works.
- (3) Dr. S. C. Chowdhury.
- (4) Mr. B. Pershad.
- (5) Mr. Jowala Singh.
- (6) The Head Master.

- (c) (i) Seven.
- (ii) Three.

(d) The District Medical Officer is the Vice-President and the Senior Sub-Assistant Surgeon is a Member.

It is not correct to say that the latter has not an independent vote.

(e) So far no resignations have been tendered.

HEADMASTER OF THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.

305. (a) Mr. H. C. Bansal.

(b) and (c). A reference is invited to the reply to question No. 176 laid on the table of the House on the 3rd December, 1932. Government are not prepared to lay on the table the findings of the Enquiry Committee.

(d) 33 boys were sent up for the High School Examination of which 12 passed.

MUSLIM STUDENTS IN THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.

306. (a) A statement showing the number of boys in the East Indian Railway High School, Tundla, during the years 1922 to 1933, and the number of Muslim boys in that School is placed on the table.

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(b) Government understand that the allegations are unfounded. The Agent reports that promotions from class to class are made on merits and not on communal grounds.

(c) A statement showing the number of boys in the East Indian Railway High School, Tundla, who passed the High School Examinations during the last ten years and the number of Muslims amongst them is placed on the table.

Statement showing the number of boys in the East Indian Railway High School, Tundla, during the years 1922-1933 and the number of Muslim boys in that School.

				Hindus.	Muslims.	Total.
1922-23	..	..	..	189	16	205
1923-24	..	..	..	179	27	206
1924-25	..	..	..	156	26	182
1925-26	..	..	..	193	31	224
1926-27	..	..	..	209	33	242
1927-28	..	..	..	208	33	241
1928-29	..	..	..	209	40	249
1929-30	..	..	..	213	40	253
1930-31	..	..	..	236	43	279
1931-32	..	..	..	253	41	294
1932-33	..	..	..	248	51	299
1933-34	..	..	..	243	58	301

Statement showing the number of boys in the East Indian Railway High School, Tundla, who passed the High School Examinations during the last ten years and how many of them are Muslims.

				Total No. sent.	Hindus.	Muslims.	Passed Hindus.	Passed Muslims.
1924	..	..	..	19	17	2	12	..
1925	..	..	..	15	14	1	8	1
1926	..	..	..	14	14	..	7	..
1927	..	..	..	14	14	..	8	..
1928	..	..	..	11	11	..	9	..
1929	..	..	..	17	17	..	16	..
1930	..	..	..	21	21	..	13	..
1931	..	..	..	22	20	2	15	2
1932	..	..	..	21	19	2	17	..
1933	..	..	..	33	27	6	12	..

TEACHERS IN THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.

307. Total number of teachers is 17 of which 12 are Hindus and five Muslims.

Information promised in reply to part (c) of starred question No. 526 asked by Sardar G. N. Majumdar on the 19th March, 1934.

VACANCIES IN THE GRADE OF MANAGERS AND SUPERVISORS OF FARMS.

(c) The answer to the first question is in the affirmative and to the second in the negative.

Information promised in reply to starred questions Nos. 328, 329 and 330 asked by Mr. S. C. Mitra on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

328. (a) No, the rate was 6s. 6d.

(b) Yes. This rate has been in force since 1921.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

329 and 330. The attention of the Honourable Member is invited to the answer I gave on the 11th December, 1933, to part (a) of starred question No. 1386. The Secretary of State has since confirmed the decision of the Government of India on Recommendation No. IX. This is the only recommendation of the War Pensions Committee on which his orders were required.

Information promised in reply to starred question No. 333 asked by Mr. S. G. Jog on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) and (c). Government have the reason to believe that the Deputy Controller of Military Pensions, Lahore, is not acting in accordance with their intention. If the Honourable Member will furnish particulars of any case he has in mind, enquiries will be made.

(b) No. Soldiers' Boards are non-official organisations, and for purposes of pension claims, are only investigating and forwarding authorities.

(c) Yes.

(d) and (e). The channels of submission are different in the case of *Jangi Inams*. While claims to family pensions are submitted through the deceased soldiers' Commanding Officer, *Jangi Inams* are transferred from the 1st to the 2nd holder without the intervention of the Commanding Officer of the deceased soldier on account of whom the *Jangi Inam* was originally granted. I do not understand the difficulty which the Honourable Member fears may arise through this difference of system, but if he will furnish details of any case he may have in mind, enquiries will be made.

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Information promised in reply to unstarred question No. 59 asked by Mr. N. M. Joshi on the 16th February, 1934.

HOLIDAYS IN THE MECHANICAL WORKSHOPS OF STATE RAILWAYS.

The information as furnished by the Railway Administrations is given in the statement below.

Railway.	Workshops.	No. of holidays on which shops are closed in a year.	No. of paid holidays allowed to daily rated staff.	Remarks.
1	2	3	4	5
Burma	Insein Loco. shops ..	17	Nil.	
	Mytinge C. & W. shops.	20	Nil.	
	Rangoon Signal Engineering shop.	23	1	
E. B.	..	41	20	
E. I.	Jamalpur shops ..	43	15	
	Lillooah ..	34	15	
	Lucknow (Loco. & Car. & Wagon shops.	38	16	
G. I. P.	Parel Shops ..	17	Staff under new leave rules.	
	Matunga shops ..	17	15 holidays with pay in lieu of casual leave.	In addition all employees irrespective of leave rules by which they are governed, are given holidays on Empire Day and His Majesty the King Emperor's Birthday without deduction of pay.
	Jhansi shops ..	17	Staff governed by the leave rules of the late G. I. P. Railway Company.	
			15 days leave without deduction of pay which may be replaced by an equivalent number of holidays.	Occasionally, in response to a written request by a majority of the workmen, the shops are closed on other than the holidays specified in column 3.
				In such cases Staff governed by the State Railway Leave Rules may have such holidays with pay if any leave is due to them while staff governed by the G. I. P. and Fundamental Rules must have such holidays without pay.
N. W.	Moghalpura shops ..	23	17	
	Sukkur shops ..	18	17	
	Kalka shops ..	18	17	
A. B.	..	36	6	
B. N.	Mechanical Work-shops.	24	14	
B. B. & C. I.	Metre Gauge system	25	17	
	Broad Gauge system	17	17	
M. & S. M.	Perambur ..	23	14	Empire Day and His Majesty the King Emperor's Birthday are treated as paid holidays for all staff. The remaining 12 paid holidays are earned by staff for regular attendance at the rate of one per month.
	Hubli ..	26	14	
	Bangalore ..	25	14	
S. I.	Mechanical Workshop	12	12	

Information promised in reply to starred question No. 626 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

RULES FOR THE PROMOTION OF PASSENGER DRIVERS TO MAIL DRIVERS ON STATE RAILWAYS.

(a) The rules governing the promotion of passenger drivers to mail drivers on the State-managed Railways are as follows:

North Western Railway.

Mail Drivers and passenger drivers are not separate classes. Mail drivers are drawn from the most senior men with a good record as driver.

Burma Railways.

Whenever a vacancy occurs in the links of main line fast-passenger and ghat services, the best and fittest engine-man irrespective of district, salary or length of service is selected for promotion.

East Indian Railway.

Promotions to mail drivers from passenger drivers are made by selection, seniority being observed if the driver is considered suitable, has a good record and is reported on satisfactorily. Promotion is subject to a driver passing a satisfactory examination in a knowledge of the rules and in enginemanship.

Eastern Bengal Railway.

The most efficient men are selected to work on the Mail Link.

Great Indian Peninsula Railway.

Mail and passenger drivers are on the same rate of pay, viz., Rs. 310 for A grade and Rs. 235 for B grade and the mail and passenger services are worked on a combined link. Promotions to this grade or pay are made from goods drivers.

(b) In the past there was a system of selecting covenanted and non-covenanted drivers on the East Indian Railway alternately for promotion irrespective of the order of seniority. This was discontinued from the 1st November, 1926.

(c) The alternate system of promotions was due to the fact that covenanted drivers were formerly recruited on the original East Indian Railway with superior British railway training and experience on account of which they were given a certain degree of preference.

(d) The practice, referred to, has been discontinued on the East Indian Railway. It was never in existence on other State-managed Railways.

Information promised in reply to part (vi) of starred question No. 694 (b) by Mr. S. G. Jog on the 14th April, 1934.

EXPENDITURE ON THE MOVE OF THE MILITARY ACCOUNTANT GENERAL'S OFFICE.

Expenditure incurred for carriage of records, etc.

	Rs.	a.	p.
1930-31	1,698	4	0
1931-32	1,080	2	0
1932-33	1,271	8	0

Information promised in reply to unstarred question No. 286 asked by Mr. S. G. Jog on the 3rd April, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) No. The memorandum quoted by the Honourable Member relates to a follower who was no longer fit for his peace time duties on account of old age. There was no question of war-unfitness.

(b) Government are aware of this publication.

(c) There is no such difference. The Ministry of Pensions have not adhered strictly to the official Nomenclature of Diseases in the table in question, but have for the sake of convenience grouped various conditions under the heading "debility".

Medical Boards in India are required by the regulations to adhere to the diagnosis given in the Nomenclature of Diseases and in consequence patients in whom debility is a marked symptom are invalided, not for debility, but for the disease from which the debility originated.

(d) No. I would refer the Honourable Member to the answer given on the 10th March, 1934, to parts (a) and (b) of his question No. 182.

(e) and (f). Do not arise.

Information promised in reply to Mr. S. C. Mitra's starred question No. 678 on the 10th April, 1934.

LADY CLERKS IN THE CENTRAL MILITARY OFFICES AND IN THE GOVERNMENT OF INDIA OFFICES.

(a) Military Offices	56
(b) Other Government of India Offices	29

Information promised in reply to part (a) of starred question No. 1267 asked by Mr. K. C. Neogy on the 1st December, 1933.

QUOTATIONS FROM THE INDIAN SHIPPING COMPANIES FOR THE CARRIAGE OF GOVERNMENT MATERIALS.

Consequent on the acceptance by Government of Sir Lalubhai Samaldas's Resolution in the Council of State on the 15th March, 1922, particulars of Government stores purchased by the High Commissioner for India and ready for shipment, were given regularly to Messrs. Devitt and Moore, Limited, the London Agents of the Scindia Steam Navigation Company, Limited, of Bombay, which is believed to be the only Indian Company operating in European waters. Messrs. Devitt and Moore, Limited, did not, however, submit any freight tenders, nor were any applications for cargo ever made by them. It is understood that the Company have no regular sailings from Europe to India. The High Commissioner had ascertained some time ago from them that in the event of any of their steamers returning from the United Kingdom after repairs or of new steamers proceeding to India after construction in the United Kingdom, they would be interested only in whole cargoes or in very large consignments; but in consequence of the altered arrangement for shipment of stores under Rupee Tender Rules such large consignments are not now shipped by the High Commissioner's Store Department.

The High Commissioner is prepared to consider any proposals which might be placed before him by any Indian Shipping Company.

Information promised in reply to parts (b) to (f) of unstarred question No. 339 asked by Khan Bahadur Haji Wajihuddin on the 10th April, 1934.

CONSOLIDATED ALLOWANCE TO SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

(b) to (e). The Agent, North Western Railway, reports as follows:

(L) Yes.

(c) and (d). Mr. Labhu Ram Teji was not a temporary Travelling Ticket Examiner but on 12 months probation from the 15th November, 1930. Had the old Travelling Ticket Examiners' posts not been abolished with effect from the 1st June, 1931, he would have been confirmed as Travelling Ticket Examiner from the 15th November, 1930. On representing this point of view to the Chief Accounts Officer of this Railway he agreed that the spirit of the Railway Board's orders covered such cases and he was accordingly admitted by this office to the concession alluded to in part (a) above and not by the Divisional Superintendent, Delhi, as stated in the question.

(e) Messrs. Mathews, Labhu Ram and M. Abdulla of the Lahore Division were placed on probation as Travelling Ticket Examiners on the 30th June, 1930, 9th June, 1930, and 9th June, 1930, respectively. Due to a reduction in the number of Travelling Ticket Examiners' posts on the Lahore Division, they reverted to their substantive posts of Ticket Collectors on the 20th March, 1931, 3rd September, 1930, and 20th March, 1931, respectively, prior to the abolition of Travelling Ticket Examiners' posts and were not utilised as Special Ticket Examiners until the 25th February, 1932, 29th November, 1932, and 13th February, 1932, respectively, whereas Mr. Labhu Ram Teji who was still working as a Travelling Ticket Examiner on the 1st June, 1931, was given the option of selecting a post of Special Ticket Examiner when Travelling Ticket Examiners' cadre was abolished. It will thus be seen that these are not parallel cases.

(f) Does not arise.

Information promised in reply to starred question No. 1472 asked by Sardar Sant Singh on the 20th December, 1933.

REPORT OF THE MISRA COMMITTEE APPOINTED TO CONSIDER THE APPEALS OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports that the practice on the Allahabad Division was different from that followed in other divisions, but from the 1st February, 1934, a uniform procedure has been adopted on all the divisions.

Information promised in reply to starred question No. 818 asked by Rai Bahadur Lala Brij Kishore on the 12th September, 1933.

SENIORITY OF EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY STAFF.

(a) Thirty-three old East Indian Railway subordinates are working in the senior post on the Oudh and Rohilkund Railway area and 12 subordinates of the old Oudh and Rohilkund Railway are working on the old East Indian Railway area.

(b) Yes. In this connection, I would refer the Honourable Member to the information laid by me on the table of the House on 12th December, 1933, in reply to starred question No. 1017 asked by Mr. E. H. M. Bower on 18th September, 1933. The Agent, East Indian Railway, reports that separate seniority lists are maintained for the Engineering staff of the old Oudh and Rohilkund Railway and the old East Indian Railway for administrative purposes and to avoid hardship to old Oudh and Rohilkund Railway Engineering staff who would suffer if they were brought on the revised scales of pay for the purposes of a common seniority list.

(c) All departments, except the Operating Department, are governed by the same set of rules. The question of rules for staff in the Operating Department is under consideration.

(d) No. The only change which has been made is that the period of absence from headquarters by which daily allowance can now be earned is more than four hours between 9 P.M. and 5 A.M., instead of more than eight hours on each day, beginning and ending at midnight.

(e) There is no separate allotment of posts in grades I and II for the Oudh and Rohilkund Railway Inspectors; promotions to these grades being made by selection. So far one Oudh and Rohilkund Railway Inspector of Works has been promoted to grade II.

(f) The revised scales of pay of 1928 were promulgated with effect from the 1st August, 1928, and have been applied generally to new entrants appointed since that date. There have been exceptions in certain cases where it was considered necessary.

(g) There is no such restriction imposed on the staff of the Operating Department. As regards the staff of the Engineering Department the amount of allowance has been limited to the number of nights out which the Divisional Superintendent considers it sufficient for the proper maintenance of the line. It has not been considered necessary to impose a restriction on officers.

(h) The staff whose vision requires testing in the interest of public safety are periodically examined.

Information promised in reply to starred question No. 414 asked by Mr. Gaya Prasad Singh on the 7th March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) To the fullest possible extent.

(b) In accordance with the instruction in clause (viii) of the Note to the Government orders on recommendation No. XXI of the War Pensions Committee, it is necessary for an applicant claiming the benefit of recommendation No. XIII to show that the rejection of his original claim was based on the absence of records which under rule should be permanently retained. In other words, it is necessary for a claimant to produce some evidence to indicate that his discharge from the Army was due to a disability incurred on or attributable to military services during the war and that some particular document or documents should be in existence to confirm his claim. In neither of the two cases mentioned has any such evidence been produced and it is obviously impossible for the Government to accept the unsupported statement of a claimant that his discharge from the Army was due to a disability of the kind mentioned above. All that is on record in the two cases mentioned is that the men concerned were discharged on medical grounds; many men were discharged during the war for disabilities other than those contracted on or attributable to military service; and there is no evidence in these two particular cases to show that the disabilities were so contracted or attributable. It was not, however, merely on the absence of such evidence that the claims were rejected. One of the two men was found in 1931 to be suffering from no disability whatever, while the disability of the other in the same year was limited to the minimum degree of 20 per cent. The disease from which he was suffering, namely, defective vision, was not of a kind that improves by lapse of time, and it is therefore most improbable that he was suffering from a pensionable degree of disability at the time when he was discharged. As a special case, however, in view of his long service, this man has already been granted a special pension of Rs. 4 and has therefore already been treated more generously than would have been strictly justifiable under the regulations.

Information promised in reply to part (b) of starred question No. 76 asked by Mr. G. Morgan on the 6th February, 1934.

PURCHASE OF COAL BY STATE RAILWAYS.

The names of the collieries whose tenders for the supply of coal to the State Railways were accepted for the year 1933-34 and who failed to supply the quantities contracted for are given below:

	Tons.
Messrs. H. V. Low's Sultanpur Colliery	804
Messrs. Siduli Colliery Company	2,020

Information promised in reply to starred question No. 762 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

(a) Yes. A copy of the report is annexed.

(b) Yes. The new agreements provide for termination on six months' notice.

ANNEXURE.

Letter No. A. A.-109/Cal/4, dated 2nd June 1934 from the Agent, East Indian Railway, to the Secretary, Railway Board.

Vending in Dinapur Division.

I beg to say that on consideration of the results of granting on the Howrah Division, as an experimental measure, the contract for the Hindu and Muhammadan Refreshment Rooms at Burdwan, the Hindu and Muhammadan Tea Stalls at various stations, and the vending of Indian sweetmeats, food stuffs and miscellaneous articles at certain stations to one firm of caterers, it was decided to continue the system of extended contracts for the sale of such articles but to a more limited extent. This proposal had the general approval of the Calcutta Advisory Committee. It was also decided that there should be separate Hindu and Muhammadan contractors and that the contract should be for all sales at a large station, and would include an area of say 25 to 30 miles from that station.

In settling the contracts on the Dinapur Division, it was found impracticable to adhere to the limited distances contemplated, for the reason that on such small areas there was no possibility of doing any appreciable vendor's business. Consequently areas were enlarged in order to make them sufficiently remunerative for the contractors to give good service to the public.

The Dinapur Division was split up into four areas as shewn under:

- (a) Moghalserai area .. From Moghalserai to Tarighat and Sasaram (inclusive) 110 miles.
- (b) Gaya area .. Manpur (inclusive) to Sasaram (exclusive) and Daltonganj branch—141 miles.
- (c) Patna area .. Athmal Gola (inclusive) to Bhadaura (inclusive) and Patna Junction to Chakand (inclusive 175 miles.)
- (d) Kiul area .. Jhajha (inclusive) to Barh (inclusive) Luckeeserai to Paimar (inclusive) and Kiul to Dharara—164 miles.

The old contractors were petty tradesmen and none of them had the necessary professional experience, knowledge or capital to run area contracts and institute proper supervision which is essential to improve the service to passengers. Consequently their services

had to be terminated and new contractors were appointed. Owing to the inability of the Divisional Superintendent to obtain suitable contractors for the above four areas, it was necessary to give two areas to one man, i.e., one Hindu and one Muhammadan respectively for the vending of Hindu and Muhammadan food.

I would, however, point out that the contractors appointed were most reluctant to take over the small intermediate stations, but that the Divisional Superintendent, Dinpur, insisted on them doing so as it is at these stations that most improvement is necessary which can only be brought about by proper inspection and organisation.

The placing of these contracts is fully within the competence of the Divisional Superintendent, and I am fully satisfied that his action was undoubtedly in the interests of the travelling public.

The Calcutta Advisory Committee have, in view of the circumstances, agreed that these revised arrangements should be given a fair trial.

Information promised in reply to starred question No. 729 asked by Pandit Satyendra Nath Sen on the 16th April, 1934, and starred questions Nos. 763 and 764 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

Starred question No. 729.—The Agent, East Indian Railway, reports as follows:

- (a) Out of a total number of 138 contractors only 11 were ex-Railway employees.
- (b) There is no record of any policy laid down in 1919. It is within the Divisional Superintendent's powers to make catering contracts on their Divisions. The present policy is the outcome of a suggestion of the Calcutta Advisory Committee, the object being to raise the standard of catering which was low.
- (c) Complaints were frequent against contractors under the old system and their standard was acknowledged to be low.
- (d) No. It is not the policy of the Railway to call for tenders, but applications are called for.
- (e) The new contractors are paying the same rate of fees, and rents as the old ones were paying. No premium for the contracts was paid by the old contractors and none is paid by the new ones.
- (f) No record is maintained of the province of origin of the contractors as it is not the policy of the Railway necessarily to confine themselves in any area to the inhabitants of that area. Of the four new contractors employed, three were already employed in Bihar.
- (g) Passes in accordance with the duties required of them have been issued.
- (h) No definite information is available. It is understood that Messrs. Ballavdhas Eshwardas were for years contractors on the Bengal Nagpur Railway and resigned the contract with the concurrence of the authorities. They received excellent certificates from that Railway.
- (i) The same firm held Refreshment Room contracts on the Howrah Division and had been given the contract for the new Refreshment Room at Gaya on its completion on the 15th February, 1931.
- (j) With the object of employing as many as possible of the petty vendors, and their servants in order to continue their livelihood, the new contractors were asked to take them on as their employees, if suitable. Where this has been done, service agreements have been executed. The contracts have not been sublet.
- (k) Subletting is not permitted under the terms of the agreement and is always punished when discovered.

(j) Yes. These were duly received on March 5th and 12th.

m) (i) The various portions of the contracts were taken over on various dates between March 25th and April 10th. The details of the contracts were completed on various dates between 21st February and 10th March.

(ii) A copy of the agreement form is annexed.

(iii) Because the matter was within the Divisional Superintendent's powers.

n) The Divisional Superintendent has no cognisance of the recommendations of the Local Advisory Committee, except recommendations which are accepted by the Agent and are forwarded by him to Divisional Superintendents with instructions to implement them.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

Question No. 763.—(a) No. The selection of individual contractors is an executive matter not requiring previous consultation with the Local Advisory Committee.

(b) The reply to the first part of the question is in the affirmative. The system now in force was discussed at a Local Advisory Committee meeting and it was agreed to give the present scheme a trial.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

Question No. 764.—It is too early to say yet. The Railway Administration expect to gain by the approbation of passengers of the much improved arrangements. They will also gain by a great decrease in clerical work. In actual fees for rents, vending and hawking they have not gained, and do not look to gaining anything.

Information promised in reply to starred question No. 972 asked by Mr. Lalchand Navalrai on the 16th September, 1933.

RE-EMPLOYMENT OF RETRENCHED STAFF ON THE NORTH WESTERN RAILWAY.

(a) to (e) The Agent, North Western Railway, reports that the instructions issued by the Railway Board to regulate the retrenchment of staff, their registration on a waiting list and re-employment have been applied by his Administration to the retrenchment that took place in 1931-32.

(f) The Agent, North Western Railway, who has examined the individual case referred to, reports that Mr. Chughani was discharged in 1934.

(g) Does not arise.

Information promised in reply to parts (a), (b), (e), (f) and (g) of starred question No. 391 asked by Rai Bahadur Lala Brij Kishore on the 6th March, 1934.

POSTS OF YARD SUPERVISORS, YARD FOREMEN ASSISTANT YARD MASTERS AND YARD INSPECTORS ON THE EAST INDIAN RAILWAY.

(a) The Agent, East Indian Railway, reports that there are no Yard Supervisors or Yard Inspectors on the East Indian Railway. Yards are controlled by Yard Masters, who frequently have Assistant Yard Masters or Yard Foremen working under them in

eight-hour shifts. The Yard Foreman works under the supervision of an Assistant Yard Master. Some yards do not have any Yard Foremen.

(b) The Agent, East Indian Railway, reports that Yard Masters and Assistant Yard Masters must have the same qualifications as Station Masters and Assistant Station Masters and in addition must have special aptitude for yard work. Yard Foremen are generally promoted from literate gunners but are not responsible for train passing.

(e) and (g). The East Indian Railway Administration do not consider it necessary to provide special facilities for guards, Indian Assistant Station Masters and Head Number-takers for their promotion to the posts of Yard Masters, Assistant Yard Masters and Yard Foremen. Before staff can be considered eligible for promotion to higher posts, it is necessary for them to qualify by passing such examinations or tests as may be necessary and must possess the qualifications required for such promotions.

(f) The Agent, East Indian Railway, reports that Head Number-takers have little or no knowledge of the duties of a gunner or of yard work and in consequence cannot ordinarily assume the duties of Yard Foremen.

Information promised in reply to starred question No. 756 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

PROMOTIONS IN THE OFFICE OF THE AGENT, NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports :

(a) Hindu members of the staff, as well as those of other communities, once declared unfit for promotion from a lower to a higher grade are given further chances to prove their fitness.

(b) and (c). No such case is traceable. A Grade I Hindu clerk who officiated in Grade II in leave vacancies in 1933, however, was reverted while again officiating in the same grade in 1931 on account of reduction in establishment, because he was found to be less efficient than another clerk junior to him in the same Grade. This individual did not, however, officiate in Grade II in 1925 and he is not being given a trial now in Grade II. He has, however, been recently transferred to another Section in his substantive grade, Grade I, to see whether he can earn a recommendation of fitness for promotion to Grade II.

(d) and (e). An employee once declared unfit is not debarred from subsequently earning a recommendation of fitness for promotion. This applies to all classes of staff irrespective of community.

Information promised in reply to parts (b) to (e) of starred question No. 554 asked by Pandit Satyendra Nath Sen on the 27th March, 1934.

ABSENCE OF A SHED ON THE PLATFORM OF THE HARDWAR RAILWAY STATION.

The Agent, East Indian Railway reports as follows :

(b) A portion measuring 12' x 140' or 1,680 square ft. of the station is covered. The shedding is sufficient to meet normal requirements. Special arrangements are made for mela traffic. There is a shelter for the third class passenger outside the platform covering an area of 6,875 square ft.

(c) The platform and station buildings at Hardwar are 9 feet higher than the public road level which is 320 feet away and therefore the several exit gates leading to the platform have a gradual slope.

(d) The reply to the first part of the question is in the affirmative. The reply given by the Divisional Superintendent, Moradabad, was that it was impossible to consider the amenities suggested at present.

(e) Figures of gross and net earnings of the station are not available. Passenger earnings at the station were as follows :

Year ending—	Period.	Local. Foreign.	
		Rs.	Rs.
31st March, 1933		253,545	611,415
31st March, 1934		265,378	751,416

Information promised in reply to starred question No. 634, asked by Mr. N. M. Joshi on the 4th April, 1934.

DENIAL OF THE BENEFIT OF SUNDAY REST TO WORKERS IN THE RUNNING SHEDS AT CERTAIN PLACES ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

(a) Yes.

(b) Because Rutlam and Godhra are not in British India, and the provisions of the Factories Act therefore do not apply. The same is probably the case with the other places to which the Honourable Member refers.

(c) No, because (i) the staff concerned do not favour any change and (ii) the application of the Hours of Work Regulations to the Bombay, Baroda and Central India Railway is under consideration.

Information promised in reply to unstarred questions Nos. 375 and 376 asked by Pandit Satyendra Nath Sen on the 16th April, 1934.

APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.

375. It is assumed in the replies to this and the next question that Mr. C. Keys is the Anglo-Indian apprentice referred to :

(a) The Agent, East Indian Railway, reports that Mr. Keys holds a certificate of having passed the Jamalpur Technical School in the Second Division. When he left the St. Xavier's College, Calcutta, he was in the 8th standard, which is above Junior Cambridge and Matriculation standards.

(b) (i) Mr. Keys received his training in the Machine, Fitting and Mill-wright shops and the Drawing Office of the Carriage and Wagon Workshops at Lillooah.

(ii) Yes.

(c) The European in question was trained in the Machine, Fitting and Under-Frame Production Sections and Drawing Office of the Carriage and Wagon Workshops, Lillooah, and was selected by the Selection Committee convened to make the selection. The Committee besides taking into consideration the results of the examination also considered other qualifications such as initiative, general intelligence and ability to command labour before making the appointment.

Government understand that the selection was not based on racial considerations.

(e) and (f) Government are informed that the cases of all time expired apprentices will be taken into consideration by a special selection committee when suitable vacancies occur.

SELECTION OF LILLOOAH *ex*-APPRENTICES FOR THE POSTS OF TRAIN EXAMINERS.

376. (a) The Agent, East Indian Railway, reports as follows :

- (a) (i) The candidates appeared before a Selection Committee, who considered the qualifications of each candidate carefully before making their choice.
- (ii) The Selection Committee was composed of three Senior Scale Officers of the Operating Department.
- (b) No. The Selection Committee selected candidates who appeared to them most suited for employment at the time they appeared before the Committee.
- (c) Government are informed that the appointment was made in 1930 and the information asked for is not now available.
- (d) There were only five apprentices.
- (i) Train Examiners in the 1933 batch, who passed out of the Technical School and of these only one was an Indian, who obtained 54% marks in the final examination. The *ex*-apprentice who was appointed obtained 84% marks.
- (d) (ii) and (f) The men referred to were considered by the Selection Committee to be the best all round men for the posts. If seniority is to be taken as the determining factor in making selections of time-expired apprentices, there would be no necessity for appointing selection committees to select the best men offering.
- (e) Government do not consider their intervention is called for.

Information promised in reply to part (c) of starred question No. 185 asked by Sardar Sant Singh on the 21st February, 1934.

CONSOLIDATED ALLOWANCE OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

(c) Government are informed that the cut was not applied on the North Western Railway through a misunderstanding. The recovery of the amount overdrawn by the staff in good faith has been waived.

THE FACTORIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume the third reading of the Factories Bill.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, the amount of agreement and approval which this measure has commanded in this House ought to be a matter of congratulation for my Honourable friend, the Mover. Some of that agreement and approval may be due to the popularity which my Honourable friend, Sir Frank Noyce, enjoys in this House, but while some of the agreement in this House to the present measure may be due to the personality of the Honourable the Mover, I think a great part of that agreement should be ascribed to the intrinsic merits of the measure. From the point of view of the workman, from the point of view of the employer and from the point of view of the country at large, there is abundant material in the measure itself which should command approval in and outside this House. This very welcome phenomenon of agreement of the non-official Benches with an official measure like the present is all the more remarkable when one considers that the initiation of the very first measure

on factory legislation in India in the early seventies was due almost entirely to the jealousy which the nascent cotton textile industry of India had aroused in Lancashire. It is remarkable that during the whole of the debate I have heard not a single Honourable Member mention the very name of Lancashire. It is possible that it is a happy augury of the movement to which my Honourable friend, Mr. James, alluded at the last Session. The representative of the employers, Mr. Mody, blessed the measure with his complete approval, Mr. Mody—the enemy of labour and the avowed friend of labour leaders. My Honourable friend, the Deputy President, no doubt had some criticism to offer and he said that many “vital” matters concerning labour were omitted in this Bill and he instanced the non-provision of restricting the hours of labour to 48 hours per week. My Honourable friend, the Deputy President, ought to realise that there is a distinction between the ideal and the practical, that there is a distinction between conditions obtaining in Europe and conditions obtaining in India. The principle of the Bill is the protection of the country from the evils which are inherent in the factory system based on the institution of capital. But that principle so far as India is concerned has to be viewed in the light of more than one consideration. It must be remembered that India is industrially a backward country. It has got to compete with foreign countries which have developed their industrial system unshackled by restrictive legislation like the present. We must also remember that the industrial areas of British India are surrounded and interlaced with native States territory where restrictive legislation like the present does not obtain or if it obtains at all not to such a degree as it does in British India. When the Honourable the Finance Member, last year or in 1932, brought forward his Bill for taxing foreign income, my Honourable friend, Mr. Mody, and I warned the Government against the danger of British Indian capital, on account of restrictive industrial legislation to which this country was subjected, taking flight to the neighbouring native States.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Say Indian States.

Mr. N. N. Anklesaria : I am a native of India, and I do not see why I should not call them native States.

There is a second consideration which should affect the framing of a measure like the present, and that is the fact that the Indian industrial labourer is first and last an agriculturist. Industrial labourer as a whole-time worker, as a class, has not yet developed in India and, as you are aware, Sir, human effort in India is more extensive than intensive as it is in Europe. That is to say, the Indian labourer having his traditions in agriculture produces much less in a given period of time than the European labourer, and if you restrict his hours of labour unduly, you restrict unduly his means of earning his livelihood. Protection, Sir, should not be a protection which protects the Indian labourer out of his means of livelihood. If you look through the Bill, you will find that these various conflicting considerations have been given effect to in a well balanced manner.

Lastly, Sir, I would point out that, however beneficent a law may be as regards its provisions, the beneficent effect which it produces in the country depends very much upon the men who administer it and the way in which it is administered. I was very glad to hear the name of Mr. Johnstone, the Chief Factory Inspector in the Bombay Presidency, and I have got personal experience of the way in which Mr. Johnstone administers the

[Mr. N. N. Anklesaria.]

factory law in the Bombay Presidency. Unfortunately, all the Factory Inspectors in India cannot be Mr. Johnstones.....

Mr. B. Das : How do you know it ?

Mr. N. N. Anklesaria : It is impossible, I say ; just as everybody cannot be Mr. B. Das, so every Factory Inspector in India cannot be Mr. Johnstone. And, Sir, I would respectfully suggest to the Government that as regards the provisions regarding prosecutions, some latitude may be allowed for withdrawal of prosecutions in cases where there is no contumacy, and the offence appears to be merely a technical one. Sir, with these few words I support the Third Reading of this Bill.

Mr. G. Morgan (Bengal : European) : Sir, whatever disappointment I may have felt in that Government could not see their way to accept the majority of my amendments, it is nothing to the shock I got when my Honourable friend, Sir Frank Noyce, said he had come to the conclusion that it was evident I neither represented capital nor labour. I hope, however, my Honourable friend will change his opinion in the near future.....

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I am not sure if I heard my friend correctly, but I never said at any time that he represented neither capital nor labour. I know perfectly well what interests he represents, and those interests, to the best of my knowledge, might not unfairly be described as the interests of capital.

Mr. G. Morgan : I am sorry if I have misunderstood the Honourable Member, anyhow I do not take any offence at all, but I think my Honourable friend said something to that effect in his reply to one of my amendments.

With regard to the Bill, I wish again to emphasise the opinion I have already put forward, namely that the Bill is of too general application and that the revision of the present Act should have been such as to give special attention to each major industry. The different industries such as the cotton mills, jute mills, engineering companies and shipbuilding works, saw mills, rice mills and jute presses are all combined and brought under the purview of this measure. Therefore, as the Bill is of general application, I would now ask the Government to give us an assurance that under clause 80 there will be careful scrutiny of all rules and regulations made by the Local Government so that the power under this clause may be effective. It is a co-ordinating clause, and we do feel that there may be great difficulty between province and province, and I would ask the Government of India to scrutinise carefully all those regulations and rules so that they can exercise the powers under clause 80 properly and equitably to prevent differences and difficulties arising out of the Provincial rules and regulations. Sir, I support the Third Reading of this Bill.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I offer my sincere congratulations to the Honourable Sir Frank Noyce for successfully introducing and piloting this Bill. This Bill is conceived in the right spirit and is intended to ameliorate the conditions of Indian labour. India was in former times a country of cottage industries and the factory system was almost unknown. After the advent of steam power, big factories began to rise and the capitalists came forward

to take advantage of the factory system. It is a well-known fact, Sir, that the capitalists in India had only one point of view, and that was to get as much profit as possible. They looked upon the Indian labourer in the same way as they looked upon the machinery they had purchased. They wanted to take as much work from them as they could, but, Sir, foreign philanthropists began to raise a voice against the exploitation of Indian labour, and Government were obliged to give up their attitude of *laissez faire* and they started inquiries. I am reminded of the Factory Commission that was appointed in the good old days, in which the late Dr. Nair of Madras took a prominent part, and he was assisted by another philanthropist Rao Bahadur Narayan Meghajee Lokhande of Bombay who had himself risen from the position of a worker in a mill. As a result of that inquiry certain legislative provisions were made, and at that time the hours of work were regulated. Before that they used to work for very long hours and contrary to the advice of my friend Dr. Dalal, Mr. Anklesaria comes forward to justify long hours in the case of Indian labour....

Mr. N. N. Anklesaria : In their own interest.

Mr. B. V. Jadhav : When you say in their own interest, perhaps you mean in the interest of the capitalists and not in the interests of labour. I might state here, Sir, that a human being is a human being. Whether he is born in the West or in the East, I think he has to obey certain laws. Fatigue is common to both. If a labourer in England or in Europe is fatigued after constant work for a certain number of hours, it does not follow that a brother labourer in India will be able to maintain his vigour and strength for longer hours on account of the heat of this country. They say heat expands. I do not think it expands the staying power of a man ; on the contrary, heat is injurious to it. Although I do not accept the theory of Mr. Anklesaria I leave him to the enjoyment of the credit of having expounded a new theory in this House.

Mr. N. N. Anklesaria : Not a new theory at all.

Mr. B. V. Jadhav : Is it as old as you ?

Mr. N. N. Anklesaria : As old as yourself or anybody else.

Mr. B. V. Jadhav : Another point I may allude to here is the organisation of labour. As soon as the factory system came into India, poor indigent persons began to go there for labour and earn their livelihood. They found that the conditions there were not suitable to healthy living, and philanthropists came forward to teach them how to get their grievances redressed by combining. The instances of labour unions in England and other western countries were followed and the labour movement in India began. At present it is not very well organised, but there are the seeds of organisation. It is a pity that the Indian labourer is generally misled by political propagandists. One reason for his being misled is his ignorance. He is wholly illiterate, he has got a very narrow outlook on life. He is priest-ridden, superstitious, and therefore very easily gullible. Political propagandists have found that the Indian labourer is a very convenient material to handle. The conditions of Indian labour favour these propagandists. The labourer is ill-fed, ill-clothed, and ill-housed. Nobody looks after his comforts. There are certain organisations which do some welfare work, but it is very perfunctorily done and leaves the labourer a discontented man. The political worker or agitator who has borrowed his ideas from books, and not from any experience....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is covering a very much wider ground than is warranted in the Third Reading. The whole field of labour legislation and labour problems is not open for discussion. The Third Reading must be confined to the principles arising from the clauses of the Bill.

Mr. B. V. Jadhav : I shall curtail my remarks. In short, socialistic doctrines are making a steady progress among the Indian labourers and the apathy of the capitalists is responsible for it. The capitalists have done very little for them, and, therefore, they fall an easy prey to the preachings of the agitator. The capitalists in general ought to recognise that more and more clamour will be raised in favour of the labourer. Government have now awakened to the necessity of dealing evenly with the labourers and therefore they appointed the Whitley Commission and they are legislating according to the recommendations of that Commission. More and more Bills of this nature will, I hope, come forward and help the Indian labourer to get what is due to him. With these few words I again congratulate the Honourable Member in charge of the Bill.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I welcome this measure despite its obvious limitations and defects. I admit it is some improvement on the present law, and, as such, we ought to be thankful to the Government for having effected this improvement. The improvement is to be found especially in the reduction of the hours of labour from 60 to 54 hours a week for perennial factories. I have already said that my own personal opinion is that it should be further reduced to 48 hours, but in deference to the report of the Royal Commission, throughout which I find strong evidence of sympathy for labour and a desire to improve their conditions of life,—in deference to their opinion, especially as they had had the advantage of consulting the various parties interested and of anticipating the difficulties that might arise if proposals of a somewhat radical character were made, I am content for the time being with the reduction that has been proposed in this Bill. In the second reading I pointed out to the Government and made suggestions with a view that certain defects that were apparent in the Bill should be removed by them. In the present state of attendance of Honourable Members in this House, it was impossible for me to expect that any amendment that we put forward would be carried to a division. I therefore appealed to my Honourable friend, Sir Frank Noyce, if he would see his way to accept the suggestions that I made. I was aware that there were no amendments to that effect, but that would not stand in the way of the Government themselves, if they thought my suggestions were reasonable, to accept them and to amend their Bill accordingly. I am alluding to two defects which appear in the Bill.

One is the extremely wide powers that are left to the Local Governments, so much so that I feel apprehensive that the uniformity which is desirable in a legislation of this character and which is desired by the Government, by the employers and by the representatives of labour, may not be secured. I am also apprehensive that some of the provinces which are industrially developed may be loath to advance as far as my Honourable friend opposite would like to, and certainly they may not be eager to advance as far as the Royal Commission had in contemplation. But, Sir, there is a much more serious objection still left, and that is the discretion, almost uncontrolled discretion that is given to the

inspecting staff. I pointed out in my last speech that when the Inspector has found that certain things are necessary according to the provisions of the Act and those things can be done and suitable measures can be adopted by the owners of factories without any undue cost, even then he is at liberty to enforce or not the provisions of the law. He has a discretion in the matter. Even when for instance he finds that there is not sufficient ventilation in a factory, that there is not sufficient sanitary arrangement and things of that character, still, the Bill, which will soon be passed into law, gives him a discretion whether to apply the provisions of the Bill or not. The only answer that I got from my Honourable friend was that the word 'may' occurs in the old Act itself. If the old Act was satisfactory, why did the Labour Commission find that the state of things was such that legislation on a very wide scale and in different aspects has to be undertaken if the condition of labour was to be improved. I do not think that my Honourable friend is in a position to state that the old Factory Act has been so successful that we ought to repeat the provisions of that Act. That is not the case, but I hope that, even in spite of these defects, the Local Governments under whom the inspecting staff will have to work will see to it that the provisions of the Act are fully carried out. I hope that, in the near future, labour and all that concerns labour and industries will be entirely in charge of ministers responsible to the legislature and no doubt my Honourable friend opposite will say that it will depend on the responsible ministers to see that the inspectors do their duties properly and carry out to the fullest extent the provisions of the Act. Sir, I also hope that the future Government will realise their full responsibility in this respect. My only doubt was that having regard to the fact that labour is so thoroughly unorganised and capital is so well organised in this country, that even responsible Ministers may find it difficult sometimes to resist pressure proceeding from influential quarters. When I was speaking at the Second Reading of the Bill, I asked for information from the Government on various other matters which are dealt with in the Royal Commission's report. My Honourable friend, Sir Frank Noyce, has been good enough to send me a copy of the report of the action taken or contemplated by the Central Government and the Local Governments on the various recommendations of the Commission. I have gone through them, I don't say with great care. I have looked into them and I find that that book gives almost all the information that I wanted. I wish we were in a position at this stage to deal with that report and make such suggestions with respect to it as might occur to us for the consideration of the Government, because there are many cases in which decisions have not been arrived at by the Central Government or the Local Governments and some Local Governments have expressed opinions on certain matters on which it might have been helpful to my Honourable friend opposite to hear what we have got to say. May I suggest to the Government and to the Leader of the House that, whenever a Bill or any measure is placed before us based on the report of an important commission like the Labour Commission, when the matters are of a complicated and diverse nature and the Central Government after consulting the Local Governments and other bodies have either arrived at certain tentative conclusions or consider that certain steps have to be deferred for some reason or other, I submit it will be a source of great convenience to us, on this side of the House, if we had a report of that kind placed in our

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hands before the discussion on the measure in question began. I do not think it would prejudice the Government in any way. I know the report was laid on the table of the library but a report like that, I do submit, ought to be in the hands of every member of the House, so that they will know exactly what action the Government has taken and what action they are not inclined to take or do not find it feasible to take. At any rate if I had a report like that, my speech might have been shorter than it was on the last occasion and that would have been some gain to the House. The benefit that will be derived from an Act of this nature will not be anything up to the expectations of those who are interested in the welfare and efficiency of labour in this country, unless other measures of a connected nature are also passed in order to supplement the object of this Bill. Some other Acts have already been passed on the report of the Commission. I am also aware that Government have under consideration and have also prepared certain other measures which will be placed before us. It is only on the cumulative effect of all these measures that we shall be able to judge how far really the position of the workers in this country is going to be improved. The Whitley Commission repeatedly pointed out that the question of raising the standard of living of the workers is one of crucial importance and it is upon that really that the efficiency of the workers and their well-being depends. That is a matter upon which I do not think the present Government would be inclined to think of legislating. I do not know what the future Government will do. I know in many civilized countries Governments are taking steps to raise the standard of living of their people. Our Government, on the contrary, is very far from any such idea, and it will depend, as the Royal Commission pointed out, mainly if not entirely, in the present circumstances, on the efforts of the workers themselves and their leaders if they are to improve their position in respect of wages and the general conditions in which they have got to live and work.

There is another matter of very great importance, of fundamental importance, upon which the future development of industries in this country as well as the well-being of the workers themselves depends, and that is the education of the workers. So far as the education of the masses generally is concerned, we know that India occupies the very lowest place among the important countries of the world. I do not think there is any other country in which illiteracy and ignorance is so overwhelming and universal among the people as in India. The Commission made suggestions by which a beginning could be made in the factories at least in all concerns which employ labour on a large scale, for educating if not the adult workers at least, the juvenile workers employed there. Sir, I do hope the Government will not take up the attitude that the question of education ought to be dealt with by the Local Governments and that they here at the Centre have no concern with the question of education. This is one of those matters which depends largely upon the initiative of the Central Government. Time after time it has been pressed on the Government of India, not only by Indian public opinion, but by men holding responsible positions who are not Indians, that until the Central Government comes to the aid of Local Governments, definitely in this matter, no progress, at any rate no substantial progress, is possible. It is possible that some of the provinces have done their best to promote primary education, but I know at least in my province of Bengal primary

education has not advanced to any appreciable extent. Now, Sir, when we are dealing with the Report of the Royal Commission, I should like to impress upon the Government of India that so far as the recommendations of this Commission regarding education are concerned those should be accepted by them and carried out in the spirit in which the proposals are made. Sir, my Honourable friend, Sir Frank Noyce, said in reply to my speech on the second reading that he was shocked that I did not appreciate what the Government had done with respect to.....

The Honourable Sir Frank Noyce : I do not think I said that, "I can well understand that the Leader of the Opposition might be shocked by what Government have done or have failed to do". What I said was that I was shocked that he did not know what we did or failed to do. That is not quite the same thing.

Sir Abdur Rahim : Of course I could not have anything like all the information which that report gives because that report was not available to us. It might have been in the Library but there are heaps of books and pamphlets in the Library and we are not expected to read everyone of them before coming here and discussing the Bills that are placed before the House. That is not a possibility which I think the Government ought to contemplate. Some Honourable Members opposite tell us that we ought to consult dictionaries when we ask them certain questions. Also we are often referred, in answer to our questions, to some paper that was laid on the table two years back. I do submit, Sir, with all respect to you, that the Government are not helping this side at all if they refer us to some papers that were laid on the table of the House two or three years back. Sir, I do say I was perfectly justified in asking for information from my Honourable friend as to what action the Government had taken with regard to the various recommendations of the Royal Commission; and because I was ignorant on that point, as regards the action or steps taken by them, because they did not supply us with that information, I am not prepared to plead guilty to any charge that the Government might bring of not having taken care to know the facts. However that may be, I do not want to prolong this debate. Speaking from this side of the House I have been feeling for the last few days very great difficulties in criticising the action of the Government because our own men do not take any interest in important matters of this character. If my Honourable friend complained on that ground, that any criticism which emanated from me, speaking from the empty Benches on this side of the House, was shocking, I would plead guilty to that charge. Sir, I have come to realise that it depends more and more upon the Government themselves whether they do the right thing by the people or not. We do not seem to be in a position to force them to do it. We can only appeal to them to do the right thing. If they do it, well and good. If they discharge the responsibility which they have assumed towards the people, they would be clearing their own conscience. Sir, I am not in the habit of indulging in compliments but I must admit, having read the report, that my Honourable friend and his Department have not been sleeping over the matter. I admit that fully. They have been examining every single recommendation of the report and calling for reports from the Local Governments as to what they think about those recommendations and what action they are prepared to take. They are doing their duty, but still I must say that my Honourable friend, Sir Frank Noyce, Mr. Clow and the rest of the Department deserve every credit for the interest

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they have shown in this matter and the earnestness with which they are taking steps to see that the recommendations of the Royal Commission are carried out and given effect to as fully as possible.

One appeal, that I would like to make to my Honourable friend, is this. Now that the Act will be passed, rules will have to be framed. I take it that the Government of India will see that proper rules are framed. After the rules have been framed, as I pointed out, the administration of the Act will be entirely in the hands of the Local Governments, especially the Chief Inspector and the inspecting staff. I believe that the present law, at any rate, does not debar this Central Government from exercising full supervision and control over the administration of this Act and other Acts relating to labour. Even under the future Constitution, I believe, labour legislation is going to be a Central subject or at least a concurrent subject. Even then, I take it, the Central Government will have the power to see that these Acts are fully enforced by the Local Governments through the local officials.

Sir, I have nothing more to say. I do hope that this Act and other similar Acts that have been passed will be of real help to the workers. If the workers benefit, if they are made happy, if they are made more efficient, then the industries of the country will prosper and everybody will be benefited by the prosperity which the development of our industries will necessarily bring about. I therefore earnestly hope and pray that this Act along with the other labour Acts will bring about the beneficial results that are anticipated by us and the Government.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural) : Sir, I appreciate the honest attempts of the Honourable Member and his Department to carry out the recommendations of the Royal Commission on Labour and I congratulate my Honourable friend, Sir Frank Noyce, for the able manner in which he has piloted the Bill in the Assembly, although I must say that, as he was quite immune to all the arguments brought forward from this side of the House, he is also suffering like his other colleagues on the Treasury Benches from what I called the intoxication of the fourth type. Sir, in discussing these questions, as was pointed out by my Leader, Honourable Members on the Treasury Benches entirely forget that the position in India in this House is different from the position in the British Parliament. In the British Parliament, the Opposition had been the Government at some time or other, but in our case the Government is a permanent Government and we on the Opposition Benches have never been in the place of Government and therefore are not in a position to know all the facts and documents which are at the disposal of the members on the Government Benches. Talking of the Library, it reminds me of a story that in a college library, a member of the governing body, before sanctioning the money for the purchase of a new library, demanded that a certificate must be produced by the librarian to the effect that the students have finished all the books now in the library before fresh books could be purchased. I suppose a similar certificate perhaps might be demanded from the Secretary of the Legislative Assembly to the effect that the Members of the Legislative Assembly have read all the statements, documents and reports that were placed in the Library in order that they may be sure that we come here well prepared; Sir, I feel very unhappy regarding this particular Bill

about certain points and if this measure is passed then I shall feel still more unhappy about the whole thing. The first thing that I wish to say is, as was pointed out by my Leader and also by Mr. Morgan, that we are giving too large powers to the Local Governments, and when these Local Governments have used these powers and have made their regulations, and if you then read this Bill with all divergent regulations, you will find that the Bill that we passed was entirely a different thing. The second point, about which I am very unhappy, is the large powers that we have provided for factory Inspectors who are like:

“Khud kuza o, khud kuza garo, khud gilai kuza.”

Their position will be very similar to the position of the Income-tax officers against whose orders practically there is no appeal and the only thing that you can do in that case is to abide by their decisions without question. Similarly the factory owners will do well to abide by his decision, good or bad, if they want really to carry on their business. The third thing, about which I feel very unhappy, is the provision that is in the Bill about medical inspection. My friend, Dr. Dalal, has pointed out that so few men are really versed in the science of anthropometry. It is certainly a new science and I am sure that it has not yet been included in the medical course of our medical schools and colleges.

Then the inspection, according to his ideals, will practically be only in theory, and it will be cursory, because those men who will give certificates are ignorant of this very important new science which has now got a great future on account of the new legislation that we have introduced. It will be exceedingly hard for the labourers to secure a certificate as the expense, legitimate and illegitimate, may be enormous. My Honourable friend has pointed out that he would look into the matter. I suggest that he should have adopted a different course, instead of demanding a medical certificate, before beginning the service, he should have introduced the system of medical inspection to those labourers in factories on the same lines as we have got medical inspection to school children.

The Honourable Sir Frank Noyce : Does my Honourable friend also suggest medical inspection for Members of this House?

Dr. Ziauddin Ahmad : I would very much welcome medical inspection, for in that case the seats of those members who are medically unfit would be declared vacant and the opposition will be strengthened. I suggest that instead of demanding a medical certificate at the outset we should introduce a system of medical inspection to these labourers on the same lines and in the same manner as the medical inspection to school children. In that case the burden on the labourers will be minimised. Any person who is found unfit for a particular kind of work, may be shifted to another kind of work and if he is quite unfit he may be removed to a hospital or a sanitarium and a thing of this kind will exceedingly be beneficial to them.

Another thing, on which I am exceedingly unhappy, is the entire discussion on the hours of work. Everybody will admit that our labour is inferior in quality to the labour in the West and this deficiency in quality can only be made up by quantity and so we cannot apply the same principle to Indian conditions as exist in the West. Otherwise, if the labour is inferior in quality and we insist on the same quantity as in other

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countries because production will increase then in the competition of the world, we will be very much handicapped. This is an important factor which you cannot ignore. We have really to compete in the production with the rest of the world and we cannot increase the cost of production because the whole industry would fail. In this connection, in order to improve the quality, my Leader has pointed out two important factors which we ought to carry out. The one is education. Unless we have compulsory education it is impossible to get an intelligent class of labourers. This is a thing which we ought to press in season and out of season, relevantly or irrelevantly. The Government must take up this question of compulsory education in order to train efficient labourers. The second thing is about the housing problem, because a person who is accustomed to live comfortably will also be able to do more efficient work than a person who is practically keeping awake all night for want of a proper house and who may be suffering on account of unhealthy surroundings. He cannot be expected to do any efficient work in the morning. The next point, on which I am unhappy, is clause 5, in which Local Governments have got power to extend the definition of a factory. Of course my amendment was rejected by the House but I think the Government ought to have accepted at least one thing that in this particular case, before a Local Government may extend the definition, the permission of the Government of India ought to have been obtained. At least in this case they ought to have kept this in their own hands in order to see that this extension of the definition, which is a very important item, should be used very sparingly and with great discretion and not used with enormous diversity in different provinces.

After giving certain arguments as to why I am very unhappy, I now come to another class of arguments and I appeal to the House that we should reject the whole Bill. My first argument for the rejection of the Bill is that India is an agricultural country pure and simple. The factory labourers are comparatively very few. I have not got a copy of the census report, and when I asked the librarian, I was told that the book was out. This is really the condition of the Assembly Library.

Mr. President (The Honourable Sir Shanmukham Chetty) : That shows that our Library is being very well used by Members.

Dr. Ziauddin Ahmad : I quite admit that the Library is so much used by the Members that some other Members have not got the chance to use the Library because, in the race for getting books first, others get preference. I was saying that I have not got the figures before me, but I may say that the factory labour is a very small part and the bulk of the labour in this country is agricultural labour and they form something over 90 per cent. It is well known that the Commerce Department is doing everything for a small minority and they are overlooking a large section of labourers, that is agricultural labourers who are practically starving and living from hand to mouth. We have passed several Bills, and we had several Commissions and we have carried out all the instructions of the Labour Commission, but we have not carried out the recommendations of the Agricultural Commission and no Bills have been brought forward to safeguard agricultural labourers in this country. It is still an unsettled question whether agricultural labour is in the Department of Industries or in the Department of my Honourable friend, Mr. Bajpai.

The Honourable Sir Frank Noyce : I can answer that at once. It is under the Department of Education, Health and Lands.

Dr. Ziauddin Ahmad : I see this Department is not so strongly represented in the House and therefore we are not having as many Bills to safeguard agricultural labour as we have for factory labour. Whenever we talk of the poverty of India, we always keep in mind the labourers in the villages who are practically starving and who depend for their livelihood on the cultivators in the villages who occasionally employ them to help them in their fields. We are producing Bills after Bills to ameliorate the conditions of factory labour and nothing has been done to improve the conditions of agricultural labour and, I hope, my Honourable friend, Mr. Bajpai, whom I now see in the House, will be able to help the agricultural labour, and, though he may not be able to produce 12 Bills, I hope he will produce at least half a dozen Bills to improve the conditions of agricultural labour. That is one reason why I oppose this Bill, because you are doing everything for a microscopic minority and doing nothing for the labourers who form a majority. The second argument why this Bill should be rejected is, that the kind of action that we have been taking to settle this question between capital and labour is not the proper one by which we can solve this problem. We ought to attack this problem from an entirely different point of view. I believe that by these measures we do not compose the differences between employers and the employee, the capital and labour and the solution of the problem will become more remote. We ought to handle this problem in a different manner and by that method alone we hope to solve the problem. Before I come to that argument I would like to make passing reference to strike. The origin of the strike of labourers lies in the fact they have got the idea that the capitalists are using the whole of their labour for their personal benefits. This belief is impressed in their minds that the capitalists are making huge profits of 20 or 30 per cent. and they are giving insufficient wages and making fat dividends at the sacrifice of the labourers. I was in Bombay in May last and some of the leaders of the labourers told me this definitely. I know they were wrong in their statement but they actually believed it and that was the cause of the strike. But they said that all the millowners of Bombay were making fat profits and giving fat dividends at the sacrifice of the labourers who are given very poor wages. When this idea is present in their minds it is impossible to find a solution; and I thought that, instead of having a Bill of this kind, we should tackle this problem in a different manner and no legislation will in future be necessary. That remedy is that you ought to create a feeling by means of which the interests of the workers and the interests of the capitalists ought to be identical. The workers should be made to believe that their interests are the interests of the employers and the employers should be made to believe that their interests are the interests of the labourers. They should be unified together, and, unless this ideal condition is achieved, it is impossible to avoid strikes and to create good feelings between the employers and the labourers. You try to create legislation but the effect of the legislation will be the creation of greater and greater discontent among these two classes of people.

Now, Sir, I will tell you how you can have these two things combined together and how you can have uniformity of interests between the labourers and the employers. In the first place the labourers should be

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made to believe that the employers do not make a profit entirely for their own good. If there is any profit in the factory it will go proportionately to the labourers as well, and if there is a loss to the factory this loss will be borne to a greater extent by the employers and to a smaller extent by the labourers. If there is a profit it will be shared equally. The moment you make the labourers believe that the profits are used for their advantage as well, then I am sure they will never go on strikes and the diversity of interests between the labourers and the employers which exists at present will practically disappear. And this can be done in this way. First you legislate that every factory will be allowed to have so much profit and the profit which is supposed to be reasonable is that you allow so much for depreciation, and so much for the reserve fund, and so much for interest charges and so much for profit. After allowing for all these four things, whatever additional profit is left must be divided proportionately between the labourers and the employers. If it goes entirely to the employers, and no share is given to the labourers, then you produce discontent among them and they will demand a direct share in the way of increased wages and if you do not agree to that they will go on strike. But if you make the labourers believe that they are entitled to get their share from these additional profits that accrue in that particular factory, then the question of strikes will practically disappear, and therefore to achieve this object the ideal way is that you should have your union of these labour employees and that union should be represented in the directorate. They should have access to the accounts and they should know definitely what are the profits that accrued to this particular company.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can resume his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, **Mr. President** (The Honourable Sir Shanmukham Chetty) in the Chair.

Dr. Ziauddin Ahmad : Sir, just before the lunch interval, I was developing my point in order that I might convince my colleagues to vote with me and reject the entire Bill. The first argument that I advanced before lunch was that India is primarily an agricultural country.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has allowed very considerable latitude to the Honourable Member in his speech. The condition of agricultural workers and any scheme of profit sharing in factories are subjects entirely outside the scope of this Bill, and, if he continues his remarks on these subjects, the Chair will have to say that he is irrelevant.

Dr. Ziauddin Ahmad : I have said quite enough on this topic before lunch (Laughter), and I need not recapitulate them for the benefit of

Members, because I hope that they will remember what I said. I will take up the topic from the place I left, without further recapitulation.

The fundamental object of this particular Bill, which I am going to oppose, is that it seeks to provide better understanding between capitalists and labourers. The object is that industries may flourish under better conditions and everybody may live a contented life and strikes may be a thing of the past. Strikes are a modern institution; they were unknown to ancient India; and it is really one of the achievements of modern civilisation and we should try to meet strikes by modern methods and not by the old system. We should create an atmosphere in which capitalists and labourers may live contented lives with mutual understanding. If mutual understanding is achieved by the methods I described, then it will be quite unnecessary to have this kind of legislation and we can achieve our object by more direct methods. When there are two parties fighting, as is the case with capital and labour, then there are two ways of settling the fight. One is to fix by rules and regulations the jurisdictions, limitations and the other restrictions that we can lay upon them so that they may all work within their particular spheres. The other method is to make them both come together on friendly terms so that all these limitations and rules and regulations may be unnecessary. My friend, the Member in charge of Industries and Labour, tries to settle the question by the first method; he wants to regulate the jurisdiction of labour and capital by a series of enactments. I want to solve it by the second method, by having friendly relations between labour and capital, so that all these enactments may be quite unnecessary. There are these two different points of view, and if I can convince my Honourable colleagues on this side that the second method is the more practical method and will achieve the end desired, then this Bill and similar Bills which might follow would become absolutely unnecessary, and this is what I wish to emphasise. In order to have amicable relations and good understanding between labour and capital they should realise that their interests are identical. So long as they feel that there is divergence of interest, it will be impossible to talk of any kind of union between them. But if we can secure by some method that the parties realise that their interests are identical, that they can work in harmony, then legislation of this type is quite unnecessary. The managers should enter into the feelings of their labourers and realise what they desire: they must understand that the workers are ignorant people, without the benefit of education which the managers have got; that the workers do not know the methods of recreation and how to use their time and live comfortably; the managers ought to enter into their society and establish clubs at their own expense and teach the workers how to live cheerfully and nicely. The labourers also should be contented as their minimum wages are ensured; they should realise that while factories work at a loss they will get only the ensured minimum wage, while if factories work at a profit, they will get additional bonus and this is quite possible to be achieved. The capitalists should realise that they are entitled to some kind of minimum out of the profits, and, if they make over and above that minimum, they should not take the whole of it but should share it with the labourers and others who helped to produce the profit.....

Mr. B. Das : And also the Finance Member of the Government of India.

Dr. Ziauddin Ahmad : As regards the Finance Member, I am afraid, I tried my best to convince this House that this Legislative Assembly should be considered as a factory, but unfortunately my view was not shared by all ; otherwise the Finance Member and ourselves would have derived some benefit out of the revenues of the Government of India.....

The Honourable Sir Nripendra Sircar (Law Member) : If this is a factory, it is a gas factory.

Dr. Ziauddin Ahmad : But my view, which I expressed the other day, in connection with clause 5 of the Bill, was unfortunately not accepted by this House, and, therefore, the view that my Honourable friend has accepted has been ruled out of order by his own votes.....

Mr. B. Das : What I implied was that the surplus profit of the employers must be shared by the parties which my Honourable friend mentioned, and also by the Honourable the Finance Member who draws it in the shape of income and super-taxes.

Dr. Ziauddin Ahmad : I quite understand that the income-tax that has to be levied is really a legitimate expenditure and I am thinking of the profit after paying all these legitimate dues. In this case if the labourers realise that they have a legitimate share in the earnings.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is continuing his irrelevancy.

Dr. Ziauddin Ahmad : I am just coming to the practical side.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's suggestion may be very practical, but it will not be relevant to this Bill, and I would ask him to come to relevant suggestions.

Dr. Ziauddin Ahmad : I am coming to them. If we follow the methods I suggest, this Bill is unnecessary, and that is the point which I say is relevant ; as I am opposed to this Bill and I want to convince the House that the method I suggest is more practical for achieving the results sought in this Bill, and unless I advance my argument it is impossible for my friends to vote with me. As I said, Sir, we must have uniformity of interests in these cases ; the employers should take part in the recreations of the employees ; while on the other hand, the employees should have one of their representatives on the directorate of the company, and that person should take part in all discussions that may take place concerning not only the welfare of the employees but also the general progress of the company, but he should have no votes, because the labourers will then know what is the real income of the company, and if the labourers are convinced of the true position of the company, if they are taken into confidence by the company, if they are shown the balance sheets and all the relevant papers which are placed before the directors, then they will realise that it is not right for them to demand higher wages. They will then realise that if there is a loss made by the company, it is not right to demand higher wages ; they will also feel sure that if there is a loss made by the company their wages will not be cut down, that they will be paid out of the reserves which they are going to build and the capitalist alone will suffer ; but if on the other hand there is any profit, they will get a proportionate share. But they

should be told always what is the total amount of profit earned by the company so that they may get their legitimate share of it. Sir, I consider that the legitimate share of a capitalist may be classified under four heads. In the first place, there must be some fund reserved.....

The Honourable Sir Frank Noyce : Sir, I rise to a point of order. My friend is endeavouring to persuade the House to reject this Bill in favour of some solution which he is putting forward. I would ask you whether it is relevant to discuss that solution in view of the fact that there must be some legislation to control factories in the interval until a happy utopia which he is advocating is reached ?

Dr. Ziauddin Ahmad : My intention is simply this. If I want to convince my colleagues on this side to vote for me and reject this Bill, I can only do so by persuading them to accept a better method of achieving the object than the method which is suggested in this Bill.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would point out to the Honourable Member that a detailed discussion with regard to profit sharing, or, what ought to be the legitimate charges on the profits of a company, is irrelevant to this Bill, and the Chair would again point out that what he has been talking after lunch is absolutely irrelevant. If he continues in his irrelevancy the Chair will have to ask him to resume his seat.

Dr. Ziauddin Ahmad : If you consider, Sir, that any discussion on this Bill in favour of my suggestion with a view to throwing out the Bill altogether and take up a better view of the solution of the problem of capital and labour is out of order, then I have no alternative.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Quite so. Now, the Honourable Member has come to the point of his irrelevancy. If the object of this Bill were to find a solution for the conflict between capital and labour, then all his remarks would be relevant, but the object of the Bill is not so wide as all that. It is very much restricted ; it is only to regulate the conditions of workers in factories, and for that purpose all the remarks that the Honourable Member is making are absolutely irrelevant.

Dr. Ziauddin Ahmad : My point was that there are two ways of solving this particular problem either by means of regulation or.....

Mr. President (The Honourable Sir Shanmukham Chetty) : But the problem is to regulate labour in factories.

Dr. Ziauddin Ahmad : With which I do not agree. I do not agree for a moment that the methods suggested in the Bill to regulate labour are correct methods, and, therefore, I oppose the whole Bill, and I say that the methods which I suggest are the correct methods.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair can only tell the Honourable Member that he is absolutely irrelevant.

Dr. Ziauddin Ahmad : If you do not want me to speak, I shall not continue.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can certainly speak anything relevant.

Dr. Ziauddin Ahmad : I consider what I say to be quite relevant, but if you consider it to be irrelevant, I shall not say anything.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I hope I am not standing up to prolong the agony of irrelevancies on this occasion, but merely to convey to the Honourable Member in charge the cordial approbation of this side of the very useful measure which he has almost passed in this House.

Sir, under this measure, there will be less difficulties for the people whom the Bill is intended to benefit.

As many of us are anxious to get away from this Session to the plains to face new difficulties,—I believe I am echoing the sentiments of many a Member of the Opposition when I say that we want to conclude discussion, not only on this Bill, but on other Bills as well, so that the Government may be able to release us from an inevitable bondage—staying up here.

Sir, I congratulate the Honourable Member in charge for bringing forward such a useful measure.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I do not propose to be lengthy, nor do I propose to take up the time of the House with any irrelevant matter, but I shall confine myself strictly to the Bill itself. I support it, I am not for its rejection. I have taken part in this Bill at its former stages. The first time that I took part in the discussion of this measure was at the time of its consideration, and I said then that this Bill was in the interests of the workers, and that with certain improvements, which were absolutely necessary, it would be a very sound enactment. Sir, I then thought that it would be much better to present certain difficulties and improvements which I thought were necessary by way of amendments. I put forward several amendments, and though almost all the amendments that have been put forward, not by me alone, but by several other Honourable Members, have been rejected, yet as an optimist I must say that I am not disappointed. I take it that this Bill, as it is going to be passed, is the first instalment of the attempt in the direction of improving the welfare of workers, and I hope that the Honourable Member in charge of this Bill will consider seriously all the suggestions that have been made and see that they are carried out in the spirit in which they were made. The improvements which we have suggested are not such as not to be considered to have no substance in them at all. Sir, there are very strong grounds for making those improvements, and I hope that the Honourable Member in charge will watch carefully the working of this measure and devise means to make the improvements we have suggested.

With regard to the Bill, the first thing that I want to draw the attention of the House to is the attitude of the Government Benches in connection with Bills that emerge from Select Committees. This is a typical instance to show what their mentality is. Certain provisions there were in the original Bill and some of them have been eliminated by the Select Committee. It cannot be said that those provisions have no substance in them or that they were really such as to be rightly eliminated. I was not on the Select Committee, reasons might have been given, but I do not know how the Select Committee were persuaded to eliminate at least one clause about which I had put in an amendment. I, therefore,

submit that the attitude of the Government Benches should not be that they are infallible. The Government's attitude should be an open one, and when there are any amendments the duty of the Whips or of the speakers on their side should not be that everything that has been passed by the Select Committee should be carried through at all costs. No doubt, our representatives are there on the Select Committee, but all the same when the Bill comes to us, does it come to us only to be passed as a matter of course by us ? Then where is the necessity of giving time to the House for consideration stage, then discussion clause by clause and then the Third Reading ? I therefore hope, that the attitude of the Government will not be that every amendment, however good and sound it may be, should be thrown out. The first omission is about the surgeons or doctors who, though they are interested directly or indirectly, may be appointed for the purpose. I hope the Honourable Member in charge will, at no distant date, bring in an amendment to the effect that the certifying doctor should be a man who is not interested. Instances were given to us of difficulties that would arise if this were done. Mr. Sen, who was a member of the Select Committee, thought that he could not budge an inch from the reasons that were given in the Select Committee for taking away this clause. I have always a liking and regard for him, he knows it, but when he says that Bengal has not got registered medical practitioners in the mufassil, it is discreditable if it is true. But nowadays in the mufassil there are places where there are medical practitioners, and if they are not actually in a village, they are within a stone's throw ; there are tahsils where there are such men. I wonder how that could be advanced as a reason why honest, impartial doctors could not be put for the purpose of the functions under this Bill. If my Honourable friend will come to my part of the country, I will show him registered practitioners in the villages, and then he will go to Bengal and say that they also require medical practitioners in the villages. But I suggest that Bengal is certainly more advanced than our place. (Interruption.) I do not doubt it, though I doubt about Bihar and Orissa. Another reason,—and this was put forward by the Honourable the Mover—was that the doctor might have very insignificant interest, and in that case how could he be refused ? My reply to that is that even if there be such little interest, he could leave it so as to enlist the confidence of the people that the certificate that he was giving was a right one.

The Honourable Sir Frank Noyce : If the certifying surgeon is interested in a factory situated in Tuticorin, is he to be prevented from performing any duties in regard to a factory in Assam ?

Mr. Lalchand Navalrai : If he has got some shares and if he does not come under the definition of directly or indirectly interested, then I shall have no objection. I would be even willing if a man has an indirect interest in such a thing, that it should not stand in the way of the medical practitioner being appointed for the purposes under the Act, but in that case the word "indirectly" should be taken away. The fundamental principle is that a man who is interested cannot be the judge in his own case. It is plain even to a layman. I have said that I am an optimist, and I hope that the Honourable Member in charge will at least issue instructions to the Local Governments that, when these surgeons are appointed, they should avoid as far as possible any doctor being appointed who is an interested person. Let me come to the next point with

[Mr. Lalchand Navalrai.]

regard to the hours of work. From the very beginning I have taken the view that we should not run too fast, nor should we walk too slow, and, therefore, I have not put in my objections to the 54 hours prescribed by this Bill. I was told that the principle in other countries now is that it should not be more than 40 hours.

An Honourable Member : Where is that ?

Mr. B. Das : Are you thinking of the civil service trade union ?

Mr. Lalchand Navalrai : I got it in the papers and I have got a copy of it, though not here. But I believe I am supported in this by the Deputy President. You know the International Labour Conference in Geneva and they have held now that it should be 40 hours a week.

The Honourable Sir Frank Noyce : I am sorry I did not quite catch my Honourable friend. Did he say that the International Labour Conference at Geneva had approved a 40-hour week ?

Mr. Lalchand Navalrai : Yes.

The Honourable Sir Frank Noyce : That is not so.

Mr. Lalchand Navalrai : Excuse me. I have sent for that paper, and I hope my Honourable friend, the Deputy President, would enlighten us on that point a little more.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : What I told my Honourable friend, Mr. Lalchand Navalrai, was that last year in the Tripartite Conference held at Geneva to discuss the hours of work and to reduce the hours of work having regard to unemployment in all the countries, they passed a resolution recommending 40 hours a week.

The Honourable Sir Frank Noyce : But the International Labour Conference has not done so.

Mr. Abdul Matin Chaudhury : No. I said the Tripartite Conference which was held in January last year.

The Honourable Sir Frank Noyce : I am not disputing the correctness of what the Deputy President says. He is perfectly right, I am disputing the correctness of what my Honourable friend, Mr. Lalchand Navalrai, said. He said, if I understood him correctly, that the International Labour Conference at Geneva had approved a 40-hour week. That is not so. They have postponed further discussion of the subject till next year.

Mr. Lalchand Navalrai : I am in possession of some papers which
3 P.M. I have promised to send to the Honourable Member.

The Honourable Sir Frank Noyce : I can claim to know a little more about the International Labour Conference at Geneva than my Honourable friend. I am very closely connected with it, as Member in charge of the Industries and Labour Department. My Honourable friend is mixing up two things. He is mixing up the views of a preparatory conference with the views of the International Labour Conference itself. The preparatory conference prepares the work to be discussed at the Sessions of the International Labour Conference. The two things are quite different and the fact that a preparatory conference passes any resolution does not mean that that is accepted by the International

Labour Conference. The position in regard to the International Labour Conference is as I have just stated. The question of the 40-hour week has been postponed for further discussion until next year.

Mr. Lalchand Navalrai : I do not feel myself more competent than the Honourable Member himself. I do accept that, but what I mean to say is I have read both and.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member need not pursue that point. The Chair can tell the Honourable Member that the International Labour Conference has not yet passed that Resolution.

Mr. Lalchand Navalrai : I accept the statement of the Honourable Member in charge, and I do not think there is any need for the Chair to support the Honourable Member. So, what I mean to say is, that there is a great difference over this. 54 hours is not a standard which is a permanent standard or a standard which is accepted by all. At least that much will be accepted. The expert member for the labourers, Mr. Joshi, has put in a dissentient note the figure of 48 and there is the Deputy President also joining him. I do not mean that the Bill should have necessarily put it at 48 or 40. I am saying this only as a warning to the Member in charge. He should really watch the situation and see if this 54 hours is objected to, whether it is too much and so on and then the amendments may be made. This is only the first instalment.

Then I come to this point, that the Factories Act is being worked through certain Inspectors and these Inspectors have not given satisfaction. I think the Boiler Inspectors enjoy a much higher position than the Factory Inspectors. I do not know whether I am correct. That at any rate is my opinion. I hope that when Inspectors will be appointed, care will be taken to see that very responsible persons are appointed and that their work will be so watched that there may be no complaint of the nature that has been brought to the notice of this House. The Inspectors are the pivot of the whole system and it is they who have to carry out the functions under this Bill. Especially when an amendment I placed before the House with regard to the supervision in prosecutions has not been accepted, I request that in the working of this Bill care should be taken to see that things are done straight.

Coming to the question of punishment, I was told that the magistrates consider the question from the bottom, that is the minimum punishment. I accept the statement that came from the Honourable Member. This is going to be a new improved Act and I hope that magistrates will give careful consideration and pass sentences very leniently.

Lastly, I would say that prosecutions should not be launched after a very long time. There should be no delay. Six months and twelve months are going to be given and the Inspector should hurry up things and they ought to see that the cases are disposed of as quickly as possible. The Honourable Member should also keep in mind the question of the schooling of the children. Conveniences should be given to the family living in the premises, and, as the children are also going to work, the question of education is very important. We have been saying that there should be compulsory education. I say the railways have been

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generous enough to give them schools and I hope these factories will give better facilities to these labourers and I would appeal to the Honourable Member in charge to give attention to this question of schooling also.

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadian) : Sir, I congratulate the Honourable Member in charge of Industries and Labour on his honest attempt to ameliorate the grievances of factory labour in India, however haphazard the attempt may be, and although most of the recommendations of the Whitley Commission have not been given effect to in the Bill. I wish Government had taken as much interest in the improvement of the wages of factory labour as they have taken in cutting short their working hours. Sir, I cannot say anything about labour conditions in other parts of India, but I know that about one lakh able-bodied men from my parts migrate to the Calcutta side every year, for about three or four months a year during slack agricultural seasons, in order to supplement their earnings. I believe, Sir, that labour in cities is mostly rural labour. The Whitley Commission also found this in urban areas. The rural mass in India find it difficult to make their both ends meet out of their agricultural earnings and so a large number of able-bodied poor people go out to industrial cities to earn some extras in order to pay their rents, interest and other obligations. So they would have been much more grateful to the Honourable Member in charge if he could have found some means to improve their wages. Sir, they are not so much keen about other factors as they are for their earnings. My information is that in Japan the highest salary in a factory never exceeds five times the lowest salary. But in India, while the ordinary labourer gets ten annas a day, the man at the top draws Rs. 10,000 a month. A very large percentage of the people of India is agricultural labour and I believe the Honourable Member for Industries and Labour, who has so much interested himself in labour conditions in India, will soon interest himself in improving their lot. A splendid beginning may be made by making laws for abolishing forced labour and cheap labour in both British India and Indian India. Besides Indian landlords who indulge in forced labour and in cheap labour, the Government of India themselves, Sir, indulge in such contemptible methods and it is a standing reproach on the Government of India, I shall quote only a few sentences from a book—"Condition of India"—by Mr. Bertrand Russell being the Report of the Delegation sent to India by the India League in 1932. This Delegation included three Members of Parliament. On page 447, it says :

"In Orissa, another plague spot of labour, the ordinary labourer receives four annas a day, while the Government extracts forced labour at about half that wage rate."

Then, Sir, on page 452 it says :

"The Government in India employs forced labour and, as we have already pointed out, remunerates at scales lower than the miserable ones that prevail in the area."

We came across this problem acutely in Orissa. Time did not permit us to investigate it as well as we should have liked to do, for we felt certain that the practice obtains legally and illegally on a large scale.

In the Angul District, which is governed under the Angul Laws Regulation (Act III of 1913), Government officials exact forced labour. Orders are sent to local officials for supplies of goods and services, which are enforced by penalties.

We have in our possession copies of orders issued under the authority of the Deputy Commissioner of Angul, and stated to be under the seal of his office, which calls on the local official to supply coolies for serving officials, beaters for shooting parties for the Political Agent and for providing cows, vegetables and other provisions for Government officials. (Hear, hear.) These orders threaten penalties and are very peremptory in their character.

The practice of Forced Labour is not confined to Angul. In other parts of British India also it obtains. *Begar* is enforced in the villages and much resented."

Mr. B. Das : Has not this book, Sir, been proscribed ?

The Honourable Sir Frank Noyce : To the best of my recollection, my Honourable friend is correct. I think the book is proscribed. I have just sent to ask the Honourable the Home Member if this is so or not.

Dr. Ziauddin Ahmad : It has already been ruled, Sir, that a proscribed book can be read in the House.

An Honourable Member : Mr. Mahapatra has got the book in fact from the Library. (Laughter.)

Mr. Sitakanta Mahapatra : I, therefore, ask the Government to show practical sympathy for the labourers and set their own house in order and, before attempting to reform labour conditions in factories and mills, to follow the adage, "physician, heal thyself". There is, Sir, another side of the question. By this enactment we have curtailed the hours of work of workers in British India. But in Indian States, forced labour and cheap labour is the rule rather than the exception. If the suzerain power cannot put a stop to this system in Indian States, it will hit hard the Indian industrialists and it is quite possible that British Indian capital will fly to Indian States. Sir, coming as I do from Orissa, I may say that three-fourths of that country is Indian State. I personally know to what extent the system of forced labour is in existence in most of the States. Very recently the *begar* system has gone to such a high pitch in a neighbouring State that the town of Cuttack has been simply flooded with refugees from that State. It is a shame, Sir, on the part of a power that boasts of suzerainty, not to be interested in such things and allow a sort of slavery to be continued in this the twentieth century. Now, if a factory is established in such a State, will any factory in British India be able to compete with it ? It is time, Sir, that the Political Department should make a searching inquiry into labour conditions in Indian India and particularly in the Orissa Feudatory States. Sir, conditions, particularly labour conditions in India, are quite different from labour conditions in England. Will it not be better to treat Indian conditions in a different way than English conditions ? I trust, Sir, that the Government of India have in their possession information about forced labour in both British India and Indian India and they will be able to put a stop to such barbarous system before long. With these words, Sir, I resume my seat.

Mr. Abdul Matin Chaudhury : Sir, I only want to say a very few words, referring to the observations of the Honourable Sir Frank Noyce. Sir, we have not been able to achieve a good deal of what we wanted, but still I consider that this is a very considerable improvement on the present position. Sir, my friend, Sir Frank Noyce, has told us that this is

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only an instalment, and that other instalments will come in in due course. We hope that the efforts of the Department of my Honourable friend to implement the recommendations of the Royal Commission on Labour will continue unabated. I still entertain the hope, Sir, that at no distant date the workers' demand for a 48-hour week will be acceded to. Sir, my friend, Sir Frank Noyce, has described this measure as one of the three measures of major importance which have been produced by his Department in implementing the recommendations of the Royal Commission on Labour. If, Sir, I am able to look back at all with satisfaction on any work that I have been able to do in this Assembly in co-operation with the Government, it has been in connection with these progressive measures that have been introduced in this House by my friend, Sir Frank Noyce. Our legislative records during the past few years have not been a very happy one. But, Sir, if I may say so, I have always regarded that the only silver lining in that cloud of reaction through which we have passed have been the measures that have emanated from the Department of Industries and Labour. I only want to express my appreciation to the enormous amount of work that has been done by that Department in connection with the measure that is about to be passed.

The Honourable Sir Frank Noyce : Sir, we have spent three days on this measure which cannot, I think, be considered a disproportionate amount of time considering its complexity and importance. I do not wish to prolong the discussion more than I can help, and I shall, therefore, confine myself strictly to the measure before the House and not attempt to follow my Honourable friend, the Leader of the Opposition, or, my Honourable friend, Dr. Ziauddin Ahmad, into an excursus on the economic and educational policy of the Government of India.

I should like, at the outset, to say that I fully appreciate the position in which my Honourable friend, the Leader of the Opposition, was placed by lack of information, and I realise that his view of what the Government of India have done in the direction of implementing the recommendations of the Whitley Commission's report would have been expressed differently yesterday if he had had the report I sent him subsequently then before him. I would mention for his information that we are now in process of collecting the material for a third report on the action taken by ourselves and the Local Governments on the recommendations of the Commission,—the one I gave him yesterday was the second. Those reports are beginning to come in. A consolidated report will be compiled as rapidly as possible and, before the next Session of the Assembly, the third report will be ready. I shall be very glad to have copies of it placed at the disposal of all the Members of the House. (Sir Abdur Rahim: "Hear, I hear.") I might perhaps mention in this connection, though it is hardly as relevant today as it would have been yesterday but it may interest the House, what the Chairman of the Royal Commission himself thinks about the progress we have made. He said at the end of a series of four important articles which appeared in the *English Times* about a year ago:

"My colleagues on the Commission will, I think, join in my appreciation of the progress made in the first legislative periods since the issue of the Report, and in my hope that the advance made in the second may be equally good. When political questions occupy the centre of the stage, industrial and social reforms risk being side-tracked. It is to the credit of the present Administration, in India, (I could wish that he had added that it is also to the credit of the present Legislature), that this has not happened so far as official action is concerned."

Now, Sir, before I come to deal at comparatively brief length with the main criticisms which have been brought against this Bill, I should like to get one or two small points out of the way. My Honourable friend, Mr. Anklesaria, suggested that provision should be made in the Act for the withdrawal of prosecutions when the offence is merely technical. It was rather late, at this stage of the discussion on the Bill, to bring forward a suggestion of that kind, but there is no reason to believe that, where an offence is merely technical, Inspectors indulge in prosecutions merely for the sake of doing so or that the Court is not prepared to deal with the matter leniently and let off the offender lightly.

My Honourable friend, Dr. Ziauddin Ahmad, made an assertion yesterday about medical inspection in the United Provinces. He definitely said that fees were being charged for such inspection. I promised to find out whether that was so or not. I thought I should have to inquire from the United Provinces Government, but I found that we have, as indeed we ought to have, the information here and that there is a definite rule that no fees should be charged for such examination or for the grant of a certificate in pursuance thereof. That, I think, deals sufficiently with that point.

Dr. Ziauddin Ahmad : May I know what is the rule which the Honourable Member has just quoted? Is that the order of the Government of the United Provinces?

The Honourable Sir Frank Noyce : It is a rule of the Government of the United Provinces under the Factories Act. I do not propose to deal with the points raised by my Honourable friend, Mr. Lalchand Navalrai. Apart from the fact that he is not here, all the points that he raised were very thoroughly gone into in the discussion on the amendments. I now come to the main criticisms which have been brought against this Bill, both of which were raised by the Leader of the Opposition, and one or other of which was also taken up by other speakers. The first criticism which has been brought against the Bill is that it confers too wide powers on Local Governments and a suggestion was made that the Government of India should utilise very freely the powers which have been conferred upon them by clause 80 of the Bill, which makes the rules promulgated by Local Governments subject to the control of the Government of India. Now, Sir, I do not want the House to be under any misapprehension on this point. "Control" is quite a different matter from "previous sanction". When a Local Government has to obtain the previous sanction of the Government of India to the promulgation of any rules under an Act, it means that those rules are subjected to meticulous scrutiny by the Department concerned. But when rules are subject only to control, they are only subjected to *post-facto* examination.

Sir Abdur Rahim : Are not the Local Governments bound to inform the Government of India beforehand that they are going to frame such rules?

The Honourable Sir Frank Noyce : I am not sure. I do not think so. I think they send us the rules after they have been framed. The control which is exercised is a *ex-post-facto* examination to the best of my knowledge.

Sir Abdur Rahim : Even then may I suggest that the Government of India can give directions to Local Governments.

The Honourable Sir Frank Noyce : I am coming to that, Sir. What I wish to emphasise is the reason why this should be so in the case of the rules under this Bill. My Honourable friend, Mr. Morgan, complained that the Bill covered a vast number of factories, cotton, jute, tea, rubber and the like, and that it was a disadvantage that there should be a general Act, and not a special Act, dealing with different industries. It would be very difficult and would take an immense amount of time to deal with industries in that way. I would submit to the House that the purpose Mr. Morgan has in view is served by giving Local Governments wide discretion in regard to the framing of rules. They know all the local circumstances and they can frame their rules to meet the varying conditions of different industries. There is no reason why they should impose meticulous uniformity on different industries and, similarly, there is no reason why the Government of India should impose meticulous uniformity on all provinces in which climatic and other conditions differ so widely that a uniform code would probably be unworkable. If there is any serious divergence between the rules in force in different provinces and it is found that they work to the disadvantage of one province or another, that could always be set right if it were brought to the notice of the Government of India or if they discovered it themselves by an examination of the rules. The point really is that the control of the Government of India exists under clause 80 and can be exercised if necessary. I may mention a case, for example, which lately occurred in which a certain province, there is no necessity to say which, issued a Notification under the Workmen's Compensation Act, which we found would not bear examination. We suggested that it should be amended and it was amended. We could do the same here. If we were to examine these rules meticulously, if we were to decide that they should be subject to the previous sanction of the Government of India, it would mean a tremendous increase in our staff and there is also the great disadvantage in that we have no expert advisers in these matters. We should certainly have to add one to our Department if we were to insist that Local Governments could not make or amend the factory rules without our prior sanction.

My Honourable friend, the Leader of the Opposition, if I heard him correctly, suggested that provinces which were industrially developed might not be willing to advance as far and as rapidly as others. I do not think that is our experience. I think our experience of the two most advanced industrial provinces, Bombay and Bengal, is that the Local Governments of both provinces are even more anxious to insist on the proper regulation of labour in their factories than are some of the others and that they naturally have Inspectors with more experience and use them accordingly. The second main criticism of the Bill has been that the powers conferred on the Chief Inspectors are too wide and my Honourable friend, the Leader of the Opposition, has specially drawn the attention of the House to the use of the word "may" instead of "shall" in regard to those powers. The criticism under this head seems to fall under two classes. The first criticism is that Inspectors have powers which they may abuse and the second is that they have powers which they may not use. The second criticism is the one which my Honourable friend, Sir Abdur Rahim, has advanced. I, Sir, am not a lawyer and I do not know what was in the minds of the framers of the original Bill when they used the word "may" instead of "shall". It is difficult to say how far "shall" is of a more mandatory character than "may". But I imagine that what

was in the minds of the framers of the original Bill was something like this. It was that, after all, it is a mistake to use a Nasmyth hammer to crack a walnut. There may be cases in which, in order to bring about some small but desirable improvement, it would be necessary to incur an amount of expenditure out of all proportion to the value obtained by that improvement. I think their idea must have been that it was necessary to leave the Inspectors a certain amount of discretion in this matter. For instance take clause 14 (3) of this Bill :

"If it appears to the Inspector that, in any factory, gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, . . . he may serve on the manager of the factory an order in writing, etc."

It might be possible that the injurious extent is very small indeed but that the installation of proper ventilation would cost the manager of the factory several lakhs and might indeed lead to the closing down of the factory completely and to what would really be far more serious injury to the workmen employed in it. That, Sir, is, I think, the reason why the existing Act was drafted as it is and we have seen no reason to depart from it. My Honourable friend, the Leader of the Opposition, said that, if the Factory Act is working properly, why was it necessary to appoint a Royal Commission to make recommendations regarding it. I think the answer to that is that the Royal Commission did not criticise the actual working of the Factory Act in any way. There is not to the best of my recollection any criticism in their Report of the actual working of the Act, or of its administration of the Act. I do not say it is perfect. No one claims that it is perfect. But, at any rate, there is nothing in the report of the Royal Commission to suggest that the actual working of the Act requires rectification. The point of their Report was that the Act was working so well that they wanted to extend it to other factories and in other ways to existing factories. We, Sir, have no reason to believe that Inspectors, or Chief Inspectors abuse their powers either by omitting to do what they ought to do or by doing what they ought not to do. As regards doing what they ought not to do, the point was raised by my Honourable friend, Mr. Morgan. As regards his criticisms Inspectors have far too extensive powers to require the factory owner to do certain things; the answers to that is that there is a provision for appeal, in the case of the factory owner, to the appellate authority appointed by the Local Government and that, in the case of prosecution, the alleged defaulter has the protection of the Court. I think, Sir, that is all I need say on these two points except that I would add that the point raised by Sir Abdur Rahim in regard to the use of the word "may" instead of "shall" in the Bill is a point that is well worth noting and discussing with Local Governments if and when we propose to amend the Act further.

I do not propose to walk into the trap set for me by my Honourable friend, Mr. B. Das, and to discuss the condition of labour in the Indian States. I have really nothing to add to what I said in replying to Mr. Mody which was that the point raised in his minute of dissent is under the consideration of the Government of India. Mr. Das knows the constitutional position as well as I do, though he chose to ignore some of its aspects in the remarks he made on the subject. But lest the House should think that his picture of labour condition in the Indian States was entirely correct, I should like to remind it that there are quite a large number of States which have followed the Government of India in regard to the introduction of

[Sir Frank Noyce.] labour legislation and which have Acts more or less on the lines of the Indian Factories Act. I cannot give the House a complete list nor can I say how far their legislation differs from that which we have passed. But amongst the States that have labour legislation are such important States as Hyderabad, Mysore, Baroda, Gwalior, Travancore, Indore, Jodhpur, Cochin, Jhind, Porbandar and Rajkote,—amongst them the States which are most advanced industrially and otherwise.

Mr. B. Das : I am very glad to hear it.

The Honourable Sir Frank Noyce : How far they will again be prepared to follow the example of the Government of India in regard to introducing a further instalment of legislation remains to be seen, but I think their record is such that it is at any rate permissible to hope that they will be able to do something in that direction.

That, Sir, I think concludes all that I have to say except to thank the House most gratefully for the very great assistance it has given me in placing this important piece of legislation on the Statute-book. It represents a very marked advance in the amelioration of labour conditions in this country ; it represents an important step in establishing that contented labour force on which alone the industrial development of India can be securely based. To those gentlemen on the Opposite Benches who have criticised us for not going further and faster, I would venture to read the following extract from the report of the Whitley Commission. They say :

“ This brief outline of the history of certain features of factory legislation in India shows that from the beginning the principle of factory regulation, here as in other countries, has been gradually to extend the area of protection afforded to the industrially employed worker. This principle has been effected in three ways—by regulation affecting specific classes of workers, by regulation affecting specific classes of establishments and by powers given to Local Governments to include under such regulation smaller places of a similar kind. The value of a policy of gradualness has been clearly demonstrated in the history of factory legislation in India in the past and the dictates of common sense and practicability confirm us in the belief that the same policy should continue to actuate future developments in factory legislation.”

That, Sir, is the policy which we have followed in this Bill and that is the policy which we shall continue to follow. We recognise that the Bill has defects : we recognise that it will need to be supplemented in various directions as time goes on, but we feel that caution is necessary and that we cannot adopt the policy that some of my Honourable friends opposite have advocated and to take leaps in the dark. (Loud and Prolonged Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

Bahadur, Mr. Lalchand Navalrai, Rai Bahadur Sukhraj Roy, Mr. N. N. Anklesaria, Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Khan Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Raisman, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, the Bill to which this motion relates is a comparatively simple measure, the nature and purpose of which are clearly shown in the Statement of Objects and Reasons. When my predecessor introduced this Bill into the House on April 20, he hoped that it would be possible to take it into consideration at once ; but objection was taken, and he, therefore, agreed to a motion for circulation for the purpose of eliciting opinions by the 30th June. The House is now in possession of the opinions which have been elicited, and this motion is in accordance with the procedure laid down by the Standing Orders for the subsequent stages of a Bill which has been circulated.

The object of the Bill, Sir, is twofold. It is to protect the revenue from the excise on matches, and it is also to protect the indigenous match manufacturing industry from the abnormal development of the use of mechanical lighters which would otherwise result from the imposition of an excise duty on matches. It is a matter of practically universal experience in other countries that the imposition of an excise duty on matches does give an abnormal stimulus to the import and production of mechanical lighters, with the result that other countries have found it absolutely indispensable to take measures of this kind in order to protect their revenue. Honourable Members will no doubt have discerned from a perusal of the opinions which have been received a certain tendency to believe that this measure, i.e., this imposition of an excise duty on mechanical lighters, is unnecessary and that the fears for the match revenue on which it is based are, to say the least of it, exaggerated. Against this we have, apart from the experience of the other countries to which I have alluded, the testimony of the Excise Commissioner of Burma. This is given on pages 2-3 of the printed collection of opinions. The significance of this is that for some time there has been in existence in Burma an excise duty on matches, and therefore in Burma we can see a concrete example of what happens as a result of the imposition of an excise duty, and,—I may say,—an excise duty much lower than the one which has just been imposed on matches in India as a whole. The figures of imports of mechanical lighters into Burma are conclusive evidence that the apprehensions on which the Bill is founded are not at all unjustified. In the six months pending the introduction of this measure into the Assembly the number of lighters imported into Burma was over 150,000, and a very simple calculation will show that that is at the rate of 300,000 a year. The majority of persons who have been consulted on this Bill are either in favour of it or have made no comments at all. A few of them, however, think that a duty of Rs. 2 per lighter is excessive ; but I would like to point out that the proper criterion in looking at a measure of this kind is not the *ad valorem* incidence of the duty, but the number of matches the consumption of which will be supplanted by the use of an individual lighter. The duty of Rs. 2 is equivalent to the excise duty on one gross boxes of matches each containing 80 sticks. I do not think it can be contended that this is an unfair measure of the efficiency of the ordinary mechanical lighter, and from this point of view the duty proposed is

[Sir James Grigg.]

certainly not excessive, particularly if we have regard to the vital importance of safeguarding revenue and the Indian match industry as well.

A few critics have observed that the scope of the definition of mechanical lighters is too wide and that it would include toys which amuse children by emitting a spark. On this, I may say at once that I shall be quite prepared to modify the definition so as to avoid this undesirable and unintended effect. That certainly is a point which can be much more conveniently dealt with in Committee. Detailed drafting is more suitably done there than on the floor of the House. I do not think I need add anything more. I am of course not the father of this Bill, merely the step-father. Step-mothers are generally supposed to be extremely hard on their step-children.

An Honourable Member : What is the position of the step-father ?

The Honourable Sir James Grigg : But the same is not necessarily true of step-fathers. At any rate, I adopt this child with a due amount of cordiality. Certainly, the House having passed the legislation for an excise duty on matches, I think it is only fair to ask the House, in order to safeguard the collection of the duty on matches and to safeguard the indigenous match manufacturing industry from the abnormal effects which are incidental to such legislation, that it should complete its work and pass this measure.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be referred to a Select Committee, consisting of the Honourable the Law Member, Mr. B. Sitaramaraju, Mr. D. K. Lahiri Chaudhury, Mr. Uppi Saheb Bahadur, Mr. Lalchand Navarai, Rai Bahadur Sukhray Roy, Mr. N. N. Anklesaria, Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Khan Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Raisman, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I rise to oppose the reference of this Bill to Select Committee. It is in fulfilment of an announcement I made on the floor of this House when it was introduced, and now that this new baby, which I find is an unwanted baby, comes to be considered on the floor of the House, I will oppose it tooth and nail. One is surprised to see that different Finance Members leave unwanted children to be adopted by their successors. The frenzied financial policy of Sir Malcolm Hailey gave lots of trouble to Sir Basil Blackett, and the latter's ratio baby gave so much trouble to Sir George Schuster that he had to raid the Indian homes and was instrumental in the outflow and export of gold to the extent of 200 crores, fifty per cent. of which is distress gold. Even with that Sir George Schuster was not satisfied. He could not balance his Budget and so he stole a march upon the future Federal Assembly and the future federal financial resources, the matches and sugar excise duties that were reserved to the future federal finance and for autonomous provinces to work out their provincial autonomy in their full measure. Sir George Schuster stole a march and drew on the future credit of the Governments federal and provincial.

He was not satisfied with the Match Bill alone. This Bill is not a gigantic baby,—it is a tiny little thing,—it is an unborn babe, but Government have already found a step-father for it. One cannot understand why the Finance Member should have conceived of this Bill or whether the Members of the Select Committee were parties to it, whether they understood that 20 years hence somebody might set up a mechanical lighter manufacturing plant and that Sir George Schuster was not only safeguarding the interests of his successor, the present Finance Member, but of the future batches of Finance Members and Finance Ministers that will succeed him. I will just quote a line from my own speech while I was speaking on the former Bill. (Laughter.) There is no need to laugh. I foreshadowed other babies too, but I think, when the present Finance Member will have time, he may, as a necessary corollary to this Mechanical Lighters (Excise Duty) Bill, if it is not thrown out, introduce other Bills, because his predecessor has foreshadowed that he may introduce a Flint Bill and a Coir Bill, because flint and steel and tinder are used to produce mechanical light in the interior of India, and so when the Finance Member is hard up and wants a little more money, and finds that people are not buying more matches than is absolutely necessary, he will put a tax on flints, and introduce a Flint Bill or a Coir Bill and he and the Central Board of Revenue or the Customs Department will send batches of people to go round the villages and when they see in the grocer's shop or the *biriwala's* shop a rope or straw coir hanging, which is always burning for people to smoke from, the myrmidons of the Finance Member will snatch that piece of rope or straw bundle and say "Why should people do like this? They must buy matches: the revenue under the head matches is going down".

An Honourable Member : The Bill refers to mechanical lighters, mechanical in the sense that it produces a spark.

Mr. B. Das : That rope burns and there is the spark and light. I will discuss about flint later. I said at the time :

"I am surprised that my Honourable friends in the Select Committee did not bring out another baby called the Flint Bill."

Whereupon Sir George Schuster said :

"There is plenty of time; we might get it ready before the Session is out if my Honourable friend wants it."

I do not myself want it; but, as a necessary corollary, I would advise the Honourable the Finance Member to have a Flint Bill and also a Coir Bill.

Now, Sir, I call it a panicky legislation. What is the necessity for this Bill? Do you think that people will buy these four-anna mechanical lighters all over the country? Of course, the Finance Member quoted from the statistics supplied by the Burma Government; the other Provincial Governments completely ignored the Bill. They thought it was a huge joke played by the Government of India. When we visit provincial metropolitan towns we see that they always laugh at Simla and Delhi; they say that the Government of India have little work to do and sometimes they perpetrate jokes, and this Mechanical Lighters Bill is one of the huge jokes that comes out from Simla and Delhi. Sir, I had little respect for Punjab, but I find that even the Punjab Government have taken a very sensible view in this matter; so also the United Provinces.

[Mr. B. Das.] Government. This is what the Finance Commissioner to the Punjab Government, Mr. J. F. Fergusson, says :

"The danger, in my opinion, of such an industry being established in the near future, appears to be very slight. As remarked by Mr. Bhuput Singh, there is not, as yet, any established industry in the manufacture of mechanical lighters in India; it cannot be established in a day as the necessary machinery will have to be obtained from abroad in the first instance. With such a high duty of Rs. 2. per lighter, there is no chance of this industry being ever established in India."

I do not know if any secret order has gone from the Government of India to the Punjab Government over this impertinence on the part of a subordinate official of a Provincial Government passing such remarks on a Bill drafted by the all-highest Finance Member of the Government of India. Sir, the Finance Member said that this is a very simple Bill, yet they have devoted three pages. There are 16 clauses to this simple Bill as it is called, and I do not know how many hours the Draftsmen spent in drafting this Bill, with which none of them were satisfied at heart, but for which, thank God, a step-father has been found. Sir, the United Provinces Government said this :

"The excise duty levied on mechanical lighters should not be so high as to prevent altogether the development of this new industry."

The United Provinces Merchants Chamber of Commerce, the Upper India Chamber of Commerce and the Indian Chamber of Commerce, Lahore, all oppose this excise duty on mechanical lighters. I can understand how Sir George Schuster, and his advisers and the Draftsmen of the Government of India as well as the Law Member, who was advising him at the time, jumped to the conclusion that if they must have an excise duty on match they have to apply the similarity of conditions to mechanical lighters. Sir, one of the officers has remarked that the mechanical lighters, that could be bought for four annas, just light for a few minutes and then they get out of order because people light them too often with the result that they soon get out of order. Knowing that, I do not understand why, not only this revenue duty of Rs. 2-4-0, but also an excise duty is proposed to be imposed. I could buy in England one of these mechanical lighters for a shilling.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : For six pence.

Mr. B. Das : Somebody told me that there is an excise duty of a shilling, am I correct ?

The Honourable Sir James Grigg : There is certainly an excise duty on mechanical lighters in England ; I am not sure how much it is, but I think it is six pence.

Mr. B. Das : It might be a shilling ; but still these lighters are sold for six pence at certain places in England, and for the Government to conceive the idea of putting an excise duty of Rs. 2-4-0 on each lighter, if it can be manufactured in India, is, to say the least, simply absurd and ludicrous.

that nobody should manufacture these lighters in this country, then I can understand the object of introducing this measure.

Now, Sir, regarding flint, it is no use saying that flint, steel and tinder, are not mechanical lighters. The Commissioner, Nagpur Division, has made some very pertinent remarks on this which I hope the Finance Member has read and cogitated upon. I should like to quote a little *in extenso*, because it forms very good reading, and since there is more sense today among the provincial satraps and provincial officers than in the Government of India. This is what he says :

"I would suggest, however, that, in order to obviate any possible misinterpretation of the definition of 'mechanical lighter', it should be specifically provided that the Bill does not apply to the ordinary flint and steel carried by members of the aboriginal tribes. In this province practically all adult male Gonds and Korkus carry a flint, steel and tinder with which to make fire. The actual mechanism in a lighter is, as a rule, of the simplest possible kind and is designed to bring a flint in contact with a steel so as to produce a spark which shall ignite a wick soaked in petrol or kerosene. It seems to me somewhat doubtful whether the production of a spark to ignite tinder by bringing a flint in contact with steel by hand differs essentially from performing the same operation by rotating a wheel with the finger as in many mechanical lighters. It will not be desirable, in my opinion, to subject the ordinary apparatus for producing fire which is used by the poorest class of the population and which, in the broadest sense of the term, must be described as a mechanical device, to any duty."

Sir, it is a very sensible view that has been expressed. It is not that the Finance Member is contemplating the eventuality of making these lighters in this country, but as we are going down and down in the downhill grade of our financial bankruptcy, a time will come, at least five years hence, when the Honourable Sir James Grigg will be contemplating to bid good-bye to India, when he will be thinking to leave some little surplus money to his successor, then he might think of manufacturing this new baby called the flint baby. That is an eventuality to be considered only when a man is in despair, because a drowning man catches any straw, and when the Government of India are bankrupt of any financial brains, when they are bankrupt of any scientific financial or fiscal policy,—by linking the rupee to the sterling, by having the 18/1 ratio, they have not only made the Government of India bankrupt, but they have made the people of India poor, so poor that today the people of India cannot pay their taxes, nor can the Finance Member, including his ally the Commerce Member, find new sources of tariff and taxation by which they can fill the coffers so that the Government Budget can be balanced. That is the whole trouble and that is why these unwanted children, these unwanted Bills are manufactured. The Honourable the Finance Member himself has noted the difficulty about the definition of mechanical lighters. It is best to drop the Bill. Why go and worry our heads over an explanation and ask the Law Member to devise a proper wording without leaving a loophole, as to what a mechanical lighter is ? As the Commissioner of Nagpur has pointed out, it is best to drop the Bill. It is very difficult for ordinary human mind to define a mechanical lighter, and knowing as I do the ingenuity of my legal friends, both inside this House and outside, if they are in a mood for mischief they can turn the definition to any interpretation they like, and if the Government also are in a mischievous, litigious mood, they could prosecute anybody who produced a fire or light. Even if I fail in my opposition to the Bill and this House does not throw out the Bill, I do hope that the Select Committee will not be as foolish as the other Select Committee was. They should

[Mr. B. Das.] I do not think of legislating for an excise duty on mechanical lighters which may be produced 20 years hence. So I would suggest that clauses 5 and 6 should be dropped. Clause 6 deals with the bringing in of mechanical lighters into British India from the territory of any specified Prince or Chief in India. I do not know if the Princes or Chiefs could produce mechanical lighters, but most of us pass through these Indian States. Everywhere the customs department or the excise department which will go on increasing in numbers—as soon as we come to the railway station, our pockets will be searched if there are any mechanical lighters, and knowing as we do that in Kathiawar Ports, the French Ports and Portuguese Ports, the Japanese mechanical lighters will be sold at four annas a piece, the Government of India cannot prevent the Ports of Kathiawar, Jamnagar, Bhavnagar and other places from selling mechanical lighters at four annas a piece, and if accidentally we pass through such territories and come into Viramgam line or elsewhere in British India, at once the policeman or excise man will come and search our pockets and then we have to be troubled to produce a certificate that the particular mechanical lighter was purchased in London and not at Porbander or Jamnagar. So, the whole idea of an excise duty on manufactured mechanical lighter should be dropped, and, if Government are so anxious to make a little money out of the mechanical lighters that are dumped by Japan, they can have it. Supposing my Honourable friends in the Select Committee with their inner knowledge of the facts that would be placed before them,—but from the opinions that have been collected I do not think the Government of India have more facts because the Finance Member has not put forward any new argument on the floor of the House,—supposing they think that they should have to legislate for an excise, I would suggest that they should legislate for the control and licensing of manufacture of mechanical lighters, but no excise duty should be levied. Such a duty can be collected but it must be returned to the manufacturers if Government want to have certain control as they have even now a method of collecting taxes at ports and then refunding them to those who import these articles. Sir, with these few observations, I oppose the reference to the Select Committee.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : I support this motion for reference to a Select Committee. My Honourable friend, Mr. B. Das, has perhaps forgotten under what circumstances this Bill was introduced in the last Session of the Assembly. When we were discussing the excise duty Bill on matches, it was pointed out to us by the manufacturers in India that unless a duty on the lighters also was put on, it would hit them very hard. It was not included in the first Bill that had already been passed. Therefore, it was, firstly, for the benefit of those manufacturers in India, and, secondly, for protecting the revenue that would be derived by the sale of the matches that this Bill was introduced in the last Session.

Mr. B. Das : But the capital is foreign, either Swedish or Japanese.

Mr. A. H. Ghuznavi : As I said in the last Session, when my Honourable friend, Mr. Joshi, was giving us a lot of trouble, the best way of silencing Mr. Das would have been for the new Finance Member to have included Mr. Das in the Select Committee.

Mr. B. Das : I am opposing the Bill, and I do not want to serve on the Select Committee.

Mr. A. H. Ghuznavi : Sir, it is stated in the Statement of Objects and Reasons :

“There is a serious danger that, with the imposition of a considerable duty on matches, there will be an abnormal development of the use of mechanical lighters. This would mean a loss of duty and interference with the business of the Indian match manufacturing industry.”

It was solely in the interests of the match manufacturing industry in India that this Bill was introduced. As regards the various other objections which my Honourable friend.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : I do not want to interrupt the Honourable Member, but will he give us any information as to whether the manufacturers themselves have asked for this measure ?

Mr. A. H. Ghuznavi : I will say to this House that those manufacturers, who were present before us in the Select Committee, asked us, the Members of the Select Committee, to introduce a Bill of this kind to protect them from this.

Mr. D. K. Lahiri Chaudhury : May I know from the Honourable Member who are the manufacturers of matches who came before the Committee ?

Mr. A. H. Ghuznavi : Manufacturers came from Bengal, Bombay, and other places. They came on our invitation to tell us how the industry would be affected by that Bill. We had to go into the whole question with them and then we fixed the duty which has now been passed into an Act.

Mr. B. Das : Was it not trade jealousy and trade rivalry of match manufacturers ?

Mr. D. K. Lahiri Chaudhury : It may not be, but how could the manufacturers of matches know at that time that there were manufacturers in India of mechanical lighters when there was not a single factory doing it ?

Mr. A. H. Ghuznavi : They did not say about the manufacture of lighters in India. Their apprehension was that the importation of foreign lighters.....

Mr. D. K. Lahiri Chaudhury : That is true, but this is an excise duty.

Some Honourable Members : Both.

Mr. A. H. Ghuznavi : This is for lighters, both imported and manufactured here. It is not merely an excise on lighters made here. It is also for the lighters that are imported into this country. As regards the other objections that my Honourable friend, Mr. Das, has raised, he may wait till the Members of the Select Committee make their report. Perhaps we will meet all the objections that he has raised on this question. With these words, Sir, I support this motion for Select Committee.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Sir, I regret I cannot subscribe fully to the ideas to

[Mr. Gaya Prasad Singh.]

which expression has been given by my friend, Mr. Das, on this side of the House. This Bill seeks to achieve two objects. One is to impose an import duty on mechanical lighters which are imported into this country from foreign countries, and another is to levy an excise duty of the same amount, namely, Rs. 2 per mechanical lighter, which may be manufactured in this country. Now, with regard to the first object, namely, the imposition of an import duty on foreign mechanical lighters, I am quite at one with the object of this Bill. My Honourable friend, Mr. D. K. Lahiri Chaudhury, is evidently under some misapprehension when he says that there is no such provision in the Bill.

Mr. D. K. Lahiri Chaudhury : There may be a provision, but it is not in the Preamble.

Mr. Gaya Prasad Singh : When he reads the last clause, he will find it is stated :

" Provided that, mechanical lighters as defined in the Mechanical Lighters (Excise Duty) Act, 1934, shall be liable in addition to a duty equal to the amount of the excise duty imposed by that Act on mechanical lighters manufactured in British India."

Now, Sir, on principle I am opposed to the importation of foreign goods into this country, so far as practicable, and to that extent I am heartily in sympathy with the proposed import duty on mechanical lighters. When we passed the Match Excise Duty Bill, the manufacturers of matches in India were naturally apprehensive that if steps are not taken to discourage the importation of mechanical lighters in this country their industry would suffer, and they were quite justified if I am to take the word of my Honourable friend, Mr. Ghuznavi, who was a Member of the Select Committee. They were naturally apprehensive that unless steps are taken to supplement the provisions of that Act by means of a fresh legislation discouraging the importation of mechanical lighters from foreign countries, their trade would naturally suffer. I am in hearty agreement with that part of the Bill which seeks to impose an import duty on foreign mechanical lighters ; but I find some difficulty in accepting the other part of this Bill in which it seeks to impose an excise duty on mechanical lighters which may be manufactured in this country. As a matter of fact, it is stated in the Statement of Objects and Reasons :

" There is not, as yet, any established industry in the manufacture of mechanical lighters in India."

To that extent the imposition of an excise duty seems at best to be premature. It will adversely affect those persons in this country who may think of starting an indigenous industry in this particular line. My friend, Mr. Das, has already quoted certain opinions which are opposed to the imposition of an excise duty on mechanical lighters and I need not trouble the House by reading out those extracts. I may merely refer in passing to the opinion of the Commissioner of the Assam Valley Division who says : " My personal opinion is that the danger of a flood of mechanical lighters has been greatly exaggerated and that there is no necessity for such a Bill. I regard the rate of duty proposed as exorbitant."

This also is the opinion of the General Manager of the Assam Railways and Trading Company, Ltd. The opinion of the Government of United Provinces has, I think, been referred to by my friend wh-

spoke, as well as the opinion of the Upper India Chamber of Commerce, Cawnpore.

Now, with regard to that part of the proposal, I have got one submission to make. In the first place, I am not very sure whether it is advisable to impose an excise duty on mechanical lighters which may be manufactured at some future date in this country. In the second place, I am opposed, even if it be assumed that an excise duty on mechanical lighters is advisable to safeguard either the revenue of India or from any other considerations, to a duty of Rs. 2 per lighter. I quite agree to the duty of Rs. 2 on mechanical lighters which may be imported into this country from other countries, but if an excise duty is to be imposed at all, I should think that the duty should be considerably less. Some opinions favour the imposition of eight annas or at most one rupee per mechanical lighter as excise duty. I am therefore of opinion that if an excise duty is to be levied at all it should be of a small amount, so that it may not seriously interfere with the establishment of an indigenous industry in the future. I have no doubt these points will be carefully considered by the Members of the Select Committee, and I hope that when the Bill emerges out of the Select Committee it will be a more acceptable measure than the one before the House.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : After the speech of Mr. B. Das answered fully by Mr. Ghuznavi and partly by his own friend and neighbour from Bihar, I think I should not at this late hour of the day take up the time of the House, but I am compelled to intervene on account of an unique observation by the previous speaker who said 'on principle we object to the importation of foreign articles into this country'. It is an amazing principle, and if I were to support this Bill, I rise to make assurance doubly sure that Members seated on this side of the House do not subscribe to that principle.

Mr. Gaya Prasad Singh : Buy Indian goods.

Mr. D. K. Lahiri Chaudhury : Are you speaking on your own behalf ?

Mr. C. S. Ranga Iyer : I am speaking on behalf of every sensible man in this House.

Mr. D. K. Lahiri Chaudhury : I think you are taking the hat to your own head.

Mr. C. S. Ranga Iyer : I always put my hat upon my head.

Mr. D. K. Lahiri Chaudhury : That is right.

Mr. C. S. Ranga Iyer : In this House I do not talk through the hat as the Honourable gentleman does, nor do I leave my head outside and bring only the hat inside. (Laughter.) Leaving the latter portion of the argument, any man who does not talk through his hat will say that if we do not buy foreign goods, foreigners will not buy our goods. (Laughter by Mr. Gaya Prasad Singh.) That is an economic principle which the loud laugh that speaks the vacant mind does not seem to appreciate. Here is a very useful institution, a mechanical lighter. Mr. Gaya Prasad Singh does not smoke.

Mr. D. K. Lahiri Chaudhury : Sir, on a point of order. You have ruled on a previous occasion that no demonstration of any article will be allowed on the floor of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair did not see that lighter.

Mr. C. S. Ranga Iyer : Here is the mechanical lighter (showing it) which seems to have caused some disorder on the Opposition Benches. (Laughter.) It is good to derive some customs revenue by paying a duty on a thing like this, and even my friend, Mr. Studd, who possesses this valuable thing will not object to it. But if you were to prohibit the importation of foreign articles, I suppose even the cause of the earthquake in the Province of Bihar will not find much money because one part of our revenue will be cut off. So much for the spokesman of the Democratic Party.

Sir, I think we have had more light than lightning on these mechanical lighters today and I hope that, without much ado, this House will place this Bill on the Statute-book. It is a very old Bill, as this House is aware. Sir George Schuster did not have the time to pass it through this House and therefore his successor has taken it up and I think the Select Committee can pass it without very much discussion. I do not see why we should waste the time of this House by talking such interesting things as the Honourable Member from Bihar was able to talk just now. Sir, all I need say is this, that in simple matters like this, I hope the House will not follow the example of the previous speaker and waste the time of this House.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I give my wholehearted support to this measure. Once the Bill, which has now become law, imposing an excise duty on matches has been passed, and when it is remembered that the amount recovered in the shape of a revenue duty on matches has been found necessary to meet the deficit in the Budget, and when we remember that that excise duty cannot be fully realized if there is a loophole such as the one which this Bill is meant to counteract, then I think the measure before us is more or less a consequential measure upon the one which we have already passed.

Sir, this Bill aims at levying a customs duty on imported mechanical lighters, and at the same time it is meant to levy an excise duty on indigenous manufactured mechanical lighters. So far as imported mechanical lighters are concerned, I do not think there is any one in the House who has got to say anything against it, at least so far as the customs duty is concerned. The whole trouble seems to arise with regard to the mechanical lighters manufactured in this country. With regard to that, Sir, I feel it is absolutely essential that such a duty must be levied because it is admitted that these manufactories are not in existence at the present moment and they want to spring into existence because of the increased duty on matches. Otherwise they would not come into existence. Now they want to take advantage of the fact that the excise duty is being levied on matches to an abnormal extent, and advantage is sought to be taken of that fact. If that duty had not been levied, the proposed factories probably would not have come into existence. I say this, arguing in the way in which my Honourable friend, Mr. Gaya Prasad Singh, has done, we have necessarily to come

to the conclusion that, if an impetus is given to the starting of indigenous manufactories, the result, after the lapse of a certain number of years when this excise duty on matches is done away with, will be that all these manufactories will come down with a crash. They may make some profit for the time being, to the detriment of the revenue which the country would otherwise derive, but the moment the excise duty on matches is taken away, the result will be that all these manufactories which may be set up will have to close down their business, so that both from the point of view of the customs duty which is to be levied on mechanical lighters as well as from the point of view of the excise duty that is sought to be levied on the Indian manufactured article, I think the Bill is rightly framed and I heartily support this motion.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, this Bill, I think, is intended to prohibit the importation as well as the manufacture of lighters. It is not a revenue Bill. I do not think the Finance Department can expect any substantial revenue in consequence of the passing of this Bill. There is not a single factory at present in India which is manufacturing mechanical lighters and, with this heavy excise duty, I do not think there is any capitalist who will invest any money in the starting of a new factory. So this Bill does not expect any revenue from the excise side of it. Now we shall see what revenue is expected from the articles imported into India. In addition to the present duty on lighters, clause 16 of the Bill levies an additional two rupees per lighter. The price of each lighter will therefore, I think, be nearly Rs. 2-8-0.

The Honourable the Finance Member has told us that the amount of Rs. 2 was calculated as the price of a gross of matchboxes each containing eighty splints. If one were to calculate how many matches a man uses in a year, it would fall considerably short of a gross of matches, and a mechanical lighter, I think, is not a very permanent thing—it goes to pieces or goes out of order in a very few months; and therefore it will not at all be advantageous for any gentleman to purchase a mechanical lighter, with this heavy duty put upon it. So I think that as the sale of mechanical lighters will be stopped on account of the heavy duty put upon it, the customs revenue from the imports of mechanical lighters will almost be nil. So this Bill is not intended to bring revenue into the coffers of the Government of India but is plainly intended to prohibit the use of mechanical lighters altogether, and the Finance Member has told us that this Bill is intended to encourage the indigenous match industry. I do not know why the Finance Member should be so very harsh upon the future manufacturers of mechanical lighters and in favour of the manufacturers of matches. Manufactures of all sorts ought to be encouraged in a country, and to discourage imports. But the present policy appears to be to completely prohibit the one and to foster the other. I submit, therefore, to the House that the excise and import duty of Rs. 2 per mechanical lighter is an excessively heavy one and ought to be reduced when this Bill is considered by the Select Committee. This excessive amount is not at all warranted by the exigencies of the case unless the Government is determined to prohibit the import as well as the manufacture of mechanical lighters. Now, Sir, clause 6 refers to the importation of mechanical lighters into British India from a territory of any specified Prince or Chief in India. If a factory is started in an Indian State, the mechanical lighters manufactured there

[Mr. B. V. Jadhav.]

will not be allowed to be brought into India even after paying the excise or import duty, while the manufactures of foreign countries are allowed under clause 16. I think this is discrimination which ought not to be tolerated. The manufacturers in an Indian State ought not to be treated worse than the manufacturers in any foreign country.

Sir, I have got to say something about the definition of a mechanical lighter. Under the present definition, a mechanical lighter means any mechanical or chemical contrivance which is portable and is intended for producing a spark or flame whether by itself or when brought into contact with gas and includes a mechanical lighter issued from a manufactory in an incomplete state or requiring for its completion the addition of a flint. It has been stated here by my Honourable friend, Mr. B. Das, that from time immemorial the people of this country have been using a piece of flint with a piece of steel and some pieces of tinder to get fire. This contrivance is in use all over the country and from very ancient times and for the poor and indigent people it is the only way of producing fire. Under the present definition, I am afraid that that contrivance may be called a mechanical lighter because any mechanical contrivance which is portable is so called. It is called *chakmak* in my part of the country and I think the name appears with certain changes all over the country. So, *chakmak* is a mechanical contrivance which is portable and intended to produce the spark. What I am afraid of is that the *chakmak* may be brought under the definition as at present drafted, and zealous excise officers may harass poor people. It is therefore necessary that care should be taken to state clearly that a *chakmak* does not fall into the category of mechanical lighters. Sir, I have shown what I consider to be the object of this Bill. I do not know what feelings the step-father has towards the Bill. He has brought it forward and placed it before the House. It has been received with mixed feelings. Some are very fond of this child, others are condemning it as ugly. As it is sponsored by Government and is helped by Members who love more foreigners than their own countrymen, I think it has got every chance to pass. But for myself, I must raise a voice of protest that this Bill is intended solely in the interests not of Government revenue but in the interests of the match manufacturers. Government is deriving a good deal of revenue from the manufacture of matches and therefore in gratitude to those who provide a large amount as excise duty on matches, this Bill is intended in their benefit. I do not see any reason why I should oppose the reference to the Select Committee. But if the Bill is not satisfactorily modified, I shall have to oppose it at a later stage.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I would not have risen at this late hour, but I desire to satisfy a curiosity of my Honourable friend opposite, Mr. B. Das. He asked,—I have taken down his words,—how could the Honourable the Finance Member, helped by the Law Member, jump into the framing of this Bill? I can assure my Honourable friend that so far as the Government Members are concerned, jumping is not their method of locomotion. (Laughter.)

Mr. Amar Nath Dutt (Burdwan Division, Non-Muhammadian Rural) : The Oriyas are expert in that.

The Honourable Sir Nripendra Sircar : Once the excise duty was imposed, the framing of this Bill was reached by very easy and very short steps and the reasoning has been clearly explained by the Honourable the Finance Member. Then, my Honourable friend, Mr. B. Das, described the bankruptcy of India and his heart was melting when he did so. I hope that will induce him to protest against the creation of bankrupt Provinces like Orissa. (Applause.) Then, I heard also from one of the Honourable Members who, while opposing the calculation of the Honourable the Finance Member, said that matches are lost. That is so. I have very often lost matches, but what I have lost has been the corresponding gain of someone else. So, let us not complicate calculation by any consideration of lost and gained matches. The calculation of the Honourable the Finance Member may safely be accepted.

With regard to clause 6, I might just remind the House that the provision contained therein is exactly the same as in the case of the excise duty. No new method has been followed so far as this Bill is concerned.

The only other matter with which I will just speak for a moment is the fear of my Honourable friend, Mr. Jadhav, that the *chakmak* might be hit by this definition. If there is any danger of the *chakmak* being hit, of course that can be corrected by drafting in the Select Committee, but I do not see how the *chakmak* can be hit. It is not a mechanical or chemical contrivance. Striking a piece of iron or steel is not a mechanical contrivance, as much as striking a person down with a *lathi* is not a mechanical contrivance. Then, again, he laid stress on these words "in an incomplete state or requiring for its completion the addition of a flint". But, there, I am sure, the Honourable Member will notice that that is controlled by the words which precede and includes a mechanical lighter issued from a manufactory in an incomplete state. That cannot possibly hit the *chakmak* with which the aborigines are supposed to be moving about.

The Honourable Sir James Grigg : After the speech of my Honourable colleague, I think there is very little left for me to say. He has dealt with the question of the too all inclusive character of the definition and he has dealt with the question of clause 6 which relates to the power to prohibit importation from the States. Perhaps I can give the assurance to the House generally that there is in my adoption of this Bill no ulterior motive and it has no relevance whatever to the rival views which are held about the question of whether India can live in a self-contained way or whether it cannot. It has nothing whatever to do with that. The sole purpose is that, this House having passed the excise duty on matches, in the absence of some such measure as this, the excise duty will be extremely ineffective and the finances of India will be correspondingly damaged. That is the primary purpose of the Bill. The secondary purpose is that you have got in India a considerable industry, the match industry. Not only in the absence of this measure will the revenue be damaged seriously but an already existing and prosperous industry will be damaged severely for the sake of an industry which does not yet exist and even if it could ever exist could only exist as a very small and puny infant. Sir, I have nothing more to say.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be referred to a Select Committee consisting of the Honourable

[Mr. President.]

the Law Member, Mr. B. Sitaramaraju, Mr. D. K. Lahiri Chaudhury, Mr. Uppi Bahadur, Mr. Lalchand Navalrai, Rai Bahadur Sukhraj Roy, Mr. N. N. Anil Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Ramesh, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, next week, apart from motions for leave to introduce any new Bills which may be ready, we propose to proceed in the first place with the unfinished business on today's list in order in which it stands in that list. Thereafter, the House would be asked to consider and pass the Indian Dock Labourers Bill on which the report of the Select Committee was presented on Monday last and the Indian Trusts (Amendment) Bill which was passed by the Council of State and laid on the table during the course of the last Session.

The Assembly then adjourned till Eleven of the Clock on Monday, the 23rd July, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 23rd July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

CHANGE IN THE OFFICE HOURS OF THE RAILWAY BOARD.

155. *Mr. Uppi Saheb Bahadur : Will Government be pleased to state if the office hours of the Railway Board have been changed from 10-30 A.M. to 4-30 to 9 A.M. to 6 P.M. ? If so, will Government be pleased to state the reasons which led to this change ?

Mr. P. R. Rau : The office hours have not been changed, but the clerks in one of the branches, where the work has fallen into arrears, were asked to work somewhat longer hours as a temporary measure.

FINDINGS OF THE POPE COMMITTEE IN THE RAILWAY BOARD'S OFFICE.

154. *Mr. Uppi Saheb Bahadur : (a) Is it a fact that the investigations of Mr. Pope in the Railway Board's office revealed many irregularities and condemned a large list of the present ministerial staff ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action, if any, has been taken in the case of :—

(i) those who were sent in for medical examination ;

(ii) those who were declared unfit for upper division ;

(iii) those who were reported very badly by their branch officers ; and

(iv) those who were found habituated to taking narcotic drugs like opium, etc., during office hours ?

(c) Will Government be pleased to lay a copy of the findings of the Pope Committee in Railway Board's office on the table of this House ?

Mr. P. R. Rau : (a) Mr. Pope and Mr. Case examined the procedure in the Railway Board's office and made certain suggestions in regard to improvement which are at present under the consideration of the Board. Incidentally Mr. Case tested the work of some members of the staff and reported unfavourably on a few of them.

(b) Government are unable to identify the cases referred to by the Honourable Member, and cannot get any assistance in this direction from Mr. Case's report.

(c) No. The report is a purely departmental document and not intended for publication.

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METHOD OF PROMOTIONS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

155. *Mr. Uppi Saheb Bahadur : (a) Will Government be pleased to state the objects of maintaining seniority lists in all the Departments ?

(b) How are promotions from one grade to another made in the case of (i) branch vacancies and (ii) general vacancies in the Departments of the Government of India ?

(c) How are transfers arranged from the routine branch to the regular branches of the Government of India Secretariat ? Are the men in the lower division promoted, if they are considered fit to perform the necessary duties, by seniority, or is it left to the establishment section to nominate anybody, even though he may be junior-most, to be promoted in the vacancies that occur ?

The Honourable Sir Harry Haig : (a) The object of maintaining seniority lists is to find out readily the relative positions of the employees in a Department when necessary.

(b) All vacancies to be filled by promotion are treated as vacancies in the Department as a whole and filled on the basis of merit combined with seniority from the general list of the establishment. In the case of short vacancies, however, particularly in the grade of Superintendent, it is open to Departments to make such arrangements as may be most convenient from the point of view of departmental work.

As regards the Railway Department, I invite attention to the reply given to clause (a) of Mr. T. N. Ramakrishna Reddi's question No. 1004 on the 28th March, 1933.

(c) Promotions are made by the officer in charge of the establishment, or other competent officer, who takes into consideration all the relevant factors such as exigencies of work, merit, seniority, qualifications and individual suitability for the particular work to be performed.

TEMPORARY INFERIOR ESTABLISHMENT IN THE GOVERNMENT OF INDIA SECRETARIAT.

156. *Mr. Uppi Saheb Bahadur : (a) Will Government be pleased to state if certain temporary establishment is charged to contingencies in the various Departments of the Government of India Secretariat ? If so, how long have these men been in service and what are their duties ?

(b) What are the duties of watermen ? Do their duties include those of a peon ?

The Honourable Sir Harry Haig : (a) In the Government of India Secretariat, *chaukidars*, *farashes* (who see to the dusting and cleaning of officers' and office rooms), *bhishties* and sweepers are paid from contingencies. In some cases temporary peons are also paid from contingencies. I regret I cannot give particulars of the length of service of each of these individuals.

(b) The duties of watermen are to supply water and do not include those of a peon. In the Railway Department, however, whole-time watermen are employed and they are occasionally called upon to perform the duties of a peon when not otherwise engaged.

BUSINESS CARRIED ON BY THE MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA.

157. *Mr. Uppi Saheb Bahadur : (a) Will Government be pleased to state if enquiries were made by the Accountant General, Central Revenue, regarding the receipt of fees, honoraria, bounties, etc., by the ministerial staff of the offices of the Government of India under the following classifications :

- (i) amateur doctors, mostly homœopathic, receiving fees ;
- (ii) working after office hours as coach in schools, athletic associations, and other institutions, and receiving remuneration for that ;
- (iii) working as contractors during the time of move of the Government of India for the carriage of records ; and
- (iv) carrying on business of insurance or money-lending in the names of their minor sons, wives or other relatives ?

And if so, what action, if any, was taken ?

(b) Are these incomes shown in the annual income-tax returns, and is income-tax paid on them ?

The Honourable Sir James Grigg : (a) No.

(b) Section 54 of the Income-tax Act debars me from giving this information.

ACCEPTANCE OF PRESENTS FROM SUBORDINATES IN THE RAILWAY BOARD'S OFFICE.

158. *Mr. Uppi Saheb Bahadur : (a) Is it a fact that it is customary in the Railway Board's office to accept presents from their subordinates ?

(b) Did Government receive any letter to this effect ?

(c) If the reply to part (b) be in the affirmative, what action, if any, was taken by Government to crush this evil ?

Mr. P. R. Rau : (a) So far as Government are aware, the reply is emphatically in the negative.

(b) No.

(c) If they are furnished with evidence in support of the allegation, Government will take suitable action.

PURCHASE BY THE INDIAN RAILWAYS OF *Poppet Valves* BY MR. F. A. POPE.

159. *Mr. Uppi Saheb Bahadur : (a) Is it a fact that a valve has been patented as *Poppet Valve* by Mr. F. A. Pope who recently conducted an investigation on Indian Railways, jointly with the makers of this valve ?

(b) How many of these valves have been ordered by Indian Railways for their use ?

(c) What is the total amount spent by Indian Railways on these valves during the last three years ?

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Mr. P. R. Rau : (a) No. I am afraid, my Honourable friend has been misled by the name.

(b) There are at present about 200 locomotives fitted with *Poppet valves*.

(c) The information is not readily available.

IMPORT DUTY ON SUGAR.

160. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state whether it is a fact that this Assembly have passed Sugar Industry (Protection) Act, 1932, Act No. XIII of 1932, which gives power to the Governor General in Council to increase the duty imposed by section 2, as under :

"If the Governor General in Council is satisfied, after such enquiry as he thinks fit, that sugar not manufactured in India is being imported into British India at such a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industries by the duties imposed by Section 2, he may, by notification in the Gazette of India, increase such duty to such extent as he thinks fit."

(b) If the answer to part (a) above be in the affirmative, has the attention of Government been drawn to the fact that sugar not manufactured in India is at present being imported into British India at such a price as renders insufficient the benefits intended to be conferred upon the sugar industries by the duties imposed by section 2 ?

(c) If the answer to part (b) above be in the affirmative, have Government set up any committee to enquire into the matter, and if not, when do they propose to do so ?

(d) Are Government aware that according to the Tariff Board's recommendations, least protection necessary for the sugar industry, as soon as the price of foreign sugar dropped to below Rs. 4 per maund *c. i. f.* Calcutta, was Rs. 7-4-0 *plus Annas* 8, total Rs. 7-12-0 per cwt. ?

(e) Are Government aware that the present prices for foreign sugar have dropped to considerably below Rs. 4 per maund *c. i. f.* Calcutta level, and rule around Rs. 2-13-0 or Rs. 2-14-0 per maund, reduction below Rs. 4 amounting to Rs. 1-2-0 to Rs. 1-3-0 per maund ?

(f) Are Government aware that in view of the above further reduction in the prices of foreign sugar below Rs. 4 per maund *c. i. f.* Calcutta the protection of Rs. 7-12-0 per cwt. referred to in part (d) above does not render sufficient the benefits intended to be conferred upon the sugar industry by the duties imposed by section 2 ?

(g) If the answer to part (f) above be in the affirmative, do Government propose to give relief to the sugar industry, and if so, how and when ?

(h) If the answer to part (f) above be in the affirmative, do Government propose to increase the protection by raising the rate of present duty on imports of foreign sugar ?

(i) If the answer to part (h) above be in the affirmative, do Government propose to announce their intention early ?

The Honourable Sir Joseph Bhoré : (a) Yes.

(b) and (f). Government are not satisfied that the position is as stated.

(c) Does not arise.

(d) Yes.

(e) The present price of Java sugar at the ports works out at Rs. 3-3-6 per maund *ex-duty*.

(g), (h) and (i). Do not arise.

CADETS UNDERGOING TRAINING IN THE INDIAN MILITARY ACADEMY, DEHRA DUN.

161. *Mr. Jagan Nath Aggarwal : (a) Will Government be pleased to state if the full quota of cadets is undergoing training in the Indian Military Academy at Dehra Dun ? If not, since when has the number been less than the quota agreed upon ?

(b) Will Government be pleased to state if the number of cadets actually undergoing training at the Royal Indian Military Academy, Dehra Dun, is not short of the quota, agreed upon, by three cadets ? If so, do Government propose to fill up the said vacancies before the next term of the Academy and thus man the Academy with the full strength ?

Lieut.-Colonel A. F. R. Lumby : (a) and (b). At the end of the last term, on the 9th June, the Academy contained its full proportionate quota, that is 120, of cadets under training for commissions in the Indian Army ; it will only reach its full authorised strength of 150 when it re-opens next month. All vacancies which occur during the course of a term are filled up not later than the beginning of the following term.

The Indian States Forces Cadets have been under strength owing to lack of qualified candidates since August, 1933, and the deficiency last term reached 15 in an authorised strength of 40.

ALLEGED RACIAL DISCRIMINATION IN THE MATTER OF RECRUITMENT AND PROMOTIONS OF INDIAN GUARDS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

162. *Mr. Nabakumar Sing Dudhoria : (a) Will Government be pleased to state if it is a fact that the Indian Guards on the East Indian Railway under the Divisional Superintendent, Howrah, appealed to the Railway Board complaining against racial discrimination in the matter of their recruitment and promotions ?

(b) If the reply to part (a) be in the affirmative, what action has been taken by the Railway Board on that appeal ?

Mr. P. R. Rau : (a) No such appeal has so far been received by the Railway Board.

(b) Does not arise.

GUNNER GUARDS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

163. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

(a) the total strength of Gunner Guards under the Divisional Superintendent, Howrah ;

- (b) the percentage of posts held by Anglo-Indians and Indians in the cadre of Guards ;
- (c) the scale of pay of the Gunner Guards ;
- (d) whether the Gunner Guards are supposed to work trains on the main line ;
- (e) the number of Indians who are drawing the maximum of Grade II and the number in Grade I ; and
- (f) the total number of Guards in Grade I and in Grade II, respectively ?

Mr. P. R. Rau : (a) to (f). I would invite the Honourable Member's attention to pages 94 to 96 of Volume III of Mr. K. M. Hassan's " Report on the representation of Muslims and other minority communities in the subordinate railway services " which contains the information in the possession of Government regarding the staff referred to.

PASSES FOR GUARDS ON THE EAST INDIAN RAILWAY.

164. *Mr. Nabakumar Sing Dudhoria : (a) Will Government be pleased to state if it is a fact that the Guards on the Eastern Bengal Railway are entitled to second class passes when their pay and mileage allowances exceed Rs. 125 a month ?

(b) If the reply to part (a) be in the affirmative, why are not the Guards of the East Indian Railway given second class passes, when their pay and mileage allowances exceed Rs. 116 ?

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

(b) The rules for the issue of passes over the East Indian Railway are not identical with those over the Eastern Bengal Railway. The question of having uniformity in the pass rules over the State-managed Railways is under consideration.

REDUCTION IN THE NUMBER OF PASSES ON THE EAST INDIAN RAILWAY.

165. *Mr. Nabakumar Sing Dudhoria : (a) Will Government be pleased to state if it is a fact that on the East Indian Railway employees drawing pay of Rs. 116 and above are entitled to four return or eight single journey passes, whereas employees drawing pay of Rs. 75 to Rs. 115 are entitled to three return or six single journey intermediate class passes and those drawing pay of Rs. 74 and under are entitled to three return or six single journey third class passes ?

(b) If the answer to part (a) be in the affirmative, what is the reason for reduced number of passes for those receiving lower scales of pay ?

(c) Is it a fact that no question of pay is taken into consideration in the case of officers who are entitled to first class passes ? If so, why is there consideration of pay for the subordinate staff in the matter of granting them passes ?

Mr. P. R. Rau : (a) Yes, except that employees having not less than 20 years' service are entitled in addition to one return or two single journey passes.

(b) and (c). Certain arbitrary limits have to be fixed in order to determine the class of accommodation an employee should be allowed. In view of the large number of employees in subordinate ranks, pay limits are the only possible criteria. The number of passes admissible in a year is limited according to the class of pass, as it is obviously necessary for administrative reasons to set some limit to the grant of this privilege.

TEST OF STAFF ATTACHED TO TRANSPORTATION WORK ON RAILWAYS.

166. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state if the Railway Board propose to examine the question and issue an uniform rule for all Railways in the matter of testing the staff attached to transportation working as is in existence on the Eastern Bengal Railway ? (On the Eastern Bengal Railway Officers and Inspecting Officers, when visiting a station on inspection, take oral examination of staff attached to Transportation working.)

Mr. P. R. Rau : Presumably the Honourable Member refers to some oral tests to which transportation staff may be put by Inspecting officials to see that they are conversant with general and subsidiary rules. The question of what tests are desirable in the case of staff of the different Departments of a Railway is one which lies within the competence of Agents of Railways and Government are not prepared to prescribe a uniform rule or procedure.

APPOINTMENT OF TRANSPORTATION INSPECTORS, COMMERCIAL, ON THE EAST INDIAN RAILWAY.

167. *Mr. Nabakumar Sing Dudhoria : (a) Will Government be pleased to state if it is a fact that recently sanction has been accorded to the appointment of seven Transportation Inspectors, Commercial, in the various divisions on the East Indian Railway and that for the purpose of filling up the appointments the Chief Operating Superintendent has invited recommendations from the Divisional Superintendent and the Chief Commercial Manager ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what the percentage is of the appointments that are held by the Anglo-Indians and Europeans and by Indians respectively, in the cadre of Transportation Inspectors, Commercial ?

(c) Is it a fact that the recommendations made by the Divisional Superintendent for the new appointments of Transportation Inspectors are all in favour of Anglo-Indians and Europeans and none for Indians ?

Mr. P. R. Rau : Government have no information. The creation and filling of these posts is within the competence of the Agent. Government are confident that the selection for these posts will be made on grounds of merit and not on communal considerations.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

168. *Mr. B. Das : (a) Has the attention of Government been drawn to the Press report that the Zanzibar Government are legislating (or have already legislated) whereby Indians in Zanzibar will lose their

right to acquire land and further Indians will be restricted in their trading rights ?

(b) Are Government aware of the feeling of perturbation and anxiety created all over India on account of this restriction of rights of Indians who have been settled for long in Zanzibar ?

(c) Will Government be pleased to state what latest information they have in their possession and whether those four Bills are already placed on the Statute-book ?

(d) What steps have Government taken so far to protect the accruing rights of Indians in Zanzibar ?

Mr. G. S. Bajpai : With your permission, Sir, I will answer questions Nos. 168, 169 and 170 together. The attention of the Honourable Member is invited to the reply given by me to Mr. Gaya Prasad Singh's question No. 148 on the 19th instant and to connected supplementary questions.

Mr. B. Das : Will Government kindly state why is it that the Colonial Secretary did not inform the Secretary of State for India in time that such an anti-Indian legislation was being introduced in the Zanzibar Council ?

Mr. G. S. Bajpai : I am afraid I cannot say why the Secretary of State for the Colonies did not inform the Secretary of State for India.

Mr. B. Das : Did the Secretary of State possess any earlier information than the information which was given to him by the Government of India ?

Mr. G. S. Bajpai : I am sure he did not possess any earlier information, because in that case he would have consulted the Government of India.

Mr. B. Das : Has the attention of the Honourable Member been drawn to the speech of the *ex-Attorney-General* of Zanzibar, Mr. Wiggins, who stated that the policy of the Zanzibar Government for the last three years has been entirely anti-Indian ?

Mr. G. S. Bajpai : I have perused that speech, Sir.

Mr. B. Das : Does the Honourable Member agree with that view ?

Mr. G. S. Bajpai : That, Sir, is asking for an expression of opinion.

Dr. Ziauddin Ahmad : May I ask whether the Government of India received a copy of the Land Alienation Restriction Bill mentioned in question No. 169 (a) ?

Mr. G. S. Bajpai : We have got in the normal course a copy of the Zanzibar Official Gazette in which the Bill was published.

Dr. Ziauddin Ahmad : Is it possible for the Honourable Member to lay it on the table ?

Mr. G. S. Bajpai : I have only one copy and I am afraid I cannot spare it at the present moment as I need it for my own personal use, but I have asked for another copy. If my Honourable friend would like to have a look at my copy, I can lend it to him temporarily, with pleasure.

Mr. Lalchand Navalrai : Is it not a fact that the Zanzibar Government wants to force out Indians by these indirect methods ?

Mr. G. S. Bajpai : I am not prepared to subscribe to that inference of my Honourable friend.

Mr. Lalchand Navalrai : What is the difficulty in giving me that reply ?

Mr. G. S. Bajpai : The difficulty is that I do not entirely agree with my Honourable friend, that is all.

DISQUALIFICATION OF INDIANS TO POSSESS LAND IN ZANZIBAR.

†169. **Mr. B. Das :** (a) With reference to the cablegram received by the Imperial Indian Citizenship Association (Bombay), from the Indian National Association, Zanzibar, and as published in the *Sun* of the 4th July, 1934, will Government be pleased to state if the Land Alienation Restriction Bill does not specifically aim at disqualification of Indians to possess land in Zanzibar ?

(b) Is it not a fact that the formation of Clove Growers Association by Decree No. 2 is aimed at keeping Indians from taking part in clove growing business or trading in cloves ?

(c) Is it not a fact that Decrees Nos. 3 and 4 are aimed at destroying Indian business in Zanzibar ?

SECURITY FOR THE INVESTMENTS MADE BY INDIANS IN ZANZIBAR.

†170. **Mr. B. Das :** (a) Are Government aware that the Indians in Zanzibar have invested 80 lakhs of rupees in business and mortgage of the Arabs' and natives' properties ?

(b) If the Land Alienation Restriction Bill, as contained in Decree No. 1 comes into operation, what security will the Zanzibar Indians have for all this large sum of money invested there ?

(c) Is it not a fact that the connection of India with Zanzibar is much older than the Christian era ?

DEPUTATION OF SIR LANCELOT GRAHAM TO LONDON.

171. **Mr. B. Das :** (a) Will Government be pleased to state if Sir Lancelot Graham has been sent on deputation to London to help in the draft of the New Constitution Bill ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the date from which Sir Lancelot Graham is placed on his deputation work ?

The Honourable Sir Joseph Bhore : (a) and (b). Sir Lancelot Graham has been deputed to the India Office for work generally in connection with Indian Constitutional Reform. He was placed on deputation with effect from the afternoon of the 14th June, 1934.

Mr. K. C. Neogy : Is it not a fact that we have another officer already there in the person of Sir James Dunnett, doing somewhat similar work ?

The Honourable Sir Joseph Bhore : That is quite true, Sir.

† For answer to this question, see answer to question No. 168.

Mr. K. C. Neogy : What additional duties will Sir Lancelot Graham have to perform there ?

The Honourable Sir Joseph Bhore : I shall be replying in the next question as to the duties that Sir Lancelot Graham may possibly be entrusted with. I may anticipate to this extent that it is a matter entirely for the Secretary of State and we cannot say on what matters Sir Lancelot Graham will be employed.

DEPUTATION OF SIR LANCELOT GRAHAM TO LONDON.

172. ***Mr. B. Das :** (a) Has the attention of Government been drawn to the Press report that the Joint Committee will report on the Indian Constitution some time in mid November this year ?

(b) Is that Press report true, and if so, will Government be pleased to state if Sir Lancelot Graham will assist in the preparation of the New Constitution Bill prior to the presentation of the Joint Committee Report to the Houses of Parliament ?

(c) What is the special nature of work in which Sir Lancelot Graham will be required to help the Parliamentary draftsman ?

(d) Is it a fact that Government contemplate deputing a few ex-Round Tablers to assist in the drafting of the New Constitution Bill ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) and (c). Government have no information other than has appeared in the Press regarding the probable date of the presentation of the Joint Committee's report to Parliament. The nature of the work on which Sir Lancelot Graham will be employed is a matter entirely within the discretion of the Secretary of State. On this point reference is invited to the answer given to the Honourable Member's immediately preceding question.

(d) So far as I am aware there is no such intention.

Mr. K. C. Neogy : In view of the fact that Sir Lancelot Graham will be assisting the Secretary of State and the India Office, do I take it that the cost of his deputation will be borne by His Majesty's Government and not by the Indian Government ?

The Honourable Sir Joseph Bhore : I am not prepared to make any declaration on this point without notice.

Mr. S. C. Mitra : May I take it that Sir Lancelot Graham has been sent to London on the requisition of the Secretary of State and not on the initiative of the Government of India ?

The Honourable Sir Joseph Bhore : The Government of India were undoubtedly consulted by the Secretary of State.

Mr. S. C. Mitra : Who took the initiative ? Was it at the suggestion of the Secretary of State or was it the Government of India who sent him there in addition to Sir James Dunnett ?

The Honourable Sir Joseph Bhore : I am not prepared to be precise on that point without specific notice.

Mr. S. C. Mitra : Will the Honourable Member kindly inquire about this matter and inform the House ?

The Honourable Sir Joseph Bhore : If my Honourable friend will put a question down, I will see.

Mr. S. C. Mitra : Will the Honourable Member kindly take this as a notice ?

Mr. B. Das : Are Government prepared to ask the Secretary of State to ask the British Government to bear the cost of Sir Lancelot Graham's deputation ?

The Honourable Sir Joseph Bhore : I am not prepared to give my Honourable friend an immediate answer to this question.

Dr. Ziauddin Ahmad : May I ask whether the question, as to who should pay the deputation allowance, was ever discussed by the Government of India with the Secretary of State ?

The Honourable Sir Joseph Bhore : I am not aware, Sir, whether that question was specifically considered.

Dr. Ziauddin Ahmad : If it was not discussed and he was asked by the Secretary of State, then naturally he should be paid by the British Government.

The Honourable Sir Joseph Bhore : That is my Honourable friend's inference.

Dr. Ziauddin Ahmad : I am asking the Government of India whether it is not a fact that he ought to be paid by the British Government.

The Honourable Sir Joseph Bhore : That is also a matter of opinion.

Mr. Gaya Prasad Singh : Has not India got the prescriptive right to foot such little bills ? (Laughter.)

RESEARCH CONDUCTED UNDER THE LAC CESS COMMITTEE.

173. ***Mr. B. Das :** (a) Has the attention of Government been drawn to the articles in the *Searchlight* of Patna of the 13th May, regarding the Lac Cess Committee ?

(b) Is it a fact that research under the Lac Cess Committee is mostly concerned with Applied Chemical, Physio-Chemical and Electrical Research ?

(c) Is it a fact that there are no Industrial Chemists, Physicists or Electrical experts on the Lac Cess Committee ?

(d) Is it a fact that there is a Research Sub-Committee of the Lac Cess Committee ? What is the personnel of the Sub-Committee, and what are the qualifications of each member for expert knowledge and research ?

(e) Will Government be pleased to state the personnel of corresponding research sub-committees in England and the United States of America, and the qualifications of their members in research work ?

(f) Are Government satisfied that the three sub-committees in India, England and America are at par in personnel and expert knowledge ?

(g) Are Government prepared to put in a few suitable scientists in the Lac Cess Committee and amend the Lac Cess Act accordingly ?

Mr. G. S. Bajpai : (a) Yes.

(b) The branches of research referred to by the Honourable Member have recently assumed great importance.

(c) One member of the Committee is a qualified industrial chemist.

(d) and (e). A statement showing the composition of the Sub-Committee of the Indian Lac Cess Committee and of the Lac Research Sub-Committees in England and in the United States is placed on the table.

(f) The three Committees are complementary to one another.

(g) The question is under consideration.

Statement showing the composition of the Research Sub-Committee of the Indian Lac Cess Committee and of the Lac Research Sub-Committees in England and in the United States.

(a) India—Sub-Committee of the Lac Cess Committee.—1. The Director of the Lac Research Institute. Is a Chemist with 11 years' experience of Lac Research.

2. A member nominated by the Bihar and Orissa Government. At present the Commissioner of the Chota Nagpur Division.

3. The Conservator of Forests, Bihar and Orissa. Has knowledge of Lac production in forest areas and specialist knowledge of the trees which are the hosts of the Lac insect.

4. Mr. W. F. Dines. An Industrial Chemist with experience and knowledge of both the manufacture and utilisation of Lac.

5. Mr. T. C. Mukerji, representing the Shellac Manufacturing Industry. Has commercial knowledge and experience of the different qualities of Lac and of the trade in Lac.

6. The Imperial Entomologist. Has Research experience in applied entomology. At the first meeting of the Sub-Committee Dr. Aldis, Physical Chemist at the Lac Research Institute, was co-opted to it.

(b) England—Advisory Committee on Lac Research.—1. The High Commissioner for India.

2. The Indian Trade Commissioner.

3. Mr. W. Duval, Chairman of the London Shellac Trade Association.

4. Dr. L. A. Jordan, Director of the Paint and Varnish Research Station, Teddington.

5. Mr. W. Bayley-Parker, Chief Chemist to the British Thomson Houston Company, Research Laboratories, Rugby.

6. Mr. A. Nutton of Messrs. Angelo Bros. Shellac Manufacturers.

7. Mr. A. J. Gibson, Special Lac Officer.

(c) United States—The American Lac Research Bureau maintained by the United States Shellac Importers' Association.—1. Director. Dr. Gardner—Research Chemist.

2. Consultant. Dr. Olsen.

3. Consultant. Dr. Whitmore.

(The Board of Directors of the Association is also advised in matters of research policy by a Chemists' Committee comprising four Chemists employed by four manufacturing firms who are members of the Association.)

Mr. K. C. Neogy : With reference to the answer to clause (a) of this question, will the Honourable Member be pleased to state whether any action is being taken by Government with regard to the various criticisms that have appeared in the *Searchlight* ?

Mr. G. S. Bajpai : I would invite my Honourable friend's attention to the answer which I gave to part (g), that the question is under consideration.

Mr. K. C. Neogy : Was that the sole point involved in that article ? I thought there were several other points.

Mr. G. S. Bajpai : All the points, which were raised by my Honourable friend, during the November Session of the Assembly in Delhi and in regard to which I gave an undertaking that they would be considered by Government, are receiving consideration.

Mr. K. C. Neogy : Will the Honourable Member be pleased to state whether he proposes to lay a statement on the table showing the result of the consideration of this question by Government ?

Mr. G. S. Bajpai : Certainly, Sir, I shall lay a statement on the table, but in due course ; that is to say, when the results of the consideration become available.

Mr. B. Das : With reference to the reply to part (d), does not the statement show that the Committees in England and America are all composed of experts, while, in the Indian Committee, the personnel, barring one, is all composed of laymen ?

Mr. G. S. Bajpai : I would not go so far as to say that they are all laymen. There is one layman on it.

Dr. Ziauddin Ahmad : May I ask whether the statement will be laid before this Assembly, as otherwise the whole question will lapse and the Honourable Member would not be bound to lay it on the table before the next Assembly ?

Mr. G. S. Bajpai : My Honourable friend does not surely imply that the next Assembly will be less interested in this subject than the present ?

Mr. S. C. Mitra : May I ask whether Government have considered the question of putting on the Committee in its future reconstruction more chemists who are adepts in this particular line of expert work ?

Mr. G. S. Bajpai : The position is that the whole structure of this Committee is under consideration by Government at the present moment.

Dr. Ziauddin Ahmad : On a point of order. May I ask whether, after this Assembly has been dissolved, the Honourable Member will lay a statement without any fresh question being asked or whether a fresh question would be necessary.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is no point of order in that.

LEGISLATION ON THE PROTECTION OF STEEL INDUSTRY.

174. *Mr. B. Das : Will Government be pleased to state whether they are bringing any legislation on the protection of steel industry in the current Session of this House ?

The Honourable Sir Joseph Bhore : The Honourable Member is referred to the Government of India, Commerce Department, Press Communiqué, dated the 12th July, 1934.

Mr. B. Das : May I know when the Bill is likely to be introduced ? I am sorry I have not seen the Communiqué.

The Honourable Sir Joseph Bhore : I hope that it will be possible for me to introduce the Bill on some day this week.

DISPOSAL OF SURPLUS SILVER.

175. *Mr. B. Das : (a) Will Government be pleased to state whether they are giving an early day in this House for ascertaining the view of the Legislature regarding disposal of surplus silver ?

(b) What effect, if any, has occurred on prices of silver on account of the Roosevelt policy of conservation of silver in America ?

(c) What is the present policy of Government regarding conservation of silver for India ?

The Honourable Sir James Grigg : (a) I would refer the Honourable Member to the reply which my predecessor gave to Sir Cowasji Jehangir's question No. 125, on the 13th February, 1934. In accordance with the undertaking then given, the matter was placed before the Standing Finance Committee on the 12th and 20th of March, 1934, and the Committee expressed a general approval of the arrangements proposed by Government for the disposal of the surplus silver to be retained by Government when the Reserve Bank is created, on the understanding that this would not debar them from criticising the Government's policy with regard to the sale of silver. These conclusions of the Committee have been made known to Honourable Members by the circulation of their proceedings, and no member of the Committee has suggested that a discussion in the House is necessary.

(b) The price of silver per ounce in the London market on the 12th March was 20½d. ; on the 12th April, 20¼d. ; on the 12th May, 19½d. ; on the 12th June, 19½d. ; and, on the 12th July, it was back at the price (20½d.) which ruled on the 12th March. I must leave the Honourable Member himself to draw from these quotations any conclusion he can as to the effect of Mr. Roosevelt's action on the prices of silver.

(c) Our policy has been explained in Sir George Schuster's speech, proposing the ratification of the Silver Agreement, on the 21st November, 1933, and in Mr. Taylor's speech, in the Council of State, on the 14th December, 1933. I would refer the Honourable Member to these speeches.

Mr. B. Das : With reference to part (a) of the question, did not the predecessor of the Honourable the Finance Member give an assurance on the floor of the House that the House would be given a day for the consideration of the question of the disposal of surplus silver ?

The Honourable Sir James Grigg : My reading of his assurance was that if there was a general desire for a discussion, a day would be given, but my understanding of the position is that no such general desire has manifested itself.

Mr. B. Das : May I tell the Honourable Member that there is a general desire on this side of the House to have a discussion ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Whenever the Government undertake to give a day for the discussion of a particular subject in case there is a general desire on the part of the

House, then it is up to the Leaders of Parties to get into touch with the Leader of the House and arrange for a discussion. The proceedings of the House cannot go on smoothly if every individual member of a Party gets up and says, on his own responsibility, that there is a general desire.

Mr. B. Das : With reference to part (b) of the question, apart from my own inferences about the Roosevelt policy, is it not the present policy in America to conserve their resources of silver ?

The Honourable Sir James Grigg : That is a question very difficult to answer in the short space customarily allowed to answers to parliamentary questions. I shall be glad to discuss it with my Honourable friend in private : I think it will take too long to do it here.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

176. *Mr. B. Das : (a) Will Government be pleased to state what action has so far been taken to constitute the Reserve Bank of India since the Reserve Bank Act was placed on the Statute-book ?

(b) What is the probable date when shares of the Reserve Bank will be placed on the market ?

(c) Have Government so far incurred any expenditure on the Reserve Bank, and, if so, to what extent ?

The Honourable Sir James Grigg : (a) The detailed arrangements for setting up the bank have been under active investigation and are now in a fairly advanced stage of preparation. A senior officer is shortly to be placed on special duty to see to their completion, so far as that is possible before the Central Board is actually constituted.

(b) After the supplementary questions that my Honourable friend has put, he will not be surprised to hear that I am not yet in a position to make any announcement.

(c) No, except in so far as expenditure is being incurred on working out the detailed arrangements I have mentioned under (a).

Mr. B. Das : Is it not a fact that the Honourable Member's predecessor announced that Mr. Darling of the Punjab will be placed on special work in connection with the work on rural credit facilities ?

The Honourable Sir James Grigg : That is only one side of the preparatory work for the Bank ; it is a very important side ; but, if my Honourable friend, will allow me to say so, it is not the main purpose of the Reserve Bank and the other preparations are even more important.

Mr. B. Das : Have not Mr. Darling's services so far been requisitioned by the Government of India ?

The Honourable Sir James Grigg : I understand that Mr. Darling will very shortly land in India.

Dr. Ziauddin Ahmad : May I ask whether the Finance Member will lay the matter before the Standing Finance Committee for the confirmation of expenditure in this connection ?

The Honourable Sir James Grigg : I do not think the Honourable Member can have heard properly my reply to part (c) of the question. The question was :

“ Have Government so far incurred any expenditure on the Reserve Bank, and, if so, to what extent ? ”

The answer to it was :

“ No, except in so far as expenditure is being incurred on working out the detailed arrangements I have mentioned under (a) ”.

The main expenditure is the placing on special duty of a senior officer and that has not yet occurred. Most of the preparations have been done in the ordinary course of the Finance Department's work.

Dr. Ziauddin Ahmad : My question was, will the matter be laid before the Standing Finance Committee before the expenditure has actually been incurred ?

The Honourable Sir James Grigg : I can give no such pledge, because the main purport of the questions addressed to me from the other side of the House has been that we were being too slow in preparing for the setting up of the Reserve Bank. As then there is a certain amount of urgency about it, I can give no sort of pledge that we would obtain the approval of the Standing Finance Committee before incurring any expenditure at all.

Mr. B. Das : Has the attention of the Honourable Member been drawn to the Press report that Mr. Shankar Rau is being placed on special duty in connection with the Reserve Bank ?

The Honourable Sir James Grigg : I have said that a senior officer is shortly to be placed on special duty to see to the completion of the arrangements.

Maulvi Muhammad Shafee Daoodi : Should not the House be in possession of the probable date when the shares of the Reserve Bank will be placed on the market ?

The Honourable Sir James Grigg : No, Sir.

Maulvi Muhammad Shafee Daoodi : Why not ?

The Honourable Sir James Grigg : I should have thought the answer to that was obvious.

Mr. K. C. Neogy : Is the Honourable Member's disinclination to place the matter before the Standing Finance Committee due to shortness of time or is it based on grounds of policy ?

The Honourable Sir James Grigg : It is based on an unwillingness to commit myself to doing something which it may be quite impossible to do in any case.

Mr. K. C. Neogy : Why does the Honourable Member think at this time of the year that it will not be possible for him to summon the Standing Finance Committee to do the work ?

The Honourable Sir James Grigg : Because practically no expenditure has yet been incurred.

Mr. K. C. Neogy : Supposing the expenditure has to be incurred and supposing this House is still in being, does the Honourable Member

still think that it will not be right on his part or feasible to summon the Standing Finance Committee to be consulted ?

The Honourable Sir James Grigg : It is the universal rule, I think, in every parliamentary institution in the world that Members in charge of Departments are exempt from answering hypothetical questions. I must plead the same privilege.

Mr. Gaya Prasad Singh : Did the Honourable Member just now say that some expenditure with regard to the details in the setting up of the Reserve Bank has already been incurred ?

The Honourable Sir James Grigg : The answer is no, except in so far as expenditure is being incurred in the near future, and that expenditure is simply the placing on special duty of a senior officer.

Mr. K. C. Neogy : Why was not this particular item of expenditure, namely, that involved in the placing of an officer on special duty, placed before the Standing Finance Committee ?

The Honourable Sir James Grigg : Because it has not yet been incurred.

Mr. K. C. Neogy : The Honourable Member, I take it, has decided to incur it without consulting the Standing Finance Committee ?

The Honourable Sir James Grigg : The business of Government must be carried on.

Mr. K. C. Neogy : Has the Honourable Member come to the conclusion that the business of the Government cannot be carried on if the Standing Finance Committee is consulted ?

Mr. President (The Honourable Sir Shanmukham Chetty) : There appears to be a great deal of misunderstanding in the questions and answers with regard to this point. Definite rules have been laid down as to what are the items of expenditure which ought to be placed before the Standing Finance Committee, and the Chair takes it that the Government in the usual course will comply with this rule.

The Honourable Sir James Grigg : Certainly, Sir ; but I have just been reminded that in this particular case the whole of the expenditure which has been incurred, which is negligible, and that which will be incurred by the placing of a senior officer on special duty is non-voted, and, therefore, there is no obligation to bring it before the Standing Finance Committee.

Mr. Gaya Prasad Singh : May I know, Sir, if the expenditure, which is being incurred or which is likely to be incurred in connection with the placing of an officer on special duty, is all non-voted or there are some votable items also in that connection ?

The Honourable Sir James Grigg : My information is, it is all non-voted.

Mr. D. K. Lahiri Chaudhuri : Is it not a fact, Sir, that cases of non-voted items of expenditure also should be placed before the Standing Finance Committee for approval ?

The Honourable Sir James Grigg : Speaking off-hand,—I have had no experience of these matters,—I understand there is no necessity to

bring items relating to non-voted expenditure before the Standing Finance Committee.

Mr. Gaya Prasad Singh : Is it not a fact that non-voted items come before the Standing Finance Committee for approval when expenditure relating to new services has to be incurred ?

The Honourable Sir James Grigg : Only if they are presented in connection with new services involving voted expenditure.

Sir Abdur Rahim : Will the Honourable Member comply with the rules and practices that have hitherto been observed in this matter ?

The Honourable Sir James Grigg : Certainly, whatever they are.

Mr. Gaya Prasad Singh : May I know approximately the amount of expenditure which is likely to be incurred in connection with the placing of that senior officer on this particular work ?

The Honourable Sir James Grigg : I will look into that.

Mr. Lalchand Navalrai : May I know if any rules have been made or any policy laid down in regard to recruitment for the establishment of the Reserve Bank ?

The Honourable Sir James Grigg : That is precisely why a senior officer is being placed on special duty—to investigate some of those matters.

Mr. Lalchand Navalrai : May I know if the recruitment will be made through the Public Service Commission, or, if it is not so, how will it be made ?

The Honourable Sir James Grigg : I cannot possibly make any statement about that just now.

Mr. Lalchand Navalrai : Will the Honourable Member make some statement about it some day when he can ?

The Honourable Sir James Grigg : When I can, but not before.

Dr. Ziauddin Ahmad : Is it not a fact, Sir, that the Honourable Member, in his capacity as Chairman of the Standing Finance Committee, is himself the custodian of the rights and duties of that Committee ?

The Honourable Sir James Grigg : Yes, and those privileges and duties will be fully safeguarded.

Dr. Ziauddin Ahmad : Will he be pleased, as Chairman of the Standing Finance Committee, to ask the Finance Member of the Government of India to see that the privileges and duties of that Committee are fully carried out and that no departure is made from the practice hitherto followed ?

The Honourable Sir James Grigg : I will certainly ask myself that question, and I hope that I shall give myself a sensible answer.

Mr. B. Das : May I know, Sir, if this non-voted officer is not being assisted by a *chaprassi* and stenographer, so that part of the expenditure is still votable ?

The Honourable Sir James Grigg : I must have notice of that, Sir.

Sirdar Harbans Singh Brar : Is it not a fact, Sir, that in previous years, cases of officers placed on special duty, whose salaries were non-voted, were placed before the Standing Finance Committee for approval as in the case of the Honourable Sir Harry Haig who was placed on special duty twice or thrice before he was appointed Home Member, and sanction was always obtained of the Standing Finance Committee ?

Mr. Gaya Prasad Singh : I hope the Honourable the Finance Member is not departing from the rights and privileges which have hitherto been followed by the Standing Finance Committee ?

The Honourable Sir James Grigg : No.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not think it was the intention of the Honourable the Finance Member to announce any departure from the recognised policy of the Government in placing matters before the Standing Finance Committee.

The Honourable Sir James Grigg : That is quite so. What I refused to give was any undertaking that no expenditure should be incurred or no action taken until the Standing Finance Committee had actually approved. I understand that the rules of procedure in this country provide for the Government taking action in cases of urgency in advance of the approval of the Standing Finance Committee. I am quite unwilling to waive those rules.

Mr. President (The Honourable Sir Shanmukham Chetty) : In any case, it is not the intention of the Honourable the Finance Member to vary the practice that has so far been followed with regard to the placing of such matters before the Standing Finance Committee ?

The Honourable Sir James Grigg : Not at all, Sir.

REPORT OF THE INDIAN COLONIZATION ENQUIRY COMMITTEE OF SOUTH AFRICA.

177. ***Mr. B. Das :** (a) Will Government be pleased to state if they consented to the preliminary investigation report of the Indian Colonization Enquiry Committee by the Government of South Africa ?

(b) At the time of giving such consent, did Government of India agree to the point that this alien Committee should recommend as to how and where India should provide a colony for her surplus population ?

(c) Will Government be pleased to lay on the table of this House all relevant correspondence that passed between them and the South African Government ?

Mr. G. S. Bajpai : (a) and (b). The attention of the Honourable Member is invited to the replies given by me to the supplementary questions asked by him on the 18th instant, in connection with Mr. Ranga Iyer's short notice question on the subject of the Report.

(c) Government regret that they are unable to lay a copy of the correspondence on the table of the House.

APPOINTMENT OF A JOINT COMMISSION TO EXPLORE COLONIZATION SCHEMES FOR SOUTH AFRICAN INDIANS.

178. ***Mr. B. Das :** (a) Will Government be pleased to state the reasons which prevented the appointment of the Joint Commission as was agreed at the 1932 Round Table Conference ?

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(b) Will Government be pleased to state if the 1932 Agreement regarding appointment of a Joint Commission to explore colonization schemes for South African Indians still holds good, and if so, when will such a Joint Commission materialise?

Mr. G. S. Bajpai : (a) and (b). The initiative in this matter rests with the Union Government who decided to appoint a preliminary Committee in South Africa first.

REPORT OF THE INDIAN COLONIZATION ENQUIRY COMMITTEE OF SOUTH AFRICA.

179. ***Mr. B. Das :** What correspondence have the Government of India sent to the Government of South Africa on the advice of the Committee over colonization of India? Will Government kindly lay on the table all letters and cables that have passed between them since the publication of the report?

Mr. G. S. Bajpai : I would invite the Honourable Member's attention to the answer I gave to Mr. Ranga Iyer's short notice question on the 18th instant. Government have not yet formed or communicated their views on the recommendations of the Committee to the Union Government.

Mr. B. Das : Has the Union Government addressed any letter or cable to the Government of India on the matter?

Mr. G. S. Bajpai : Merely a communication, Sir, inquiring as to whether the Government of India will be agreeable to the publication of the Report on a certain date.

TOTAL CAPITAL EXPENDITURE ON ROLLING STOCK.

180. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(a) the total capital expenditure on rolling stock—stating figures separately for locomotive engines and wagons—for the years 1919 to 1934 ;

(b) how much of it was spent in India, Great Britain and foreign countries ; and

(c) what steps they are taking to make this country self-contained in respect of the requirements of its Railways?

Mr. P. B. Rau : (a) The total expenditure on locomotive engines and wagons, during the 15 years referred to, amounted to 30,49 and 41,86 lakhs, respectively.

(b) The detailed information is not available, but I would inform the Honourable Member that locomotives are only manufactured in India at the Bombay, Baroda and Central India Railway Workshops at Ajmer. During the last few years an average of 15 Metre Gauge locomotives per annum have been built at Ajmer at a cost of approximately Rs. 62,000 each.

Wagons complete, with the exception of certain components such as wheels and axles, buffers, etc., are manufactured in India and railways' requirements of I. R. S. wagons are ordered from Indian builders.

(c) The attention of the Honourable Member is invited to the Government of India, Industries and Labour Department Resolution No. S-217 dated the 12th December, 1929 [printed as Appendix I (A) in the State Railway Code (Revised)], a copy of which is in the Library of

the House. The Railway Board are actively following the policy therein enunciated, for encouraging indigenous industries. The subject of constructing locomotives in India is now under consideration.

CLERKS WORKING AS DESPATCHERS AND DIARISTS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

181. ***Mr. K. P. Thampan :** (a) Will Government be pleased to state whether there are some clerks in certain departments drawing more than Rs. 200 per month, who do only despatching work or work as diarists?

(b) If the answer to part (a) be in the affirmative, how many such clerks are there and in which departments?

(c) What is the highest salary now drawn by such a clerk?

(d) Have Government considered whether they cannot in the interests of economy be put on some more responsible work elsewhere, or retrenched?

The Honourable Sir Harry Haig : I lay on the table a statement containing the information required by the Honourable Member.

Statement showing the number of clerks in the Government of India Secretariat who are drawing pay of more than Rs. 200 a month, and who are doing work as diarist or despatcher.

Name of Department.	No. of clerks.	Pay.	Remarks.
Education, Health and Lands.	1 (Despatcher) ..	Rs. 300 (substantive) Rs. 325 (on probation).	There is only one post of despatcher in the Department, and as the work is very heavy at all times and at times of a confidential nature it is necessary to employ a senior and trustworthy clerk. The existing incumbent is nearing the age of superannuation.
Finance	2 { 1 Despatcher .. 1 Diarist ..	268 236	It is not considered desirable to transfer them to other work or to retrench them, as the despatcher is nearing the age of superannuation and the diarist's work is considered to be as responsible as most of the other duties which can be entrusted to a clerk of his pay and status.
Foreign and Political.	1 (Despatcher) ..	350	He is the senior despatcher. The special nature of work in the Foreign and Political Department makes it necessary to have senior man to do the despatching of secret and confidential work.

LIBRARIANS ATTACHED TO THE GOVERNMENT OF INDIA DEPARTMENTS.

182. *Mr. K. P. Thampan : (a) Will Government please state whether there are separate librarians attached to every department ? If so, how many ?

(b) What is the grade of their salary and the amount actually drawn by each at present ?

The Honourable Sir Harry Haig : I lay on the table a statement containing the information required by the Honourable Member.

Statement showing the number of Librarians attached to the Departments of the Government of India, together with their pays and grades.

Name of Department.	No. of Librarians.	Grade.	Pay.	Remarks.
1	2	3	4	5
Military Finance ..	..	Rs. ..	Rs. ..	
Army ..	..	..	..	
Railway ..	1*	100—5—200	..	* The post has been held in abeyance since 1st March 1932 as a measure of economy.
Legislative ..	1	200—15—500 (E. B. at 365).	410	
Commerce ..	1 Librarian. 1 Assistant Librarian.	100—8—300 (II Division.)	253† 180	† Inclusive of Rs. 25 Special pay.
Imperial Council of Agricultural Research.	1	200—15—365 E. B. 380—15—500.	365	
Foreign and Political Finance ..	1‡	200—15—500	475	
Industries and Labour.	1§	100—8—300—25—350 (II Division).	325	‡ There is no separate post of librarian. A second division clerk performs the duties in addition to other work.
Legislative Assembly ..	1§	200—15—365 (E.B. 380—15—500) (First Division).	320	§ In charge of the Library of the Indian Legislature.
Education, Health and Lands.	4||	200—15—365—E. B. 380—15—500 (First Division).	260	|| All these men are working in the Imperial Secretariat Library which is under the administrative control of the Education Health and Lands Department.
Home ..	..	100—8—300—25—350 (Second Division).	244	
Reforms ..	..	60—2—80—3—95— E. B. 3—125. (New scale of the Routine Division).	64	

WAIVING OF THE DISQUALIFICATION OF CONGRESS CANDIDATES CONVICTED FOR OFFENCES IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

183. *Mr. Abdul Matin Chaudhury : (a) Will Government be pleased to state if they propose to waive the disqualification under rule 5, sub-rule (2) of the Legislative Assembly Electoral Rules and Regulations, in the case of Congress candidates convicted of any of the offences under any of the Ordinances, or, the Indian Penal Code, in connection with the Civil Disobedience Movement ?

(b) If the reply to part (a) be in the affirmative, do Government propose to (i) issue a communique stating their general policy in regard to such cases, or (ii) deal with each individual case ?

(c) If the reply to part (ii) of part (b) above be in the affirmative, will it be left to Local Governments to deal with such cases ?

The Honourable Sir Harry Haig : (a), (b) and (c). Provision is made in the Electoral Rules that on application made by a person disqualified under Rule 5, sub-rule (2), and with the previous approval of the Governor General in Council the Local Government may remove the disqualification. There is no intention of departing from the procedure laid down in the Rules. Any person who wishes his disqualification removed will have to apply to the Local Government. The Government of India are at present in correspondence with Local Governments in regard to the treatment of such applications.

Mr. Lalchand Navalrai : Are there any Rules for such exemption ?

The Honourable Sir Harry Haig : The Rule is that to which I have just referred,—Rule 5, sub-rule (2).

Mr. K. C. Neogy : Do I take it then that the Government have decided not to issue any general orders waiving the disqualifications in the case of Civil Disobedience prisoners ?

The Honourable Sir Harry Haig : They have decided not to make any amendment in the existing Rule ; but, as I have said, they are in correspondence at the present moment with the Local Governments in regard to the application of those Rules.

Mr. D. K. Lahiri Chaudhury : Have Government received any applications till now ?

The Honourable Sir Harry Haig : No applications have reached the Government of India so far.

Mr. Abdul Matin Chaudhury : Will the result of their correspondence with the Local Governments be communicated to the public by means of a communiqué ?

The Honourable Sir Harry Haig : No, Sir ; that is not our intention.

Mr. K. C. Neogy : Is it a fact, Sir, that, so far as the Bengal Government are concerned, while the Executive Councillors are in favour of removing the disqualifications, the "popular" Ministers are all opposed to such removal of the disqualifications ?

The Honourable Sir Harry Haig : I do not think I can...

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member need not answer that question.

AERIAL BOMBARDMENT ON THE SOUTHERN WAZIRISTAN IN THE TRANS-FRONTIER AREA.

184. *Mr. M. Maswood Ahmad : (a) Has the attention of Government been drawn to the article *Sarhad par Gola bari shroo ho gai*, published on page 5 of the *Khilafat*, Bombay, dated the 14th June, 1934 ?

(b) Will Government be pleased to state whether the news, as published, is correct and if it is correct, what were the reasons which led to the aerial bombardment on Southern Waziristan in the trans-frontier area ?

(c) Will Government be pleased to state (i) on which villages the bombs were actually dropped, (ii) how many bombs were dropped on each village, and (iii) what were the estimated losses of each village ?

(d) Do Government propose to change the policy of aerial bombardment on the population of the trans-frontier area ?

Mr. H. A. F. Metcalfe : (a) Yes.

(b) The report is entirely without foundation and an official contradiction was published on the 13th June, 1934, when the report first appeared in the Press.

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

INTRODUCTION OF CREW SYSTEM AND MOODY-WARD SYSTEM OF TICKET CHECKING ON THE EAST INDIAN RAILWAY.

185. *Khan Bahadur Haji Wajihuddin : (a) Did the Agent, East Indian Railway, ever report to the Railway Board that the old system of checking tickets (when it operated) was not efficacious ?

(b) Did the Agent, East Indian Railway, desire the introduction of Crew system and Moody-Ward system on his Railway of his own initiative or did he simply approve of their introduction when a suggestion was made to him from different quarters ?

Mr. P. R. Rau : (a) and (b). I cannot trace any such report, but the Agent, East Indian Railway, was a member of the Committee which recommended in 1926 the introduction, as an experimental measure, of the crew system as a means primarily of preventing passengers from entraining without tickets. In 1927, he recommended its extension over the entire East Indian Railway system. As regards the system recommended by the Moody-Ward Committee, the Agent, East Indian Railway, agreed with the view that the crew system should be abolished and the arrangement recommended by the Moody-Ward Committee adopted.

Lieut. Colonel Sir Henry Gidney : Will the Honourable Member, who is also the Financial Commissioner for Railways, inform this House what approximately is the cost of maintaining the crew system on the East Indian Railway, as compared with the gain accruing from the traffic of passengers travelling without tickets and excess fares ?

Mr. P. R. Rau : I think, Sir, I must ask for notice of that question.

Lieut. Colonel Sir Henry Gidney : Is it not a fact that the Audit Department has not up to date been able to obtain this information ?

Mr. P. R. Rau : It is a difficult matter to ascertain what would have been the earnings if the crew system had not been introduced.

Lieut. Colonel Sir Henry Gidney : Is it not a fact that various Agents of various Railways have condemned the crew system and have gone back to the old ticket collecting system, for instance, on the Bengal Nagpur Railway and the E. B. Railway, and that none of the Company-managed Railways have the crew system in force ?

Mr. P. R. Rau : I believe, Sir, the crew system is not at present in existence except in isolated sections of certain Railways.

Lieut. Colonel Sir Henry Gidney : Is it not a fact that the crew system has been foisted on State Railways by the Railway Board ?

Mr. P. R. Rau : I have just replied to that question.

Mr. Lalchand Navalrai : Is the Honourable Member in a position to make a statement with regard to the complaints which have been lying with the Honourable Member regarding the revision of their allowances ?

Mr. P. R. Rau : I think, Sir, that does not arise out of this question, but it arises out of a later question.

Dr. Ziauddin Ahmad : I did not quite follow the Honourable Member's reply to part (a). Did the Honourable gentleman say that the Agent definitely said that the old system was not efficacious ?

Mr. P. R. Rau : I said I could not trace any such report.

Dr. Ziauddin Ahmad : Is it not a fact that the Agent expressed no opinion, but the Railway Board took the entire initiative to change the system ?

Mr. P. R. Rau : As I have already informed the House, the Agent of the E. I. Railway was a member of the Committee which recommended the crew system.

Mr. Abdul Matin Chaudhury : Is it not a fact that the value of the crew system lies in the deterrent effect which it has on people travelling without tickets and it cannot be measured in terms of money ?

Mr. P. R. Rau : That was its object.

ILLICIT TRAVELLING ON RAILWAYS.

186. *Khan Bahadur Haji Wajihuddin : (a) Are Government aware that the Agent, East Indian Railway, in reply to part (c) of question No. 155 (reply laid on the table of this House on the 9th April, 1934), states that now the Travelling Ticket Examiners perform *other services to the public* and will Government be pleased to enquire and state whether the performance of these "other services" is incumbent on them in view of the fact that their "main duty is detection" [as admitted by the Agent in part (b) of the question] ?

(b) Where are these other duties tabled and announced to the employees ?

(c) What are those various other services ?

(d) Were such services not performed under the old system by the Travelling Ticket Inspectors controlled by Accounts ? If not, why not ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 186, 190 and 191 together.

I have called for certain information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

Mr. Lalchand Navalrai : Now the Honourable Member can reply to my question. Has any consideration been given to the complaints of these ticket examiners with regard to their allowances ?

Mr. P. R. Rau : I am afraid I must ask my Honourable friend to wait a little bit more. That arises under question No. 193.

ILLCIT TRAVELLING ON RAILWAYS.

187. *Khan Bahadur Haji Wajihuddin : (a) Are Government aware that the Agent, East Indian Railway, says "The only test of efficiency is the prevention of illicit travelling", and in this connection, will Government be pleased to state if it is not a fact that it has lately been admitted that the efficiency of a Travelling Ticket Examiner is judged from his earnings ?

(b) Is it a fact that the efficiency of the system depends on prevention of illicit travelling, which means no earnings by the Travelling Ticket Examiners ?

Mr. P. R. Rau : (a) The reply to the first part is in the affirmative. As regards the second part, I shall be glad if the Honourable Member will tell me by whom and when such an admission was made.

(b) If the ideal can be attained and no passenger travels without a ticket, Travelling Ticket Examiners will obviously have no earnings to credit to the Administration.

EMPLOYMENTS OF TWO SQUADS OF SPECIAL TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

188. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply given to starred question No. 553 (a), (b) and (c), as laid on the table of this House on the 7th April, 1934, will Government be pleased to state if it is a fact that the men utilised belonged to Workshops, etc., and drew much less pay than what was offered to them for this ticket checking work ?

(b) What was the pay of each individual in his former capacity ?

(c) Why were they given higher rate of pay ?

(d) On what considerations was it thought necessary to have this auxiliary check by Watch and Ward conducted by purely Anglo-Indian and European boys ?

(e) On what considerations was it thought necessary to have this auxiliary check in addition to the existing number of 650 Travelling Ticket Examiners ?

(f) Was any such auxiliary force ever thought expedient when the Travelling Ticket Inspectors worked under the Accounts control and were about 150 in all as against 650 (Travelling Ticket Examiners) employed now ?

Mr. P. R. Rau : (a) The men were employed in Locomotive Running Sheds under the control of the Chief Operating Superintendent. The reply to the second part of the Honourable Member's question is in the affirmative.

(b) The emoluments of various individuals varied from about Rs. 12 to about Rs. 30 per mensem.

(c) The pay given approximated to that drawn by Travelling Ticket Examiners, as the nature of their work and the conditions under which it had to be performed were similar to those of Travelling Ticket Examiners.

(d) and (e). The Agent, East Indian Railway, considered it desirable to institute an intensive auxiliary check as he was satisfied that this had become necessary. The men were selected from amongst those who were temporarily surplus to requirements and who had no possible connection with staff then employed as Travelling Ticket Examiners or Ticket Collectors.

(f) I regret it is not possible to say at this distant date what auxiliary checks were previously exercised.

Dr. Ziauddin Ahmad : May I ask whether this Watch and Ward is also to look after the work of the railway servants ?

Mr. P. R. Rau : The Watch and Ward Department's function is different, but there is nothing to prevent its being used for this purpose as well.

Dr. Ziauddin Ahmad : Will they employ the Watch and Ward to look after the work of the officers also ?

Mr. P. R. Rau : I have not heard any proposal to that effect.

FORMATION OF SQUADS FOR TICKET CHECKING ON THE EAST INDIAN RAILWAY.

189. *Khan Bahadur Haji Wajihuddin : (a) With reference to starred question No. 835, parts (a) and (b), reply to which was laid in this House on the 7th April, 1934, will Government be pleased to state, why the choice of such auxiliary check was made in respect of Watch and Ward department ?

(b) Is it a fact that dealing with excess fare matters is purely a commercial or audit concern and is not the function of the Watch and Ward ?

(c) Is it a fact that the Anglo-Indian and European boys who were utilised for the purpose had no previous experience in ticket checking work ?

(d) Is it a fact that they never passed any qualifying test ?

(e) Why was no Indian utilised for this auxiliary work and on what definite considerations was it exclusively monopolised by Anglo-Indian and European community ?

(f) Were these men surplus for requirements, and why was extra and higher pay given to these men ?

(g) Why was this extra expenditure incurred during these days of depression when cut on the pay of employees still continues ?

(h) Was this auxiliary force set up as a "special experimental scheme", and was any special report submitted by the Watch and Ward authorities on the experience gained by them? If not, why not?

(i) Has this experiment been successful?

(j) What conclusions were drawn by the Railway Board on the results of the check by these squads under Watch and Ward and independent of Operating control?

Mr. P. R. Rau : (a) and (b). The Agent, East Indian Railway, reports that it was considered desirable that the check should be carried out under the control of a Department, independent of the Department normally responsible for the check and collection of tickets. The Watch and Ward Department was considered suitable for this purpose, as it was an organisation operating over the entire system and had staff who could be utilised to close exits at unfenced stations while the gangs were working on trains.

(c) and (d). The staff utilised had no previous experience, but were given a course of instruction in the duties required of them and qualified in this respect.

(e) Government understand from the Agent, East Indian Railway, that the Administration were anxious to ensure that none of the staff employed on this auxiliary work was in any way connected with the ticket examining and collecting staff at stations.

(f) Government understand that these men were temporarily surplus and that the pay given approximated to that ordinarily given for this class of work.

(g) The Agent reports that the position as regards illicit travelling necessitated an intensive check with a view to ascertaining whether any change in the existing arrangements was called for.

(h), (i) and (j). This was an auxiliary check arranged by the East Indian Railway Administration on their own initiative and without a reference to the Railway Board, the matter being within the Agent's own competence. The Agent has reported that there is ample evidence to show that the action of the Divisional Superintendents, along with the appointment of these gangs, has brought about a very great improvement in the working of the ticket examining staff.

Dr. Ziauddin Ahmad : Was the fact brought to the notice of the Railway Board that the Watch and Ward passed a railway ticket at Aligarh Station, while the ticket was only for a small station about ten miles away from Gaya, under the impression that this station was between Delhi and Aligarh?

Mr. P. R. Rau : No, Sir.

Dr. Ziauddin Ahmad : Will the Honourable Member kindly make enquiries from the Divisional Superintendent, Allahabad, about this case?

Mr. P. R. Rau : If my Honourable friend will give me particulars of this case, I shall look into it.

Mr. S. C. Mitra : From these questions it appears as if this Watch and Ward is manned only by Anglo-Indians. Is that so?

Mr. P. R. Rau : The Watch and Ward Department is not entirely manned by Anglo-Indians.

Mr. S. C. Mitra : I am asking about this particular Watch and Ward.

Mr. P. R. Rau : These are men who were employed in the locomotive running sheds under the control of the Chief Operating Superintendent.

GETTING INTO RUNNING TRAINS BY TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†190. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 816 (a) and (b), given in this House on the 21st April, 1934, that it is against orders for a Travelling Ticket Examiner to get into the moving train, will Government be pleased to state if it is a fact that this action of these people is being tolerated by the administration? If so, why?

(b) Will Government be pleased to lay on the table a copy of these orders (prohibiting the Travelling Ticket Examiners from getting into moving train)?

(c) Has any Travelling Ticket Examiner ever been punished for the disobedience of these orders, specially ever since the introduction of Moody-Ward system?

(d) If a Travelling Ticket Examiner is dealing with some case on the platform and before he has finished with it the train starts, then is it essential for him to attempt to board the train or should he remain back and miss the train?

(e) Will Government be pleased to state what is the size of the satchel and whether the Salter's spring balance can be put into it?

(f) Will Government be pleased to state what is the length of the spring balance (Salter's) without hook and ring and with hook and ring? Will Government be pleased to exhibit it and the satchel in this House?

SPRING BALANCES CARRIED BY THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†191. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 815 (e), given in this House on the 21st April, 1934, will Government be pleased to state whether Travelling Ticket Examiners are expected to weigh passengers' luggage with their own hands?

(b) Is it a fact that Travelling Ticket Inspectors under Accounts Department were provided with peons who carried the scale and weighed the luggage?

(c) If it is necessary to weigh luggage in trains, then why are the scale peons not provided now?

(d) Is it anywhere mentioned in the Moody-Ward Report that the Travelling Ticket Examiners in this scheme will, on amalgamation of

† For answer to this question, see answer to question No. 186.

peons and Travelling Ticket Inspectors, perform combined function of detection, prevention and weighment?

(e) Is it a fact that in order to fix up a suit case or a box in the hook of the spring balance it is necessary to turn the articles over and then raise for weighment?

(f) Is it expected of a Travelling Ticket Examiner to pull out luggage from under the berths or bring down from upper berths?

(g) If a Travelling Ticket Examiner is unable to do so, is he expected to ask for passenger's help in this direction?

(h) Are Government prepared to look into the matter?

(i) Is it a fact that on account of the jerks caused by a moving train no correct reading can be ensured, which might lead to overcharge?

MOODY-WARD REPORT ON THE TICKET CHECKING SYSTEM ON THE EAST INDIAN RAILWAY.

192. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 817 (c), dated the 21st April, 1934, in this House, will Government be pleased to state whether the Director of Finance was consulted before giving effect to Moody-Ward recommendations in respect of pay and allowances and in respect of Operating control of Travelling Ticket Examiners? If so, did he agree to the recommendations?

(b) Is it a fact that the Moody-Ward recommendations have been made public, and the remarks of the dealing authorities kept confidential? If so, why?

(c) Was the opinion of Mr. Scott, inventor of the Crew system, solicited on the Moody-Ward recommendations and did he agree to them?

Mr. P. R. Rau : (a), (b) and (c). Copies of the Moody-Ward Committee's report were placed in the Library of the House. Government regret they cannot state which of their officers were consulted before orders were issued on the recommendations contained in this report, and they consider it undesirable in the public interests to publish the opinions of such officers as may have been consulted.

MILEAGE ALLOWANCE AND GRADE PROMOTION TO THE OLD TRAVELLING TICKET INSPECTORS OF THE ACCOUNTS DEPARTMENT.

193. *Khan Bahadur Haji Wajihuddin : (a) Has the attention of Government been drawn to an article headed "a suggestion to the Railway Board", published in the *Railway Times*, Bombay, dated the 23rd June, 1934? If so, what action do Government propose to take on these suggestions?

(b) Is it a fact that the question about mileage allowance and grade promotion of the old Travelling Ticket Inspectors of the Accounts Department is still under the consideration of the Railway Board?

(c) Is the complaint contained in paragraph 6 of the said article regarding seniority true? If so, has it by now been redressed? If not,

(d) What action do Government propose to take on the suggestion made in the concluding paragraph of the said article?

Mr. P. R. Rau : (a) The reply to the first part is in the affirmative. As regards the second part Government do not consider that any action is called for.

(b) Memorials from the travelling ticket examining staff of the North Western Railway, and from the ticket examining staff of the East Indian Railway are under the consideration of the Railway Board in consultation with the Agents of the Railways.

(c) Government have no information. The question is within the competence of the Agent to decide.

(d) Government do not propose to make any change in the organization of this department at present.

Lieut.-Colonel Sir Henry Gidney : With reference to the Honourable Member's reply to part (d) of the question, will he kindly inform the House why the Government do not propose to take any action?

Mr. P. R. Rau : Is it with regard to (d)?

Lieut. Colonel Sir Henry Gidney : In regard to part (d) of the question.

Mr. P. R. Rau : Government do not propose to take any action, because they do not consider that any change is necessary.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member kindly repeat his answer? I cannot hear a word.

Mr. P. R. Rau : It is mutual, I am afraid. (Laughter.) Government do not propose to make any change in the organisation of the Department at present, because they do not consider that any change is required.

Mr. Lalchand Navalrai : May I know from the Honourable Member, now that my question is pertinent, how long it will take for the Agent to come to a conclusion on this point?

Mr. P. R. Rau : The Railway Board is in communication with the Agents. I think a reply has not been received from one Agent, and, as soon as his reply is received, the matter will, I hope, be settled.

Mr. Lalchand Navalrai : Does the Honourable Member know that in the meantime some injustice is being done to these Ticket Examiners and that, owing to their incessant complaints, they are being transferred from their section to distant parts as a punishment? Is it or is it not a fact?

Mr. P. R. Rau : I am not in a position to reply to that question without notice.

Mr. Lalchand Navalrai : Will the Honourable Member tell the Agent not to pursue this policy?

(No answer.)

HILL ALLOWANCE TO TRAVELLING TICKET EXAMINERS POSTED AT HARDWAR.

194. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 135 (a) and (d), laid on the table on the 12th April, 1934, will Government be pleased to state if it is a fact that when the list of staff eligible for hill allowance was compiled, the Travelling Ticket Examiners were under the Accounts control and so their names did not appear ?

(b) Is it a fact that with the introduction of the Moody-Ward system the posts of the Travelling Ticket Examiners and the Ticket Collectors have been amalgamated ?

(c) Is it a fact that the Travelling Ticket Examiners posted at Hardwar during *melas* are utilised not as Travelling Ticket Examiners, but as Ticket Collectors ? If so, why are they not held eligible for hill allowance allowed to the Ticket Collectors ?

(d) On what considerations is the hill allowance sanctioned to certain employees stationed at Hardwar and to others it is not ?

(e) How many Travelling Ticket Examiners were utilised in all at Hardwar and other stations in connection with Adh Kumbh mela in other than their legitimate duties and what duties were allotted to them ?

Mr. P. R. Rau : With your permission, Sir, I shall reply to questions Nos. 194 and 195 together. The information is being obtained and will be laid on the table in due course.

PERCENTAGE ALLOTTED TO EUROPEANS AND ANGLO-INDIANS OF THE CONTROL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†195. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the strength of the Control Staff is maintained at 50 per cent. Europeans and Anglo-Indians, and 50 per cent. Indians, on Metre Gauge System over the Bombay, Baroda and Central India Railway ? If so, why is such a high percentage allotted to Europeans and Anglo-Indians ?

(b) Has any Indian Controller been promoted to Station Master's Branch, like European and Anglo-Indian Controllers, Messrs. Bickers and Garlings ? If not, why not ?

(c) Is it a fact that Messrs. Hemmer and Lamas are over and above the percentage and have been given Rs. 50 promotion from Rs. 70 to Rs. 120 as probationary Controllers ? If so, why ?

(d) Is there any Indian trained (probationary) Controller being given any such promotion ? If not, why not ?

(e) Is it a fact that European and Anglo-Indian probationary Controllers, after having their extraordinary lifts, changed their designations to Guard ? If so, why ? Is any Indian trained Controller treated in this manner ? If not, why not ?

(f) Is it a fact that the staff in general get some promotion after qualifying themselves for some higher grade and Indian trained Controllers are debarred the privilege ? If so, why ?

(g) Is the Agent, Bombay, Baroda and Central India Railway, ready to remove the racial discrimination from Metre Gauge and to accord equal treatment to the Indian trained Controllers with due consideration of their arduous duties, and to grant some promotions ?

†For answer to this question, see answer to question No. 194.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

193. *Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state their position in regard to the anti-Indian legislation in Zanzibar and place on the table of this House relevant correspondence on the subject which passed between the Government of India and that of Zanzibar ?

(b) Will Government be pleased to furnish to this House all the information in their possession on the subject ?

Mr. G. S. Bajpai : (a) and (b). The attention of the Honourable Member is invited to the reply given by me to Mr. B. Das's questions Nos. 168—170. Correspondence in regard to this matter is still in progress and Government therefore regret that they cannot lay a copy on the table.

EXEMPTION OF SAMPLES FROM CUSTOMS DUTY.

197. *Lala Rameshwar Prasad Bagla : (a) Have Government received any representation from the public regarding the exemption of *bona fide* samples from Custom duty ? If so, when and from whom ?

(b) In view of the existing trade depression, are Government prepared to consider the desirability of so amending the Indian Tariff Act as to provide for the exemption of *bona fide* samples ?

The Honourable Sir Joseph Bhore : (a) Yes, Sir, a representation on the subject was recently received from the United Provinces Chamber of Commerce.

(b) Under existing orders, import duty is not collected on samples, if they are practically valueless, in that they are unfit for consumption or for any other use than as samples for inspection, or if the quantity of a consignment is not in excess of the quantity ordinarily sent as a sample to an individual customer or potential customer. Government see no reason for extending the scope of the exemption, especially as Indian Customs practice in this respect is substantially in accord with the recommendations made by a body of experts to the Economic Committee of the League of Nations in connection with the International Convention for the simplification of Customs formalities.

(e) Are Government now prepared to adopt the same measures to encourage the "Buy Indian" propaganda as are being taken by the British and American Governments?

The Honourable Sir Frank Noyce : (a) Government are aware of the "Buy British" campaign, but not of the extent, if any, to which the British Government are assisting it. They have no information of its American counterpart.

(b) Yes : from the Federation of Indian Chambers of Commerce and Industry in April last.

(c) The Post Office have used the motto "Support Indian Industries" for some years past. Government have also supported exhibitions of Indian products and one object of the creation of the proposed Industrial Intelligence and Research Bureau is to develop this line of propaganda. Government, however, place more confidence on the practical assistance they are giving to Indian industries than on propaganda.

(d) and (e). Government will be very glad to examine any suggestion as to the lines on which such propaganda may usefully be developed.

Mr. B. Das : May I inquire if the activities of the Industries Research Bureau of the Department, which the Honourable Member is creating, will not come under the Ordinances of his colleague on his left?

Mr. B. V. Jadhav : May I know from the Honourable Member what industries are contemplated to be taken under the new Department?

The Honourable Sir Frank Noyce : All industries that can usefully take advantage of the facilities that it will afford.

INDIA'S MEMBERSHIP OF THE LEAGUE OF NATIONS.

199. ***Lala Rameshwar Prasad Bagla :** (a) Will Government please state the amount they pay as annual subscription to the League of Nations?

(b) Will Government please state the number of Indians at present in the service of the League of Nations?

(c) Will Government be pleased to place on the table for the information of this House a statement showing the amount of subscription paid to the League of Nations by each of its member States and the representation given to each in regard to the employment of its people in its Secretariat?

(d) Did Government receive any representation from the public to the effect that India should resign the membership of the League? If so, when and from whom?

(e) Is it not a fact that, in spite of the numerous protests from the public, it was considered desirable by Government to continue the membership of the League? If so, why?

(f) Are Government prepared to consider the question of resigning the membership of the League now?

The Honourable Sir Nripendra Sircar : (a) The amount is not fixed but is arrived at in each year by calculating the proportion of the total

estimated expenditure for that year which is payable by India under the system of allocation for the time being in force. The amount for 1934 is one million, seven hundred and four thousand, two hundred and two decimal gold francs which is equivalent to fourteen lakhs, ninety thousand and thirteen rupees.

(b) Six Indians are at present permanently employed in the Secretariat of the League of Nations including the International Labour Office. It is believed that there are also three temporary Indian employees.

(c) The Honourable Member is referred to pages 1258 to 1293 of the League of Nations Official Journal, 14th year, No. 10, Part II, a copy of which is in the Library.

(d) No.

(e) Government have received no protests and have never contemplated resignation from the League, a step which in their opinion would represent at once an abandonment of an international duty and an abdication of international status.

(f) No.

Mr. B. Das : Is it not a fact that the representatives of the Government of India at the League of Nations and also the delegates to the I. L. O. have always insisted that the League of Nations and the I. L. O. should employ more Indians than at present?

The Honourable Sir Nripendra Sircar : That is my impression.

Mr. B. Das : Have the Government of India addressed any letter to the Director of the League of Nations that they should give effect to the recommendations which the representatives of the Government of India have addressed to the Government of India?

The Honourable Sir Nripendra Sircar : I am not exactly aware of what happened before my time, but in my time I have done it.

Dr. Ziauddin Ahmad : What is the proportion of Indians in the Secretariat of the League of Nations, and what is the proportion of our contributions to the funds of the League of Nations?

The Honourable Sir Nripendra Sircar : The answer to part (c) of the question refers to a journal in which all the details are given, and that is available in the Library.

Mr. K. C. Neogy : But the proportions are not worked out there?

The Honourable Sir Nripendra Sircar : No one can do it better mathematically than my friend over there.

Dr. Ziauddin Ahmad : May I ask whether the Honourable gentleman can find out for his own benefit whether the proportion of the service is equivalent to the proportion of our contribution?

The Honourable Sir Nripendra Sircar : I would accept even Dr. Ziauddin's mathematical calculations.

Mr. K. C. Neogy : Even!

Sir Abdur Rahim : Is it not a fact that Lord Lytton, when he was in one of the delegations, protested against the amount which was levied from India as contribution to the League of Nations?

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The Honourable Sir Nripendra Sircar : I should have been glad to answer that question if I had the information before me. I have not got it before me. If required, I can inquire into it. I require notice.

Sir Abdur Rahim : Are the Government of India considering whether it is not desirable to ask the League of Nations to substantially reduce the contribution from India?

The Honourable Sir Nripendra Sircar : I am not prepared to answer that question just now, but speaking offhand, I would say that it is desirable.

Mr. D. K. Lahiri Chaudhury : The Princes are taking part in the delegation. Who is to meet the cost of the Princes?

The Honourable Sir Nripendra Sircar : I do not think that the Princes are charged any costs, beyond a fixed payment.

Mr. D. K. Lahiri Chaudhury : They are represented also in the League of Nations and what is the Government of India's contribution to the Princes, when they go there, towards their expenses?

The Honourable Sir Nripendra Sircar : A fixed sum is paid to the Prince, who may be a member of the Indian delegation.

Dr. Ziauddin Ahmad : May I ask whether the Government of India bear the entire cost of the delegation irrespective of the fact whether the members belong to the Indian States or British India?

The Honourable Sir Nripendra Sircar : My information is that a fixed sum is spent for the Prince.

Mr. S. C. Mitra : Is it not a fact that this contribution bears a certain percentage to the revenue of a particular State and its population, and that it cannot be fixed from other considerations?

The Honourable Sir Nripendra Sircar : To the best of my information, no.

Mr. Gaya Prasad Singh : Does the representation of India in the League of Nations mean the representation of British India only or British India plus Indian India?

The Honourable Sir Nripendra Sircar : It means India as a whole.

Mr. Gaya Prasad Singh : Should not the Indian Princes also be asked to contribute their share towards the expenses incurred on account of the League of Nations?

The Honourable Sir Nripendra Sircar : I want notice, because I have no information with me just now.

Mr. B. Das : Is it not a sad commentary on Government's financial policy that, before linking the rupee to the sterling, we paid nine lakhs of rupees and now we pay 14 lakhs?

Mr. President (The Honourable Sir Shanmukham Chetty) : It is not asking for information.

Mr. B. Das : Is it not a fact that, before the rupee was linked to sterling, we paid Rs. 9 lakhs and now we are paying 14 lakhs through the wrong financial policy of the Government of India?

The Honourable Sir Nripendra Sircar : What was paid in each year is a question of fact which can be ascertained from documents. I express no further opinion on that.

Mr. H. P. Mody : Is the Honourable Member in a position to inform the House whether the Government of India contemplate making a representation with regard to the reduction of the contribution?

The Honourable Sir Nripendra Sircar : I think I have answered that question. I cannot answer that definitely now. The question was by Sir Abdur Rahim. I want notice.

Mr. H. P. Mody : Sir Abdur Rahim's question was, whether Government considered it desirable to make a representation. I want to know whether the Government of India actually contemplate making any representation.

The Honourable Sir Nripendra Sircar : I am not prepared to answer that question just now without notice.

Dr. Ziauddin Ahmad : Are the Government of India contemplating making the best use of our contributions by giving effect to the recommendations of the delegation which they themselves send from time to time?

The Honourable Sir Nripendra Sircar : I do not think it arises, but the Government of India always contemplate doing the best for India.

Sir Abdur Rahim : If it is a fact that India is an original member of the League of Nations—and I believe that is so—then, is the Honourable Member prepared to explain to us what is the meaning of "original member"? Has India a voice in the League of Nations independent of that of Great Britain?

The Honourable Sir Nripendra Sircar : To answer that question, I require notice, because I have not come prepared to answer that as arising legitimately out of these questions.

Mr. Gaya Prasad Singh : Will Government seriously consider the question of asking the Indian States to make a contribution towards the expenditure of the League of Nations in view of the fact that the expenditure incurred by India in respect of the League of Nations represents, not only that appertaining to British India, but the Indian States as well?

The Honourable Sir Nripendra Sircar : I want notice. But I can answer now only one portion of the question, viz., whether they will seriously consider the question. Sir, if they consider it at all, they will do so seriously and not in a light-hearted manner. (Laughter.)

Mr. Gaya Prasad Singh : As usual!

Dr. Ziauddin Ahmad : Did the Government of India ever ask that India should have a permanent membership in the Council of League of Nations?

The Honourable Sir Nripendra Sircar : I want notice; I have not come prepared to answer all these questions.

ESTABLISHMENT OF MUSLIM CHAMBERS OF COMMERCE.

200. *Lala Rameshwar Prasad Bagla : (a) Are Government aware that a Muslim Chamber of Commerce has recently been established in Bihar and Orissa and that similar Muslim Chambers of Commerce are being opened in other Provinces?

(b) Will Government please state if they have recognised the Muslim Chamber of Commerce in Bihar and Orissa?

(c) Are Government prepared to consider the desirability of instructing the Provincial Governments to adopt in future such measures as may be deemed necessary to keep the two communities—particularly the commercial section—united?

The Honourable Sir Joseph Bhore : (a) The Government of India are aware of the establishment of the Bihar and Orissa Muslim Chamber of Commerce and also of the Muslim Chamber of Commerce, Calcutta, but have no information regarding the formation of Muslim Chambers of Commerce in other provinces.

(b) Yes.

(c) This is a matter for the communities and not for Government.

Mr. B. Das : Are Government aware that there is no communal colouring in trade and commerce? Is the Honourable Member aware that there is no communal colour in the sphere of trade and commerce all over the world?

The Honourable Sir Joseph Bhore : I am not aware that trade and commerce have any colour at all, Sir.

ARTICLE HEADED "COMMUNALISM IN JUDICIAL DEPARTMENT" IN THE *Sind Observer*.

201. *Mr. Lalchand Navalrai : (a) Has Government's attention been drawn to an article which appeared in the *Sind Observer*, dated the 5th June, 1934, under the caption "Communalism in Judicial Department"?

(b) How long do Government propose to continue their policy of recruitment in the Judiciary on a communal basis?

(c) Is it a fact that in certain provinces, like the Punjab, it has now been definitely made a rule that judicial appointments at least be filled on merit alone by open competitive examinations?

The Honourable Sir Harry Haig : (a) Yes.

(b) I presume the Honourable Member is referring to recruitment to the provincial judicial services which, as he is no doubt aware, is a matter the responsibility for which rests with the Provincial Governments.

(c) I understand that the Government of the Punjab have made rules regarding recruitment to the subordinate judiciary which aim at redressing communal inequalities. Candidates are selected by the High Court after considering the results of a qualifying examination, not a competitive examination.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether the point raised in clause (c) of the question has been or will

be referred to the Bombay Government and other Governments in order to ascertain their reply?

The Honourable Sir Harry Haig : No, Sir, I do not think that is the concern of the Government of India.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether it is not the duty of the Government of India to see that justice is properly given and that judicial recruitment is nicely made?

The Honourable Sir Harry Haig : The responsibility, Sir, for the administration of justice is laid primarily on the Provincial Governments.

Mr. Lalchand Navalrai : Is there no responsibility laid on the Government of India also in the matter if they come to know that the judiciary is deteriorating in the Provinces?

The Honourable Sir Harry Haig : I am not prepared to accept the assumption of my Honourable friend that the system of recruitment of the subordinate judiciary in the Provinces leads to any deterioration of the administration of justice.

Mr. Lalchand Navalrai : May I know—as I put this question and I also gave the testimony of a paper which says that it is deteriorating—whether the Government of India are prepared to see that the Local Governments are alive to the point?

The Honourable Sir Harry Haig : No, Sir. The Government of India propose to leave the matter to the Local Governments.

Mr. Lalchand Navalrai : May I take it from the Government of India that the Government of India are not prepared to take any action so as to correct any such impression in India?

The Honourable Sir Harry Haig : No, Sir. The Government of India are not prepared to accept the estimate of the Honourable Member.

Mr. Lalchand Navalrai : May I, therefore, ask if the Honourable Member is prepared to verify this fact to find out if there is any truth in it and, if so, to ask the Provincial Government to behave better—if there is any truth in the allegation?

The Honourable Sir Harry Haig : No, Sir. I do not think that the facts disclose any cause for an inquiry by the Government of India.

Mr. Lalchand Navalrai : I am very sorry.

IMPOSITION OF IMPORT DUTY ON INDIAN SUGAR BY THE KASHMIR STATE.

202. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state whether it is a fact that the Kashmir Government have imposed a duty of Rs. 2 per maund on imports of Indian sugar into their territory?

(b) If the answer to part (a) above be in the affirmative, how is it that the Government of India allowed them to do so when they are not charging any duty on imports of fruits, food-stuffs, etc., from that territory into British India?

(c) Have the Government of India, in view of the above step of the Government of Kashmir, decided to charge duty on imports into British

India of fruits, food-stuffs, etc., from Kashmir as in the case of foreign articles?

The Honourable Sir James Grigg: (a) The duty levied by the Kashmir Government on Indian factory sugar imported into Kashmir is at the rate of Rs. 1-12-0 per maund.

(b) In accordance with the treaty concluded with Kashmir in 1870, the Kashmir Government are within their rights in levying this duty.

(c) The answer is in the negative.

SHORT NOTICE QUESTIONS AND ANSWERS.

ALTERATIONS IN THE TERMS OF THE INDO-JAPANESE AGREEMENT.

Mr. Bhuput Singh: (a) Will Government be pleased to state whether there has been any alteration in the terms of the Indo-Japanese Agreement, recently signed in London, from those previously agreed upon in India between the Honourable Sir Joseph Bhore and His Excellency Mr. Setsuzo Swada? If so, what are those alterations?

(b) Are Government prepared to issue a communiqué in the matter to allay public apprehension?

(c) When is the full text of the Agreement expected to be published?

The Honourable Sir Joseph Bhore: (a) No alteration has been made in the terms of the Agreement and Protocol agreed upon in India though a few verbal and punctuative changes have been made at the instance of the Government of Japan and with the concurrence of the Government of India.

(b) In these circumstances Government do not consider it necessary to publish a Press Communiqué.

(c) A copy of the Convention with the Protocol will be laid upon the table today.

Mr. Muhammad Azhar Ali: Are such agreements outside the purview of this Legislature?

The Honourable Sir Joseph Bhore: I heard my Honourable friend, but I did not quite understand the meaning of his question.

Mr. Muhammad Azhar Ali: Are such agreements outside the purview of this Legislature? Do they not require the sanction of this

FLOODS IN ASSAM.

Mr. Abdul Matin Chaudhury: (a) Will Government be pleased to make a statement with regard to the devastation caused in Assam by the recent floods?

(b) Are Government aware that the resources of the deficit Government of Assam are too meagre to cope with this unprecedented havoc, and do they propose to render any financial assistance to Assam and, if so, in what way and to what extent?

Mr. G. S. Bajpai: (a) A statement giving such information as the Local Government have furnished is laid on the table.

(b) The Assam Government have asked for a grant of Rs. 1½ lakhs from the Indian People's Famine Trust. The Governor General in Council has notified to the Board of Management of the Trust the existence of general and severe privation over a considerable area in the Nowgong and Sylhet districts. The request of the Local Government will be considered by the Board. No application has been received for financial assistance by the Government of India.

Statement summarising the information on recent floods in Assam as furnished by the Local Government.

From the 13th to the 22nd June, there was almost incessant rainfall in these hills and the raingauge at Cherrapunji which overlooks the plains of Sylhet registered during the last three days of the deluge a rainfall of over 21, 25 and 36 inches, respectively.

Both in Nowgong and in the north of Sylhet, the floods attained an unprecedented level. The areas affected are poor in communications. With the havoc caused by the floods communication has become extremely difficult. District officers have inspected the areas which were accessible and responsible officers have been deputed to survey the less accessible areas. It will take some time before final reports are received from the latter. Meanwhile it is possible to imagine conditions in the interior from the reports relating to areas visited by local officers.

In Nowgong, the whole area between the hills and the Kopili was for the most part submerged and cut off from the rest of the district. The Assam-Bengal Railway line running through this portion is breached and through communication is not likely to be resumed for the next two months. There are breaches in the Chaparmukh-Silghat line and in the few public roads that served the affected area. The rise in the water was so rapid that the utmost that the people could do was to save their lives. Not many persons are reported to have been drowned, but the number of cattle carried away by the floods must be considerable. The total number of families who have nothing to live on is estimated to be about 12,000 to 15,000. Gratuitous relief will be needed in most of these cases for at least two months: it will be required longer in the case of those who live in parts which are very lowlying. In Sylhet the effects of the flood were serious though not so disastrous as in Nowgong.

The Government of Assam are meeting the situation as best as they can. Apart from placing the relief work on a satisfactory basis, the efforts of local officers are concentrated on procuring cattle and seed so that as soon as the water subsides the people may be enabled to resow as extensive an area as possible. The Deputy Commissioners have been authorised to incur such expenditure as may be necessary for the immediate relief of distress. They have also sanctioned a sum of one lakh of rupees for agricultural loans in Nowgong and are awaiting an estimate of the amount needed for this purpose in Sylhet. They will in due course consider proposals of suspension and remission of Government dues. Facilities are being afforded to the people to take timber free from Government forests for the reconstruction of houses. Relief Committees have been formed locally but in view of the financially depressed condition of the people it is feared that the response will be poor. His Excellency the Governor has placed at the disposal of each of the Deputy Commissioners concerned Rs. 10,000 out of the balance of the 1929 Cachar Flood Relief Fund.

The area affected is wide and the losses will run into lakhs. Without including the heavy expenditure which the Government must incur later in replacing cattle and seed grain, the minimum estimated requirements for gratuitous relief alone are a lakh and a half.

Mr. Abdul Matin Chaudhury : Will the Honourable Member give us any approximate date by which the meeting of the Board will be held ?

Mr. G. S. Bajpai : Sir, the Board is really independent of the Government of India, but I have no doubt that as soon as the Secretary, who is away on tour, returns to headquarters, a meeting will be convened.

Mr. B. Das : Are Government prepared to consider any representation that will be made by the Government of Assam for any subsidy from the Government of India towards the floods ?

Mr. G. S. Bajpai : That seems to be a hypothetical question, Sir.

Mr. B. Das : Did not the Honourable Member say that no representation had been received from the Government of Assam for a grant from the Government of India ?

Mr. G. S. Bajpai : That was a statement of fact.

Mr. B. Das : Are Government prepared to grant any subvention to Assam if an application for a subvention is made by that Government ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question is hypothetical.

Who, having communicated their full powers, found in good and due form, have agreed as follows :—

ARTICLE 1.

The territories to which the present Convention applies are, on the part of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, British India, together with States in India which, by treaty with His Majesty the King or otherwise, may be entitled to be placed with regard to the stipulations of the present Convention on the same footing as British India (such territories being hereinafter referred to as India) ; and on the part of His Majesty the Emperor of Japan, all the territories and possessions belonging to or administered by His Majesty the Emperor (such territories being hereinafter referred to as Japan).

ARTICLE 2.

Articles produced or manufactured in the territories of one of the High Contracting Parties, on importation into the territories of the other, from whatever place arriving, shall not be subjected to duties or charges other or higher than those imposed on like articles produced or manufactured in any other foreign country.

ARTICLE 3.

Notwithstanding anything contained in the present Convention, the Government of India shall have the right of imposing or modifying from time to time special customs duties on the importation into India of articles produced or manufactured in Japan, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of India may consider to be necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee subsequent to the 31st day of December, 1933 ; provided that no modification in any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of Japan to modify such special customs duties, the Government of India shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in Japan, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee on the duty-paid value of articles produced or manufactured in Japan and imported into India.

Reciprocally, the Government of Japan shall have the right of imposing or modifying from time to time special customs duties on the importation into Japan of articles produced or manufactured in India, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of Japan may consider to be necessary to correct the effects of any variation of the exchange value of the rupee relative to the yen ; provided that such right shall not accrue to the Government of Japan so long as the exchange value of the rupee relative to the yen is not below the value of 0.732 yen, and that no modification of any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of India to modify such special customs duties, the Government of Japan shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in India, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the rupee below 0.732 yen on the duty-paid value of articles produced or manufactured in India and imported into Japan.

ARTICLE 4.

While reserving to the Government of India and to the Government of Japan the right to make such changes in their customs tariffs as may be necessary for the protection of their own interests, the High Contracting Parties agree that when any modification of its customs tariff by either country results in the trade interests of the other being adversely affected in any appreciable measure, the Governments of the two countries shall, upon the request of the Government of the country adversely affected, forthwith enter into negotiations with the object of reconciling as far as possible the interests of the two countries.

ARTICLE 5.

The present Convention shall be ratified. The instruments of ratification shall be exchanged in London as soon as possible. The date on which the instrument of ratification of each the High Contracting Parties has been completed will be communicated to the other through diplomatic channels, and the present Convention shall enter into force, in advance of the exchange of the instruments of ratification, as from the date on which the later of the two communications required under the present Article shall have been made.

ARTICLE 6.

The present Convention shall remain in force until the 31st day of March, 1937.

In case neither of the High Contracting Parties shall have given notice to the other six months before the said date of his intention to terminate the Convention, it shall continue operative until the expiration of six months from the date on which either of the High Contracting Parties shall have given notice of termination to the other.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For India :

L. S.

John Simon.

L. S.

Samuel Hoare.

For Japan :

L. S.

T. Matsudaira.

PROTOCOL.

At the moment of proceeding this day to the signature of the Convention regarding the Commercial Relations between India and Japan, the undersigned Plenipotentiaries, being duly authorized to that effect, have agreed as follows regarding the importation of Japanese cotton piece-goods into India :—

ARTICLE 1.

For the purposes of the present Protocol :—

the expression " cotton year " means a year beginning on the 1st day of January ;

the expression " cotton piece-goods year " means a year beginning on the 1st day of April ;

a cotton piece-goods year and the cotton year in which that cotton piece-goods year begins are referred to as " corresponding " ; and

the expression " yard " means a linear yard.

ARTICLE 2.

The customs duties to be imposed on importation into India of cotton piece-goods manufactured in Japan shall not exceed the following rates :—

(a) plain greys—50 per centum *ad valorem* or 5½ annas per pound, whichever is higher ;

(b) others—50 per centum *ad valorem* ;

If hereafter the Government of India should decide to impose a specific duty on cotton piece-goods other than plain greys, it will not impose on such piece-goods being the manufacture of Japan, a specific duty exceeding 5½ annas per pound.

ARTICLE 3.

(1) If in any cotton year 1 million bales of raw cotton are exported from India to Japan, the quantity of cotton piece-goods which may be exported from Japan to India in the corresponding cotton piece-goods year shall be a basic allotment of 325 million yards.

(2) If the exports of raw cotton from India to Japan in any cotton year are less than 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment diminished by 2 million yards for every 10,000 bales of the deficit or for any residual quantity thereof exceeding 5,000 bales.

(3) If the exports of raw cotton from India to Japan in any cotton year exceed 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment increased by 1½ million yards for every 10,000 bales of the excess or for any residual quantity thereof exceeding 5,000 bales ;

Provided that the allotment of cotton piece-goods shall not in any case exceed 400 million yards for any cotton piece-goods year.

(4) If the exports of raw cotton from India to Japan in any cotton year exceed 1½ million bales, the excess shall be added to the quantity of raw cotton exported from India to Japan in the following cotton year for the purpose of determining the allotment of cotton piece-goods for the cotton piece-goods year corresponding to such following cotton year.

(5) For the purposes of the calculations under the present Article and under Articles 4, 5, 6 and 7, any raw cotton or cotton piece-goods which have been imported and then re-exported shall be excluded.

ARTICLE 4.

(1) The allotment of cotton piece-goods which may be exported from Japan to India during the first half of any cotton piece-goods year shall be 200 million yards ;

Provided that, if in the first half of any cotton piece-goods year the exports of cotton piece-goods from Japan to India exceed the allotment for the whole of that cotton piece-goods year, the allotment for the first half of the following cotton piece-goods year shall be 200 million yards less such excess.

(2) The allotment of cotton piece-goods which may be exported from Japan to India during the second half of any cotton piece-goods year shall be the annual allotment for that year less 200 million yards ;

Provided that, if the quantity exported from Japan to India in the first half of any cotton piece-goods year is less than 200 million yards, as increased or diminished under Article 5, the allotment for the second half of that cotton piece-goods year shall include the quantity of the deficit up to a quantity not exceeding 20 million yards.

ARTICLE 5.

Notwithstanding anything hereinbefore contained,

(a) If less than the allotment for any cotton piece-goods year is exported from Japan to India in that year, the quantity of the deficit up to a quantity not exceeding 20 million yards may be exported in the first half of the following cotton piece-goods year in addition to the allotment for that half-year ; and

(b) A quantity not exceeding 20 million yards of cotton piece-goods may be exported from Japan to India in any cotton piece-goods year, other than the cotton piece-goods year in which the present Protocol terminates, in addition to the allotment for that year ; but such excess shall be deducted from the allotment for the first half of the following cotton piece-goods year.

ARTICLE 6.

If the present Protocol should come into effect at any time other than the beginning of a cotton piece-goods year, the first cotton year shall for the purposes of the Protocol, be deemed to begin on the 1st day of January, 1934, and the first cotton piece-goods year on the 1st day of April, 1934.

THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL. 213

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir James Grigg (Finance Member) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the imposition and collection of an excise duty on mechanical lighters.

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

The Honourable Sir Harry Haig (Home Member) : Sir, I move (Applause) :

“ That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be taken into consideration.”

There have been alarming rumours of portentous speeches under preparation over the week-end. I trust, Sir, that those rumours are not, in fact, well-founded. I do not propose myself to occupy the time of the House very long, for I claim that the issues raised by this Bill are simple and, on the whole, are very familiar to the House. But I would make this preface. As I rise to initiate this debate, I am reminded of another debate in this Chamber two years ago. The occasion was a motion for the adjournment of the House arising out of the second murderous attack that had just been made on Sir Alfred Watson following very closely on an attempt at indiscriminate massacre of a harmless social gathering of Europeans and Anglo-Indians at the Railway Institute at Pahartali near Chittagong. The House, Sir, on that occasion was, I think I may say, deeply moved with feelings of horror and shame. I remember the then Leader of the House, Sir C. P. Ramaswami Aiyar, saying that he felt ashamed that an Indian should have done this and he urged everyone in the country to come together and get rid of this terror. That was the general feeling of the House. The question that everyone was asking was—how can we help? I would like to refer, if I may, to words spoken on that occasion by the Honourable the Leader of the Opposition, words with which I personally was in full agreement. He said :

“ If it were in the power of any one of us or any group of this House, whether on this side or on the other side, to suppress this movement, we would have done it. It is a subterranean movement; it is a secret conspiracy. We do not know how it works, and if it is the business of any one to find out, it is the business of those who have got power at their command, who have got the means and the resources of finding out what is wrong.”

And, a little later, he said :

“ No one has been able to suggest what men like ourselves can do to help the administration. It is primarily for them to find out the remedies.”

Well, Sir, I agree with those words. It is for the Government to devise the remedies, but I do urge that it is for this House to give us the powers. Here is an opportunity for the House to give the Government the help it needs. It is true that our feelings this morning are not so moved as they were during that debate two years ago. It is natural that people feel very deeply immediately after an outrage of that kind, but I would ask the House not to allow its feelings to cool too much and not to require any continuous stimulus of actual outrages in order to maintain their serious anxieties in this very acute problem.

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[Sir Harry Haig.]

Now, Sir, with that preface, I come to the Bill. The nature of the Bill is very simple. In 1932, this House passed a Bill, known as Act No. VIII of 1932, to supplement the Bengal Criminal Law Amendment Act of 1930, and it provided that this Supplementary Act should remain in force for a period not exceeding three years. The proposal of our Bill is simply this, that that time-limit should be removed. The necessity for the Bill arises out of the action that has been taken in Bengal. The powers under the Bengal Criminal Law Amendment Act of 1930, to which our Act was supplementary, have now, by a recent Act of the Bengal Legislative Council, been made permanent. At the time that this time-limit was inserted in our Act, the Bengal Criminal Law Amendment Act was due to expire in 1935, and, therefore, our Supplementary Act with its three-year time-limit more or less covered the period still remaining for the Bengal Criminal Law Amendment Act as it then stood. Now it does not, and that is the immediate occasion for our introducing this Bill. I understand that it has been made a matter of some comment that we have introduced the Bill in this Session and have not waited until the next Session of the Assembly. I think the answer to that is very simple. Our existing Act expires in April, 1935. If we did not dispose of this Bill in the present Session, we could not take it up till February or March, 1935.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Why not earlier than that ?

The Honourable Sir Harry Haig : How much earlier would the Honourable Member suggest ?

Mr. Gaya Prasad Singh : In the January Session, for instance.

The Honourable Sir Harry Haig : Will the Honourable Member undertake to dispose of the matter before the end of January ? I know very well that the Honourable Member can give no such undertaking. But even so, that would be a quite unsatisfactory solution. I would ask Honourable Members to remember that we have under detention at Deoli something like 500 persons. The accommodation for 500 persons is very extensive. The preparation of that accommodation takes a very considerable time as we ourselves experienced when we were preparing these buildings at Deoli. The Government of Bengal have no accommodation for 500 additional detenus. It would be quite impossible for us to leave the Government of Bengal in doubt and ourselves in doubt up to within a month or two of the expiry of these powers whether they are to be extended or not.

Now, Sir, I come to the provisions of the Bill which we desire to extend. The main provision is a power to detain detenus outside Bengal. I would remind the House that this Bill does not give a power of detention which does not already exist. The power to hold these people in detention is a power that has been given by the Bengal Act. It is not given by this Act. Our Act is merely concerned not with the fact of the detention, but with the place of detention. The principle that power should exist to detain detenus outside Bengal, was accepted by the House in 1932 at a time when I should say the implications and the menace of terrorism were hardly as fully appreciated in the country as they are now. The reason for detaining these men outside Bengal are briefly that the Bengal

Government finds it a matter of the greatest difficulty at the same time to wage its campaign against terrorism and to keep in effective segregation such large numbers of dangerous men living in surroundings with which they are thoroughly familiar and among people with whom they have close relations. Experience showed that they used to communicate with friends outside and they actually were able to hatch conspiracies and the Bengal Government felt very strongly that they could not cope with the measures required for dealing with this menace unless they could be relieved to a certain extent of this obligation, and the worst or what they considered to be the most dangerous of these detenus were removed to an isolated locality where conditions, such as those prevailing in Bengal, would not exist. I would just remind the House of a few figures. The total number of detenus in jails and special camps is, I think, something between 1,500 and 1,600, and the number that we have at Deoli is approximately 500. The House will, therefore, recognise what a very large element in the problem this camp at Deoli is. When this matter was debated in 1932, some criticism was made of the Bengal Government that they ought to be able to make efficient arrangements to look after these men. I think those criticisms did not do full justice to the very grave difficulties that are inherent in the problem. But I would like to mention that even in the remote Province of Madras, which had, I think, eight of what we considered the most dangerous Bengali State Prisoners, it has been found as a result of a trial that it was not possible even in Madras to prevent these men associating with other revolutionaries and in fact hatching conspiracies. I have here a rider by the jury in a recent conspiracy case in Madras. They said :

"We believe the evidence before us in relation to the lack of discipline in Trichinopoly jail and wish to record our surprise that violent revolutionaries were allowed to influence certain of the accused to inaugurate this conspiracy."

I merely mention that point in order to illustrate the fact that it is very difficult under normal conditions to prevent these men from communicating with others outside or in the jails. Now, Sir, I think a further advantage that we have from this power to detain the detenus outside Bengal is that it is in accordance with the elastic system which is at the root of the Bengal Criminal Law Amendment Act. The Government of Bengal do not desire that every one, whose liberty they feel it necessary to restrict, should be treated in exactly the same way. They realise that there are degrees, that there are great differences between these young men, that some of them are only at the beginning and that others are very deeply involved in the conspiracy. They have a system of what is called home domicile for those who are the least dangerous. These young men are merely directed to live in their own homes. Then, there is the system of what they call village domicile in which they are directed to live in a village, not their own, but otherwise their liberty is not restrained. Then the next grade are those who are in special camps or in jails in Bengal. Those who are regarded as the most dangerous are sent outside Bengal to Deoli. So much for the power of detention outside the province.

Now, the second power given by the Act, which we propose to continue, is the barring of the *Habeas Corpus* powers of the High Court. That has always been considered an essential complement of legislation of the type contained in the Bengal Criminal Law Amendment Act. It is a matter which has been discussed, I will not say threadbare, for I think it is one

[Sir Harry Haig.] of those subjects in which lawyers find always something fresh to say, but at any rate it has been discussed repeatedly. With regard to the technical points, I hope that if Honourable Members opposite raise any question, my Honourable friend, the Law Member, will be able to answer them; but, put in untechnical language, the justification is simply this. The Bengal Criminal Law Amendment Act says in effect that, owing to the nature of this secret conspiracy, we are not in a position to put into Court the evidence we have against these men. We must have the power to detain them without putting the matter before a Court. Well, if that is once accepted, it is obvious that we cannot allow the High Court to question the action taken, because the High Court can only question it by asking the executive, what is the evidence on which you have put these men under detention and that *ex hypothesi* is exactly what cannot be produced. That briefly is the case for barring the *Habeas Corpus* provisions of the Criminal Procedure Code.

Now, Sir, I may reasonably be asked what are the general conditions that have necessitated the removal of the time-limit from the Bengal Act. That is really the justification for the measure I am inviting the House to pass. This involves some review of the situation. I think it is fair to say that we have, during the last 18 months, by unremitting pressure, been gradually getting control over the movement. First of all, it could hardly be said that we were doing more than holding it. Latterly it would seem that we have been making some impression on it. But with much that was encouraging, the Government of Bengal, at the beginning of this year, felt that there was still much to be done. Recruitment was still going on. The spirit of the conspiracy was still alive and active. Moreover, in spite of a definite improvement, it is clear to every one that we still have a long way to go. I need hardly remind the House that only this year we have had two attempted outrages for which we have to thank Providence that there was no actual loss of life, but the escapes in both cases were very providential. The first was at Chittagong when a party of four young men attacked a gathering of Europeans,—men, women and children, who had been looking on at a cricket match. They attacked them with bombs with the intention of massacring them indiscriminately. Fortunately, none of the intended victims were killed. And then it is only within the last few months that there was that deplorable attack on the life of the Governor of Bengal. When the Government of Bengal earlier in this year introduced their new Bill, one of the most important points in that Bill was the making of their existing powers permanent. Time after time the temporary nature of the provisions has encouraged the terrorists to hope that they only had to hold out for a limited time and they would again get their chance. I wonder if we remember that this conspiracy has been going on for nearly 30 years. Each time, when the conspiracy has been brought under control, the powers have been surrendered and the organisation has started working again. It is easy to be wise after the event, but looking back it may seem that this has been a fundamental mistake in the policy of Government in the past, a mistake into which they have been led by precisely those arguments of optimism and confining our action to the very minimum required, which we shall no doubt hear in this debate. I have said it is easy to be wise after the event, and, therefore, a heavy responsibility rests on those who, even after the event, refuse to be wise who misunderstand and reject the teachings of experience. The

Bengal Legislative Council accepted the arguments which the Government of Bengal put before them on this issue. The motion for rejecting the proposal to make the powers permanent was thrown out in the Bengal Legislative Council by 63 votes to 12; and amendments for a merely temporary extension were lost without a division.

We have never held, Sir, that these measures, which are often described as repressive measures, would alone bring the movement to an end, though we have held and still hold that they are the essential foundation in the fight against terrorism. Something more is needed, and I am glad to say that, within the last few months, there seem to be definite indications that that is beginning to materialise. It is not the first time I have said in this House that what is wanted is the development of an active and vigorous public opinion in Bengal which will destroy any deliberate or merely sentimental sympathy with those who are not only criminals, but I would hold, are evidently enemies to their own country and indeed to their own families on whom they bring sorrow and disgrace. The Government of Bengal are very fully alive to these considerations. They are working actively to encourage that public opinion which perhaps was called forth first unmistakably by the senseless outrage on His Excellency the Governor, Sir John Anderson, a man who it was felt had worked ceaselessly and whole-heartedly for the good of the people of the Province, who had analysed and understood the root causes of their discontent and was devoting his remarkable energies to devising a remedy. But while the House may rest assured that the Government of Bengal are fully alive to all the advantages that can be derived from the awakening of public opinion, I would ask them to remember that the Government of Bengal also regard it as essential to continue, without a time-limit, the powers they possess for dealing with this movement, and, in pursuit of that policy, they require and ask for our assistance. I feel convinced that this House will not deny them the help they need.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be taken into consideration."

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, I want to ask a question of the Honourable the Home Member. The Honourable Member has made no reference in his speech to the conditions of detention at Deoli. He realises there have been innumerable questions on the floor of this House with regard to these conditions. Will the Honourable Member make a statement as to the steps Government have taken to remove all reasonable complaints with regard to the mode of treatment of the detenus?

The Honourable Sir Harry Haig : I thought, Sir, that the answers that I have given to the very numerous questions had proved satisfactory to the House. They certainly appeared to be satisfactory to Government. But, if, in the course of the debate, these allegations and complaints are revived, I shall, of course, deal with them when closing the debate.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Sir, I move :

[Mr. S. C. Mitra.]

Sir, in making this motion, I stand on the constitutional right of trying to obstruct the passing of any obnoxious and repressive measure which, I consider, is detrimental to the best interests of the country, both for the Government and the governed. I shall presently show that there are reasons why I move that even by circulation for a short period Government may be better advised not to proceed with such a measure. Before I go into the merits of this motion, I would like to draw your special attention to the fact that when this kind of Bill is brought before this House, we on this side are supplied with a mere sheet of paper like this—it may be called a one clause Bill—actually there are only two clauses, one is the short title and the other merely says that a certain sub-section in the original Act shall be omitted. The Members are not supplied with a copy of the Act to which this is a mere amendment. In some cases, particularly in connection with this Bill, I can maintain that the mere supply of the Bill is not sufficient, because the Act also, on which this is based, was a substantive Act covering 15 sections and two Schedules, and, therefore, the Members of the House are not in a position to deal satisfactorily with the Bill which is now presented, unless they are supplied with copies of these two Acts also. I remember, on one occasion, the attention of the Honourable the President was drawn, and the Legislative Department agreed that on such occasions Members would be supplied with the necessary copies of the original Act also and of the Act to which this is supplementary. I make a special grievance—it is not a mere formal grievance—I have heard from Members that they tried to get copies from the Library of the House—I myself could not come earlier, because I was ill and even today I am ill—but when I came and asked on Saturday for a copy, I was told by the Librarian that the two or three copies that were available had been sent out. It is impossible, therefore, to do justice to such an important measure if the House is treated in this way, by whom I do not know or whose responsibility it is,—the Legislative Department or the Home Department—but I appeal to you, Sir, that this House is not in a position to deal with this Bill if they are to be treated with this scant respect. I challenge most Members in the Opposition here to tell me what are the provisions in this Bill or of the Act of 1932.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : We have only our recollection to fall back upon.

Mr. S. C. Mitra : That may be enough for Mr. Neogy who knows something about these matters, but I challenge many others who do not understand even the A. B. C. of what is now going to be discussed.

Mr. Gaya Prasad Singh : Why do you challenge us ? We are with you.

Mr. S. C. Mitra : It is not your fault as I say ; and I appeal to the Honourable the President, as the custodian of the rights and privileges of the House, that the House should not be deprived of doing justice to a Bill like this if they are not provided with copies of the Original Acts or Bills.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Of course the Chair understands the purport of the complaint of the Honourable Member ; but does he mean to suggest that whenever an amending Bill,

is introduced, then copies of the original Bill, of which this is an amendment, should be supplied to all Honourable Members ? If that is what he means, that has never been the practice of the House, at least during the last eleven years that I have been here.

Mr. S. C. Mitra : If sufficient copies are available in the Library, I shall be the last man to complain ; but I say this is something special. Several of my friends, I am certain, do not know what are the provisions of the Acts—only this morning through the kindness of my friend, Mr. Amar Nath Dutt, I could get a copy—I myself did not know what are the provisions which I should have to deal with ; in the Assembly Library itself copies of the Acts are not available.

Mr. President (The Honourable Sir Shanmukham Chetty) : That is quite a legitimate point, and if that is the complaint that sufficient number of copies of these original Acts are not available in the Library, then the Chair will see that sufficient number of copies are made available in the Library.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I made a similar request last time in connection with some other Bill, that copies of the original Acts are not available and there is a race for books from the Library, because there are only two or three copies ; and it is an injustice to us, and it is not correct that we should be asked to give our opinions when the original Acts, of which the amendments are before us, are not available.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I remember, on at least two previous occasions, when Supplementary Bills were introduced to supplement Acts passed by the Bengal Council, that the original Acts of the Bengal Council were supplied to us. For instance, at the time when the Supplementary Bill regarding the Bengal (Suppression of Terrorist Outrages) Act was introduced in this House, at my request Sir Lancelot Graham supplied a copy each to all the Members, and, subsequently, on another occasion also, a similar provision was made.

Mr. S. C. Mitra : Now, proceeding to the merits of this Bill, I shall read for those who care to understand this Bill the provisions therein : They run thus :

“The second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted.”

If anybody has not been enlightened, it is not my fault. That is the whole clause. I shall now read section 1 of the Act of 1932. That Act says :

“This Act may be called the Bengal Criminal Law Amendment Act of 1932 : it shall remain in force for a period not exceeding three years.”

That is all. Does it enlighten any Member about the scope and functions of the Bill under contemplation ? The second clause says that power is given to order custody in jail outside Bengal. Another section, as the Honourable the Home Member said, deals with the *Habeas Corpus* provisions allied to section 491 of the Criminal Procedure Code. This Act VIII of 1932 in its Preamble says :

“Whereas it is expedient to supplement the Bengal Criminal Law Amendment Act, 1930 ; it is hereby enacted as follows :”

[Mr. S. C. Mitra.]

So, to do justice to this Bill, one must understand the provisions of the Bengal Act, VI of 1930, which primarily deals with the question of political suspects connected with terrorism. At the very beginning, I must disabuse the minds of the Honourable Members, at least on this side of the House, that the whole series of Acts deal not with any person who is convicted for any offence, not even by a special tribunal, but for mere suspects. Government admitted, times without number, that they are not in a position to say that 100 per cent. of these suspects are really guilty or that a conviction could be had in a Court of law if proper evidence could be given against them. The highest that the Government can put their case at, is that they are suspects only. That is one point which, at the very outset, I would like to make clear to the House.

Then, I would like to make my own position clear. The Honourable the Home Member, at the very beginning wanted to prejudice this House by telling a series of murders by terrorists and anarchists in the Province of Bengal. I admit, and I have asserted more than once, and it is for the Government to believe or not, that there is no difference between the Government Benches and the Opposition on this fundamental point, that if there is abnormal crime, crimes of anarchism or revolutionary crime, certainly any Government, civilised or uncivilised, should have power to deal with it. There is no question on that point. Why is this question raised every time, with a view to prejudicing the House? We have no sympathy with terrorists. I have said on the floor of this House,—have any enactment passed, get any law you like passed and try to eradicate this evil. My fundamental difference with my friend, Sir Harry Haig, was that this would not really tackle the main question. I appealed to him, times without number, that you might exhaust your means, you are now intoxicated with power; you can do anything you like; you have a free hand. Neither the Bengal Government, nor the non-officials in Bengal, nor the non-officials in this House ever stood in your way. You had, to your satisfaction, all laws passed, repressive or oppressive, that you thought proper. We agree with you that if by any means by passing this sort of legislation you can successfully tackle this evil, then get this measure passed. But I appeal to my Honourable friend, on the eve of his retirement as Home Member, and taking up a higher place, to consider if, by passing such measures, he will be able to put an end to this evil. Even after the drastic Act of 1934 was passed, he told the House that there were two more outrages. Sir, we condemn these outrages as much as he does. As a matter of fact, we feel, more than the Honourable the Home Member does, for our country, because it is we who will have to deal with our people in future. We do want constitutional Government, and, as I said before, he will be inimical to the best interests of India if he persists only in passing these legislations instead of dealing with the real causes that give rise to these evils. Sir, who does not agree that when there are symptoms, these unhealthy exhibitions in the body-politic, drastic measures must be taken recourse to? Who is the man with any responsibility who will say that drastic measures should not be adopted? We say, do adopt all possible measures to check this evil; but, at the same time, we do ask you to go into the real causes of these anarchical crimes. Where are the laws or legislations which can keep a man away from committing a murder?

Where are the laws that can keep a man away from committing even the most brutal crime? Where is the law which can stop a man who is determined to kill or take away even the most precious life, like that of our Governor, who is loved by every man in Bengal,—where is the law which can stop a man who is determined to take away another human life with a pistol in one hand to shoot his enemy and with poison in another hand to kill himself? Are you honest in saying that by all your repressive measures you have succeeded in stopping the spread of this evil in the country? Do you think that by passing all these oppressive and repressive measures you show greater sincerity for the good government and peace of the country, that you are more concerned with the country's interests? I know it was said that when the last attempt was made on the Governor's life at Darjeeling, the police was not efficient. It may be argued that there should be collective fines imposed on the police just as they are imposed on the people of Chittagong, because, with all these wide powers, they could not check this attempt. That is a reasonable attitude, but I do not agree with it. With all the efficiency of the police, with all their determination to stop such crimes, the police could not stop the attempts of the mad man who was determined to murder his opponent with a pistol in one hand and not to spare himself by taking poison in another hand. It is not a question for a day-to-day statesman to deal with; it is a psychological question and it is also an economic question. You pass some laws and you put some people in jail, and you think by that means you will be able to solve the whole problem. Now, there are people in jail numbering in all about 2,000 or so for the last two or three years. You had no evidence whatever against any one of them; there was only some whisper of suspicion from some police spy, and so you have kept them in prison. Is it not time,—I appeal to you, Sir Harry Haig, before you leave your office that you should now try different methods? I have appealed to you several times before and said that anarchism in Bengal can be stopped, but who will care to hear me? I know that when you exhaust all your measures, the time will come when you will change your methods. I have approached you in private,—I put it before the House now,—there are ways by which this anarchism can be stopped in Bengal.....

The Honourable Sir Harry Haig : The Honourable Member seems to be entirely ignoring one important part of my speech in which I made it clear that it was not the whole policy of the Government to carry out these measures; that this was the essential foundation, but that other measures were required and that the Government of Bengal were actively interesting themselves in the matter.

Mr. S. C. Mitra : I wanted to hear all these details, but for an emergency you are now proposing permanent measures which will insult the Statute law of India for all time. You have put before the House that capital punishment.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member should address the Chair.

Mr. S. C. Mitra : I beg your pardon, Sir. In 1934, an Act has been passed providing for capital punishment for possession of fire arms, for putting heavy fines on guardians and parents, whether they are responsible or conscious of the acts of their wards or children or

[Mr. S. C. Mitra.]

not. There are also provisions in this Act to arrest a person without warrant, to search a house, and there is a provision in it which says that no suit, civil or criminal, can be instituted against any officials for any of the actions that they may take. Sir, very extensive powers have been given to District Magistrates to occupy any place, and penalty has been provided for possession of what is considered by Government as undesirable literature. Now, all these provisions have been made, but what I maintain is that these measures can only be supported as temporary measures. They can never be tolerated as permanent measures, because they will be an insult to the whole nation. When all these measures have proved futile in the past, is it not time for the Government to take the people into their confidence and see how this evil can be eradicated, which is a point on which there can be no two opinions either in Bengal or anywhere else in India? Sir, we in this House today are asked particularly to deal with those prisoners who are sent out of Bengal to other Provinces. The Honourable the Home Member has referred in this connection to my past criticism. If it is a reflection on anybody, it is a reflection on the inefficiency of the jail authorities and the police of Bengal. How is it that when a civilized Government like ours has taken all powers that one can contemplate, they cannot put a stop to having communication by these few suspects with outsiders? Is it not a ludicrous thing to contemplate that when this Government have absolute powers like the powers of the Czars of Russia, they feel helpless to make adequate provision even in their jails, to prevent the few suspects in the jails from communicating with other people either inside or outside the jails? That is the burden of the argument of the Honourable the Home Member for externing these political suspects from Bengal. What is Bengal after all? Is Bengal a little town like the city of Simla? Is it not a big Province, bigger than many of the continental countries in Europe who are original members of the League of Nations? Is not Bengal such a country that contains many hills and detached places near about, where you could certainly provide detention camps, as you have at Deoli? Why don't you have detention camps for these people in Bengal itself? Why do you use these merely flippant and unreasonable arguments to support your case and say that the Bengal Government has failed to make provisions to prevent these few suspects from having communication with others, either inside or outside the jails? When the Government have spent lakhs of rupees in erecting jails at Deoli and Hijli, when they have spent thousands of rupees for the travelling expenses of these suspects, why can't they spend some amount for building jails in Bengal itself like those at Hijli and Deoli? Is it the argument that in a vast Province like Bengal there is not a locality round which for 10 or 15 miles there is no habitation? Why is it necessary that the boys must be transferred to an uncongenial climate in Rajputana, in Ajmer or in the Punjab and Central Provinces? I shall later on give details of some of these cases, but, as regards the fundamental point, I hope the House will try to get from the Honourable the Home Member more conclusive arguments to convince them to vote for such a foolish measure when the Bengal Government is now invested with very large and absolute powers. Whatever the law they wanted, they got it passed by the Local Legislature and the Central Legislature, and why could they not

control these few people communicating with people inside and outside the jail? Then the Government had to admit that the detenus were doing the same thing in Madras and other Provinces. They do it in Bengal, and if, as the Home Member says, the detenus do the same mischief in Madras, I do not find why they are transferred at all.....

The Honourable Sir Harry Haig : It is a question of fact. We have, in fact, found that these communications are not made in Deoli.

Mr. S. C. Mitra : The only safe place in the whole of India is Deoli where no communication is possible, and in other places it is not safe! My Honourable friend says that he had no information about any communication with outside people from Deoli, but I shall be divulging no secret when I say that a very high official of Bengal, who is likely to know as much as the Honourable the Home Member, has said that he has heard of communications with outside people from Deoli, from these detenus as well, and, therefore, they must be kept permanently under detention. This information I derived from a personal talk I had with some big officials who are interested in these matters. They are complaining that they must continue to keep these boys for 20 years and more and crush their spirit, and that there is no other way out of it.

An Honourable Member : Is it an official?

Mr. S. C. Mitra : A high Government official who is likely to know as much as or even more than Sir Harry Haig. So, the main argument about transferring the detenus outside their Province, as I have said on the last occasion, is not convincing. The present condition is entirely ruining the health and the future prospects of these suspects. The Home Member knows full well that they are now in Deoli jail for more than three or four years. What are the prospects, what is the future career, what will be the condition of their health when they will be released—these are serious considerations to which times without number I have tried to draw the attention of the Home Member. I repeat those prayers and supplications again. Don't keep a class of men, very brilliant,—they are self-sacrificing, they are misguided if the allegations of Government are correct, but they are mere suspects. I hold that many of them are certainly innocent and some may be guilty, but Sir Harry Haig thinks that most of them are guilty and very few are innocent. Till they are judged by a competent Court of law as guilty, I as an honourable man should be the last person to consider even a single one of them as guilty.

What are the real remedies by which Government intend to combat this malady, this disease in the body-politic in this country? As an emergency measure, we are for the passing of such legislation. But has it not failed after the detention for years together of every suspect, and should it not convince the Home Member and his Government that unless the disease is rooted out and a true diagnosis is made—we have always offered our co-operation, we are always willing to help Government, because it is more to our interest or as much to our interest as of the Government to get rid of this evil? I will give a few cases to this House in order to enable it to understand what happens to these poor fellows. Only the other day, I got news of a lady who was being treated for cancer by Dr. Bidhan Chandra Roy, one of our eminent physicians. Her only son is a detenu at Deoli; I think his is the only case of a detenu who has been allowed to go out for a fortnight or a week

[Mr. S. C. Mitra.] He is the only son of his mother and has got no brothers or sisters or uncles, or any other relation in life, except his poor mother. She is suffering from cancer and the doctors declared that death was sure, it was only a question of days. Government were kind enough in that one peculiar case to grant permission to see the mother. The poor boy went to see his mother; he saw that she was approaching her end, but fortunately or unfortunately the mother could not reach her end within the date of leave the benign Government was pleased to extend to the boy. The poor boy implored, appealed to the Government, and said that with or without restrictions as they pleased they might keep him in Bengal so that he could see his dying mother breathing her last. But that prayer has not been heeded to. (An Honourable Member : "Shame!") His name is Ashutosh Das-Gupta. I can give many other cases. I remember I once told Sir Harry Haig, when he was Joint Secretary or Secretary in the Home Department,—he must have forgotten—I know from my experience that long detention in jail for years together in the same environment, in the same cell, makes even a normal, sound man, abnormal to some extent. The detenu becomes unreasonable. It is only sympathetic Jail Superintendents who are also medical men—unfortunately they are not all medical men in Bengal—who can appreciate this fact. I may cite a case from Hijli. One young man—I shall quote my Honourable friend, Mr. Ghuznavi, as my witness, because it was through his "kind and sympathetic intercession that he got some privilege—I am speaking of detenu Debendra Nath Bose, he is a relation of mine. It is a typical case, and from that the Honourable Sir Harry Haig can realise the condition of these detenues. This young man was convicted in the civil disobedience days in April, 1930, when Mr. Subhash Chandra Bose was carrying on a procession. He was convicted for nine months. At the expiry of this period, when he was about to come back to his House, he was served with a notice under the Bengal Criminal Law Amendment Act for detention. Here is the section :

"Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

- (i) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908 ; or
- (ii) has committed, is committing or is about to commit any offence specified in the First Schedule (a number of sections are given) ; or
- (iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice ;

the Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member, of any association of which the objects or methods include the doing of any of such acts or the commission of any of such offences, may, by order in writing, give all or any of the following directions, namely, that:

The direction is that he shall be committed to custody in jail. No period is given and nobody knows when he will be released. There is my friend, Mr. Sen, who says that period is given. The period is given as one year in the first instance, and then the Government of Bengal can continue it for any number of years. It may be 20 years as one responsible officer of the Government said. Now, Mr. President, you will easily realise the plight of these men who are

put for years in jail. What happens is this. In this case I am telling you about, Debendra Nath Bose has been in jail from April, 1930, up to this time, which is more than four years. I appeal to you, Mr. President, to hear the details of this case. It is typical case. I want to tell you what happens when the same prisoner is put in the same jail for weeks, months and years without any change of environment. Even an ordinary prisoner is sometimes transferred from one jail to another, but these prisoners are confined mostly in one place. This thing works on their nerves and they generally get out of reason. What happened in this particular case was that this boy was losing his power of reasoning. He became very irritable. The jail authorities at once punished him and this made him more provocative in jail.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : No jail punishment was given.

Mr. S. C. Mitra : You don't know. He was in Hijli. Anyhow, let me put my case. He was failing in sanity. They instituted a case against him and he was put as an under-trial prisoner and sent to Midnapore jail. He was put in a cell there and the Magistrate put him under observation. For the last six months, his relations, in spite of repeated petitions, were being denied facilities to interview him. They became suspicious. There is no help or any remedy for these things. I have repeated similar instances in this House times without number. I myself could not secure an interview with my nephew at Deoli in spite of repeated applications for the last three years. You know at Deoli there are police officers in whose presence alone you are to communicate with your detenu relatives. The police are present there and they can stop any talk and still they do not permit these interviews. There are barriers between the detenu and his interviewer and yet interviews are often refused. So reasonable this Government are !

They may make their laws permanent, but nothing is permanent in this world. To resume the story about Debendra Nath Bose, I understand the police officers came and informed the relations of this boy that he had become insane. His younger brother and sister are students and are wholly dependent on him, and they are absolutely helpless. They were simply stunned to hear this. They informed me, and I rang up my good friend, Mr. Ghuznavi, of whose liberal heart and generous sentiments I wish to make a public acknowledgment. He really helped these poor fellows to have an interview with this boy. The relations went there. The boy was confined in a small room. There was water scattered all over the floor. His feet were swollen. There was no furniture in the room. He had to stay day and night in that small place. He has to pass his urine there and also answer the calls of nature. Things were in a terrible condition when his relatives saw him there. This is a typical case. We prayed that he might be given a chance to live with his relations for a day so that the change of environment might help in the restoration of his reasoning. The first reply was that it was impossible, because he was an under-trial prisoner and it was only the Magistrate who could release him. But, subsequently, the Political Department was pleased to grant the prayer and the order of his detention was temporarily suspended, and he was set at liberty, I again repeat, through the kindness of Mr. Ghuznavi. Bose was violent and was absolutely mad. I am mentioning these facts in order to impress on you and the House, and,

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if possible, the Honourable the Home Member whom God has blessed with power. Let him not forget others in distress. In jail, even the most ordinary convict can claim some change of environment and transfer from one place to another. All these are denied to these poor suspects who have not been convicted by any Court of law. If they are convicted, there is a fixed period for which they have to serve after which they can hope to get their release. Some of these people have continued to stay in jail for five and more years and Government say they should remain in confinement for even 20 years. Is that the spirit of a civilised Government? By all means eradicate this evil, but according to your present method you are only embittering feelings and doing injustice to yourselves being members of a race, which has a great reputation for fighting for liberty and freedom. Even in these days the British people do not follow other countries, and we are proud to have the British connection.

Do not try to prejudice the issues by raising all false questions. Who tells you not to pass legislation to put a stop to terrorism? But do it decently. Give the suspects a chance to clear the charges against them. The High Court in Calcutta refused to go through these records when they were sent to them. That is the provision under the old Regulation III, that the records should be sent to two Judges of the status of the High Court Judges. I know one Chief Justice, who adorned the Calcutta High Court in those days, refused to go through these records unless they were also given the power to sift evidence and call witnesses and test them by cross-examination. Here you are going to take powers to detain these men for an indefinite period. It means an externment from their own Province out of their environment, and just now I have received a telegram saying that there is a hunger-strike in the Andamans for the last fifteen days. Nobody knows what has occurred. The telegram says:

"Andamans prisoners hunger-strike about fortnight, short notice question solicited."

Sir, while I was on my sick-bed recently, several relations of detenus at Deoli approached me and said that for the last one and a half months they were not getting any communications from any of their relations. It is most likely that there is another hunger-strike at Deoli also. Now, Government seem to take pride in that. Sir, what they will gain by this God alone knows, but what the country and the people have found out is that, in spite of these measures, the Government have not succeeded in the object they are aiming at. I think I can make bold to assert again that, if only the Government will enlist our co-operation, there will be no anarchism in Bengal. I am in a position to say, you can thus do away with it, but, alas, I know that, as long as the Government are intoxicated with power, they will only try in their own way to eradicate this evil, but if they do not succeed by themselves, I pray, Sir, even at the last moment that we may be asked to be of any service to them. Sir, I say this in no spirit of boast, but most humbly we say that this is in our own interest and that it is quite possible to achieve it. We have only to see and appreciate the root causes of this anarchism. Sir, why are these boys going to lay down their lives? My Honourable friend, Mr. Ghuznavi, once remarked that he was very angry at some of these dastardly outrages. Sir, I am more aggrieved than angry. Get any Act passed, but the difficulty will

remain the same. Sir, when the circumstances are such that the young people go out with potassium cyanide in their pockets to put an end to their lives, how will you put a stop to their activities by simply passing repressive measures without caring to find out and remedying the root causes? Sir, I can say that I have come in close connection with young men in Bengal, and I can say with confidence that they are not as bad as the Government of India make them out to be. Sir, fortunately for ourselves, our present Governor does not think in that manner. He is a really practical man in whom we have great confidence. Unfortunately, these anarchists attempted the life of the very man whose life was most precious, particularly for the Hindus of Bengal, as I can say with confidence. How can you stop it in this way? These boys are inspired with a high ideal, they are reasonable people, it is not for some personal gain or comfort, in order to get some more emoluments and some titles and other advantages, that these boys go about to commit these outrages. They will not be deterred by the mere fear of deterrent punishment, but certainly a civilized Government like the British Government can appeal to the better sense of these young people and there are ways of bringing them round and there is a proper method of proceeding with the business. I have always done my best to suggest what I have thought to be the best course, and I believe and I sincerely believe that it is possible to put a stop to terrorism. As I have said, the time will come when the Government, of their own accord, will see the futility of all these repressive legislations. In the meantime, I say, Sir, that the present Bill is of such a nature that it will frustrate the purpose for which the Government are going to enact this Bill. (Applause.)

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

This Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. S. C. Mitra : Mr. President, I now propose to deal with some of the specific grievances of these externees and also with some of the individual cases. But, before I deal with that point, I would like to appeal to the Honourable the Home Member to try to be once with us. Sir, in a very feeling language he referred to the events when some murderous attempts were made or even murders were committed on Europeans and officials. I know that the feeling is very sincere and also strong, not only amongst the Europeans, but on this side also. But I appeal to him also to think of the other side. I mean the hundreds of cases of Indians who are being confined to the jail for years together, which is sometimes even worse than death. Then, there are deaths also in these prisons. Inhuman and brutal torture is inflicted on these suspects. I appeal to him to consider that if one case so much appeals to hundreds of Europeans, there is no wonder that the cases of hundreds of Indians' death and torture alienate the sympathies of thousands of families from the Government. They may be helpless; they may not be in a position to express their strong feelings, but it is for the Government to see and try to feel with the Indians as well. We always try to look to both sides, the official and the Indian side. I appeal to Government not to be dictated only from their sense of feeling for the official victims alone, but

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also feel for the inevitable victims of such harsh laws that are being enforced from day to day in this poor and unfortunate country. Sir, it may be perfectly true that all the methods of oppressions and tortures that are employed by the underlings may not be known to the highest officials. But it is a fact that the tortures are going on. These tortures are not only confined to individual cases, but I have systematically inquired from the political sufferers as to what kind of tortures they are put to. These suspects are put to third degree measures; and all sorts of tortures are inflicted on them in order to extract confessions out of them. Many have been put into water tubs during cold winter nights. Although many persons have nothing to confess, yet they have got to undergo all these barbarous measures. This is one aspect of the case.

I know that Government also sometimes think that this method alone would not cure the country of youngmen thinking in violent ways if they become hopeless of the future. But, may I ask the Government, what steps they have taken during all these years in that connection? Can the talk of reconciliation and this oppression go hand in hand? Is it not far more true that they exercise much more of their time and energy in suppressing not only terrorism, but also all ideas of liberty and freedom and even free thinking? Even the ideas of Swadeshi and the Swaraj, which Government themselves have declared as very legitimate objects, are suppressed.

As regards the individual cases that were discussed by means of recent questions, I remember the case of suicide by Mrinal Kanti Ray Chaudhuri on the 15th of January, 1932. That was the first case of suicide which a poor unfortunate detenu at Deoli committed under circumstances which everybody regrets, but which, I for one, think should not have been possible had he been in a Bengal jail.

An Honourable Member : Give us the details of that case.

Mr. S. C. Mitra : Some questions were asked on the floor of this House about him and the matter was discussed threadbare. It is known to the House. He was segregated from other detenus and put in a solitary cell. In broad day light, at about 4—25, he committed suicide by hanging himself with a rope which he put on the ceiling. Then, Sailesh Chatterjee's death occurred on the 23rd October under circumstances which we on this side consider could have been prevented if proper medical treatment had been administered in time. He had high fever for three or four days, he was brought to the segregation ward. There his fever ceased at 6 in the morning, and at 10 o'clock an injection was administered on him. There was no doctor to watch the after effects of an injection, and, within half an hour, he died. Those are the facts which are known to everybody. But we think that if he had been anywhere in a Bengal jail, where proper medical aid could be had, his life could be saved.

Then, Sir, we had cases of the type of Mr. Hem Chandra Ghosh, who was not permitted to perform the *Shradh* ceremony of his father. To a Hindu, that is the last duty that a dutiful son should perform in remembrance of his parents. One can just imagine their feelings when these suspects are deprived of these elementary rights of performing their religious duties. There are cases of some people who developed leprosy at Deoli although they never had any history of leprosy in their family

before. To such persons, it was not possible to give proper medical treatment in a segregated place like Deoli. Naturally, these externees must suffer from all these inconveniences inevitable under such circumstances.

I have drawn the attention of the House times without number to the special difficulties which even the best attention of the Government cannot remedy from which the externees must suffer. For example, the articles of food. It is well-known that Bengalees are fond of fish. At Deoli it is not possible to provide fish. I do not complain against the Government, but I only say that it is not possible to provide the food that they are accustomed to and the manner of cooking food. There is also the difficulty about interviews from relations who have to come all the way from Bengal. It is well-known that for long periods the detenus are cut away from their relations, and it would be a source of contentment to the unfortunate female relatives if they are allowed to have interviews with the detenus who are deprived of companionship of their relatives. Deoli is about 70 miles from Ajmer, and there is no regular hotel or place of residence where the relatives of the detenus could stay when they come for interview. I have heard from female relations how difficult it is to go to that place and have an interview, because the rules are stringently enforced. All these difficulties could be avoided if the detenus are not camped in Deoli.

As regards jail visitors, my Honourable friend, Mr. Lahiri Chaudhuri, reminds me that even the jail visitors go to this detention camp at intervals of three or four months. There is one jail visitor who is a Government contractor and he may possibly be a title holder. I know from reliable sources that such kind of persons are not expected to do justice to the grievances of the detenus. My Honourable friend, Diwan Bahadur Harbilas Sarda, after much protest from this side of the House, was taken as a jail visitor; but, owing to ill health, he has not been able to visit this camp for many months together.

On these grounds it is necessary to put an end to this system of externment, for the harsh treatment embitters the feelings of detenus. I shall not repeat what I said already. I also know that Government feel that unless some future career is chalked out for these unfortunate suspects, who have not been convicted by any Court, you cannot reconcile these detenus. It may be news to the House that no lawyers are allowed to plead the case of these suspects and they are not permitted to appear before these two so-called Judges to explain the charges that are brought against the suspects. There are circumstances which apparently may prove almost conclusive; but, if an opportunity is given to an accused person, he may probably convince the authorities of his innocence. In spite of our protest, the Government are now trying to make the emergency measure a permanent one and no attempt is being made to give an opportunity to these suspects to clear their character about the allegations that are made behind their back on the untested evidence of low-class police spies.

In this connection, I should, with some hesitation, refer to *agent provocateurs*. I find there is a strange coincidence that, at the opportune moment, when there is a lull in terrorism for a long period, and perhaps when Government are also thinking of taking some remedial measures, then, all of a sudden, something happens which affects the whole policy. My suspicion is this and I put forward this with some hesitation before

[Mr. S. C. Mitra.] you, Sir, for the consideration of Government, and I ask them if they are absolutely certain that there is no hand of the *agent provocateur* in these matters. Only the other day, I was reading in a book by the Secretary of State, Sir Samuel Hoare, how these *agent provocateurs* were working in Russia, and in Chapter VI of that book about "Dark force" he says how these *agent provocateurs* carried on their nefarious propaganda. In another Chapter, he also speaks of Indian spies. This is also a matter that Government should consider before thinking of repressive legislation. Young men are sensitive all the world over. It is well-known that there is no prospect for the younger people in Bengal or elsewhere in India. With the economic distress, the future for the people of this country is very dark. In these hard times of unemployment, it is easy for police spies and *agent provocateurs* to play on the sentiments of the young people. Should they not be guarded against these spies and *agent provocateurs*? They should not, on mere suspicion, be put in jail. They should be given a chance to be influenced by their relations and friends to come to the right path. These are the different aspects of this question. Though, as regards the main question of putting an end to terrorism, there is no difference between ourselves and Government, yet I strongly object to the palliatives which the Honourable Sir Harry Haig wants to administer as the panacea for all the troubles in this unfortunate land. I say that higher statesmanship is necessary. Our rulers should rise to the occasion and should not apply these palliatives times without number. These emergency occasions should not be made the excuse for making these repressive measures permanent. On these grounds, I strongly appeal to Government to stay their hand and see how things develop and consult the people who are in a position to give them advice and see whether it is still necessary to go on with these repressive measures and pollute the Statute-book by making them permanent. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1934."

The amendment and the original proposition will now be under discussion.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhamadan Rural) : Sir, when I stood up to speak this morning before Mr. Mitra, I did so for the purpose of opposing the Bill. I now find that Mr. Mitra has made out an excellent case in support of circulation, but the arguments that have been advanced by him throughout his speech clearly and abundantly support opposition. And, speaking for myself, I have made up my mind, when the Bill will come again before this House after circulation, if circulation is allowed, to oppose the Bill straightaway. I should like, therefore, to follow the more straightforward course. Sir, I oppose the Bill not because I deny the existence of terrorism in my Province, not because I have any sympathy with terrorism, but because I hold that the prescription proposed by the Honourable the Home Member is unsound and perhaps wrong. Sir, oppression is no remedy for terrorism. It may have some effect upon one who has got a less hardened calibre, but a terrorist will be the last person to be cowed down by oppression. It may check the symptoms for the time being, but

not the disease, and I am sure the disease will try to rear its head whenever there is an opportunity for it; and it is for this reason that the disease refuses to go away in spite of the continued application of this form of treatment for years together,—at least for ten years, as far as I can see. I should, therefore, like a typical and orthodox *Vaid*, advise Government to follow a more sympathetic and humane treatment. I would request Government to follow the following prescription. Change the whole educational policy of the country by making some religious education compulsory, so that the young people may be God-fearing citizens; give the young people some employment; find some means to give them at least a bare subsistence; encourage timely marriage of young people,—young men as well as young women (Loud Laughter); and set apart a substantial sum of money to be given to the unprovided young people, so that they may settle in life and become plain-living householders. And, last but not the least, carry on the administration with even-handed justice without any communal bias. I would remind the House of the atrocities perpetrated by Government at Dacca, Midnapore, Chittagong and many other places. Sir, I submit that this prescription will prove more beneficial than the short-cut one prescribed by the Honourable the Home Member.

Sir, this short Bill, which is composed of practically only one paragraph, is pregnant with serious implications. In short, this extending Bill seeks to perpetuate Deoli with all its objectionable features, namely, want of facilities for interviews, want of facilities for treatment of patients, want of facilities for living, and everything else. Sir, we would not perhaps have uttered a single word of protest if these unfortunate young people were found guilty in open trial; but when Government cannot prove them to be guilty in open Court, they should not run into extremes. Sir, what is the object of transferring these young people from their own native Province? It has been said by the Honourable the Home Member that one of the reasons is that there is hardly any accommodation in Bengal for these detenus. I submit, Sir, that the Civil Disobedience Movement having been called off, jails like Dum Dum and other jails have been vacated by the prisoners and these jails may accommodate these detenus. Sir, when Government cannot prove them to be guilty openly, is there any justification for sending them away to a place which is about a thousand miles distant from their native Province and where the temperature and climate are widely different from those in their native place? And is there any justification for Government in trying to make this black Act permanent on the Statute-book? Sir, this Act does a two-fold injustice; it does injustice to Bengal as well as to the Province to which these detenus are to be sent. Some very unpleasant associations will always hang over that Province, and it is for this reason that the idea will not be very much liked by those Provincial Governments even.

Sir, this is the long and short of my arguments against this Bill. I am sorry I cannot develop my points as I am hard pressed for time and have to leave for Calcutta just now on receipt of a telegram from there. Sir, I appeal to Government from the humanitarian point of view. I do not know much of law, and I am sure no amount of legal knowledge will help us, because all the law is in the pockets of Government, and it is no use harping on that point. Sir, I oppose the Bill.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam : Non-Muhamadan Rural) : Sir, two Honourable Members from Bengal have already

[Mr. B. Sitaramaraju.]

spoken on this Bill, but as the two provisions of this Bill are, (i) for the transfer of detenus from the Province of Bengal to other Provinces, and (ii) for overriding the powers of the High Court, I consider, though coming as I do from distant Madras, that this is a measure in which we are more interested than even Members from Bengal.

Sir, at the very outset, I may observe that the terrorist movement in this country is a live movement. Of late we find that the terrorist movement is not only devoting itself to high officials of Government, but also to nationalist workers. It was only the other day that we heard that Mr. Gandhi was bombed. Sir, terrorism is foreign to Indian character and it is against the very traditions of India; there can be no gainsaying that. We are, therefore, as anxious as the Government to see that terrorism is eradicated from this country. My Honourable friend, the Home Member, is anxious to protect the Government of today. I am anxious that not only the Government of today should be protected, but also that the Government of tomorrow, which I hope will be our Government, should likewise be protected. We want that the machinery of the Government should not in any way be damaged when it is handed over to us, that it must be in smooth running order, and, therefore, we welcome any measures that the Government may think of taking to eradicate this evil. At the same time, I must point out to the Honourable the Home Member that this particular measure is not really so strong a foundation as he thinks for the building of that edifice.

Before I deal with the more important provision regarding High Courts, let me first take up the question of the transfer of detenus. This morning, the Honourable the Home Member gave us an incident in Madras. I can understand his taking one view of it. He interpreted that to show how dangerous these detenus were and how capable they were of communicating their dangerous doctrines to the people outside. But I hope the Honourable the Home Member will permit me to draw another conclusion, or rather, to present the other side of the picture. I come from Madras and it was to us that the Home Member was pointing out this morning how these dangerous thoughts were responsible for some of the terrorist activities in a Province so placid as Madras is. Coming as I do from the Andhra country particularly, which is admittedly more emotional than the other parts of the Madras Presidency, I do consider that if these people are really so dangerous as the Home Member makes them out to be, he should see that they are not sent to our Province, at any rate, because our northern districts are admittedly very emotional and that is why they are sometimes called the South India Bengal. I am anxious that our Province, particularly Andhra Desh, should not be permitted to have these people if they are really so dangerous.

The Honourable Sir Harry Haig: We have no intention of sending any more to Madras.

Mr. B. Sitaramaraju: Thank you.

The other question is a question of law. As a student of law, I am very much interested in this overriding of the powers of the High Courts. On the last occasion, when this Bill was before us, we had the benefit of receiving the opinions expressed on this measure from the Local Governments, from the Advocates General and other lawyers who are likely to

know the implications of this provision better. On that occasion, one of our most distinguished lawyers of Madras, Sir Alladi Krishnaswami Iyer, expressed an opinion with regard to the overriding of powers of the High Courts. He said that on principle he was opposed to a provision like clause 4 which affects the only remedy available to a subject of questioning the acts of the Executive. If the conditions of the Statute are satisfied, the detention is lawful, and the High Court will not exercise the jurisdiction under section 491. If, on the other hand, the detention is unlawful, because the conditions of the Statute are not complied with, or an order has been passed by the proper authority, there is no reason why the subject should be deprived of his remedy under section 491, and the principle obtaining in every part of the British Empire, namely, that a person has a right to be protected from illegal imprisonment, should be departed from in this country.

On the last occasion, when I was sitting in Select Committee on this Bill, I drew the particular attention of Government to the opinion expressed by Sir Alladi Krishnaswami Iyer. Subsequently, when I had the honour of addressing this House again, I asked the then Law Member whether he would consider from his legal knowledge that we have the power to override the powers of the High Court. Have we the power to override the powers of the High Courts given under their Letters Patent? That was a point that was then engaging the best legal minds and they were of opinion that the point was not free from doubt whether this Legislature could, under the provisions of the Government of India Act, override the powers given to the High Courts under Letters Patent. In the opinion expressed by Sir Alladi Krishnaswami Iyer, he referred to certain decisions of the High Courts of Bombay and Madras; whereas, if I remember aright, the opinion of the Calcutta High Court was against that view. I hope that our present Law Member will enlighten us on that point whether we have the power to override the High Courts' powers. Assuming for the moment that we have the power, I would like to bring once more prominently to the notice of the House whether such overriding is just and proper. What does section 491 of the Criminal Procedure Code provide? It provides that when a person is illegally or improperly detained, the power of the High Court would come into operation. We are not now asking that no strong measures should be taken against the terrorists; we are not now asking the Government not to take any strong view of the matter; we are not asking the Government not to take enough powers into their hands to deal with this terrorism; but what we are asking is this: supposing you have got a law like this, drastic as it is, supposing that law is not complied with by your officials, that your subordinate officials behave illegally and do not comply with the provisions of the very law that you have passed, where is the remedy? The only remedy that is provided is section 491 of the Criminal Procedure Code under which you can go before a High Court and say: "Here is a law, drastic as it is, which is not obeyed by the officials: there is no remedy for us; give us that." That was the interpretation of the powers under section 491 and Honourable Members are fully aware that the High Court will not question your law. But when your law is not even obeyed, then they will say "What right have you to deprive the ordinary citizen of the fundamental right of protection against abuses of the laws of your own creation?" A lawless law is no remedy against lawlessness. Therefore, I venture to say under the circumstances that no reasonable

[Mr. B. Sitaramaraju.]

Member of this House, on this side at any rate, can even for a moment consent that the powers of the High Courts should be so ruthlessly over-ridden. On the last occasion, there was Mr. Jinnah and there was Mr. Rangachariar who were both speaking as leaders of distinct groups. They condemned such a procedure in very strong terms. Sir, why should the Government feel shy of the very Judges that they have appointed? We in this country have great respect for the law administered by those Judges whom the Government have appointed. Those Judges of the House who have administered the law in this country have in our estimation fully justified their selection and the high positions which they occupy on the Bench. Can't you, I ask the Government, put in your Judges the same confidence and the same respect which we, the people of this country, put in them? Sir, with these few remarks, I feel, I must oppose the motion.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I am quite familiar with this Bill, and the law which has been enacted before in this House, and I feel I must say something on this measure, of course consistent with what I have said before.

Now, the first issue that arises out of this measure is, whether Act VIII of 1932 should be made a permanent one. When the discussion was going on in 1932, I was a party to the debate, and several legal questions arose then, and there was a full dress debate, and we came to the conclusion, of course by a majority, that the Bill should be passed, but that the measure should remain in force for only three years. Now, today, we are asked to put this measure permanently on the Statute-book, and what we have to consider is, whether the arguments advanced by Government in support of their demand to put this measure permanently on the Statute-book are such as would appeal to this side of the House and whether those arguments are sound. Now, what does this Act VIII of 1932 provide for? It provides that the Government will have power to transfer detenus from Bengal to places outside Bengal, and the main reason given then was—the same reason is advanced today also,—that the terrorist movement was going strong. Of course, I may say that the terrorist movement was really strong then.

Mr. A. H. Ghuznavi: It is still strong.

Mr. Lalchand Navalrai: You come from Bengal and you say it is still going strong, but I hope those Members on this side who come from Bengal will not agree with what you say.

Mr. A. H. Ghuznavi: Of course they will.

Mr. Lalchand Navalrai: Sir, the other day I put a question to the Honourable the Home Member whether terrorism was on the decline or not. I did not get any direct reply, but what I would submit is that the real vigour and strength of the terrorist movement is not now in existence. I am, of course, speaking subject to correction on that point, because I do not myself belong to Bengal, and I have no personal knowledge or evidence to the effect that the terrorist movement is still going so strong as to demand the enactment of this measure, and that the detenus should be removed to places outside Bengal. Sir, we have listened this morning to the various difficulties which these suspects, who are now in jail, are facing and Mr.

S. C. Mitra has very eloquently placed them before this House. Sir, I am not in favour of terrorism, and I agree that, if terrorism really exists in this country, in any shape or form, it must be put a stop to by Government, and measures should be adopted to remove the evil from this country. We all know how terrorism took its roots in this country; it is well-known to everybody, and so I shall not dilate on that aspect of the question, but, speaking briefly, the people of India want to govern themselves. On that point constitutional questions arise, and I need not go into them, but up to this time no conclusion has been come to as to whether India's demands, India's legitimate aspirations are going to be fulfilled or not. That is the pivot on which numerous questions have arisen, and a few youths got into such a mood and said that they would get self-Government by resort to terrorism. Therefore, I say that the remedies which you propose are not the remedies which would eradicate the evil of terrorism; measures such as you propose to keep permanently on the Statute-book will not and cannot check terrorism; measures such as these will merely increase the harassment of these few suspects and enrage the feelings of these people against the Government. You will not gain the desired object. The proper and real remedy to kill terrorism in this country is not to delay the constitutional reforms. Sir, these constitutional reforms have been delayed beyond measure. Even the instalment, as it has been called, which had to be given after ten years, has not come and it has now been further delayed by five or six years more. Therefore, unless the best constitutional reforms are granted to this country, I do not think measures like these will succeed in killing terrorism. You had these measures for the last three years, and I learn from the Honourable Member that terrorism has not even declined. Then, why are you enacting these measures? Why not take conciliatory measures? Be conciliatory, try and meet the wishes of the people of the country, and in that way your Government can be laid on a sure foundation.

Now, there are two things to be considered in connection with this Bill. The first thing is, whether we should agree to putting this measure permanently on the Statute-book. What is the reason, I ask, for putting it on the Statute-book permanently? One reason advanced is that there are no places in Bengal where these suspects could be lodged. I really do not think that that can be the real reason. Sir, Bengal is a big Province; there are so many places there where you can make temporary jails and keep these people. Therefore, the reason advanced that there are no suitable places to keep these people in Bengal is not a sound one. If you keep these people outside Bengal in places like Ajmer, if you remove them from Bengal and deprive them of their proper food, if you keep them in uncongenial surroundings, I am afraid you will be merely enraging them, you will not be improving them; you will not be reclaiming them. Even for criminals, the jails are for punishment and not places for improving them. Therefore, if you enrage these terrorists, how can you hope them to improve themselves? Will the improvement come about by making the already rigid measures still more rigid? A little while ago, I heard from my friend, Mr. S. C. Mitra,—of course it was in the Lobby,—that if some of these detenus are released now, they are in a mood to improve. That means that if you don't keep them where they are, some of them really are in such a mood as to go in agreement with

[Mr. Lalchand Navalrai.]
the Government, and say that they will not carry on the terrorist movement provided certain conditions are complied with.

Mr. A. H. Ghuznavi : What are the conditions ?

Mr. Lalchand Navalrai : Give us all that India wants. You are a Round Tabler, and what have you done.....

Mr. A. H. Ghuznavi : Are you aware that the terrorists do not want an ordered Government ?

Mr. Lalchand Navalrai : How do you know that ?

Mr. A. H. Ghuznavi : Pamphlets will show that. I have not got them here today. If you want them, I shall have them brought from Calcutta, and I shall place them before the House next week.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Is it very difficult to manufacture such pamphlets ?

Mr. Lalchand Navalrai : I am not unaccustomed to such assertions on the part of my Honourable friend, Mr. Ghuznavi. I have been in this House for the last six or seven years, and I have heard such things from the Honourable Member. The point is that there is no unanimity. On this side you have opinions, and why should they not be respected ? I have nothing to say about the honesty of purpose on the part of my Honourable friend, but, I ask, what the Round Tablers have done for us when they went to England ? They merely succumbed instead of putting up a brave fight.....

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I do not know when the Federation is going to come and how much of it.....

(At this stage, Mr. A. H. Ghuznavi rose in his seat.)

I am not going to give way. What I say is this, that the Federation that is going to come is not yet to be seen even on the horizon. It may or it may not come. As for Provincial Autonomy and Central Responsibility, what have we got up till now ? You are not going to get Central Responsibility for a long time to come. Otherwise, why should you have another election to this Assembly under the present Constitution ? It is evident even to a layman, the man in the street, that the Central Government is not going to get what the people want it to get. As for Provincial Autonomy, anybody, who is familiar with what is happening in England and reads the newspapers, will know what sort of autonomy it is. Law and order will be in the hands of a special officer who will be primarily responsible for it—he will be something like the C. I. D. I need not elaborate these things, nor are they relevant on this occasion. The question is, what is the remedy ? Is the passing of this Bill the remedy, or is the remedy in the meeting of the wishes and legitimate demands of the people of India ? Now, coming to making the Act permanent, I say, the Central Government are running a race with the Local Government without applying their own heads and their own brains. The argument is because the Act of 1930 has been put on the Statute-book permanently by the

Local Government, therefore we must also make our Act permanent. Such an argument should not come from the highest Government in India. The Local Government may pass the measure according to the environments there ; they can extend it for a long period or they may even make it permanent. I personally do not know how that Act came to be permanent. I have experience of the Councils and the Assembly now, and I know that the mere passing of a Bill does not mean that the opinion is really what the Bill contains. If Government want to fight out the people and show their power, then measures like this are reasonable. If you want to make the thing permanent, you would appear as if you want that there should be terrorism. If we are contemplating measures to see how this terrorist movement can be brought round to sense, and, in the meantime, if you want to transfer these detenus for a year or so, you may have this Bill. But to ask the Assembly to be a party to a measure that the detenus shall always go out, is not reasonable. In the last debate, we heard about the hardships of these Bengal detenus with regard to food and clothing in a hot climate like that of Ajmer, and from that point of view it would be cruel to make this Bill a permanent measure on the Statute-book. Since we passed the Act of 1932, there have been many complaints from Honourable Members, and others about the treatment which is being meted out in the jails at Ajmer, and also the difficulties which the relatives of the detenus have in meeting them. I do realise that Government may be honestly making some arrangements to remove those difficulties. Take, for instance, an English detenu who is made to live in the hot Indian plains, what would be his feeling ? I would ask the Home Member, whose heart I know is tender, though he is stern sometimes, to realise how difficult it would be for an Englishman to be locked up here in the hot plains, and in like manner how difficult it would be for a Bengali detenu to be locked up in a hot country like Ajmer. Mr. Mitra has put forward these difficulties in a sincere manner evoking the pity of all of us and the instances that he has given are such as must enlist our sympathy. What would have been lost if the Home Member had come today not for a measure to make this Act permanent on the ground that because the Bengal Government has passed the Bill of 1930 to be a permanent measure.....

Mr. A. H. Ghuznavi : Not the Bengal Government, but the elected Members of the Bengal Council.

Mr. Lalchand Navalrai : I know what the Bengal Council is, what we are, and what you are. I know the Legislature of Bengal and how the elected Members have succumbed by being disunited among themselves. Therefore, do not tell me that because the Legislative Council of Bengal has made this a permanent measure, therefore the Government of India should do the same.

(Interruption by Mr. Ghuznavi.)

I am not going to give way to any interruptions. I know my ground very well.

To continue my point, To keep these people away for a longer term must be decided always by the circumstances of a particular time. There must be some evidence brought forward that these people must remain for ever away from their home. What I mean to say is that this move to

[Mr. Lalchand Navalrai.] give the men transfer must remain open. My friend, sitting opposite, may say when the time comes when there will be no necessity for this Bill, it will be cancelled, but I say, why go to the extent of getting the Bill passed when there is a feeling on this side that there is absolutely no necessity for it being made permanent? Do not tease these men. On the contrary, tell them that if they behave better, we are not going to make this a permanent measure. I personally do not know whether there is any necessity any more for transfer hereafter. However, I will depend upon what the Honourable Members on this side and what the Honourable Members on the other side say and then come to a conclusion whether this Bill should be made permanent. I am not convinced that it should be made a permanent measure. Even in spite of what I know in connection with questions that have been put in this House, even not giving any credence to them, I say that there ought to be some imminent requirement that this Bill should be passed into law permanently. If the facts are placed before us, I shall be in favour of extending the Bill for two or three years. There are amendments to that effect. We should not blindly follow the Bengal Government. If the Government of India are not going to do that, then I will be with the Government. I shall not detain the House any more on this aspect of the question. The more pertinent question which is within my element is the legal question. That is a question on which we had a strong debate and we were just crossing arguments with the then Law Member. When I told him that he had lost his case, he was persistent and said that he did not so easily lose his case. I said it was obstinacy, because he was quoting a High Court ruling to which he was a party as Advocate General. I showed him other rulings of the Madras and Bombay High Courts against him, but this is by the by. I know the present Law Member, who is now sitting for the first time, but by reading a certain book which has been written by one Mr. Roy regarding him, I know him better. What I mean to say is that I want an honest, clear and distinct opinion on this law. I want to know whether he also agrees with his predecessor. I will make my point very clear if the Honourable the Law Member has not read the previous debates. My point is that a portion of this Bill of 1932 is *ultra vires*. This House has no jurisdiction to pass it. The provision contained in it militates against the common law that every man should have liberty and freedom. I would take the first point. We have at present two kinds of rights to the people to get their freedom. One is the *Habeas Corpus* by which the meanest of men should have the right of calling in question their detention. When any person is detained, the *Habeas Corpus* says that the High Court has got power to call that man before them and to decide the question whether that man has been rightly or wrongly detained in jail and then to give him relief if the High Court comes to the conclusion that the man has been wrongly detained. This is the first point. The second method is that the Legislature of this country has passed an Act, which is called the Criminal Procedure Code, and in that Criminal Procedure Code a section has been inserted, which is section 491. Now, that section 491 gives similar powers to the people to seek their liberty through the High Court. But that section has been hedged in by certain exceptions. The question, therefore, as I was saying, arises also whether those restrictions can be put on the Criminal Procedure Code by this Legislature and, therefore, likewise in the Act of 1932, for, in the Act of 1932, we find a

clause where it is said that, under the Criminal Law Amendment Act of Bengal, if any man is detained under that Act, he shall have no power to go to the High Court. His detention and the taking away of his liberty will not be questioned and he shall have no right to go to the High Court to have his remedy. I, therefore, submit that on that first question my own opinion is what I said before; and I think, instead of giving that opinion now, I may read a portion of the view put forward then by me, and, in this connection, Sir, I would refer the Honourable the Law Member to the debates of 1932, page 2537....

The Honourable Sir Nripendra Sircar (Law Member) : May I assure my Honourable friend that I have read the whole of the debate of 1932—part of which was very painful to me when I read it! (Laughter.)

Mr. Lalchand Navalrai : I do not think my friend, by saying that part of that debate was painful to him, was giving us a hint that he will be painful to us. (Laughter.) Sir, I expect differently. Sir, it all depends upon the reasonable construction which we put on the question and the way in which that is viewed by the House. Now, if my Honourable friend has read that debate—and I do not think we need an assurance that he has read it, because a matter like this has come before the House twice or thrice and the Honourable Member, being a new Member of the House, must have come quite prepared—what I was going to say was this. The first point is—is the Habeas Corpus Act under the common law when applicable to India independent of section 491 or not? I may tell the Honourable the Law Member that the former Law Member conceded that that stands apart. That means that the common law is applicable to the people of India and the High Court have got powers under that. I hope that is quite clear from the debate; and I would, therefore, ask the Honourable Member when he gets up to give me his view—is it so or not that the common law remedy of every person is existing in India or not, and independent of the provisions of section 491 of the Criminal Procedure Code? Sir, it may have been quite unnecessary to make it quite plain to the Indian people that the common law right does exist, as the former Law Member conceded, and I think some of the High Court's have also decided that. Therefore, what I meant to say was this—that the common law remains intact in India. That means that we have a remedy at all times to the High Court. Then, the question arises whether the Honourable the Law Member will also say that that remedy does remain, but we have enacted a certain Statute in which we can make reservations and certain restrictions, and so forth. That is the second question that arose then and arises today also. Sir, if it is conceded as it was conceded before, that there is a right of *Habeas Corpus* which gives a right to the person detained and the person who is put in jail under any law, be it the Bengal special law or any extraordinary law, the High Court has got the power of investigation. If it be so, then I would ask a simple question. Why is it that section 491, which has got a similar provision, is going to create a bar, namely, that it will not apply to the Bengal Criminal Law Amendment Act of 1930? Now, I say there are two things—either that the law we are making is redundant, or the second is that, it is unnecessary. I think certain rulings of certain High Courts are necessary to be presented to the Honourable the Law Member. He knows that one authority of the Calcutta High Court has decided that the High Court can be debarred in this manner from exercising their power by an Indian Statute. Well, with all respect to the High Court,

[Mr. Lalchand Navalrai.] they have not directly given us a ruling to say that the *Habeas Corpus* Act also can be suspended. If it is so, however, this opinion, as I have said in a former debate, this ruling, is doubtful. But, on the other side, we have got the Bombay High Court and the Madras High Court saying that the *Habeas Corpus* Act remains and it is *ultra vires* of an Indian Legislature to bar the provisions of section 491. Sir, I submit that one broad point which is in favour of this view is that the *Habeas Corpus* Act is existing and that the *Habeas Corpus* Act provisions have not been swept away. It cannot be maintained that the British Government or rather those who have made the Government of India Act and given certain powers to the High Court did not mean to supersede the common law of every man having his liberty. So I submit that the point arises whether that *Habeas Corpus* Act is suspended. To use the words previously used by the Honourable the Home Member, the second question is the barring of the *Habeas Corpus* Act provisions—those were the words used. Now I do not think that the Honourable the Law Member will go to that extent and say that we are barring the *Habeas Corpus* Act.

Mr. Gaya Prasad Singh : "Hideous" ?

Mr. Lalchand Navalrai : Sir, you may call it "hideous"—because it is hideous to those who want that our rights should be taken away, only those will call it hideous—not you and me.

Sir, what we find in Act VIII of 1932 is that the power given under section 491 to the High Court calling for the records under the Bengal Criminal Law Amendment Act should be taken away from them. On this point an argument is always placed before us, and it is this. They say that this very Legislature at one time enacted an exception to section 491 and in it also some other special laws relating to Bengal and Madras were enacted. They say that they do not wish to have the general power under the *Habeas Corpus* Act. What they say is this : Well, your Legislature at one time passed these measures and made exceptions. Why not put in a provision giving one more exception ? Sir, excuse me when I say that those times and the present times are quite different even having regard to the particular matter which is now under discussion. At that time, when such a law was made, it may be that points, such as we have now put forward, were not before the House. I believe at that time the general question of the common law of *Habeas Corpus* was not before the House. However, what I am trying to emphasise is that this House is not infallible and it has passed once an *ultra vires* Act. Why should the argument be placed before us that because once this Legislature made a mistake, we should also repeat the same mistake ? We are not prepared to do that.

Then, there is another reason why I am against this Bill. If the extension of this Act was asked for for a year or so, then I might have said that as this Legislature has by a majority already, rightly or wrongly, come to the conclusion that a provision like this should be made and placed on the Statute-book for some time, therefore, let it be extended for some time more. Sir, my firm conviction is that the House had then in its mind that it was going to have his law for a short time. It was making the law under certain very special conditions and for a short time. If, on the other hand, the House had been told that it was not going to

be a temporary measure, the House would not have agreed to its being passed and thus deprive the people of their very fundamental right of *Habeas Corpus*.

∴ An Honourable Member : Who gave the House the faith ?

Mr. Lalchand Navalrai : The House itself gave the faith or rather the Treasury Benches gave that faith. At no time was it said that this was going to be a measure for more than three years. Sir, many a time we are persuaded and induced to pass a measure, because it is not going to be placed permanently on the Statute-book, but will remain in force only for a short time. Several enactments have been passed on that understanding. The main question now before us is whether we are really going to pass an Act which will keep the Bengal people always out, and are we also going to take away the very fundamental right of *Habeas Corpus* from them ? These are the two questions which ought to be considered. I do not propose, Sir, to lengthen my arguments. My points have already been very plainly, and if you will allow me to say so, very distinctly placed before the House. It is for those who consider it hideous or heavenly to answer them. I think I have made it clear to the House that there is no necessity for making this a permanent measure, nor has any necessity been shown at this time that this fundamental right of *Habeas Corpus* should be taken away from the people of Bengal. Sir, if we allow such measures to be made permanent, there is a great danger. We will then be encouraging the Government to bring similar measures, however unreasonable they may be, to be promulgated in other parts of India. I would, therefore, submit that a full consideration should be given to the question whether this Act of 1932 should be made a permanent measure. If my arguments do not appeal to the Honourable the Home Member, I am sure the appeals of those Honourable Members, who occupy much bigger position than I do, will appeal to him. I submit that it will be wiser on the part of the Home Member, as well as the Law Member, not to press for the permanency of this measure. If there is a danger, let this measure be in operation for three or four years, because, after all, the remedy always is in the hands of this House. It is always in the hands of the Government to ask this House to increase its life. But why should we make it a permanent measure now ? Is there any fear ? The other day I put a question and said that many Bills were being rushed through this House and we were being detained here against our own interests, when we ought to be with our constituents and canvass them. The reply was that the Government had got to get through these measures. I have already said that the Government have got a lurking suspicion that they might not be so successful with the next Assembly, and, therefore, they wish to pass all such measures in this Assembly. I think that should not be the mentality of the Government. The Honourable the Home Member said that the anxiety of Government was to finish the work. I know that. But I must again request the Treasury Benches not to make this Act a permanent measure. You can tell the Bengal Government that if they have made the Act of 1930 a permanent one, let it remain so unless and until the Legislature there gets stronger and cancels it. But, so far as this higher House is concerned, it should exercise more responsibility than the Local Government. You can also tell the Local Government that we do not want to proceed whole hog in this matter, but that we will make a provision for the transfer of the detenus and also for the deprivation of their right of

[Mr. Lalchand Navalrai.] *Habeas Corpus* for some time more, and I hope the Local Government will also be sensible enough to accept it. Sir, with these remarks, I bring my speech to a close.

Mr. A. H. Ghuznavi : Mr. Deputy President, let us not introduce any heat into this discussion. Let us consider dispassionately the Bill that is before us. The first duty of a Government, whether it is the British Government or a national Government or a Swaraj Government, must be to maintain law and order. In maintaining law and order, if any measure is necessary, I feel that every law-abiding citizen should give his hearty support to it. What is the Bill before us? I am not a lawyer, but as far as I understand the Bill which is before the House, it is really a logical corollary to the Bengal Criminal Law Amendment Act of 1930 as altered by the Bengal Criminal Law Amendment Act of 1934. This Bill makes the life of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, co-terminous with the Bengal Criminal Law Amendment Act of 1934. It is of the nature of a consequential amendment. Let us see what happened in the Bengal Legislative Council with regard to the Criminal Law Amendment Act of 1930 in 1934. There was an overwhelming support for this measure from the Members of the Bengal Council. There is no question that the provisions of that Bill received overwhelming support from the elected Members. Sir, it is admitted on all hands that the terrorist movement still exists and it is at its height. Only the other day what did we notice? Even Mr. Gandhi was the victim of a terrorist who threw a bomb.

Mr. Lalchand Navalrai : That was not done by a terrorist, but by a Sanatanist.

Mr. A. H. Ghuznavi : Certainly it was a terrorist and not a Sanatanist. What do we see even now? Look at the precaution that the Bengal Government had to take against the terrorists in Bengal to see that Mr. Gandhi was safe in his tour through Bengal. A number of C. I. D. detectives had to follow Mr. Gandhi wherever he went, because the terrorists were determined to aim at the life of Mr. Gandhi.

Mr. S. C. Sen : That is not the view of the Bengal Government.

Mr. A. H. Ghuznavi : That is the view of every sensible person in Bengal.

Mr. S. C. Sen : If you look at the communiqué issued by the Bengal Government, you will know the reason.

Mr. S. C. Mitra : They are not sensible.

Mr. A. H. Ghuznavi : I am afraid my Honourable friend must have read a wrong issue and not the correct issue of the communiqué. The point is whether this segregation should be in or outside Bengal, and for what period? If segregation outside Bengal was supported three years ago by this very House, what has happened since then to end it now? Again, Sir, if the substantive provisions have been made permanent in Bengal, why not the consequential provision regarding segregation outside Bengal? If it was advisable three years ago to deal effectively with the terrorist movement, it is nonetheless desirable

today when the terrorist movement is still showing signs of great vitality. If you agree to the one, you should not refuse the other. Then, Sir, there is one other thing that I have to say and that is, if Honourable Members think that there are defects in the administration of detention camps, whether within or outside Bengal, let them be brought to the notice of the authorities concerned, and I am sure they would take due notice of those defects and remedy them. We have heard many speakers and particularly the most telling speech of my Honourable friend, Mr. Mitra. I must say that we have to face facts really. The terrorist movement is existing and segregation outside Bengal has become an absolute necessity. If you want to cope with the terrorist movement, you must have this weapon and you must have it not for only a fixed period. Let the terrorists understand that this measure will stand permanently on the Statute-book, so that they will not be encouraged in future, after the period of three or six years, to continue their terrorist activities. That is one point that was raised in Bengal that every time this Criminal Law Amendment Act was legislated, a fixed period encouraged the terrorists to begin their activities afresh after that fixed period came to an end, and that was the reason why the Bengal Government was forced to ask the Bengal Council to place the measure permanently on the Statute-book. That is also the reason why this House should also make the provision in this Bill permanent on the Statute-book. If, in course of time, it is found that terrorism has died down, certainly it will be time enough for Members to come to this House to repeal this Act as well as for Members of the Bengal Council to go before that Council to repeal that Act. Sir, with these words, I oppose the motion for circulation.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, on several occasions during the course of this year, I had to read in the papers rules and regulations promulgated by Bengal Government to restrict the activities of the inhabitants of certain towns, I think they are Chittagong, Midnapur, Dacca, and others.

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

My conscience prompted me at that time to write a letter to the Honourable the Home Member who is always very reasonable and to ask him whether he thought in his cooler and calmer moments that these restrictive measures were going to deal successfully with the terrorist movement in Bengal. Now, here, I have been given opportunity by the Home Member to express my feeling on some of the points in connection with this Bill. It is high time that we should express ourselves in unequivocal terms as to where we are being led by what is happening in the country. The Honourable the Home Member has rightly observed that this terrorist movement is not a temporary one. It has been going on for the last 30 years. It has become a chronic disease and that not only a small number of men are involved in it, but, as he has said, about 1,500 or 1,600 young men are involved in this movement so far as Government know them. About 500 of them have been segregated outside Bengal. We see the enormity of the movement from the figures which have been quoted this morning. I should rather say that the speech of the Home Member has given me some impetus to rise today and speak

[Maulvi Muhammad Shafee Daoodi.]

out my mind on this question. It is no doubt true that this movement has raised its head many a time and has gone down also on several occasions. There is here food for us to think why it raised its head, how long it remained in that condition and when it was that it went down. The Honourable the Home Member has again himself given us a very sober proposition to think of. He said that it was not repressive measures alone that were being enacted in Bengal; it was the cultivation of public opinion against the movement that had been aimed at,—I believe he said, of recent years. I think any man in his senses would at once agree with him that a movement of this description can be checked only by cultivating public opinion against it. Nothing else can bring the movement under control, except public opinion in the locality where the movement is on foot. But when I weigh these things together, I find that public opinion in Bengal, so far as my reading of the situation goes, is stiffening; and I feel that if drastic repressive measures of the kind promulgated by the Bengal Government, during the course of the year, in those cities were promulgated in my Province, I would have also revolted against them and protested to my utmost, both for the sake of the people as well as for Government. I do not think Government have taken this side into their consideration. They are relying, as far as I can see, on the powers that they have been endowed with by the Bengal Council as well as by this House. But that is not going to solve the problem. All attention should have been concentrated on cultivating public opinion in favour of eradicating this movement from Bengal, but I am afraid that the way in which things are being done in Bengal is not the way to cultivate public opinion. I can picture to myself, after reading those rules and regulations, how far they would be palatable to a reasonable and independent man who has a soft corner in his heart both for the country as well as for Government. I find that in the name of law and order things are enacted in Bengal which are a slur on the name of a civilised Government. I find accounts of police actions as disclosed in the newspapers,—I read the *Statesman* as well as the *Patrika*,—from which we can very well judge that the measures which have been taken in those towns which I have named are not such as to reconcile any sane man. One has to think whether life is worth living in those conditions, and although I have not been to Bengal during the last two years, I can imagine what would be the feeling of the people of Bengal. Therefore, what I submit to the Honourable the Home Member and the Treasury Benches is that it is high time that stock should be taken as to what has been done by the executive authorities who are entrusted with the task of controlling the movement, and by the terrorists themselves.

Mr. A. H. Ghuznavi: But what about the present Bill? We are discussing the present Bill.

Maulvi Muhammad Shafee Daoodi: If you look to the words alone which are contained in the present Bill, you are mistaken. Behind them is a great principle and we are giving expression to our views on those principles. It is not the words which rule the country, but the policy and principle behind them. Therefore, as I said in the beginning, I take this opportunity to warn Government of what is happening in Bengal. On the one hand, they are trying to control the terrorists and

their friends and sympathisers,—so far so good. But on the other hand, they ought to control the actions of the authorities, the police, the C. I. D., the executive and the magistrates. I find they conduct themselves in such a way as if they were not subject to any law. In the name of law and order, things are being done which no loyal citizen can reconcile himself to. That is why I feel very strongly, and unless the Government of Bengal are going to deal even-handed justice both to the terrorists as well as to the authorities who are endowed with these extraordinary powers, there will be no peace and no end to the movement. The very object for which these measures are taken will be frustrated, and, for that reason, I submit that my humble submissions should be taken into consideration by Government.

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, I confess I do not possess a first-hand knowledge of the conditions prevailing in Bengal, and, therefore, my remarks will be of a general nature and consequently brief.

Both Mr. Mitra and Pandit Sen, who have spoken from amongst the Bengal Members in the opposition, have cut short this discussion inasmuch as they admitted that the terrorist movement does exist in Bengal, and, therefore, some remedy should be found to check that movement. So, about the disease there is no difference of opinion between the two wings of this House. It is only on the prescription that there is difference of opinion. As has been so ably pointed out by my friend on my left, the primary duty of the Government is to give safety of person and property to the people under their charge; and, as a corollary to this principle, it is also the primary duty of this Legislature or of any Legislature for the matter of that, to arm the executive with necessary weapons to discharge that duty. If we, as Members of the Legislature, fail to arm the executive with necessary powers, what will be the result? The result will be that the executive will have to hand over the country to another agency which does not care for written laws and which goes by common sense—I mean the martial law.

The Bill in itself is a very simple one. The question which has to be decided here is, whether we will agree to these detenus being kept in a certain place outside Bengal or not. Supposing we throw it out, what will be the result? The detenus have been detained; they will be detained in some place in Bengal. That is the only principle that is underlying this Bill. Several prescriptions have been proposed. Pandit Sen made an attempt to place a prescription before this House, but Honourable Members will remember that, when he was speaking and putting his prescription before the House, he was laughing all the time: he did not believe in his own medicine, and so I need not take any notice of it especially as he is not in his seat now.

Mr. Lalchand Navalrai: But you have said it all the same!

Hony. Captain Rao Bahadur Chaudhri Lal Chand: My friend, Mr. Lalchand Navalrai, has dwelt at length on his prescription and has tried to persuade this House to believe that all this agitation and this terrorist movement is due to the fact that reforms are not being expedited. May I put one simple question to him? Is this an All-India question or is this question confined to Bengal? If that had been the

[Captain Rao Bahadur Chaudhri Lal Chand.] reason for this terrorist movement, there would have been terrorist movement in Karachi also from where my friend hails.....

Mr. Lalchand Navalrai : Will you allow me to answer your question ? I can give you an effective reply.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : There will be several amendments later on and you can then have an opportunity of speaking. So, Sir, if my friend's argument is pursued to its logical conclusion, it will mean that the reforms are needed only in Bengal and not in any other part of the country.....

Mr. Lalchand Navalrai : Not at all : that is not logic.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Speaking generally, the so-called repressive laws, that have been passed during the course of the two years, have given the present peace of which all of us boast here. I hope Government will not resort to the old policy of drift and hide and seek, and will have the courage to meet the situation and thus guarantee peace and safety of life and property, and thus discharge their primary function to which reference has been made by me.

Mr. K. C. Neogy : As was done at Jallianwalla Bagh !

Hony. Captain Rao Bahadur Chaudhri Lal Chand : My friend, Mr. Navalrai, used a very good argument when he said that nobody should be punished without being placed before a Court and without a charge being framed against him, and that nobody should be sent to jail without being told as to the period for which he is being sent there. I quite agree with him there. But he has ignored another principle of criminal law and that is the preventive portion of it. Just as a good surgeon would perform an operation on one part of the body and deprive a person of a diseased limb in order to save his life, similarly the liberty of individuals can be sacrificed in order to ensure liberty to the society at large ; and it is on that principle that this Criminal Law Amendment Act has been passed.

Sir, several prescriptions have been proposed, and I do venture to suggest a prescription, not in place of what has been proposed by the Honourable the Home Member, but in addition to it.....

An Honourable Member : You dare not. (Laughter.)

Hony. Captain Rao Bahadur Chaudhri Lal Chand : We all know and there is no difference of opinion that the terrorist movement is generally confined to the educated classes, and these educated classes have a monopoly of Government services. Now, if you trace the pedigree of these terrorists, you will find that most of them are related to Government servants and depend upon these Government servants for the maintenance of their families and kith and kin while they are being detained or when they are taken away. Now, it is up to Government to see that money taken from Government treasuries is not utilised to keep a movement like this going by allowing their servants to stand as guarantee for the kith and kin of those who sacrifice themselves or who commit these terrorist acts. I was very pleased when I read the other day in the papers a certain instance where a son or relative of a Government servant misbehaved and the father was punished. I wish Government will take courage in their hands and extend this principle further.

and make such amendments in their service rules as to ensure that Government servants at least use all their influence to check this movement, directly or indirectly. With these few words, I support this motion.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Mr. President, that none on this side of the House and no responsible individual outside have any love or sympathy with either the terrorists or with terrorism is beyond the least doubt : all of us, one and all, deplore that terrorism should exist and that terrorists should exist and flourish in this land of ours. Where the difference comes is, whether by these half-hearted remedies the disease itself can be or would be checked. We deal with terrorists and not with terrorism ; and dealing with terrorists alone would not stop terrorism, but will only bring it underground and make it more complicated. By cutting the branches or plucking the flowers, we do not stop the growth of the tree. We must deal with the causes of terrorism and the roots which bring terrorism into existence. The continuance of it is much more dangerous and harmful to the progress and advance of this country than of any other country, and, therefore, we feel, more than anybody else, that this terrorism should be checked or completely eradicated as quickly as possible.

Sir, the manner in which the various penal laws have been administered has given rise to misunderstanding and discontent in this country, and my friend, Mr. S. C. Mitra, has given us some food for thought this morning and to consider whether the time has not arrived for amending the existing laws dealing with terrorists. By merely confining these terrorists in jails or other places, whether within or outside Bengal, you will not be able to change the mentality of these people. The treatment meted out to these people, the manner in which they are deprived of their liberties make other young men of their class sympathise more and more with the terrorists and make them terrorists themselves who otherwise might not care to join their ranks. Therefore, I think that the Government ought, in fairness to their duties towards this country and its people, to thoroughly go into the matter and find out the real causes as to why these youngmen, after spending so much money of their parents, after spending so much time and energy in colleges for attaining academic distinctions, instead of applying their cultured minds to beneficent activities, turn their attention to nefarious activities which only bring ruin, not only on themselves and their families, but on the country at large. Therefore, it is obvious that there must be some strong reason. Psychological experts and others should be called in to give Government useful advice regarding the causes which create these terrorists. My Honourable friend, the Home Member, said that the movement is going on unchecked, and, therefore, he asked for the continuance of the measure. For how long have the Government had this measure in existence, and for how long have they been administering it, according to them, in the most sympathetic manner ? And yet have Government been able to check the spread of this evil or to kill the spirit of terrorism ? No, they have not. Therefore, I think it is time that they should, before deciding to continue these measures for an indefinite period, consider whether these measures have not failed in their objective to check the movement, and that something quite different should be had

[Sirdar Harbans Singh Brar.]

resort to, before the Legislature is asked to put this measure on the Statute-book permanently.

Sir, some years ago, in this very Chamber, I talked on this subject. When the Press Act was under discussion in this august Chamber, I happened to take the view that it was not the press which was wholly responsible for bringing terrorism into being or the terrorists into creation, that the causes were deeper to seek, that it was education which the young men received in schools and colleges which made them feel that their ambitions, that the fruits of their labours have been lost practically, and that their desire to have a proper place in the service of their motherland has remained unmaterialised; when they have spent all the resources of their parents and when they had spent the best part of their lives in fitting themselves for the service of their country, the Government of the country are not giving them enough scope or field, that the Government are not alive to the needs, development and progress of the country, that all their education has become an absolute waste because of the apathy of the Government, as these youngmen are not allowed to take a proper share in the administration of the country. Therefore, Sir, unless Government care to create an atmosphere of trust and confidence in the people, unless they create an atmosphere where these youngmen will feel that the country is theirs, and it is they who have to look after its interests, and that the Government will do all in their power to help them to achieve their desire, these kinds of half-hearted measures will not bring in any good either to the people or to the Government. If terrorism is confined merely to Bengal and if you keep these terrorists within the boundaries of Bengal, then terrorism will spread and flourish in Bengal and it will prove dangerous to that Province, but why should my friend, Diwan Bahadur Harbilas Sarda's Province be infected by taking these terrorists into his Province, namely, the Ajmer-Merwara? Why should the people of that small administration be infected with this disease of terrorism? We should try to confine these people within the limits of Bengal only, so that those people, who are responsible for producing terrorists and terrorism, may alone suffer by this evil. But cannot the Government consider some other scheme of colonising and sending these people outside India? Cannot the Government request His Britannic Majesty's Government to hand over to the Government of India that troublesome territory in the Mediterranean known as Malta for the settlement of these Bengalees in that bracing climate and far and further away from India, so that terrorism may be removed from the borders of India and yet these detenus may continue in some occupation which will help them to improve themselves? If a suitable settlement is founded outside India for settling these people, their lives will become more useful, and after a time we might be able to reclaim them as faithful and loyal citizens of this land of ours, instead of ruining their lives either in Bengal or in the Andamans or in the Deoli camp. I think when the Government are considering other schemes of settlement for the repatriated Indians from South Africa and other places, they may also consider that, instead of locking up these people in the cells somewhere here and there, they may find some good land and some good area outside India where they may be able to settle and use their knowledge and experience and their energies to fruitful conclusions. If they have to be kept in cells, it is immaterial whether they are in Bengal or elsewhere. I personally consider that it does not matter much.

If you do not allow them intercourse with other people, if you are not going to permit them to go out of the jails, then it is immaterial whether you send them to the Andamans or to Deoli or keep them in Bengal. In that case the Administration will have to consider which is the best place from the point of view of administrative convenience. My appeal to the Home Member will again be that he should try to consider and deal with the causes of terrorism rather than with the terrorists individually.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : I had no desire to speak on this Bill, but the moving speech of Mr. Mitra has compelled me to extend my sympathy to these poor detenus of Bengal. I condemn the terrorists, but I do not agree with those Members who say that this is a new movement. Individual terrorism may be new, but I may say that those who know the history of India know very well that terrorism has always raged for ages and ages.

Mr. B. Das (Orissa Division : Non-Muhammadan) : All over the world.

Shaikh Sadiq Hasan : Sir, I have no sympathy with those people who are terrorists, and once they are convicted their punishment should be heavy, and if a deterrent punishment is given to them I have no objection. But the question is of these suspects,—suspects who are given no chance before law Courts, against whom police spies bring very often false charges and then are sent to detention camps. I do think that if these people had been convicted of offences, they might be sent anywhere outside their own Province, because they had committed crimes and they must suffer for the consequences. But those people who have not committed any crimes,—simply because they are suspects, if they are sent outside their own Province and kept in environments where their health suffers, I think it is a great hardship. There was one case specially which I brought to the notice of the Home Member. He showed his great sympathy in that matter and released the person. The case was similar to the one that Mr. Mitra related. It was a case of a man living in Amritsar. He was considered to be Bolshevik or something of the sort, and the police involved him and he was put in jail in Lahore. For years he rotted there without any hope and naturally his reason began to give way. He was becoming a demented sort of person. He wrote me a letter containing a letter for the Home Member. It was written over there, "My Honourable friend in power", and later on, he had also written this thing, "If anything happens to him, the entire responsibility will be on the Government of India and they will have to suffer for the consequences". When I showed this letter to Sir Harry Haig, I told him how a man of that type was not capable of doing any harm to the Government. He saw the papers and generously released him. What I do say is this, that many of these papers cannot be brought to the notice of the Home Member. There are two thousand people who are rotting in jails. I sincerely believe that many of them are not culprits, but only involved by the police. I do admit that there may be a number of them who may be guilty, but a good number are innocent. If you take away these people from their environments, from their Province and put them somewhere in Gwalior or some other place far from their relatives and without any hope of their release, their reason would suffer, and unless the Government intend to keep them for ever in jail, the result would be that, when they come out, they would come with very embittered feelings and there

[Shaikh Sadiq Hasan.]

would be the greatest hatred for the Government and they would like this Government to be turned out of this country. I think it is really a great hardship, and naturally their reason would suffer if these people were given no opportunity to see their relatives. I agree with the Home Member that from an ordinary jail they would be able to send messages to all sorts of people outside and their friends, but if there is a detention camp in Bengal, say, at a place where there is not much of population,—I dare say there must be some such places,—and if these people like prisoners of war are put over there, it would remove all the dangers of which the Home Member is afraid, namely, the fostering of the movement. On the other hand, it will give these men facilities to see their relatives and they will not become so desperate as otherwise they would. If these people are going to be kept permanently in jail, then the best thing is for them to be sent to Deoli or trans-frontier, or anywhere that Government like. But if Government think that they are to be released after some time or other, then I submit that their feelings should not be made so bitter that they might become desperate enemies of Government and try always to injure.

The Assembly then adjourned till Eleven of the Clock, on Tuesday, the 24th July, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, the 24th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

Mr. Alan Duguid, M.L.A. (Bombay : European).

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 1404 and 1405 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 14th December, 1933.

HEAD LIGHT KEEPERS AND ASSISTANT LIGHT KEEPERS.

No. 1404.

* (a) Head Light Keepers	...	27	{	17 Europeans, Anglo-Indians and Indian Christians.
				8 Hindus.
				2 Muslims.
Light Keepers	..	76	{	27 Europeans, Anglo-Indians and Indian Christians.
				42 Hindus.
				7 Muslims.
* (b) (1) Muslims	..	2		
				(2) Other communities, other than Anglo-Indians and Indian Christians 10
* (c)				Nil.

(d) No particular educational qualifications have been laid down. Candidates are however expected generally to be able to read and write English, to be conversant with the mechanism of the lights and to possess some knowledge of signalling. They should also be physically fit and intelligent.

(e) The claims of some of retired Muslim Light Keepers who apply for appointment to vacancies in the Light Keepers' grade will be considered, but Government are unable to guarantee that such applicants will be given preference regardless of their suitability for the posts or of the claims of other candidates.

REPRESENTATION OF MUSLIMS IN THE GRADE OF HEAD LIGHT KEEPERS.

No. 1405.

(a) No.

(b) Muslims have been appointed to the posts of Head Light Keeper as will be seen from the reply given to part (a) of question No. 1404.

(c) The Joint Committee's recommendation to which the Honourable Member refers related specifically to the training of Indians as Inspectors of Lighthouses and expert mechanics. That recommendation was accepted by Government.

*The figures are correct upto the 31st March, 1934.

†There are no Assistant Light Keepers in the Light House Department now.

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Information promised to reply given to unstarred question No. 60, asked by Mr. N. M. Joshi, on the 16th February, 1934.

SHORT TIME WORKED AND THE STAFF EMPLOYED IN THE STATE RAILWAY WORKSHOPS.

Statement showing the amount of short-time worked, the total number of staff employed and the number affected by short-time, in the various workshops on State-owned Railways.

Railway.	Workshops.	Staff employed.	Staff affected by short-time.	Short time worked.	Remarks.
Burmah Railways	Locomotive Works, Insein	1,337	447	56 hours a month	Represents position as it stood during February 1934.
	Carriage and Wagon works	1,516	499	22 hours a month	
	Myitnge Signal Workshop	100	1,516	34 hours a month	
	Loco. Shops, Kanchrepata	2,173	100	34 hours a month	
E. B. Railway	Carriage and Wagon Shops	2,091	2,091	All Saturdays	Represents position as it stood during March 1934.
	Saidpur Shops	1,994	1,994		
	Dacca Shops	248	248		
	Electrical Workshops, Kanchrepata	272	272		
	Electrical Workshops, Saidpur	132	132		
	Marine Workshops	41	41		
	Belaghata Signal Shops	158	158		

E. I. Railway L203LAD	Loco. Workshops, Jamalpur	8,338	427	4 days	Represents position as it stood during April 1934.
	Carriage and Wagon Shops, Lilloosh	6,240	631	7 days	
	Signal Workshop, Lucknow	137	130	2½ days	
	Mechanical Workshops	9,213	..	No short time is being worked	
G. I. P. Railway N. W. Railway	Electric Shops	208	208	All Saturdays, and in addition 2 hours extra when there are 4 Saturdays in a month, normal working hours on a Saturday being 5½ hours.	Represents position as it stood in March 1934.
	Clothing Factory, Petty Repair Shop (Stores) and Stores Depot, Moghalpura.	948	948	Ditto	
	Signal Shops	471	471	All Saturdays of 5½ hours in addition one hour extra when there are 4 Saturdays in a month.	
	Stores Depot, Karachi	260	260	Ditto	
A. B. Railway	Bridge Workshop	808	808	All Saturdays, hours of work on a Saturday being 9 hours.	Represents position as it stood during February 1934.
	Workshops	2,131	..	All Saturdays, i.e., 5 hours a week	
	Electrical Workshops, Ajmer	295	295	Saw Mill is closed on Friday also, making 13 hours a week short time in that shop.	
	Carriage and Wagon Shops, Ajmer	3,409	3,409	All Saturdays 4 hours each, 16 hours per month.	
B. B. & C. I. Railway	Loco. Shops, Ajmer	4,009	598		Represents position as it stood in February 1934.

Railway.	Workshops.	Staff employed.	Staff affected by short-time.	Short time worked.	Remarks.
B. N. Railway	Engineering Workshop, Sini	291	291	23 hours per month	Represents position as it stood in February 1934.
	Locomotive, Carriage and Wagon and Electrical Workshops, Khargpur, Nagpur and Adra.	8,592	8,592	0 hours per week	
	Marine Workshops, Shalimar	230	230	3 hours per 48 hours a week	
M. & S. M. Railway	Loco. Workshops, Perambur	3,109	3,109	Ditto	
	Carriage Workshops, Perambur	2,325	2,325	Half day a week	*4,054 men employed in Central Work-shops at Golden Rock.
S. I. Railway	Erecting, Stripping and Copper Smith, Forge and Smithy, Mill, Carriage body, Yard gang shops at Golden Rock.	..	..		

Information promised in reply to part (c) of starred question No. 212, asked by Sardar Sant Singh on the 21st February, 1934.

RECRUITMENT OF TEMPORARY CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

Statement showing the number of candidates appointed to temporary posts or vacancies (a) from the list relating to the Third Division examination held in 1932 promulgated by the Public Service Commission on the 12th July, 1932 and (b) appointed from outside that list since its promulgation.

Name of Department.	No. of candidates selected from the P. S. C.'s list. (a)	Duration of vacancies.	No. of un-passed candidates appointed. (b)	Duration of vacancies.
Legislative	..	..	..	..
Legislative Assembly	..	..	3	(1) 21st August, 1933 to 25th September, 1933. (2) 10th January, 1934 to 6th February, 1934. (3) 31st January, 1934 to 30th April, 1934.
Commerce...	1*	25th August 1933 to date continuing.	3	(1) 1st February, 1934 to (continuing). (2) 16th August, 1933 to 13th November, 1933. (3) 23rd February, 1934 to 11th March, 1934.
Education, Health and Lands.	..	..	2	(1) 21st July, 1933 to 15th April, 1934. (2) 29th January, 1934 to 14th April, 1934.
Railway (Railway Board).	..	..	12 (6 from retrenched staff). Unpassed.	(1) December, 1933, 1st to 28th January, 1934, 1—14th February, 1934, 6—12th March, 1934. (2) 6—30th November, 1933, December, 1933 to March, 1934. (3) 1—22nd December, 1933, 2nd January, 1934, to 15th February, 1934. (4) December, 1933 and January 1934. (5) 1st December, 1933 to 15th February, 1934. (6) 1—11th February, 1934.

(These persons were appointed to temporary posts or vacancies lasting from less than a week to a month. The period shown is the total of continuous temporary appointment.)

Name of Department.	No. of candidates selected from the P.S. C.'s list. (a)	Duration of vacancies.	No. of un-passed candidates appointed. (b)	Duration of vacancies.
Foreign and Political	..	..	5	*(1) 24th July, 1933 to 3rd or 4th week of June, 1934. *(2) 21st September, 1933 to 3rd or 4th week of June, 1934. (3) 10th August, 1933 to 3rd October, 1933. (4) 2nd January, 1934 to 26th April, 1934. (5) 2nd January, 1934 to 10th March, 1934. *The Public Service Commission have been asked to nominate candidates for these posts.
Reforms Office	..	..	..	....
Industries and Labour	2	Upto 31st March 1935 (at present).	4	(1) and (2) up to 31st March, 1935. (3) Up to 25th May, 1934. (4) Up to 18th April, 1934.
Military Finance	..	..	1	3 months and 9 days.

Information promised in reply to starred question No. 477, asked by Mr. A. Das on the 14th March, 1934.

PAYMENT OF SINGLE-PAYMENT STERLING POLICIES OR PREMIUMS BY INSTALLMENTS FROM PROVIDENT FUNDS.

(a) The total amount withdrawn from Government provident funds, civil and military, during the period from the 1st April, 1930, to the 30th September, 1933, for the payment of premiums on single-payment sterling insurance policies was approximately Rs. 1,24,91,000. It has been found impracticable to collect the information asked for in respect of sterling policies on which the premiums were paid in instalments since the figures are not always booked separately in the Government accounts.

(b) As the Honourable Member will have observed from the first paragraph of the circular to which he refers, the reference was to any policy in which the insurance company undertakes to pay a fixed sum at a fixed date, with a provision that should the assured die before that date, the single premium or periodical premiums paid (plus in certain types nominal interest or profits immediately declared) would be repaid to his estate.

The reply to the second part is in the negative. 'Endowment assurance policies' and 'Pure endowment policies' are entirely different types of policies.

(c) The opinion referred to was formed as the result of the examination of the rates offered by certain British Life Offices. The rebate of income-tax was not taken into account.

(d) The circular was issued only for the reason stated in the second paragraph thereof, namely, that Government were of the opinion that the benefits guaranteed to

dependents by pure endowment policies in the event of the subscriber's death before maturity of the policy are inferior to what the Funds themselves provide.

(e) The answer to the first part is in the affirmative. The benefits of the Post Office Insurance Fund are confined to Government servants and persons of analogous position, and it is considered that the existing practice does not involve unfair competition with private insurance enterprise. The attention of the Honourable Member is invited to the reply given by the Honourable Sir Frank Noyce on the 12th September, 1933, to part (c) of Mr. Studd's starred question No. 837.

(f) The Postal Insurance Fund has only one class of endowment assurance policies and there are no separate with-profit and without-profit policies. A quinquennial examination and valuation of the Fund is made by the Government Actuary and, as a result of these examinations, a simple reversionary bonus at the rate of .8 per mensem per 1,000 rupees of the sum assured in the case of endowment assurance policies, which works out to .96 per cent. of the sum assured per annum, was distributed for the quinquennium ending the 31st March, 1927, while a simple reversionary bonus at the rate of one per mensem per 1,000 rupees, equal to 1.2 per cent. of the sum assured per annum, has just been declared for the quinquennium ending the 31st March, 1932.

The balances of the Post Office Insurance Fund are not invested in Government securities at 3½ per cent. rate of interest as presumed by the Honourable Member. They are kept with Government as 'unfunded debt' bearing interest at the rate of 3½ per cent. per annum free of income-tax. The reasons for the low rate of bonus allotted to policies of the Post Office Insurance Fund are—

(1) the premiums charged by the Fund are based on a 3½ per cent. rate of interest which is exactly the rate at which its balances are accumulated and no profit is therefore earned from interest income, and

(2) the provision for profit made in these premiums is comparatively lower than that made in the premiums charged by life insurance companies.

The Postal Insurance Fund was not taken into account in the calculations of Mr. Christie. The Fund does not issue any 'pure endowment policy'.

Information promised in reply to starred question No. 693, asked by Sardar Sant Singh, on the 14th April, 1934.

CONSOLIDATED ALLOWANCE TO THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

(a) Yes, under orders contained in Railway Board's letter No. 7195-F., dated the 24th July, 1931.

(b) Yes, under Supplementary Rule 22.

(c) and (d). No. The Government have waived recovery of the excess amounts drawn in good faith by the special Ticket Examiners on the North Western Railway.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under Standing Order 78, I have to report that 302 petitions, as per statement laid on the table, have been received relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

No. of signato- ries.	District or town.	Provinces.	No. of signato- ries.	District or town.	Province.
50	Darbhanga.	Bihar & Orissa.	21	Darbhanga.	Bihar & Orissa.
27	Do.	Do.	14	Do.	Do.
11	Do.	Do.	45	Do.	Do.
47	Do.	Do.	93	Do.	Do.
20	Do.	Do.	64	Do.	Do.
23	Do.	Do.	55	Do.	Do.
18	Do.	Do.	58	Do.	Do.
22	Do.	Do.	58	Do.	Do.
18	Do.	Do.	53	Do.	Do.
23	Do.	Do.	57	Do.	Do.
18	Do.	Do.	51	Do.	Do.
21	Do.	Do.	47	Do.	Do.
38	Do.	Do.	96	Do.	Do.
42	Do.	Do.	36	Do.	Do.
39	Do.	Do.	30	Do.	Do.
41	Do.	Do.	57	Do.	Do.
37	Do.	Do.	34	Do.	Do.
41	Do.	Do.	46	Do.	Do.
34	Do.	Do.	53	Do.	Do.
51	Do.	Do.	54	Do.	Do.
22	Do.	Do.	28	Do.	Do.
24	Do.	Do.	24	Do.	Do.
54	Do.	Do.	17	Do.	Do.
56	Do.	Do.	48	Do.	Do.
58	Do.	Do.	36	Do.	Do.
49	Do.	Do.	46	Do.	Do.
48	Do.	Do.	14	Do.	Do.
56	Do.	Do.	37	Do.	Do.
4	Do.	Do.	41	Do.	Do.
54	Do.	Do.	63	Do.	Do.
18	Do.	Do.	36	Do.	Do.
20	Do.	Do.	63	Do.	Do.
51	Do.	Do.	35	Do.	Do.
31	Do.	Do.	88	Do.	Do.
15	Do.	Do.	86	Do.	Do.
57	Do.	Do.	82	Do.	Do.
111	Do.	Do.	44	Do.	Do.
97	Do.	Do.	42	Do.	Do.
86	Do.	Do.	21	Do.	Do.
88	Do.	Do.	14	Do.	Do.
144	Do.	Do.	70	Do.	Do.
57	Do.	Do.	69	Do.	Do.
72	Do.	Do.	51	Do.	Do.

No. of signato- ries.	District or town.	Provinces.	No. of signato- ries.	District or town.	Provinces.
54	Darbhanga.	Bihar & Orissa.	81	Darbhanga	Bihar and Orissa.
34	Do.	Do.	51	Do.	Do.
20	Do.	Do.	60	Do.	Do.
40	Do.	Do.	63	Do.	Do.
37	Do.	Do.	65	Do.	Do.
73	Do.	Do.	30	Do.	Do.
13	Do.	Do.	75	Do.	Do.
70	Do.	Do.	76	Do.	Do.
75	Do.	Do.	63	Do.	Do.
31	Do.	Do.	50	Do.	Do.
63	Do.	Do.	66	Do.	Do.
56	Do.	Do.	66	Do.	Do.
41	Do.	Do.	74	Do.	Do.
53	Do.	Do.	90	Do.	Do.
60	Do.	Do.	100	Do.	Do.
53	Do.	Do.	87	Do.	Do.
135	Do.	Do.	79	Do.	Do.
53	Do.	Do.	94	Do.	Do.
80	Do.	Do.	88	Do.	Do.
96	Do.	Do.	105	Do.	Do.
82	Do.	Do.	83	Do.	Do.
85	Do.	Do.	70	Do.	Do.
59	Do.	Do.	100	Do.	Do.
70	Do.	Do.	92	Do.	Do.
66	Do.	Do.	93	Do.	Do.
42	Do.	Do.	84	Do.	Do.
78	Do.	Do.	40	Do.	Do.
85	Do.	Do.	80	Do.	Do.
88	Do.	Do.	102	Do.	Do.
95	Do.	Do.	96	Do.	Do.
86	Do.	Do.	53	Do.	Do.
12	Do.	Do.	63	Do.	Do.
62	Do.	Do.	44	Do.	Do.
67	Do.	Do.	54	Do.	Do.
35	Do.	Do.	55	Do.	Do.
60	Do.	Do.	68	Do.	Do.
18	Do.	Do.	22	Do.	Do.
8	Do.	Do.	40	Do.	Do.
67	Do.	Do.	59	Do.	Do.
90	Do.	Do.	94	Do.	Do.
26	Do.	Do.	27	Do.	Do.
33	Do.	Do.	36	Do.	Do.
56	Do.	Do.	30	Do.	Do.

No. of signato- ries.	District or town.	Provinces.	No. of signato- ries.	District or town.	Provinces.
53	Darbhanga.	Bihar & Orissa.	47	Darbhanga.	Bihar & Orissa.
54	Do.	Do.	36	Do.	Do.
25	Do.	Do.	10	Do.	Do.
66	Do.	Do.	34	Do.	Do.
39	Do.	Do.	31	Do.	Do.
55	Do.	Do.	42	Do.	Do.
70	Do.	Do.	23	Do.	Do.
56	Do.	Do.	92	Do.	Do.
74	Do.	Do.	36	Do.	Do.
51	Do.	Do.	60	Do.	Do.
40	Do.	Do.	22	Do.	Do.
37	Do.	Do.	84	Do.	Do.
77	Do.	Do.	109	Do.	Do.
7	Do.	Do.	18	Do.	Do.
70	Do.	Do.	81	Do.	Do.
42	Do.	Do.	107	Do.	Do.
21	Do.	Do.	10	Do.	Do.
27	Do.	Do.	41	Do.	Do.
50	Do.	Do.	24	Do.	Do.
42	Do.	Do.	23	Do.	Do.
46	Do.	Do.	60	Do.	Do.
53	Do.	Do.	48	Do.	Do.
46	Do.	Do.	85	Do.	Do.
63	Do.	Do.	88	Do.	Do.
34	Do.	Do.	71	Do.	Do.
97	Do.	Do.	69	Do.	Do.
45	Do.	Do.	154	Do.	Do.
8	Do.	Do.	89	Do.	Do.
24	Do.	Do.	67	Do.	Do.
75	Do.	Do.	54	Do.	Do.
16	Do.	Do.	31	Do.	Do.
57	Do.	Do.	52	Do.	Do.
90	Do.	Do.	66	Do.	Do.
47	Do.	Do.	76	Do.	Do.
55	Do.	Do.	15	Do.	Do.
45	Do.	Do.	11	Do.	Do.
49	Do.	Do.	20	Do.	Do.
48	Do.	Do.	56	Do.	Do.
51	Do.	Do.	70	Do.	Do.
31	Do.	Do.	70	Do.	Do.
33	Do.	Do.	30	Do.	Do.
50	Do.	Do.	40	Do.	Do.
			8	Do.	Do.

No. of signato- ries.	District or town.	Provinces.	No. of signato- ries.	District or town.	Provinces.
54	Darbhanga.	Bihar & Orissa.	14	Darbhanga.	Bihar & Orissa.
12	Do.	Do.	70	Do.	Do.
52	Do.	Do.	50	Do.	Do.
46	Do.	Do.	76	Do.	Do.
24	Do.	Do.	46	Do.	Do.
28	Do.	Do.	11	Do.	Do.
13	Do.	Do.	28	Do.	Do.
85	Do.	Do.	45	Do.	Do.
40	Do.	Do.	23	Do.	Do.
63	Do.	Do.	8	Do.	Do.
54	Do.	Do.	54	Do.	Do.
36	Do.	Do.	24	Do.	Do.
44	Do.	Do.	22	Do.	Do.
38	Do.	Do.	8	Do.	Do.
36	Do.	Do.	75	Do.	Do.
50	Do.	Do.	62	Do.	Do.
62	Do.	Do.	24	Do.	Do.
38	Do.	Do.	60	Do.	Do.
58	Do.	Do.	76	Do.	Do.
73	Do.	Do.	90	Do.	Do.
47	Do.	Do.	45	Do.	Do.
20	Do.	Do.			
33	Do.	Do.			
19	Do.	Do.	15,504	Grand Total.	

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : The Honourable Member in charge began his speech yesterday by saying that the issues involved in this Bill are simple. Then he went on to develop that point and stated that we in this Bill are concerned principally with the place of detention and not the power of detention which had been provided for by the Bengal Legislature ; but, a few moments later, my Honourable friend, in pointing out the second feature of the legislation which is sought to be given a permanent life by this amendment Bill, stated that the second provision was intended to bar the powers of the High Court in regard to *Habeas Corpus*. I, therefore, maintain that my Honourable friend was not quite correct when he stated that under this Bill we were principally concerned with the question as to where the detenus were to be detained and that the issue

[Mr. K. C. Neogy.]

of detention without trial did not arise directly out of this Bill. I maintain, on the other hand, that we are asked to confirm the principle of banishment without trial of detenus who are suspected of complicity in the terrorist movement and whose guilt has not been proved before any Court of law, or any regularly constituted authority, before whom these people had any chance of making their defence. The second principle which this Bill involves is, if I may borrow the frank words that were used by the Honourable Sir Brojendra Mitter on a similar occasion before, the substitution of executive judgment in place of judicial judgment as a permanent feature of the law of this land. Now, Sir, the Honourable Member in charge stated that the Bengal Legislative Council having made permanent the provisions of their Act of 1930, our Act VIII of 1932, which was passed as a consequential measure, has necessarily to be made permanent. And, following this cue, my Honourable friend, Mr. Ghuznavi, stated that this Bill is a mere logical corollary, a mere consequential amendment of a Bengal Act which has been recently passed.

Now, Sir, assuming that the principle of detention without trial is accepted, does banishment necessarily follow as a logical consequence of it? In my study of the proceedings of the Bengal Legislative Council in connection with the last measure which was passed just a few months ago, as also in connection with the measure which was passed in 1930, I do not find any indication in the official speeches there which show that banishment was in the least contemplated by the Government of Bengal or that Deoli was even then in contemplation. As a matter of fact, I find that some Bengal Members complained afterwards when Deoli had become an accomplished fact that they knew nothing about it. As a matter of fact, they said that it was only as a result of the report of the Public Accounts Committee, or the proceedings before the Public Accounts Committee in Bengal, that they came to learn that funds were being provided for the detention camp at Deoli. So far with regard to the necessary logical connection between the Bengal Act and the present Bill. Why was Deoli wanted? We had an elaborate explanation from the Honourable Member in charge, and his statement amounted to this in effect, that unless we provide for banishment, in the case at least of the more hardened among the suspects, their detention cannot be effected satisfactorily. "Bengal finds it difficult to keep them in effective segregation in Bengal." That is the purport of the statement of the Honourable Member. Now, Sir, I remember a similar statement was also made by his predecessor in office, when the Bill of 1932 was under discussion. But this very question was raised in the Bengal Legislative Council as well, and no earlier than the 19th March, 1934, by way of a token cut in connection with the demands for the budget grants. The following official reply was given, I am quoting from the speech by the Honourable Mr. Reid on that occasion:

"There was a great congestion in Bengal, and we could not accommodate further detenus here."

That is what he puts in the forefront. The first and foremost reason for Deoli was that there was a great congestion in Bengal and they could not accommodate further detenus there; that is one reason why it was

started. I dare say that if that reason was a valid reason in the year 1932, when the Civil Disobedience Movement was at its height and the jails in Bengal were chokeful of Civil Disobedience prisoners, that reason no longer holds good today. Now, I will let the Honourable Mr. Reid proceed with his statement. The second reason was this:

"These men whom we have in the detention camp are all men who are deep in the terrorist movement. To remove them outside the Province does make a difference both to conditions here and also to their own mentality."

We do not find anything here specifically stated with regard to the communications by detenus being more feasible from detention camps with the outside world, if they are to be kept in Bengal, and a new element has been introduced here to which I should like to draw the attention of the House once more:

"To remove them outside the Province does make a difference both to conditions here and also to their own mentality."

This element of the effect of banishment on the mentality of political suspects has never before been mentioned in this House, as far as I am aware. To put it in a nutshell, the position of the Government of Bengal is that these terrorist suspects should be terrorized out of terrorism. Sir, English is not my mother-tongue, but I should like to ask my Honourable friend, the Member in charge, as to what exactly is meant by the expected "difference to the mentality" of these people which is looked forward to as a result of their banishment. I know that the Honourable Member in charge has always assumed that these suspects are as good or as bad as confirmed terrorists against whom definite charges have virtually been proved. But here comes in a fundamental difference in the outlook of this side of the House and that; and that is that, so long as these people are not placed before any properly constituted authority where they may have proper chances of putting in their defence, so long as they have not any chance of clearing themselves, public opinion will not easily take these suspects to be confirmed terrorists, which, I take it, is the case of the Honourable Member. Now, with regard to the question of the investigation which takes place, before orders of internment or detention are passed I took the occasion to look up the Rowlatt Committee Report and I should very much like to place one paragraph of that report which today sounds so very liberal in its recommendations. I would draw the attention of the Honourable Member in charge to paragraph 191 of that report where the Committee contemplated "an investigation authority":

"An investigating authority or authorities should be constituted, as to which we shall say more later on."

Then they go on to deal with the duty of the investigating authority:

"The duty of the investigating authority will be to inquire *in camera* upon any materials which they may think fit and without being bound by rules of evidence. They would send for the person and tell him what is alleged against him and investigate the matter as fairly and adequately as possible in the manner of a domestic tribunal. It would not be necessary to disclose the sources of information, if that would be objectionable from the point of view of other persons. No advocates would be allowed on either side or witnesses formally examined, nor need the person whose case is under investigation be present during all the inquiry. Should such person indicate that other persons or any other inquiries may throw light on the matter from his point of view, the investigating authority would endeavour to test the suggestion, if it seems relevant and reasonable. At the close of the inquiry the investigating authority would certify their conclusion to the Local Government."

[Mr. K. C. Neogy.]

Now, Sir, I do not know these things as well as my Honourable friend, Mr. Mitra, does, and I am assured on his authority that this particular recommendation, even of the Rowlatt Committee, has not been followed in practice and that the facilities and the opportunities which even that Committee contemplated that these suspects should be given have been denied to them for the past so many years. Then, to come to the question of the composition of the authority, here again I would like to read out just a few sentences from the Rowlatt Committee Report, viz., paragraph 193 :

"If the functions of the investigating authority are such as we have described, the difficulty of its composition is minimized. For an inquiry in a judicial spirit into facts, knowledge and experience are the requisites. It has been suggested to us that the judicial, the executive and the non-official elements should be represented upon the body or bodies in question. Having indicated the functions which we recommend for the investigating authority, we do not feel that we are driven to give our views as to its exact composition. But we think we may say, as based upon the experience gained in the course of our labours, that one member should be a non-official Indian selected for his knowledge of the people."

I should like to know from my Honourable friend as to the reasons why Government have departed from the recommendations of such an eminent authority as the Rowlatt Committee, both in regard to the question of the personnel of the investigating authority and its powers and procedure. As I have said before, Indian public opinion will refuse to accept the executive judgment in these cases as conclusive.

Now, Sir, my Honourable friend, in the course of his speech, stated that this measure alone would not end terrorism, and then he referred with appreciation to the fact that public opinion has been actively ranging itself against the menace of terrorism in Bengal. Was that the only other thing necessary, I ask? My Honourable friend left me in some doubt, because he did not mention any other thing that might be necessary,—any other action that might be necessary for the purpose of stamping out this menace from this land; and it was only when my Honourable friend, Mr. Mitra, was speaking that the Honourable gentleman interjected an observation to suggest that there were other steps to be taken, but that these were being considered by the Government of Bengal.

The Honourable Sir Harry Haig (Home Member) : I think my Honourable friend will remember that, when I was referring to Sir John Anderson, I said particularly that he was endeavouring to devise other remedies.

Mr. K. C. Neogy : I am very glad my Honourable friend has explained that point. As a matter of fact, I am just going to quote a few words from a speech which His Excellency Sir John Anderson made before the Bengal Legislative Council on the 28th February, 1933. This is what he said :

"While I claim that that experience goes to show that the outward manifestations of disorder can only be dealt with by what are called repressive measures, and that any Government that neglects or fears to employ such measures, is sealing its own doom, my Government have always realized that there are certain underlying or predisposing causes of unrest that must be removed if lasting improvement is to be achieved. It is not enough to meet force by force or to overbear lawlessness by asserting the majesty and the power of the law. An atmosphere must if possible be created in which the seeds of disorder will not readily germinate. Here, in Bengal, as any careful observer must realize, there are problems,—political...."

and here I should like my Honourable friend, Captain Lal Chand, (I wish he were here) to listen to me—

"There are problems—political, social and economic, formidable no doubt in character, but amenable, I am sure, to treatment, given the imagination, resolution and good-will, the solution of which would in a short time change the whole aspect of affairs."

I should have very much liked my Honourable friend, the Member in charge, to tell this House the manner in which the Government of India are trying to help the Government of Bengal in carrying out the tremendous task which His Excellency Sir John Anderson referred to and has undertaken. I very much hope that the only contribution which the Government of India are making to the solution of this problem does not consist of this measure or measures of this kind.

Now, Sir, there are very great impediments in the way of public opinion asserting itself in an effective manner so as to combat this evil, and there are very great difficulties in the way of creating a favourable atmosphere for the effective co-operation of the people and the Government for stamping out this menace from our country. One impediment is the existence of repressive measures if, as they are as a matter of fact, they are operated in a repressive manner and in an indiscriminate fashion. And the second impediment is terrorism by local officials for which there is no remedy anywhere.

Now, Sir, I should like to refer to a statement which the Honourable the Home Member laid on the table only the other day in reply to certain allegations which were made by my Honourable friend, Mr. S. C. Mitra, in the course of his speech at Delhi sometime ago. These allegations, as also the official reply, have a somewhat familiar ring about them. I was struck, when the allegations were being made by my Honourable friend at Delhi, by a strange family liking which they bore to certain incidents which I had the misfortune of witnessing with my own eyes in the distinguished company of a very distinguished friend of our present Law Member, I mean Mr. Jatindra Nath Basu, whose testimony, I dare say, he will ask his Honourable colleague, the Home Member, to accept. On that occasion—and it was about four years ago, before there had been one single terrorist outrage in the district of Midnapore—things, which I do not want to mention now, happened or used to happen as a matter of course, as a matter of routine almost; and some of us, who had gone down there, were arrested for the hardihood of having gone and witnessed the depredations that were being committed under the direct charge of the Sub-Divisional Magistrate there. And I may tell my Honourable friend, the Law Member, perhaps he knows it already, that for that offence, that is to say, for having gone to see what things were taking place, his distinguished friend, Mr. Basu, and several others, including my own humble self, were placed under immediate arrest. And, not very long after that, the Sub-Divisional Magistrate was promoted to a District Magistrateship.

Now, Sir, the countryside has been harried for the last four years, from the beginning of the second Civil Disobedience Movement, by police raids and police hooliganism. Innumerable questions have been asked here and in the Bengal Legislative Council. Allegations have been made of wanton insults to respectable people, assaults on all and sundry,—men, women and children,—and wanton destruction of property

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without any discrimination whatsoever. Now, Sir, I have no desire to refer to those incidents in any great detail, but for the particular benefit of my Honourable friend, Mr. Ghuznavi, who, I am sorry, is not in the House just now, I should like to refer to certain incidents which happened in Chittagong and to which reference was made, not by any disgruntled agitator, but by a gentleman who had, not long before that, been the Divisional Commissioner of the Chittagong Division himself, I mean Khan Bahadur Maulvi Abdul Momin, who after retirement from that responsible office, became a non-official Member of the Bengal Legislative Council. On the 1st of December, as also on the 5th of December, 1932, he made specific allegations of a very serious character against the police authorities of Chittagong and he stated that the houses of about 150 Mussalmans of the Chittagong town (including the houses of very respectable persons) were searched on the 16th November, 1932, that in the course of searches Muhammadan ladies were rudely treated (*Cries of "shame"*) and men were assaulted, that the *Muezzin* of a particular mosque was threatened with a bayonet and prevented from calling the *Azan*, and that this had led to a good deal of agitation among the Muslim community. Of course the usual vague answers followed denying the allegations in the usual form. This matter came up once more for discussion in the Bengal Legislative Council and Mr. Momin repeated these charges in substance. We then had Mr. Shama Prasad Mukherjee, who also spoke on that occasion, re-enforcing Mr. Momin's statements with some personal remarks of his own relating to other similar incidents that were happening in the country. I may tell this House that this Mr. Shama Prasad Mukherjee has just been thought fit by the Government of Bengal for being appointed the Vice-Chancellor of the Calcutta University. And this is what he stated :

"The report (*I am reading out from the speech of Mr. Shama Prasad Mukherjee*) which has been read out by Mr. Abdul Karim, is not, therefore, an isolated instance. Things like that have been happening in different parts of Chittagong."

Then, later on, referring to a particular case, he says :

"In this case, men were brought out of their houses and their hands were tied behind their backs and their women-folk were made to stand for hours. One of these women, who was pregnant, asked for permission to sit down but the result was that abuses were hurled at her. But the climax was reached and all these gentlemen, who were apparently respectable persons, were made to dance in a circle."

Then, he added :

"I do not know what particular amusement it offered to the officer in charge, as indeed I do not know what particular amusement would it offer to anybody in this House to see my Honourable friend and members of his department dancing round the circle, although that is an experiment worth trying."

Now, Sir, let me come to Maulvi Abdul Karim, a name which is universally respected in Bengal, a venerable old gentleman, who retired from Government service after holding the responsible appointment of an Inspector of Schools. This is what he stated. I am not going to read out all that he said. I will quote just a few lines :

"That innocent people have been harassed at times by zealous officers is perhaps too well-known to need detailed mention. It is to be regretted that, either for lack of correct information or for the sake of prestige Government did not seem inclined to take such action as would put a stop to these deplorable state of things. What happened at Chittagong the other day? We have received reliable information, which we have no reason to disbelieve, that a number of innocent men and Pardanashin

women were roughly handled and greatly humiliated and the *Muezzin* of a mosque was prevented from saying the call to prayers by reason of a search for absconders."

And he stated that, as a result of the search of 150 Mussalmans' houses, not a single absconder was discovered. Then he added :

"I need hardly say (*that is how he concluded*) that regrettable occurrences such as this are causing indescribable sufferings to the people and creating an immense discontent and disaffection throughout the country. Even those who have all along been staunch loyalists are fast losing faith in Government's justice and fairness. I shudder to think what the ultimate result of all this would be. The sooner the undesirable impression prevailing in the country is removed and the people are assured not by mere words but by effective action that such deplorable incidents could not be tolerated any longer the better would it be for all concerned."

I do not think that this appeal or warning made by a man, who had served the Government all his life so loyally, produced any result.

Now, Sir, these allegations are met with the usual official denials both here and in Bengal. But, has my Honourable friend taken the trouble to enquire as to the percentage of people who put any belief in the Government communiqués that are issued on such occasions or in Government replies? If he had, he would have been struck by the tragedy that after 150 years of British rule in India official statements in such matters are presumed to be false by the people at large. It is my contention, and it is the contention of this side of the House, that terrorism is partially, nay, very largely, being fed by these acts of oppression committed by the local officials for which there does not appear to be any remedy at all either here or anywhere else. It is on this account that repressive measures are not proving as effective as they might otherwise be. My Honourable friend is leaving this high office in a few days. May I make one appeal to him that before he leaves, he may institute a committee of enquiry, consisting of High Court Judges, drawn from the different Provinces, who would tour the different parts of the country which are affected and make an open enquiry as to how far the Government policy and such acts of official terrorism are responsible for keeping alive the terrorist movement in Bengal. I dare say that if such action were to be taken by my Honourable friend, it would be seen that the responsibility for keeping alive the terrorist movement lies to a very large extent on the shoulders of the over-jealous local officials (*Hear, hear*) who are not being checked properly from above. And so long as they are not checked, such repressive measures would, in any event, prove to be futile. When we make complaints, we do not assume that things would have been better if India were at the present moment being governed by any other European nation. But it is no compliment to Government to say that the condition of things in India would have been worse if we were under Nazi rule. I do not think it would be any compliment to the British rule in India to say that. Poet Tagore in his own inimitable way has stated in a recent article :

"Even in times of hardest trials, I cannot own to myself that magnanimity is lacking in the English character; other Europeans in their treatment of subject peoples are less generous and more cruel than the English. The opposition that we show in word and deed against the English race and their administration is unthinkable against rulers of other races. Even had it been otherwise, the punishment would have been far less bearable, proof of which is not wanting in Europe itself or even in America. Even when we openly revolt and are punished by the officials, we complain in surprise, which only shows that even in the midst of the beatings we receive our deep respect for the English people dies hard."

[Mr. K. C. Neogy.]

I want the Honourable Member in charge to realise that they have fallen off from the great ideals that inspired the early pioneers of British rule in India. I want my Honourable friend, before he leaves the shores of the country, to do something to rehabilitate British rule in India on the old and sound foundations of justice, equity, and good conscience. It is because this particular measure is un-British in its character, it is because the policy which stands behind this measure and its likes is absolutely un-British in its character, that I must emphatically record my protest against the present Bill.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, there have been so many Bengal Criminal Law Amendment Acts with their partial repeals and other supplementary Acts that it may not be altogether unprofitable to tell the House in a very few words of the exact legal situation today. We need not go back earlier than 1930. In 1930, the Bengal Criminal Law Amendment Act was introduced and passed. Put very shortly, the result of that Act among other things was, as my Honourable friend, Mr. Neogy, has pointed out, executive judgment was substituted for the judgment of Courts. That was done in 1930. I am not referring to its minor or to its detailed provisions. It enacted that where, in the opinion of the Government, something was happening, they would have the power to detain persons in jail without trial in any established Court of law. I need not refer to the details of notifications of residence, powers of search, this, that, and so on. That was done in 1930. The next thing was that, in 1932, this House passed an Act which was called the Supplementary Act, and the result of that Supplementary Act was that the Bengal prisoners could be segregated outside Bengal, and, on that occasion, the House, by its decision and by its passing that particular Act, the Supplementary Act, approved of the principle that Bengal being in difficulties with the grave menace which had appeared there, it was the duty of this House to go to her rescue and to allow the prisoners to be taken outside Bengal. That was done in 1932. Then I should remind the House that the 1932 Act, which was passed by this House (it was called the Supplementary Act), would expire sometime in 1935. The idea was that the Supplementary Act would expire with the main Act and, as matters stood in 1930, the main Act would expire in 1935, and, therefore, this House decided that it will help Bengal in her difficulties and in her distress by allowing the prisoners to be taken outside Bengal and both Acts would expire sometime in 1935, the hope being that by that time the situation would so much improve that neither the first Act nor the second Act would require to be continued or made permanent. In this state of affairs in 1934, the Bengal Council, as this House has been informed so often during the debates, passed what I may call shortly the Act of 1934. By the Act of 1934 they repealed the section in the Act of 1930 which was section 1(4) which limited the life of that Act of 1930 to five years. The result of the Act of 1934 has been that the Act of 1930 has been made permanent. In addition to that, again, I am not going into details, very drastic powers have been given to the Government, to the executive, in addition to the powers which they already had under the Act of 1930. It will be enough if I remind the House, for instance, of the provision that in the case of a man found in possession of arms, if it was proved that the possession was with the object of committing murder, then he could be sentenced to death or transportation for life. That was one of

the additional provisions of 1934. There were further additional provisions in the shape of control over literature, punishment for possessing literature of a certain kind, and so on. Therefore, the result, when the Act of 1934 was passed, was this that the Bengal Legislature, by an overwhelming majority,—a division of something like 80 to 20,—by its Act recited that it is necessary in the interest of the State to give further powers to check the activities of the terrorists. It gave powers which are very much wider than the powers which the executive enjoyed under the Act of 1930. It proceeded to repeal the section which made the previous Act only temporary, its life expiring after five years. That was the position in 1934 after the passing of that Act. At the present moment the legal situation, therefore, is this that the main Act, of which the Act of 1932 passed by this House was a supplement, is now permanently on the Statute-book. The supplemental Act which was intended to be co-extensive with the main Act is now in this position that it will expire in 1935 leaving the main Act to operate even after the Supplementary Act had come to an end. That is the exact legal situation.

Now, Sir, I shall deal with some of the points which have been raised by my Honourable friends on the opposite Benches. I do not intend to deal with all their points, but I find that one point which has been pressed by almost every Honourable Member is this, that this law is a repressive law; this law has failed in spite of all legislation; terrorism has not come to an end; so what is the object of persisting in similar legislation? We have heard similes of quacks and doctors; we had prescriptions here given by three Honourable Members widely varying from one another. May I tell the House that if they will only apply that principle to offences which are non-political, they will find out the soundness or otherwise of this reasoning. I am applying the reasoning to non-political crimes, because, in politics, even in connection with crimes, reason has but little scope, passion and prejudice succeed in overpowering reason. Now, in the case of murder or in case of dacoity, in spite of a sentence of death or transportation for life or a long term of rigorous imprisonment having been on the Statute-book at all possible times, has it put an end to murder? Has it put an end to dacoity? Is it a good argument to say that you must abolish all these punishments and say, what is the good of having any punishment prescribed against dacoity and murder if those things are still persisting? How would the argument sound, that so long as root causes of murder, such as avarice and revenge are not removed, it is useless trying to prevent murders?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : But this Act is a preventive Act and not a punitive one.

The Honourable Sir Nripendra Sircar : I am obliged to my Honourable friend for reminding me that it is a preventive Act and not a punitive one. I take him at his word. Why do you take steps for preventing murder or dacoity, when you know all your "legislation has failed", because murder has not gone out of the land? In the case of political crimes, in dealing with terrorism, you say we should go to the root cause; until the root cause has been discovered and the thing has been uprooted, it is no good indulging in these palliatives. Why don't you do that in the case of murder?

Mr. S. C. Mitra : But you passed a law only the other day. Half a dozen laws were passed in the last four years; in what other country has the Legislature passed half a dozen laws for preventing murder?

The Honourable Sir Nripendra Sircar : In what other country has terrorism appeared in such a form within the last few years ? (*Voices : "Russia, Germany, Ireland."*) And if my friend is thinking of other countries, I do not like to talk about them, because there are countries like Germany or Italy or Russia where these measures will be considered as milk and water provisions not worth looking at. Let us not think of other countries, where there happen executions and not merely detentions without trial. I had been telling the House that Statutes for suppressing terrorism have been called repressive laws. That reminds me of the saying of a very learned Judge "that you gain nothing or lose nothing by simply adding a vituperative epithet".

Now, what is a repressive law ? I say that the case of the man who is transported for life, because he has murdered, the man who gets a sentence of imprisonment, because he has committed dacoity, and even in the case of a man in his motor car who is held up by a policeman while he is on the wrong side of the road, these are all cases of repression. Repression it must be, as, in the larger interests of the State and Society, crime has to be repressed. No one has contended, that, because, law very often is repression, therefore the amount of repression must have no bearing and no proportion to the crime which is intended to be prevented. Nor is there any issue on the question, whether the duty of the State consists solely in repressing and preventing crime. It has been conceded that the Governor of Bengal is doing all that is possible in other directions.

Mr. K. C. Neogy : But His Excellency Sir John Anderson did not dispute that these measures can be described as repressive.

The Honourable Sir Nripendra Sircar : I think I am in good company if I say that I agree with Sir John Anderson. In fact, what I have now stated is not different from his views. I am only pointing out that nothing is gained by describing legislation for preventing terrorism as "repressive". We know exactly what they mean, what they are intended for and what their effect and operation amount to. They are meant for repressing crimes, and it is the duty of this House to help the administration in repressing terrorists.

Then, Sir, in considering the present Act, we need not go into the details of what exactly has been done by the Bengal Council. What amount of "repression" is necessary in the situation which has arisen in Bengal (*Mr. K. C. Neogy : "And for all time"*), and for what time and in what manner, that has been decided by the Bengal Council by men who are most competent to decide this matter. I daresay, if my Honourable friend, Mr. Neogy, had been in the Bengal Council, he would have tried to bring about such a change in their frame of mind that, by an overwhelming majority, the Bill would have been thrown out. But, as it is, the Bill has been passed. When a Statute is said to be permanent, of course it is always subject to its being repealed. And we have been assured that the time is not very far when some people who are not in the Assembly yet will get every repressive law repealed and that their permanency will disappear within a short time if that assurance is carried out. Honourable Members should remember, that temporary Acts have failed. They only induce the terrorists to bide their time.

Now, Sir, in considering this Bill, I beg of this House to remove from its mind certain considerations which, in my humble submission, are

not relevant at all, on the sole issue which is being discussed, *viz.*, whether suspects can be detained in jails outside Bengal. For instance, the consideration that the detenu loses his liberty, that he loses the company of friends, that in some cases prompt medical attention is not given and similar complaints,—I say in all humility that these are irrelevant considerations, because they may as well happen in jails inside Bengal as outside it. If there are cases of hardship, by reason of the iniquities of subordinate staff, they may as well occur in a Bengal jail as in a jail outside Bengal. I shall have to discuss the point as to why this additional restriction should be placed upon detenus : that is a different matter ; but I am pointing out to the House, that those factors, which are common to jails, whether they are inside or whether they are outside Bengal, do not come into the picture at all in considering the desirability or otherwise of this Act.

As regards the merits of those complaints, that is a matter which is more in the province of the Honourable the Home Member than myself ; but I cannot take it for granted, because my information is otherwise, that, as a matter of fact, these political detenus are each confined in a solitary cell. My information is, that is not the fact. Solitary cell may be prescribed both in Bengal and outside Bengal as punishment for breaches of jail discipline. The normal condition of life at Deoli is that the detenus live in large airy barracks, each barrack containing from thirty to forty persons and surely that is enough company for any one, and that is the best that can be done, assuming people have to be detained. But, as I said, those details are more in the province of my colleague, the Honourable the Home Member, than myself.

I shall advert to the *Habeas Corpus* Act after I have made a passing reference to the appeals which were made to the humanity of the gentlemen who are occupying the Treasury Benches. The appeal which has been made by my Honourable friend, Mr. Mitra, and by other speakers on the opposite side—I am not making light of them, I respect them for their consideration, for their concern for others and for their feelings of humanity ; but what I do protest against and protest most strongly is the assumption that this humanity, this consideration for the misery of fellow-beings is an absolute monopoly of gentlemen who occupy the other side of this House. I beg to assure them that it is no pleasure either to the Government of Bengal or to the Government of India or to the eighty gentlemen in the Bengal Council who passed this Act, it is no pleasure to them to be compelled by overriding necessity to have recourse to a measure of this kind. It is nonsense to suppose that men like Khan Bahadur Abdul Momin, whose name was mentioned by my friend, Mr. Neogy, and others who helped in passing this Act are less sensible to the misery of others than my friends on the opposite side. It is difficult to imagine that those gentlemen would be so callous that they would not pause to consider what the effect of this legislation was going to be. I submit that any sensible man would come to the conclusion that they were impelled by the grave menace which the Province has been faced with, the extreme peril to which society has been put, to take the measures which were enacted in that Act of 1934. To them, as to all reasonable men, detention without trial must be an abomination, but they were compelled to enact an abomination to get rid of, or at any rate to prevent, a greater abomination, namely, terrorism.

[Sir Nripendra Sircar.]

Now, my friend, Mr. Lalchand Navalrai, raised some questions about the power of this House to enact a law which would interfere either with the *Habeas Corpus* Act or with any rights under the common law which the subject has. That is purely a technical question, but I would like to put it in as non-technical language as is possible. I am sorry, time of this House has to be taken up in discussing legal questions, which really do not arise. My assertion in this House is that that question is not open to argument since the year of grace 1870, and I shall, as briefly as possible, give this House an account of the history of the decisions, not only of the Calcutta High Court, but of the Judicial Committee, relating to this matter. The thing started early in 1870 when the well-known case of Amir Khan was tried in the Calcutta High Court. He had been detained under the provisions of Regulation III of 1818. He applied before Mr. Justice Norman, and his counsel—a very eminent counsel—argued that this Regulation of 1818 was beyond the competence of the Indian Legislature. It had to be conceded by the Government that by that Act the *Habeas Corpus* Act had been suspended, and the other side said that the Indian Legislature could not do that, that the subject had certain rights under the *Habeas Corpus* Act, certain rights under the unwritten law of the Constitution, and certain other rights under the common law of England, and that none of these rights could be touched by the Indian Legislature. That was the exact point which was raised in Amir Khan's case. In the original trial, Mr. Justice Norman accepted the contention to some extent, and, if I may give his exact words, he came to the conclusion that an Act passed by the Indian Legislature which was contrary to the provisions of, say, the Magna Charta, would be beyond the competence of the Indian Legislature; he said:

"Legislation which restricted the existing rights of an individual in a manner contrary to the provisions of, for example, the Magna Charta, without the special justification expressed by the maxim *salus populi suprema lex* would be beyond the power of the Indian Legislature."

Having done that, Mr. Justice Norman went on to say:

"But, as a matter of fact, this law was not *ultra vires*, because, having regard to the conditions prevailing in this country, it was necessary for the larger interests of the State and for the society at large that some people should lose their right of going to the High Court and having matters questioned there."

That was his position. But, unfortunately, or fortunately, whatever it is, when the matter came up to the Court of Appeal, the Court of Appeal differed from Mr. Justice Norman and it will be my endeavour to place in five or six minutes before this Assembly the facts which will show that, ever since 1870, Courts, including the Judicial Committee, on repeated occasions have accepted, not the judgment of Mr. Justice Norman, but the judgment of the Judges in Appeal. The Judicial Committee, in one of the cases, rebuked counsel and told him that he ought to remember that the judgment of Mr. Justice Norman had not been accepted. When it went to the Court of Appeal—I am trying to be as brief as possible—Mr. Justice Markby and Mr. Justice Phear thoroughly disagreed with the opinion of Mr. Justice Norman and they came to the conclusion that, apart from any application of the maxim which I have quoted—*salus populi suprema lex*—which need not be considered at all—irrespective of that consideration, the Indian Legislature has every power to enact Bengal

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Regulation III of 1818. And their Lordships said,—I will quote their exact words:

"The Learned Counsel who appeared for Amir Khan very strenuously argued that allegiance of the subject is co-relative with protection, and where sovereign cannot protect his subjects, their allegiance ceases."

Consequently, counsel said that Acts like Regulation III of 1818, which suspended the *Habeas Corpus* Act, and which prevented the High Court from testing the grounds on which detention had been ordered by executive authority, were illegal and *ultra vires*. Mr. Justice Phear, after pointing out that counsel was trying to convert a political sentiment into a principle of law, ended by saying:

"Surely, a more startling proposition than this was never made to this Court and it ought never for a moment to receive its sanction."

Mr. Justice Markby fully concurred, although he wrote a much shorter judgment, with Mr. Justice Phear, and if I may quote one passage from his judgment, he said:

"I see no ground for supposing that an Act affects the prerogative of the Crown, because it affects the liberty of the subject. If that were so, then the Indian Legislature would have no power at all to legislate in criminal matters,—a position which would not be entertained for a moment."

He also stated:

"I wholly repudiate the doctrine that the allegiance of a subject to his sovereign can by any possibility be legally affected by the mere withdrawal from the subject, of any right, privilege or immunity whatsoever. I think the notion of reciprocity upon which this argument depends is one which is wholly inadmissible in any legal consideration."

They once for all said that the mere fact that the liberty of the subject has been curtailed, that his privileges or immunities have been taken away, that the *Habeas Corpus* Act has been suspended, are no grounds for declaring an Indian Act to be *ultra vires*.

That was in 1870. I will tell the House rapidly how events have moved. Much later, about 23 years ago, before that eminent Judge, Chief Justice, Sir Lawrence Jenkins, this matter was again argued,—and I am referring to this case although there are a dozen, because in this case the matter, from the point of view of the subject, was argued with remarkable ability and strenuousness by the late Mr. C. R. Das, as the judgment itself will show. He pressed the argument of *ultra vires*, he pressed the point that the common law liberty of the subject has been taken away, he pressed the point that, under some unwritten law of the Constitution of England, the subject has the right to approach the Courts for investigating the facts upon which he was detained,—no point which could, with any reason, be argued was omitted by Mr. Das.....

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Are you not confining to the Calcutta High Court decisions?

The Honourable Sir Nripendra Sircar : Yes, Sir; I am confining myself to the Calcutta High Court decisions, and I shall proceed to show that the Calcutta High Court decisions have been affirmed on at least five occasions by the Judicial Committee, but I cannot take all the cases at the same time in the same breath. The contentions of Mr. Das were over-ruled by Chief Justice Jenkins who followed Amir Khan's case, and he said that the fact that, under the common law right, assuming the subject had any common law right, and assuming that the provisions of the

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Habeas Corpus Act had been suspended or abrogated, that did not mean that the Indian law was invalid, illegal or *ultra vires*. Still later,—I shall only give the House the reference,—the matter was decided by another Special Bench, again in Calcutta, of five Judges of the Calcutta High Court, and confirmed still later by Mr. Justice Carnduff. These are all Calcutta rulings,—but, before I come to the Judicial Committee, I would beg to remind the House of the fact that we are dealing with detenus in Bengal, and if in Calcutta the High Court, by their rulings, uniformly from 1870, have recognised that such an Act is not *ultra vires*, it is idle to say that some learned Judge in Bombay or Madras may have come to a different decision.....

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Will the Honourable Member allow me to ask a question ? Does he think that if the question of *Habeas Corpus* Act comes into question in other Presidencies, it will not be legal to suspend it ?

The Honourable Sir Nripendra Sircar : Will the Honourable Member kindly repeat his question ?

Mr. Lalchand Navalrai : As the Honourable Member is restricting his remarks of the Privy Council to Calcutta, I am asking that if the *Habeas Corpus* Act is attempted to be suspended in other parts of the country, will it be legal or not.

The Honourable Sir Nripendra Sircar : I shall just....

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Chair understand that any Honourable Member has raised a point of order whether the Bill before the House is *ultra vires* of this Legislature ?

Mr. Lalchand Navalrai : Sir, no point of order has been raised, but I will raise it, because, Sir, I know of a time when such a question was raised in this House. I asked the Secretary to help me to find out the ruling, and I am trying to find out the ruling given by your predecessor who held that the Legislature has got no power in that direction. I was only waiting to raise it.

Mr. President (The Honourable Sir Shanmukham Chetty) : May the Chair understand the Honourable Member now that he formally raises the point of order that this Bill before the House is *ultra vires* of the Indian Legislature ?

Mr. Lalchand Navalrai : If the Chair will allow me to do it hereafter, when the Honourable the Law Member has finished his speech, I will do it then, otherwise I will.

Mr. President (The Honourable Sir Shanmukham Chetty) : It seems to be an after-thought of the Honourable Member from the remarks made by the Honourable the Law Member.

Mr. Lalchand Navalrai : I did not quite follow.

The Honourable Sir Nripendra Sircar : I must say that my friend, Mr. Lalchand Navalrai, did indicate the point, because I have it in my notes that he used the words *ultra vires* in connection with any Act which would suspend the *Habeas Corpus* Act ; he did raise that point. I have no difficulty in answering the point, whether in Bombay or Madras, a similar principle which has been laid down in Amir Khan's case will be

followed. All I can say is this, that the Judicial Committee has repeatedly affirmed that an Act which abrogates the *Habeas Corpus* Act or which takes away any supposed common law rights, that will be *intra vires* of the Indian Legislature. If any learned Judge of the Bombay High Court refuses to follow the decisions of the Judicial Committee, that is a different matter. Now, Sir, about the Judicial Committee, I shall not take more than three minutes. In the case of Mrs. Annie Besant, which went up to the Judicial Committee, this principle was again affirmed, I mean the principle which was laid down in Amir Khan's case, that the supposed abrogation of the *Habeas Corpus* Act or the supposed interference with common law rights of the subject were not good grounds for attacking the Act of the Indian Legislature as being beyond its competence. I will quote only one sentence here from the judgment of the Privy Council in Besant's case. It was contended in the High Court and before this Board that it was beyond the competence of the Indian Legislature to enact section 22, and possibly even to enact the Press Act. This argument was mainly founded upon the language of Mr. Justice Norman in Amir Khan's case, and received some encouragement from the officiating Chief Justice,—that is my friend, Sir Abdur Rahim,—but Their Lordships found themselves unable to appreciate it. I think I may say with respect that the Judicial Committee was perfectly right in using the words "some encouragement", because, as I read Sir Abdur Rahim's judgment, from the point of view of the appellant it was encouraging in some parts, but extremely depressing in other parts, and, therefore, they are right in saying that there was some encouragement, but they were unable to appreciate it. This matter again came up before the Judicial Committee in appeal from a judgment of the Martial Law Commissioners of Lahore in the case known as the case of Bugga Singh and others. The argument was again attempted to be revived that the Indian Legislature has deprived the accused of the fundamental right of having his case tried by an established Court of law. Again the argument was advanced based on allegiance, common law rights, rights under the Constitution, *Habeas Corpus* Act, and every other possible matter was again pressed before the Judicial Committee. Their Lordships pointed out that counsel should have remembered that the view of Mr. Justice Norman had been thrown over by the appellate Judges. They further referred to two other cases, namely, to an unreported case of their own in the Privy Council, and also to a full bench case of the Patna High Court, all those cases affirming over and over again the principle which was laid down in Amir Khan's case. They said *inter alia*, the exact quotation being :

"It was contended that the Ordinances by depriving British subjects in India of the right to be tried by the established Courts of law affected the unwritten law of constitution whereon the allegiance of His Majesty's subjects in India depends. The law does not prevent the Indian Government from passing a law which may modify or affect a rule of the constitution or of the common law."

That is what the Judicial Committee said. Their Lordships again quoted fully and approved once more the appellate judgment in Amir Khan's case. Before I leave these cases, I will finally like to read a passage from the judgment of the Judicial Committee in Bugga Singh's case :

"If their Lordships were to adopt now the argument pressed upon them (that argument being based on the infraction of common law rights, the abrogation of the *Habeas Corpus* Act and similar and allied arguments) they would be casting doubt upon a long course of legislation and judicial decisions which must be presumed to

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have been known to and were in view of the Imperial Parliament when the Act of 1915 was passed."

Their Lordships then referred to various authorities with which I am not going to trouble the House, including the case of Mrs. Besant, and concluded :

"This argument cannot therefore prevail."

Shortly speaking, therefore, the position is this, that, from 1870 onwards, the Calcutta High Court consistently maintained that there is no ground for attacking legislation by the Indian Legislature on the ground of any question of allegiance or of infraction of common law rights or abrogation of the *Habeas Corpus* Act, and so on. The Judicial Committee, as I have shown, in these reported cases and also in their unreported case to which they themselves referred, have affirmed this principle. So far, therefore, the question seems to me so absolutely concluded by repeated decisions of the highest authority that there is no question of law which is now open to be argued so far as this aspect of the matter is concerned. With all respect to Mr. Navalrai, if I may say so, his points.....

Mr. Lalchand Navalrai : People know me as Lalchand Navalrai.

The Honourable Sir Nripendra Sircar : I am extremely sorry, and hope to be dealt with as a first offender. Regarding my Honourable friend, Mr. Lalchand Navalrai,—his points of law will remind Honourable Members of the House of the story of the celebrated jumping frog of Mark Twain. They may remember that the owner of that celebrated frog was always boasting of the points of that frog, the particular special point being that it could jump more than any other frog. When the challenge was taken up, his enemy had taken the precaution of putting in a decent amount of shots into the stomach of the frog, and, at the crucial moment, the frog could not jump at all. I may say about my Honourable friend, Mr. Lalchand Navalrai's points that in the stomach of his frog so many shots have been put in by the Judicial Committee and by the Calcutta High Court that it would not jump at all.

Mr. Lalchand Navalrai : I have other shots from other High Courts and other opinions.

The Honourable Sir Nripendra Sircar : I said that the legal frog would not jump. I never insinuated that my Honourable friend, Mr. Lalchand Navalrai, would not jump. (Laughter.)

Reading the debates on the last occasion, I find some points were made by my Honourable friend, Sir Abdur Rahim, and also by others. I have read them carefully and any arguments coming from my friends are entitled to be treated with great respect, and that is what I have done. If I differ from them, it is because I am entitled to my own opinion as they are entitled to theirs. One point made was this,—Why should you put in this section at all, 491, because it is not necessary. It was said, what could the High Court do when a man complained that he was being kept in detention without trial ? The High Court could only say whether a proper order under the Bengal Criminal Law Amendment Act had been passed against the particular accused. If that had been done, the High Court would have no power, no authority to test the grounds on which the executive had been moved to act in the particular matter, and upon that,

it was argued, what was the necessity of putting in this section ? Those arguments were met at length by my predecessor, Sir Brojendra Mitter, and I find, that in the end this House decided by a majority to have this clause, namely, to put in an express clause that section 491 will not apply to any persons detained under the Act. If we are now going to pass this Act and if we repeal that section, there can be but one implication, namely, the corresponding section 491 will apply to these proceedings. That is an impossible situation, because, by reason of the Bengal Act, as my Honourable friend, Mr. Neogy,—I should use the full name—Mr. K. C. Neogy.....

Mr. K. C. Neogy : It is not necessary in my case.

The Honourable Sir Nripendra Sircar : Mr. K. C. Neogy said that executive judgment had been substituted for the judgment of the Court. That is perfectly right, I am not going to dispute that for one second. But if that is so, what are the unfortunate High Court Judges going to do ? If the object of deleting the section relating to 491, is that the High Court will test the grounds on which the opinion of the Government was based, then the High Court would be helpless. They have been made helpless, not by anything which this House has done, but by the Bengal Act. Sir Abdur Rahim made another point, and that was quite a debatable point. He made the point : "Very well, but supposing the man has been kept in custody in jail, and, as a matter of fact, none of the provisions, even of this Act, had been complied with,—imagine a case where a man is put in jail. It is said that he is being kept in jail under the provisions of the Bengal Act of 1934, but, as a matter of fact, there was no order from the proper person in the Government expressing his opinion that this man ought to be kept in jail." Would the High Court have the power to interfere or not ? I think that is the point which my friend, Mr. Lalchand Navalrai, had in mind when he said, it was conceded by my predecessor that in such a case the High Court would have the power to interfere in spite of this second section relating to section 491; and, if I may say so, with respect to my learned predecessor, his answer was quite correct. All that the High Court could see in the supposed case, is, whether, as matter of fact, the provisions of this Statute had been complied with. There, its jurisdiction ends. It cannot go behind the order of the executive and then find out for itself whether the executive arrived at a right or a wrong conclusion about the guilt of this person. It has no right to sit in judgment over executive opinion, which is conclusive by reason of the Bengal Act.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Then my Honourable friend agrees that the High Court can interfere with an order which does not conform to the provisions of the Act.

The Honourable Sir Nripendra Sircar : Yes. As a matter of information, I may tell my Honourable friend that this specific point came up before the Calcutta High Court, either last year or towards the end of the year before last. I am not sure whether both the cases have been reported. I believe one has been reported in the Calcutta Weekly Notes. I could not lay my fingers on the decision this morning. I think that Sir Abdur Rahim will remember that several applications were moved in the Calcutta High Court. Two of them were applications based on this particular ground, namely, that the provisions of this Act have not been complied with. In one case, the Bench was constituted, I think, by Mr.

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Panckridge and another, and, in the other case, by Mr. Justice Ameer Ali and another Judge. However, the names of the Judges do not matter. I believe in each case they granted a rule, and I submit that they granted it quite properly, because *prima facie* on the affidavits there was an allegation that the provisions of the Bengal Act had not been complied with. In both these cases, rule was issued and the Crown was called to show cause and the applications were ultimately dismissed, not because the High Court had no power to go into that question, but because in each case the High Court was satisfied that there was an order by the executive which made it clear that in their opinion the man ought to be detained in jail without trial under the provisions of the Statute. I mention it specially because I find that Sir Abdur Rahim raised this question and that question has now been decided by the High Court in the way in which my friend contended.

I have only one other matter to raise. I have already said that whatever the conclusion might have been in 1932, this House thought it was unnecessary to introduce section 2, and they did act accordingly. At the present moment, the position is that this House having once considered it necessary to make it perfectly clear that section 491 was not going to apply ought not to withdraw it on the ground that it is unnecessary. After all, this House will certainly agree with me that this application of section 491, this question of law which we are discussing here and which Mr. Lalchand Navalrai raised, after all they are really of no substance whatsoever, nor of any material importance for obvious reasons. What according to my learned friends is the mischief, namely, the mischief of the substitution of executive judgment, that has been done by the Bengal Act, and having regard to the Bengal Act, it is not competent to the High Court, whether section 491 is made applicable or it is removed altogether, to go behind the opinion formed by the executive in relation to the necessity of detention under the provisions of that Act.

I do not think I shall take up more time of this House. If any other new points are raised about *Habeas Corpus*, common law rights or English constitution or Magna Charta, Petition of Rights, and so on, I shall certainly have an opportunity of dealing with them when the amendments are moved.

Mr. Lalchand Navalrai : On a point of order.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member will simply state the point of order. The Chair proposes to hear arguments in support of the point of order later on.

Mr. Lalchand Navalrai : I want to have a ruling from the Chair whether the *Habeas Corpus*, the common law, can be superseded by this Legislature?

Mr. President (The Honourable Sir Shanmukham Chetty) : If that is the only point on which the Honourable gentleman wants the decision of the Chair, it can straightaway give the ruling, without having the need of hearing arguments for and against. So far as the powers of this Legislature are concerned, the only restriction placed is contained in section 65 of the Government of India Act, and, under section 65 (2),

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the Indian Legislature has not power to make any law affecting the authority of Parliament or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India.

The Chair understands the Honourable Member to mean that the *Habeas Corpus* law, being a part of the unwritten law and constitution of Great Britain and Ireland, any law of this Legislature affecting that law would be *ultra vires*. Is it not?

Mr. Lalchand Navalrai : Yes, Sir. That is the point.

Mr. President (The Honourable Sir Shanmukham Chetty) : The answer to that is this. It is not merely sufficient to show that a Bill before this House affects the unwritten law or constitution of the United Kingdom, but any Member, relying upon that section, must also show that that unwritten law of constitution of the United Kingdom is such that on that alone depends in any degree the allegiance of the subject to the Crown. It has been held by the Judicial Committee of the Privy Council that the allegiance of the subject to His Majesty is not conditional, but that it is an absolute duty of the subject, and no Act or law of the Legislature can be an excuse for a subject to abrogate his allegiance to the Crown. Therefore, a violation of the *Habeas Corpus* law cannot be construed as in any way affecting the allegiance of the subject to the Crown and the Bill before the House is *intra vires* of this Legislature.

Mr. Lalchand Navalrai : I am thankful to the Chair for the first portion of the ruling. With regard to the last part, namely, the question of allegiance, the Chair, I hope, will kindly hear us and also give an opportunity to other Members to be heard before coming to a final judgment, because this is a very important point. I was under the impression that this point had been raised at one time, and your predecessor, Sir, gave a ruling. I have asked for the reference, but I have not yet, up to this time, been able to find it. This is a very weighty point which involves more or less strengthening the hands of the executive against the judiciary.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member has not raised any new point. It is covered by the point which was raised before.

Sir Abdur Rahim : Mr. President, I am afraid my Honourable friend, Mr. Lalchand Navalrai, drew a red herring across our path. At any rate that led my Honourable friend, the Law Member, to deliver a very interesting disquisition on the law of *Habeas Corpus* and the powers of the Legislature in this country. Well, so far as a point of that nature is concerned, I was perfectly prepared to hear from my Honourable friend opposite a very learned discussion of the character he has given us. Fortunately the question really need not arise and I think on a previous occasion the matter was the subject of a ruling from the Chair, if I recollect correctly, and, therefore, I do not think it is a serious point at all arising from the Bill. But as regards the other arguments of the Honourable the Law Member,—I am sorry that he has left his seat,—I regret that most of us on this side of the House were unable to appreciate

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those arguments. We are perfectly aware that he has just come from Bengal, saturated with the local atmosphere, and, therefore, he is not expected to take at present that all-India view which I hope the membership of this House and the Government of India will soon bring about. His arguments in favour of the measure before us are mainly based on the fact that the Legislative Council of Bengal has passed the Act of 1934, and, therefore, we are bound to follow the Legislature of Bengal and pass the measure now before us. Before I deal with that class of argument, which, I submit to the House, has very little value, I wish, first of all, to make my position clear with respect to what the Honourable the Home Member said with reference to the attitude I took up on a question of this character on a former occasion. He cited some passages from a speech of mine which, if I remember correctly, I made in reply to a provocative speech delivered by an Honourable Member of the European Group on a Resolution which was moved in connection with the attempt, I believe, on Sir Alfred Watson, the editor of the *Statesman*. In that speech Mr. James tried to convey that a great deal of responsibility rested upon us on this side of the House in the matter of these terrorist crimes, that we had not done enough in order to ensure that these crimes are put a stop to, and so on, and it was in reply to that speech that I pointed out to the House that the responsibility for dealing with terrorist crimes rested primarily and substantially upon the Government and not upon the Non-Official Benches. I am glad to find that the Honourable the Home Member entirely agrees with that proposition. In the course of my speech, I pointed out also that Government must find out the remedy, and I believe my Honourable friend wants to lay stress on that proposition as if trying to suggest that we are bound to accept any measure that is put forward by the Government. Is that really the position which the Honourable Member takes up? I am sure, he does not take up any such position. I say, now that my Honourable friend, the Law Member, has returned to his seat, even if the Honourable the Law Member was inclined to be technical, the Honourable the Home Member would not say that I am bound to accept this measure, because I had previously said it was for the Government to find the proper remedy.

Sir, the Government ask us to pass this Bill, because the provisions of this Bill are not within the competence of the Local Legislature. I should like my Honourable friend, the Law Member, to note this fact that the Local Legislature of Bengal is incompetent to enact a measure like this. That is the reason why the Government of India, under the Constitution, is compelled to come to us. Surely my Honourable friend, the Home Member, will not deny that there are extremely good reasons why legislation of this character should not be undertaken by a Local Government, but only by this Government and by this Legislature. Sir, that being the position, the responsibility is entirely laid upon us whether to approve the measure put forward by the Government or not. The question, therefore is whether the provisions of the Bill are such as should meet with our approval, whether it is the right policy for this Legislature and the Government of India to adopt or not.

Sir, there are three important questions which arise. The first is the detention of these political suspects outside the Province of Bengal.

The second is whether the power of the High Court to interfere with illegal detentions under the Act should be retained or should be taken away; and the third—the most important question—is whether the time limit should be removed and the Act made permanent. Sir, this is an Act which applies primarily to the situation in Bengal. But there are certain important principles involved in it with which the whole of India is concerned. Therefore, we have to consider the provisions from the all-India point of view. We have to take a long view of the situation and not merely confine our vision and our examination of the problem to the local difficulties that have arisen in Bengal. Now, Sir, my Honourable friend, Sir Harry Haig, has told us, as indeed we all know, that these terrorist activities began as far back as 30 years ago. He also assured us that the Government of Bengal have been able to establish some control over the activities of these misguided youngmen, but not sufficiently well to satisfy them that a law of this character was no longer necessary. I may just in passing point out that the position taken up by my Honourable friend opposite does not appear to be very logical or consistent. If, as a matter of fact, the Government of Bengal have been able to secure control over the movement remembering the fact that these Acts were passed four years back, then surely we are entitled to expect that within a fairly short period of time they will be able to complete that control and stamp out the menace. I say that that consideration *prima facie* arises from the statement made by my Honourable friend, but I do feel that the Honourable the Home Member realises at the same time that his anticipations may not be justified. What he fears apparently is that the terrorist movement may become a permanent feature of the Province of Bengal, and, therefore, he is asking us to make this legislation permanent. Sir, it is a very serious thing to ask of us. It means not only that the House should authorise the Bengal Government to send their political suspects anywhere they like, instead of following the normal procedure of detaining them in their own Province. Not only that, but we should be sanctioning generally a mode of dealing with political movements which can only be justified in an emergency and which should be dealt with only by emergency legislation. Sir, we have often been asked by the Benches on the other side to refer to dictionaries, but I may say from my experience of measures like this that the Government dictionary defines “emergency” as something permanent. Sir, we are seriously asked to hold that the activities of persons who are merely suspected of certain crimes can only be met by the Government of Bengal if these men are confined for all time without any trial whatever. That is to say, the Government of Bengal must be empowered to deprive the citizens of Bengal of their liberty, detaining them whether in the Province or outside the Province as they choose, without any trial, without any remedy being made available to these persons whose liberty is so taken away. Sir, that is asking of us too much unless the Government of Bengal is able to satisfy us that the condition of things that prevails at present is going to remain a permanent feature of the Province of Bengal. Sir, I myself do not believe that that is going to be the case. And I should strongly object to the making of a measure like this permanent on one ground alone, if not on other grounds. It is this. I do not want the Government of Bengal to go to sleep. I want the Government of Bengal to be vigilant and to take the necessary steps, as vigorous steps as possible, to stamp out terrorism from that Province. Sir, what would be the psychological effect of this measure on a Govern-

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ment which has not been able to deal with this evil for the last 30 years? They will go on in their good old ways. On the other hand, what we are entitled to expect from the Government of Bengal is that they should find out the real causes, they should spare no effort to find out what are the causes at the bottom of this conspiracy if it is a conspiracy and deal with it vigorously and effectively. Does my Honourable friend, the Home Member, contend that this is not possible? Surely, that would be a very serious indictment of the Government of Bengal. The Government of Bengal is possessed of every possible power and all the resources that can be available to any Government to deal with this menace. My Honourable friend has assured us that he is also thinking of other suitable measures in order to deal with the situation. He simply told us of one, and that is the enlisting of public opinion in condemnation of crimes of this character. But, surely, there are other measures possible by which this movement can be met. My Honourable friend, Mr. S. C. Mitra, has told us that Sir John Anderson, the Governor of Bengal, is particularly loved by the Hindus of Bengal, and yet the fact remains that only the other day a deplorable attempt was made on his life.

Sir, during the last two or three years that we have been considering measures of this character, I must say that we have been kept more or less in the dark, I do not suggest wilfully, but, as a matter of fact, we are not in a position to understand what the real causes of this trouble are. Is it a racial movement? Is it a movement purely aimed against Englishmen? If that is so, I, for one, would publicly tell these misguided youths of Bengal that if they believe that, by assassinating a few British officials, they are going to frighten the British people, that they are going to coerce them to give up their rule in India, then they are absolutely mistaken. I, for one, do not believe for one moment that a single British official will be deterred from doing his duty because of these outrages. I am perfectly sure, and I believe that the British Government would be perfectly justified, if this movement is racial, to use every means in their power to stamp it out. That is a position which no one can deny. Any one who has read the history of the different nations and of different Governments must admit that the British people cannot allow themselves to be driven out of India by a menace of this kind. If this movement is racial in origin, then of course, they would be perfectly justified in taking whatever measures they like. It has also been suggested that the causes are political. There also we are quite in the dark whether it is really the intention of these young men to overthrow British rule in India by activities of this nature. Well, I do think that the friends of these people ought to tell them in as distinct language as possible that if that is their idea, they are wholly mistaken and that they will never realise their political objective. If that is one of the predominant motives, I do not see any chance of conciliation by taking measures which will bring them round to a more reasonable attitude of mind. If by political motive is meant political concessions, then in that case we are equally in the dark, because we do not know what sort of political concessions will satisfy these misguided young men. It has also been suggested that the causes are economic, that most of these young men can find no employment and they thus become desperate and think that, by assassinating some officials, they will possibly achieve their object or that they have become so desperate that they do not care what happens either to themselves or to the officials. Sir,

I am saying all this in the hope that the Honourable the Home Member might take us into confidence as to what—I do not ask him to disclose any confidential information that he has received, but I think he ought to enlighten us what in his opinion—are the root causes of this trouble, whether racial, political or economic. If he is able to find out the causes, then I suggest that the Government will be in a much better position to find the remedy. So far as we have heard speeches from Government Benches, speaking for myself, I feel entirely in the dark. I do not know what the causes are and we must remember that this movement has been going on for over 30 years. The Government of Bengal have an adequate police establishment, they have their detective forces, they have various other means of finding out what is happening, and when they have been able to find out what the real trouble is, then it is that the Government of Bengal and the Government of India will be able to fight this menace. That is exactly what I suggested in the speech from which my Honourable friend quoted one passage. I say, as I said then, that this is a matter of administration. I cannot exonerate any Government which, for 30 years, allow this evil to go on and is unable to find out the causes. I do think, therefore, that the Government of Bengal must be awakened to the situation, and it must be kept up to the mark instead of enabling it to shift its responsibility on to other Provinces and instead of encouraging them to ask the Government of India and this House to give them a measure of this sort as a permanent feature of the Statute Law of India. What I suggest to the Government of India, through the Honourable the Home Member, is that they should tell the Government of Bengal “Very well, you have not been able to deal with this menace effectively so far, we will give you another period of three years or five years at the most, but we refuse to give you for ever laws of this character, because laws of this character, will aggravate the evil the longer they last on the Statute-book”. I, therefore, say, there is really no justification in asking us to make this law permanent on the Statute-book in order to deal with the movement.

I will just say one or two words about a specific point that has been raised. As regards detention of these political suspects outside Bengal, I am afraid the Honourable the Law Member has dealt with it very lightly. He says what does it matter where they are detained, in Bengal or outside? It does make a deal of difference. As a lawyer, for instance, he ought to know that there is a difference between transportation and ordinary imprisonment in one's own Province. Transportation is considered a heavier punishment, and rightly so. Therefore, that fact itself is enough to regard this measure of detention of political suspects outside as something abnormal and as something which ought not to be resorted to, unless the Bengal Government is really compelled to it. I do not attach undue importance to this question, but I do still say, as I said on the previous occasion, that it is a reflection on the Government of Bengal and on the administration of Bengal that they should not be able to make effective arrangements for their own political suspects. My friend, Mr. Sitaramaraju, pathetically appealed to the Government of India not to send these political prisoners to the Madras Presidency; and I believe it is clear from some of the opinions that were received that at least some of the Local Governments are not happy at the prospect of these people being shoved on to their charge. There is, from the point of view of all Provinces, a very strong objection, and under the future Constitution, each Province will become autonomous. I believe the Central Government will

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then find greater difficulties in inducing other Provinces to give shelter to the political suspects of Bengal.

Sir, as regards the treatment of these men, I am absolutely sure that so far as the Government of India can ensure it, they will be treated humanly and kindly. They are not criminals who have been convicted of violating the law of the land. They are mere suspects. But I do not endorse the protest of my Honourable friend, the Law Member, when he says that it is a reflection on the Government of India to appeal to them to see that humane and fair treatment is meted out to these detenus. I think the Law Member must know that the heads of Government, though they are technically responsible cannot always ensure that the subordinate officials discharge their duties properly. And, therefore, we, the Non-Official Members on this side of the House, can only hold the Government Members responsible for seeing that these detenus are properly treated.

Now, as regards the question of the powers of the High Court to interfere with illegal orders passed by an official or the Local Government, I think the law has been correctly stated, as we all conceived it, by the Honourable the Law Member, that if the provisions of this Act are not complied with and any person is detained in custody in contravention of the provisions of this Act, the High Court, in spite of the repeal of section 491 of the Criminal Procedure Code, will still have the power to interfere and set such person at liberty. That, I think, is the correct position of the law, and, therefore, it is not necessary for me to go into that matter further.

Sir, the most important question is whether this law should be permanent or not. I believe there are some amendments on the agenda with respect to this provision, and I appeal to Government that they should on no account make this law permanent, but put a reasonable time limit. I say it is not in the interest of the Government of Bengal, any more than it is in the interest of the citizens of Bengal, that a law of this character should be made permanent.

Sir, I do not propose to embark upon the subject of how some officials at times behave towards the people and thereby embitter feelings. I believe the present Governor of Bengal is very watchful and will see to it that such undesirable behaviour as far as possible is not repeated. A great deal has been made of the fact that the Bengal Legislative Council, by a large majority, passed the Act of 1934 which contains provisions of an extremely repressive character,—I use that expression in spite of the criticism of my Honourable friend, Sir Nripendra Sircar. Sir, I take that as a fact in favour of Government but that fact does not exonerate us from discharging our responsibilities in the matter. The state of things in Bengal is still not all that is desired and the Government of Bengal think that such a measure, as is contained in the Act of 1934, is necessary in order to enable them to meet the situation. Sir, I do not wish to criticise the Bengal Legislative Council; I shall give them credit for having done what in their judgment appeared to be the right thing and I do not challenge that position as taken up by the Law Member. But so far as this Bill is concerned, it is solely our concern, and I deny the proposition that it follows as a matter of course that, because the Act of 1934 has been passed by the Government of Bengal, therefore, we are bound to enact this measure. I know there is no time limit in the provincial Act, but that is not

inconsistent without asking Government to put a time limit to this measure. It may be asked, what will happen? Supposing a time limit is put here, say, for three years, what will happen as regards the prisoners that will be dealt with under the Act of 1934 after the three years have expired? The answer is obvious. If the Government unfortunately find,—which I hope they will not find,—that the situation has not been brought under control in the next three years, then it is open to them to come to this Legislature, as they have come now, to extend the Act for another period. It may be said that, under the new Constitution, responsibility may be introduced in the Central Government as well. I hope it will. We are not at all sure about it, and I do not think even the Honourable the Home Member is sure about it. But even so we know that under the Constitution it is proposed the Governor General as well as the Governors will have uncontrolled legislative power. They can pass any Act they like and they can veto any measure of the Legislature. This is in addition to the power to issue Ordinances. All those powers being there, I do not see what justification there is for the Government of India to ask us to place this measure permanently on the Statute-book. On the other hand, as I have ventured to suggest to the Government, it would be bad policy, so far as the Government of Bengal is concerned, to pass a permanent measure of this kind. The Government of Bengal ought to be told in so many words: “We give you three years in which you must put your house in order. This thing has been going on long enough, and you have not been able to do much. We give you another three years and let us see what you are able to do within that time”. I do not believe really—and I have some little experience of administration—that the situation is past remedy, that it cannot be controlled by proper methods and within a reasonable time. I, therefore, strongly object to this measure being placed on the Statute-book permanently.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. E. Studd (Bengal : European) : Sir, as I listened to the lucid, and, to my mind, convincing speech made by the Honourable the Home Member yesterday in introducing this measure, it seemed to me that he was making a proposition that anybody could understand quite simply and easily. As I listened to the speech of the proposer who made the motion for circulation and, to my mind, his somewhat laboured explanation of the difficulties in understanding the question fully, it seemed to me that he was confusing the issue instead of clarifying it, and as he proceeded with his speech, it certainly seemed to me that he had confused the issues as far as he was concerned, for he spent a considerable time in arguing against detention without trial, or as he preferred to put it, detention on mere suspicion, a line of argument which one or two other speakers also chose to adopt. But, Sir, it seems to me that that argument is really entirely irrelevant to the present question. Whether the present Bill is passed, whether the Act which it seeks to extend is made permanent or is extended for a period of a few years or is allowed to lapse

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next year ; whichever of these alternatives may occur, detention without trial is provided for under the Bengal Act and will continue, and, therefore, I submit that question does not really arise out of this proposal.

Sir, there are two points in my friend, Mr. Mitra's speech to which I should like to refer. I do take exception to his accusation which has been repeated by other speakers that these men become detenus on mere suspicion. He ought to know as well as others that that is by no means the fact. Definite and ample evidence has to be submitted to the appointed authority before any man is declared a detenu. Now, Sir, I think it was my friend, Sir Abdur Rahim, who, in a previous debate on this subject, stated that terrorism was a subterranean movement and that it was impossible for the ordinary man to know how it works. Now, if you have to deal with a subterranean movement, you have got to adopt underground and secret measures for getting your evidence and your information to deal with it, and if you have to work in that way, I think it is obvious to any sane man that if that evidence, when it has been obtained, has to be submitted to a Court of law, the source of that evidence becomes public property, and that means you cannot in future use that same source to get any further evidence or any further information. And, Sir, there is another very strong argument against making that evidence public, and that is, while it is difficult to get a member of the public to come forward to give evidence or information in ordinary cases, it is still more difficult in the case of terrorist activities, because of the very natural fear they entertain that, if they do come out into the limelight, they will be the victims of reprisals. I should like to remind the House that it is no idle fear, for on more than one occasion there have been cases of witnesses who have been shot by the terrorists, because they dared to give any information.....

An Honourable Member : When was the last of that ?

Mr. E. Studd : Now, Sir, there is another point on which my friend, Mr. Mitra, spent some time in arguing the question relating to complaints about the treatment of detenus. We have in this House on frequent occasions listened to long strings of questions and supplementary questions on that subject. Personally, I have sometimes marvelled at the unruffled patience with which the Honourable the Home Member answered those questions. For, Sir, it seemed to me listening to the questions and answers, that a great many of those complaints were unfounded or grossly exaggerated, and that in any case where there does seem to be any real cause for complaint, Government have always shown their readiness to investigate the matter and to adopt any measures possible to remedy the complaints. But, Sir, I submit that even if there are cases of hardship, that is no argument against the continuance of these measures. I should like to remind my friend of the saying "Hard cases make bad law", and the chief consideration is not whether individuals unfortunately are suffering hardship, but what is to be for the greatest good of the greatest number. I do not think that any sane and reasonable man will attempt to deny that the enactment of these measures has definitely achieved the greatest good of the greatest number, it has helped at any rate to check the evil of terrorism and to bring more security to the general public.

Now, Sir, in spite of what almost seemed like red herrings being drawn across the trial in the shape of legal arguments, it seems to me that the

issue is a perfectly clear and simple one. It is sought to enact this Act as a permanent measure, the principles of the measure have had already been accepted by this House two years ago, and they have been in operation for something like two years,—the first is to keep the detenus outside Bengal, the second is to bar the power of intervention of the High Court. Now, Sir, I have not heard anybody in the course of this debate claim that the present Act and the present powers have done no good. I think every one is prepared to admit that they have at any rate helped to check terrorism, even though they have not cured the evil. It is equally beyond question that the evil which we are aiming to check still exists. Surely, Sir, if those two points are admitted, there can be no possible grounds for relaxation of any of the measures which are taken to deal with this evil. I certainly endorse what the Honourable the Home Member said in his speech regarding the study of the history of terrorism in Bengal during the past 30 years. This is no recent evil unfortunately, and I think any one who will study the history of those outrages and of the measures which have been taken to deal with them will inevitably come to the conclusion that it is the greatest mistake in the world to relax your vigilance or to relax the stringency of your measures just because for the moment at any rate terrorism seems to be dying out. It has been found over and over again that where special powers have been relaxed, because it appeared that the evil was decreasing, immediately terrorism raised its ugly head again. We, Sir, for our part are under no delusions in this matter. We do not believe that the task will be either an easy one or a quick one ; we believe that it is going to be and it must be a long fight and a stern fight. And I should like to tell my Honourable friends on the other side of the House that unusual powers of this kind are just as distasteful to the Englishman as they are to any Indian. The whole of our history and tradition and upbringing has taught us to dislike anything that curtails the liberty of the subject. But, Sir, we are so convinced of the evils of terrorism, we are so certain that desperate evils require desperate remedies, that we are determined to support these measures which we consider necessary, with the whole of our strength. Sir, when I say that, I am quite sure that I am not speaking merely for these Benches or for the European community in Bengal. I am quite sure that those views are shared by every European throughout this great country. Now, Sir, we hold those views, not, as I think the Leader of the Opposition seemed to suggest this morning, because our community has been the one which has hitherto at any rate suffered most, or because we think that there is anything racial about it. We are quite convinced of there being something far deeper than that. We believe that it is a blot on the fair name of India and that it is entirely contrary to the whole grain of Indian culture and Indian traditions and we maintain most firmly that the fair name of India is just as dear to those of us who spend the best part of our life in this country as it is to Indians themselves. For that reason we see in terrorism a canker which must either destroy or be destroyed, and that is the reason why we are so determined to support any measures that are necessary to cope with it. We are convinced that it is a menace not merely to the present Government, but to any Government. I have heard it argued that when Constitutional Reforms, when Provincial Autonomy come in, terrorism will die a natural death. I think that that is the greatest delusion. The terrorist's hand is against every man who does not agree with his way of thinking or does not approve of his way of doing things, and I am quite certain that the

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new Governments will find terrorism just as much a menace as the present Governments have found it. And it is just because we feel that the new Governments will have constantly to deal with new and difficult problems without the ripe experience and traditions which long years have given the present Government, that we feel that terrorism should, if possible, be removed before they undertake their task.

There is another point with regard to this measure which, I think, deserves consideration. This, to my mind, is not merely a question of co-operation with the Government of India or the Government of Bengal; it is something much bigger than that. It is co-operation also with the people of Bengal. I do not think that there is the slightest question that, if it had been possible for these powers to be included in the Bengal Act, they would have been passed by the Bengal Legislative Council with just as big a majority as it did actually pass the Act as it stood. My Honourable friend, Mr. Mitra, in the course of his speech, told the House that he had been informed by a high official that even from Deoli communications were being established to some extent with the outside world and that a certain amount of conspiracy was being hatched even there. Surely, that is an argument against his own case. If even from Deoli such things can happen, it is quite obvious that, if the detenues get back into the middle of Bengal, such things will happen to a very much greater extent.

Now, Sir, my Honourable friend, Mr. Lalechand Navalrai, said that he would be agreeable to an extension of this Act for a few years, but he thought that it would be most unreasonable to make it a permanent measure. I do not know what was at the back of his mind in saying that. He comes from a part of India where he has not had an opportunity of coming into close touch with terrorism, and, possibly, therefore, he does not realise the strength of the movement or the magnitude of the problem. I should prefer to think that it was that, rather than weakness which prompted him to say that. But, Sir, it seems to me the great objection to extending this Act merely for a few years will be, as the Honourable the Home Member suggested, that it will hold out some sort of encouragement to the terrorists that if they can hang on for another two or three years or whatever period it may be, some of these stringent powers will be relaxed and then they will have a better chance of getting their own way. On the other hand, if the measure is made permanent now, surely it is a clear indication to them that Government, backed by the Legislatures, are out to fight them to the bitter end, and that they will not relax their efforts or relax their measures to deal with this evil until the evil no longer exists. I fail to understand how there could be any objection to making a measure of this sort permanent. It looks as if my Honourable friends thought that it was like the law of the Medes and Persians which we were told could not possibly be altered. The Honourable the Law Member has pointed out this morning that making it permanent only really means that it is on the Statute-book until it is repealed or amended. There is no question of its being there and it being impossible either to repeal or amend it. I have no doubt that if and when the day does come when the powers are no longer needed, it will be a perfectly simple matter to repeal it, but it does not seem to me that very much damage would be done even if it was not repealed, because, if there

is no evil to deal with, the powers would become a dead letter for there would be no detenues.

Now, Sir, it has been said and said quite correctly that this will not cure the whole evil. That, I think, every one admits. Surely, the fact that it is only a partial cure does not mean that it should be discarded and it has certainly helped. The only question is what else can be done. I must confess that I was somewhat disappointed at the speech of the Honourable the Leader of the Opposition, for I had hoped that we might get some constructive proposals from him. It is so easy to be destructive and to say that somebody has not done his job, that the Government of Bengal is inefficient, and so on, but it is quite another story to put forward some constructive proposals in order to improve matters. But it does seem to me that the two great bodies which can do more than anything else to help us are the Indian press and Indian public opinion. They should not rest until they have convinced these misguided people, and those who are inclined to follow them, that terrorism is something outside the pale. There are undoubtedly many other contributory causes which will have to be dealt with. I do not think I can do better than once again quote the Honourable the Home Member in one of the debates two years ago when he was referring to this subject. He said "mobilize public opinion, make it strong, vigorous and lively". My Honourable friend, Sir Abdur Rahim, this morning referred to a speech which was made by Mr. James from these Benches two years ago. I was not in the House at the time, but I have read the speech and I have read the comments on it made then. Now, Sir, it appeared to my Honourable friend as some sort of accusation. I do not believe it was ever intended to be taken in that light, but I should like to say this. My own view is very much the same as the view that Mr. James held. Can anybody think he has done enough so long as terrorism still exists? It is not a matter that Government can tackle by themselves. It is a matter for every right minded citizen to do his best to contribute his part in fighting this evil. I do maintain that until terrorism is dead and gone, no one has any right to claim that he has done enough. That is no reflection on what has been done. I believe if we are honest in our attempts, we can do something more. It is, I think, noticeable that public opinion is beginning to form, but until these misguided people realise that any act of terrorism is a definite act of treason to India and will be regarded as such by their relations and friends and by the leaders of their community, when public opinion gets as far as that, then I believe that terrorism will cease to be a menace. Now, Sir, I submit that there is no body of men that could give a better lead to public opinion than this House—the elected representatives from all over India. To my mind the motion for circulation is merely shirking responsibility. This is merely saying "we are not prepared to tackle this unpleasant subject until we have heard what other people have to say about it". I venture to suggest that perhaps the greatest single blow that we can strike at terrorism and the most effective way of educating and encouraging public opinion will be the passage of this Bill through this House without a division.

There is one other aspect I should like to touch upon before I finish, and that is this. Have my Honourable friends considered what the effect of refusing to pass this measure or of making great difficulties about it may be on those doubters who exist, who have openly expressed misgivings on the subject of the transference of law and order in this country or

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on the die-hard section at home? Whatever we may think of their views, we cannot ignore that factor in the situation. Are we going to play into their hands by refusing to take these measures, because they are unpleasant, or are we going to cut the ground from under their feet by passing this measure and rigorously enforcing its provisions. I look upon this measure as a plain duty to the present Government and the future Governments which we hope soon to see installed. It is a definite step in the furtherance of the cause of the Reforms. I am convinced that it is for the good of India, that India, which all of us, Europeans and Indians, love and seek to serve.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I think there is no one on this side of the House who would not agree with Mr. Studd that terrorism must be stamped out from this country, and there is no one on this side of the House who would not agree with all that has been said by the Honourable the Home Member that terrorism is a menace, not only to the peace of Bengal, but to the whole of India; but the question which the Honourable Mr. Studd has raised and which the Honourable the Home Member has raised seems to me, with due respect, to be wholly irrelevant. We are here concerned with the perpetuation of a Statute which was passed in 1932. The Honourable the Home Member and the Honourable the Law Member and, last of all, Mr. Studd appealed to us by stating that only two years back we had accepted the principle of the Bill. Human memory is short. If Honourable Members will recall the proceedings of 1932, they will find that emphasis was laid by all speakers on the fact that this was merely a temporary measure, and, because it was a temporary measure, this House was prepared to support the Government. Let me read to the Honourable Members what I myself said speaking from the Opposition Benches:

"That being the position of this side of the House, we are not going to intervene in the further progress of this Bill, but at the same time we wish to tell the Honourable Members on the Treasury Benches that whatever you do, whether for the purpose of laying terrorists by the heels or ruling the whole country by Ordinances, it is only a palliative and not a cure."

and, then, later on, I went on to state that the primary reason which had led the Opposition Benches to support the measure was the fact that its duration was limited to a period of two or three years.

Now, Honourable Members will perhaps remember the view of the case that I am going to place before them. In 1932, the terrorist movement was at least 28 years old. The Honourable the Home Member reminded us that it is now about 30 years old. And I cannot for one moment assume that the Honourable the occupants of the Treasury Benches were not aware of the argument that has been used by the Honourable the Home Member and repeated with such vehemence by other speakers on the other side of the House that, because this is a temporary measure, therefore it ceases to serve its purpose, because the terrorists wait for their time and hope that, after the lapse of two or three years when there will be no measure at all, they will be free to resume their illegal activities. Sir, the terrorist movement started as far back as 1905, and it has continued down today.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Even earlier.

Sir Hari Singh Gour: As my Honourable friend, Mr. Ghuznavi, reminds me, it started even earlier. Now, if there was anything in the argument that permanency is a cure for the terrorist movement, I am perfectly certain that the old Legislative Council, which was responsible for the enactment of legislative measures, would have placed on the Statute-book a permanent measure against terrorism, but it did not do so. And when the late Lord Minto began to deport terrorist and others under Regulation III of 1818, we have in the words of the Secretary of State for India the following comments thereupon. Let me read to Honourable Members what the Secretary of State himself wrote in his Despatches and since published in John Morley's Recollections, Volume II, page 250. He says in his letter to Lord Minto:

"The question is the Future. It is like the Czar and the Duma."

I make a present of these words to the Honourable the Home Member—

"Are we to say, 'you shall have reforms when you are quiet. Meanwhile we won't listen to a word you say. Our reform projects are hung up. Meanwhile plenty of courts-martial, *lettres de cachet* and the other paraphernalia of law and order'. People here who have been shouting against the Grand Dukes in Petersburg for bullying the Duma will shout equally vociferously against you and me if we do in our sphere borrow the Grand Duke policy."

Now, Sir, the Honourable the Home Member, in spite of these observations made by his former chief, is following the Grand Duke policy. At page 217 occur the following words:

"Deportation is an ugly dose for Radicals to swallow; in truth, if I did not happen to possess a spotless character as an anti-coercionist in Ireland, our friends would certainly have kicked a good deal. As it is, if a division is forced after my speech, we shall have against us the Irishmen, most if not all of the Labour men, and a fair handful of our ordinary rank and file. This may put me personally into something of a hole; for I don't see how I could carry on, if I found myself opposed by a majority of our own party. However, we need not say good-morrow to the Devil until we meet him."

I suspect your difficulties will only now be beginning, for the reactionaries are sure, after getting their first mouthful of Energy, to clamour for more—right and left. Personally, I am not at all squeamish in such a community, or mass of communities, as India is, for a conflagration there would be too terrible."

Then, I wish to draw your particular attention to the closing passage which I shall read:

"The worst of it is that we do not really know, and cannot know, what is going on in the subterranean depth of the people's own minds."

Sir, these are pregnant words: and the Honourable the Home Member may feel that, because he is faced with an attenuated House and is sure to carry this measure on to the Statute-book, the last will be heard of it in this country. It may be so, but we have friends on the other side of the ocean, and they at any rate will recall the words of their own Secretary of State and examine the position more independently than we are able to do here today. Whatever may be the fate of this measure, this side of the House cannot be a consenting party to its passage; and I beg further to say that no measure, which the Government have hitherto brought forward, has received the opposition of this House merely because it was a Government measure. Only two years back, we supported the measure, because it was a temporary measure, but it is one thing to pass a temporary, emergent measure, just as we have had in England the suspension of the Habeas Corpus Act, but what would the House of Commons say if the Habeas Corpus Act were suspended for all time? And that is what the

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Honourable the Home Member is now striving to do by this measure. He is suspending the operation of the Habeas Corpus Act, enacted in section 491 of the Criminal Procedure Code, for all time, and I submit it is upon that crucial point that we and he are at issue.

The Honourable Mr. Studd said that the Honourable the Leader of the Opposition had made a destructive criticism of the Government measure, but had not suggested any constructive scheme. Well, Sir, a constructive scheme it is very easy to suggest, but it would not perhaps be as easy for the Government to adopt it. If the Honourable the Home Member had come forward with a Resolution to appoint a Committee to go into the terrorist movement and to suggest means and measures, I am quite sure we would have helped him and suggested a line of action which would not have been as obnoxious as the present measure is. Even as it is, we would have gladly joined our friend, the Honourable the Home Member, in wishing this measure Godspeed, were we sure that the terrorist movement would be laid under its composite provisions? The Honourable the Home Member has himself admitted that these measures passed from time to time, have not stamped out the terrorist movement. The Honourable Mr. Studd expressed the same view. Now, I wish to ask you, Sir, this. India is suffering from a disease. The Government have been administering a pill from time to time. Now, I wish to know if, instead of administering one pill, you are to give three, is the patient going to recover or die? And the mere fact, that this measure, whether temporary or otherwise, has been in existence from 1915, when the Rowlatt Act was enacted, down to the present date, has not stamped out to any perceptible degree the forces of terrorism, makes us doubtful whether this measure will serve that purpose. If the measure is inadequate, the fact that it is permanent does not make it adequate. If the measure is adequate, its permanency is not necessary and not called for. I submit that the Honourable the Home Member should reconsider the position in which he has launched himself. I know he said that the Legislative Council of Bengal have passed by an overwhelming majority a measure of which the measure before us is a supplement. But I beg to ask the Honourable the Home Member whether the question of *Habeas Corpus* was before the Legislative Council. Did they pass any measure or did they pass any Resolution recommending to the Legislative Assembly the enactment of a measure in which the Habeas Corpus Act would be suspended for all time? What is the good of referring to the Bengal Legislative Council because they have passed a measure which is quite different to the measure with which we are concerned? The measure with which we are concerned is a measure in which we give the *lettres de cachet* to the executive Government and give the aggrieved party no recourse to the Court of law in any circumstances, not even to the High Court under the provisions of section 491. That, I submit, is a main point before us, and nobody on this side of the House is prepared to give a *carte blanche* to the executive to arrest and detain without trial for any indefinite period any person whom they consider to be a danger to the State. Now, Sir, that is the question with which we are concerned, and I submit that if we apply ourselves to this main question, the answer will not be far to seek. It has not only been said but admitted that, so far as this House is concerned, it has only a subordinate position or a secondary place in view of the decision of the Bengal Legislative Council. Let not Members on this side of the House remain for one moment in any delusion that the Bengal Legislative

Council has either passed any law or recommended any law like the one with which we are now dealing. We are dealing here with the amendment of the Code of Criminal Procedure, with the repeal of section 491 of the Code of Criminal Procedure which does away with the power of *Habeas Corpus* given to the chartered High Courts of India. And it is upon that point that we join issue with the Honourable Members on the Treasury Benches. My friend, the Honourable the Law Member, upon whose maiden speech I congratulate him, made, as is expected from an astute lawyer, a special pleading on behalf of the Government. I think at times he was speaking with the tongue in his cheek because he said: "Oh, this is only a preventive measure." Well, Sir, it may be a preventive measure, but why are you going to send these people to jail for an indefinite term? A preventive measure is well understood. Bind them down to keep the peace, bind them down under the provisions of section 107 or section 108, because these are preventive sections, but to send a man to perpetual incarceration to a place unknown can never be described, with due respect to my Honourable friend, as a merely preventive measure.

The Honourable Sir Nripendra Sircar: Will my Honourable friend allow me to point out that in 1932, as Chairman of the Select Committee, he fully approved of each of these principles?

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhamadan Rural): You have anticipated everybody here.

Sir Hari Singh Gour: Sir, because I happened to be a Chairman of the Select Committee in 1932, I have read passages from my speech for the purpose of saying to the Honourable the Occupants of the Treasury Benches in what circumstances we acceded to the request of the Government to legislate for a period of three years.

Then, Sir, my friend, the Honourable the Law Member, said that a complaint was made from this side of the House that the detenus deported outside the province of Bengal would suffer from hardship. He then said: "Do not the prisoners in Bengal suffer from hardship?" I think my friend must have overlooked the fact that there are degrees in hardship, and while prisoners in Bengal suffer from hardship, the Bengali prisoners outside Bengal suffer from greater hardship, and it is against that greater hardship that Members on this side have been complaining. Then my friend said: "What about this Habeas Corpus Act?" He said that from 1870 down today the Calcutta High Court and the Judicial Committee of the Privy Council have held that the Indian Legislature has jurisdiction to legislate in these matters. Well, Sir, assuming for the sake of argument, that it was competent for the Indian Legislature to legislate, there remains the question whether it would be proper for the Indian Legislature to legislate. Jurisdiction and authority is one thing and its appropriate use in the circumstances of the case is another. And I beg again respectfully to join issue with my friend on the other side when he read, or, at any rate, intended to read the provisions of section 65 of the Government of India Act. In it occur the following words (I am paraphrasing them):

"The Indian Legislature has no power to legislate upon any matters whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India."

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Now, this postulates that allegiance must be subject to some rule or power. None of the Lordships of the Privy Council have said what is intended and what is the common law upon which the allegiance of the Indian subject is dependent. Nobody has ever said that. In the Wahabi case and in the latest case that went up to the Lordships of the Privy Council, Their Lordships simply contented themselves by saying what the section does not include, but they never said as to what it really means and that is really the point with which we are concerned here. If allegiance were unconditional, what becomes of the clause? If allegiance were absolute, unqualified or unconditional, these words would be otiose and yet we find in the Indian Statute these words occurring as limiting the jurisdiction of the Indian Legislature. On a previous occasion to which my friend, the Law Member, has referred, I passed in review the whole constitutional law on the subject. I do not wish to detain this House beyond referring in very few words to what I then said. I said that under the Bill of Rights, when William and Mary got the Crown of England, it was distinctly stipulated that that would be subject to the provisions of the Habeas Corpus Act or what then amounted to the Habeas Corpus Act. Let me read from the book on constitutional law a passage.

The whole Bill of Rights, Honourable Members will find, is dependent upon what is laid down in Taswell-Langmead's Constitutional Law, page 572, upon the right of personal liberty, the most precious of all rights, as old as the Constitution itself. It is the right of liberty which is older than even the common law of England, and it was recognised as the common law of that country and was embodied in the Bill of Rights and afterwards in subsequent *Habeas Corpus* Statutes. I submit that it is open to argument that the allegiance subject to the common law of England referred to in section 66 must necessarily refer to some rule of common law by which allegiance is qualified.

Mr. N. N. Anklesaria : May I ask the Honourable Member in what circumstances a man is absolved from his allegiance to his sovereign?

Sir Hari Singh Gour : I am not here answering my Honourable friend, Mr. Anklesaria's question. I am answering the Honourable the Law Member (Mr. N. N. Anklesaria : "Because you cannot answer me"), and I am pointing out to him that merely citing a number of cases commencing from the Wahabi case of 1870 down to the recent Lahore case is no answer to the plain meaning of the provisions of section 66 of the Government of India Act which lays down in unqualified terms that allegiance is qualified by some rule of law and neither Their Lordships of the Calcutta High Court nor Their Lordships of the Privy Council have ever in one of these cases pointed out as to what is that rule of common law subject to which.....

The Honourable Sir Nripendra Sircar : Will my Honourable friend allow me to point out that he is entirely wrong. The Judicial Committee as well as one of the Calcutta judgments have pointed out what those words mean, but I am not prepared to read out the long judgments here.

Sir Hari Singh Gour : If that is all the answer that my Honourable friend on the other side can give, then the answer is somewhat more

emphatic than the answer given by his predecessor, Sir Brojendra Mitter, he was not quite cocksure as to what the meaning of section 66 was, referring as it did, to the allegiance being qualified by the rule of Common Law. But let that pass. I refer that as not a primary question in this case. I am not dealing here with the question of *ultra vires*. I am dealing not with the authority of the Legislature. I will assume that this Legislature has the authority to legislate upon these matters. But I say that is not the point with which we are concerned. Is it right for this Legislature to exercise that power which curtails the liberty of the subject? That, I submit, is the question. That it does curtail, and curtails materially and curtails in a most significant manner the liberty of the subject will admit of no doubt. Even the Honourable the Home Member and the Law Member will not doubt it. My Honourable friend, Mr. Studd, has said that it does curtail the liberty of the subject. What are the impelling causes and reasons which would induce this House to override the fundamental principle of Indian Constitutional Law that the liberty of the subject shall be inviolate. The Honourable the Home Member says, well, terrorism is rampant throughout Bengal. We know it is rampant throughout Bengal, but how are you going to deal with terrorism by this measure? You have tried it and failed. By merely placing this measure permanently on the Statute-book, you are not likely to better things.

My Honourable friend admits that the measure is not likely to stamp out terrorism, other things have to be done. I ask him this question. How can you assert that this measure or similar measures which have been on the Statute-book for a number of years, for at least a quarter of a century which have not sufficed to stamp out terrorism will do so merely because the measure is made permanent? That, I submit, is a question upon which we have our doubts. Then, the Honourable the Home Member said this is not a measure which by itself will control terrorism. Other means have to be adopted. Public opinion has to be mobilised. I echo those sentiments, public opinion has to be mobilised. But how are you going to mobilise public opinion if the public of Bengal and throughout India feel aggrieved that this is a Draconian law—a repressive law which does not discriminate between the guilty and the innocent. If you wish to mobilise public opinion, you must take the public into your confidence. Give the accused a reasonable chance of defending himself. Give the accused the most elementary right of safeguarding his liberty. When you have done that, public opinion would be behind you. But this measure, passed without that salutary qualification, would arouse and inflame public opinion instead of rallying it to your support. (Hear, hear.) Sir, the more coercive the measure, the greater is the feeling of the public against it. As Lord Morley pointed out, you have to count against subterranean mental revolt that exists in the country and is inflamed by the repressive laws. Therefore, I say that it is in the interest of the Government that I am asking them to give the accused a reasonable chance. The Honourable the Home Member says that the executive always examines the cases, and one of the speakers behind me said that they are examined by some Judicial Officers. He further went on to say that if there was a trial or if the High Courts exercise their power of *Habeas Corpus* under section 491, then the evidence would have to be made public. Well, I ask the Home Member, is it not very easy to make a provision

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providing a special procedure for dealing with such cases, that such cases shall be tried *in camera* and that the evidence shall not be published? Such things do occur. There are precedents for it and that would safeguard the mischief which the Home Member and Mr. Studd apprehend. What we are fighting against is not the measure which the Honourable the Home Member has placed before us for consideration, but fighting against its drastic provisions which leave no loophole for the accused to ask for, at any rate, a summary judgment of any constituted judicial authority. That is what we are complaining of.

Sir, that leads me to the other point. How do the executive act? Those who have practised at the bar, as my Honourable friend, the Law Member, has done, know too well the machinery of the executive. It goes down from the bottom from a subordinate of the police department and then it goes up by a concatenation of dittos right up to His Excellency the Viceroy, and the result of that is that the person who really sets the ball in motion is an underling in the police department; and it may be that the executive have gone wrong. They trust too much the man on the spot as the Honourable the Home Member wants us to trust the Council on the spot. In such cases, we also know that there have been numerous cases in our very practice when, out of animosity or from motives of corruption, these underlings report against a particular person. The moment the report is made against him, he is helpless. It goes up and up and up in confidential dockets till an order comes from the Local Government that the man is detained and is transported either to the Andaman Islands or to a segregation camp in Deoli. How are you going to provide against the abuse of power? I can quite understand that in those cases, in which the order is right and the crime of the terrorist is proved to the satisfaction of the executive Government, the executive Government would be justified in detaining him. But what safeguard have you provided in this Bill against the abuse of power by the executive. You have provided no safeguard at all. No man's life is safe under the provisions of this Bill. He may be ever so innocent, but once there is a fiat of the executive, he is done for; he has no remedy. My Honourable friend, the Law Member, said that the High Court has jurisdiction to examine whether the case comes under the Statute. Of course the High Court has jurisdiction if the case falls outside the Act, but that is not the point. If once a case comes under the Act, the High Courts cease to have jurisdiction even if there was a *prima facie* case. What we want is that the High Courts should retain jurisdiction just as the High Courts have jurisdiction under the preventive sections of the Criminal Procedure Code of going through,—not necessarily in a detailed form, but at any rate summarily,—and seeing that justice has been done in the case of the accused. And that is the very modicum of the safeguard which we want to be inserted in the Act; and these are the things which would have been considered if you had prepared a new draft to cope with a new emergency and understood that it was to be a permanent measure. I know, Sir, that Government are very fond of tinkering legislation. During the last 14 or 15 years, that we have been in this House, we know that they have pulled out of their pigeon holes old drafts and say, here is the law. Only the other day, in connection with a similar measure, they brought out a Bill which had to be recast from

top to bottom. My friend, the Law Member, may once more refer to the proceedings of the Select Committee and he will see what was done there. On this occasion, they have taken a short cut. This measure was passed for three years, those three years are now about to expire, and so they say: let us make it permanent. But you have never considered the main question whether a temporary measure is suited to be enacted into a permanent measure and whether a measure enacted to deal with a temporary emergency could serve the purpose which you have in view, namely, of checking the terrorist movement in this country. These are questions which Government have never considered, and, therefore, I submit that it is a crude measure; it is a measure which there is no justification for saying will serve the purpose which it is intended to serve. But one purpose it will serve; it will be a messenger of discontent throughout the length and breadth of the country. The student of law reads in the class rooms of the well-known phrases, "Every Englishman's house is his castle"; "Every Englishman is entitled to *Habeas Corpus*"; "Every Englishman is entitled to the liberty of person and property", and so on. When these catch phrases of English law are read by the Indian student in the class rooms, let alone the professors and the grown-up people, what will be the result throughout the country? There will be a growing discontent against this measure that it tramples under foot the most elementary and precious rights of man. And, therefore, I submit that it is up to you to reconsider it. We are not against measures designed to suppress terrorism; we are in favour of them.

My Honourable friend, the Law Member, has reminded you that I took part in shaping a measure which found its way into the Statute-book. But it was a measure, as I have said, which was intended to do its work in a period of two or three years; and I find, and the Honourable the Law Member admits, that this measure is not sufficient to deal with the crime of terrorism. Therefore, let us put our heads together and devise a new measure, a more effective measure, keeping in mind the fundamental rights of human beings to safeguard their liberty and to see that the measure, while it reaches the guilty, does not punish the innocent. It is very easy to think out such a measure.

My friends, the Members of the European Group, say that we have made no constructive proposal. Well, Sir, on behalf of the occupants of the Opposition Benches, I offer this olive branch to the Honourable the Home Member. Will he accept it? It is very simple to draft a measure that will deal with the mischief and prevent its abuse. It is to its abuse that we object. The measure, as it is, is a crude production, as I said; it is not well thought out. You have concentrated, like the one-eyed camel of the Arabian Nights, on one side of the road. The result is that on that side of the road there is nothing but dry field with no grass. If you had only used the other eye, you would have found yourselves confronted with verdant verdure and the result of that would have been that you would not have then suffered from starvation, but would have got every assistance from the popular section of this House. Whatever legislation you may pass in this House, whatever measure you may enact during your government will not be permanent, because there is a Nemesis awaiting these reactionary measures; and I assure you that, before many months and many years are past, these words of mine will come true. This measure will be blotted

[Sir Hari Singh Gour.]

out of the Statute-book, not by this House, but by a power greater than this House possesses. (Applause.)

Mr. N. N. Anklesaria : Sir, the Centre Party has always stood for law and order, and in every measure pertaining to law and order the Centre Party has always co-operated with Government. This present measure essentially pertains to law and order, and, at the fag-end of the life of this Assembly, the Centre Party is not going to change its attitude. I am, therefore, authorised to associate the whole of my Party with the Honourable the Home Member in support of this measure. The arguments addressed in connection with this measure are based on law and also on facts, many of which are imaginary, as has been amply shown by the communiqué published as regards the allegations with regard to the Midnapore affairs made by my Honourable friend, Mr. Mitra, on the floor of this House. ...

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by the Deputy President (Mr. Abdul Matin Chaudhuri).]

So far as arguments in connection with law are concerned, I think, after the very able and very powerful speech of the Honourable the Law Member, it would be sheer impertinence on the part of anybody on this side to try to supplement it.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : Then, why do you rise ?

Mr. N. N. Anklesaria : I am not going to repeat the arguments of my Honourable friend, the Law Member. So far as arguments based on facts are concerned, it is a pity that the Pro-Leader of my Party, Mr. Sarma, who has been rightly and courageously fighting the terrorist movement in his paper, the *Whip*, has been forbidden by medical advice to speak on the present occasion : otherwise, he would have spoken himself and given the complete lie to the statements as regards hardships of, and oppressive acts towards, the detenus, which have been alleged on the floor of the House. (Ironical Opposition Cheers.) I am quite sure, the Members coming from Bengal know all this much better than myself ; but we have to look to a greater authority than the men from Bengal here. I mean the decided opinions of the Bengal Legislative Council (*Cries of "Oh"*) who have passed the substantive measure with an overwhelming majority and who are far more interested than friends like my friend, Mr. Gaya Prasad Singh, here, who is now interrupting me. The primary principle on which this measure is based is that of detention without trial. As regards that principle, my Honourable friend, Dr. Gour, was completely in agreement till today with the Government, and I believe on the previous occasion there was not a single dissentient vote of any of the influential Members in this House as regards that principle on which this Bill is based.....

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : May I know who are the influential Members and who are not ?

Mr. N. N. Anklesaria : My friend, Mr. Amar Nath Dutt, can judge for himself.....

Mr. K. C. Neogy : Those who have influence with the Government.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Or those whom the Government can influence. (Laughter.)

Mr. K. C. Neogy : I accept the amendment.

Mr. N. N. Anklesaria : I am not going to take much of the time of the House, because I believe this motion must be decided upon by this evening. (*An Honourable Member* : "Why ?") But I will address myself simply to the motion of my Honourable friend, Mr. Mitra, about circulation. So far as I have followed the debates in this House on the present measure, after Mr. Mitra there was not a single Member except Mr. Studd who even alluded to this motion for circulation. No allusion was made by any Member to this motion for circulation. I ask my Honourable friend, Mr. Mitra, what does he want to circulate ? Is this a new measure ? Is this an unfamiliar measure ? This measure has been before this House for over the last five years. I do not understand what relief circulation will bring to my Honourable friend, Mr. Mitra. The principle of detention without trial is a principle very well known throughout the civilised world. In times of stress and strain, when revolutionary activities are making headway in the country, measures giving effect to such principles and far more stringent principles than the principle of this Bill have been enacted in all countries of the civilised world. Take the history of France ; take the history of England during the French Revolutionary period ; take the history of the Irish Free State ; take the almost, if I may say so, contemporary history of Germany. The principle that has been given effect to in these countries is not detention without trial, but actual execution without trial.

An Honourable Member : Let us have it here.

Mr. N. N. Anklesaria : Unfortunately that cannot be given effect to here.

An Honourable Member : Why ?

Mr. N. N. Anklesaria : For reasons very well known to my Honourable friend. I ask Honourable Members, who are opposed to this measure, what will happen if this measure is not passed ? It is quite plain that the duration of this measure, which is supplementary to the Bengal Act, should be co-terminous with the duration of the substantive Act itself. Otherwise obviously it would land us into very awkward situations which can much better be imagined by this House than described by me.

My Honourable friend, Mr. Navalrai, said the other day that this House passed this measure, with his concurrence, of course, because the Government had given an undertaking that it was to be a temporary measure. I asked him, when was that undertaking given, and he was not able to reply. Today my Honourable and esteemed friend, the Leader of the Nationalist Party, has stated to the House that he gave his assent to the Bill, because he understood that the measure was a temporary one. I ask him who gave him that understanding ; who asked him to understand the nature of the measure in that way ?....

Sir Hari Singh Gour : May I reply to my friend, Sir ? Section 2 : that it shall extend for a period not exceeding three years. That is the undertaking.

Mr. N. N. Anklesaria : That was not the undertaking given by the Government. The Government actually opposed an amendment to that effect which was moved by my friend, Mr. Raju. That was not the undertaking given by the Government. The amendment was carried in spite of the Government votes.

An Honourable Member : Was it carried in the Select Committee or in the House itself ?

Mr. N. N. Anklesaria : No, it was carried in the House itself. In the Select Committee, not a word was spoken about the duration of the Bill, and my friend, Sir Hari Singh Gour, who was the Chairman of the Select Committee, never thought fit to put forward the views which he has now propounded before the Committee or before the House.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : The original Act passed in the Bengal Council in 1932 was for three years.

Mr. N. N. Anklesaria : That is so.

Mr. S. C. Sen : Then why do you say that you did not agree to make it a temporary measure ?

Mr. N. N. Anklesaria : You wanted to make it temporary, but Sir James Crerar actually opposed it.

Mr. B. Das : You are doing an injustice to the Government.

Mr. N. N. Anklesaria : No, I am not doing any injustice to the Government. I am stating a fact which you ought to know.

An Honourable Member : Please don't get excited.

Mr. N. N. Anklesaria : I can understand that measures like these are mere palliatives to check the immediate mischief which the terrorist movement may do, but they cannot completely eradicate the evil, and the Honourable the Home Member, as well as several other Honourable Members from this side of the House, expatiated on the imperative necessity of educating public opinion. Sir, I ask, what have the Government done to educate public opinion in this matter ? I also ask in spite of the advice and recommendations of His Excellency the Viceroy in his various addresses asking Honourable Members to educate their constituencies, what have the several Honourable Members, who have spoken on this subject, done to educate public opinion ? So far as I know, Sir, they have done nothing ; nor have the Government themselves done anything to sufficiently educate public opinion. Sir, public opinion, so far as Gujarat is concerned, has now come wholeheartedly on the side of Government, and it is prepared to fight subversive activities standing shoulder to shoulder with Government, but let me tell the Government that that transformation is not due to any act of the Government. That transformation has been solely due to the recent movement against the Hindu religion started by Mr. Gandhi, the apostle of all subversive movements in this country.

Mr. B. Das : Sir, I strongly object to the words used by my friend regarding Mahatma Gandhi that he is the apostle of all subversive movements in this country.

Mr. N. N. Anklesaria : You may object as much as you like, but I am entitled to say what I consider to be the truth. Mr. Gandhi, Sir, did command some influence in Gujarat till a year or two ago, but he has now become an object of sheer contempt of all law-abiding people in Gujarat (Ironical Laughter from the Opposition Benches)....

Mr. B. Das : In the next election, you will lose your five hundred rupees !

An Honourable Member : It is an election speech.

Mr. N. N. Anklesaria : I say, Sir, that Government have done little to educate public opinion, and I am quite prepared to substantiate it. On the contrary, Sir, the present policy of the Government not only does not tend to create opinion in favour of the Government, it, on the contrary, tends to create opinion against it, especially on account of the policy pursued in Bengal. It must be admitted, Sir, that Bengal contains the cream of Indian intelligentsia.....

An Honourable Member : Question.

Mr. N. N. Anklesaria : And I say, Sir, that it is not out of sheer wantonness that you find educated men and women cheerfully sacrificing themselves for what they consider to be the good of their country. Now, Sir, what is the real cause, what is the reason, for all this trouble ? Sir, I have tried to make some inquiries in the matter, and I have found that the root cause of the terrorist movement.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Have you ever been to Bengal ?

Mr. N. N. Anklesaria : No, I have not been there, but I have talked with Mr. Mitra who knows all about terrorism and knows Bengal as much as anybody else.

Mr. D. K. Lahiri Chaudhury : Do you say he knows terrorism ? How ?

Mr. N. N. Anklesaria : Yes.

Mr. D. K. Lahiri Chaudhury : How can you say so ?

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Order, order.

Mr. N. N. Anklesaria : I say, Sir, the result of my inquiries is this, that the Bengal people, I mean the Hindus, mostly from whom the terrorists are recruited, have as their hereditary vocation Government service, and the present policy of refusing jobs to Hindus of Bengal simply because they happen to be Hindus has created an amount of discontent which, as we can easily imagine, has culminated in a movement like the one we are trying to check. Sir, this favouritism shown towards certain classes, at the expense of the other classes, has created an opinion, not only in Bengal, but in my own Province of Gujarat also, that this Government are trying to rule on the maxim of divide and rule. And, Sir, it lends colour to the prevailing belief, which I have voiced in this House in the very first Session of this Assembly, that this communal partiality, a partiality towards certain communities, does create in the minds of people adversely affected a belief that justice has departed from British administration, and I appeal to the Government of India, I appeal to Sir Harry Haig.....

Mr. Amar Nath Dutt : What is the use of appealing to him ? He is going away shortly.

Mr. N. N. Anklesaria : My friend asks, what is the good of appealing to Sir Harry Haig, as he is going away ? But, Sir, Sir Harry Haig will leave his influence behind him, and I am quite sure of that.

Mr. Gaya Prasad Singh : And leave a note about you also ?

Mr. N. N. Anklesaria : I appeal to Sir Harry Haig, because I believe the times which needed a strong man have found a strong man in Sir Harry Haig. Sir, he has restored peace to India, and I ask him to bring contentment to India by getting the Government to adopt a just and impartial policy towards all communities residing in this great land of ours. (Hear, hear.) My Honourable friend, Mr. Neogy, stated that you cannot suppress terrorism by terrorising terrorism. I say that, if, in the words he himself quoted, asserting the majesty of the law for the suppression of lawlessness is terrorism, I would ask the Government to go ahead with their policy of terrorism with full support of men who put India's interests first and the interests of seditious organisations nowhere.

Mr. Amar Nath Dutt : It was my intention to record a silent vote against this pernicious measure, if I may be permitted to use the word. When I heard the last speaker, he, so to say, out-haiged Haig and out-sircared Sircar, and I am obliged to take some of his points and to reply to them.

The Honourable Sir Nripendra Sircar : May I ask the Honourable Member if the notes in his hands were prepared only after the last speech which goaded him to break his vow of silence ? (Laughter.)

Mr. Amar Nath Dutt : There are some notes against my Honourable friend, Sir Nripendra Sircar's speech and some notes against the Honourable the Home Member's speech, but I think they will not be so full as they will be against my Honourable friend, Mr. Anklesaria, for whom I have a soft corner, at least as soft a corner as I have for Sir Harry Haig or Sir Nripendra Sircar. Sir, I shall begin with my amiable friend whom I have known for the last four years. When he first entered this Assembly, he assured us that we must be His Majesty's Opposition. Many of my Honourable friends remember that historic day, but we Members were not inclined to be His Majesty's Opposition, but Opposition to the Government of India. My Honourable friend, with his knowledge of constitutional law gathered in a foreign land, and with his knowledge of history of revolutions beginning from the French Revolution down to the present day revolution in Germany—apprised us of the fact that we should have His Majesty's Opposition although His Majesty is neither here, nor there, nor anywhere.

Mr. N. N. Anklesaria : You do not understand the word.

Mr. Amar Nath Dutt : I do not claim that knowledge of English constitutional law and of English constitutional history as my Honourable friend claims to possess. I do humbly say that I have only gone through the pages of English history beginning from the days of King John, where I have read that, in the year 1215, the barons with swords in their hands got their Magna Charta, and here in India we want to have that Magna Charta, and of some sort as we have in section 491. The Statement of

Objects and Reasons of a Bill is intended to point out to every cursory reader of the Bill all that is salient and all that is necessary to be given notice of, so that lawyers or laymen may know what is wanted of them. And when laymen vote for the Bill, they will at least know the implications of the Bill that is being introduced and attempted to be passed. I am sorry to characterise the Statement of Objects and Reasons of the Bill as a very, very misleading statement of its objects. A cursory glance through it will at once show that the Government only want to make certain provisions of the Bengal Criminal Law Amendment Act permanent, by which they are empowered to send the detenus to a Province other than the Province of Bengal. And because they have enacted another Act by which they have made this provision permanent in Bengal by the Bengal Criminal Law Amendment Act of 1934, therefore it has been argued that this Bill has been found to be necessary. How do they propose to give the Bengal Government those powers ? By saying that the second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act of 1932 shall be omitted. That second paragraph runs as follows :

“ It shall remain in force for a period not exceeding three years.”

But,—a but follows after that—but I invite the attention of Honourable Members on the Treasury Benches to sections 2, 3 and 4. Was a perpetuation of section 4 wanted by the Government of Bengal, and were they competent to pass such a measure as that ? Is it within their legislative competency to repeal a certain section of an Act which has been passed by the Central Legislature ? I confess I have not got the same legal knowledge and am not versed in constitutional laws as my Honourable friend, Mr. Anklesaria, and I appeal to him to enlighten the Government on this point whether or not it is within the competence of the Provincial Government to repeal an enactment of the Government of India. I think in this matter his advice may be tendered to the Treasury Benches on the other side as they have been advised by my Honourable friend in other respects, such as those in which he has denounced one of the greatest individuals of the present day and also those in which he has given certain other pieces of advice which the Government may or may not accept. In this connection, I may be permitted to observe in passing that I do agree with one remark of his, and that is, it is the Government which is responsible for these acts of terrorism in Bengal. Of course, he has given one reason. He has said that particular communities are being favoured by the Government in that Province, and naturally the youths of other communities feel it. I do not know how far that is correct, it will be for my Honourable friend, Sir Nripendra Sircar, to say that.

Mr. N. N. Anklesaria : To say what ?

Mr. Amar Nath Dutt : Whether you are right or wrong.

The Honourable Sir Nripendra Sircar : May I point out, as the question has been put, that there is no difficulty whatsoever if one has only read section 80A, sub-section (2) of the Government of India Act :

“ The local Legislature of any Province may, subject to the provisions of the sub-section next following, repeal or alter as to that Province any law made either before or after the commencement of this Act by any authority in British India.”

Mr. Amar Nath Dutt : Then why did not they take that task themselves ? As a clever lawyer—I have been also at the bar for more than

[Mr. Amar Nath Dutt.]

thirty years, though I do not claim to be as clever a lawyer as the *ex-Advocate General* of my Province.....

The Honourable Sir Nripendra Sircar : It is not a question of cleverness ; one has only got to read the Act. (Laughter.)

Mr. Amar Nath Dutt : If my Honourable friend will only read once more the words which are uttered in this House and bestow the attention which we know he bestowed on his cases and briefs, I am sure he will see that that does not mean that any measure which we here, after the passing of the Government of India Act, enact, they are entitled to abrogate. That is the view of the Honourable the Law Member, and I respectfully beg to differ from that opinion.

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

I was just submitting about the causes of revolution or terrorism which has been stated by Mr. Anklesaria to have led to all these things. I wish also to submit that this matter of the permanent repeal of section 491 escaped our attention till it was pointedly brought to the attention of this House by my Leader, and I think we should all be grateful to him for drawing our pointed attention to that fact. Here we are not only permanently legislating for removing some detenus from the Province, but also we are depriving the whole people of Bengal of their Magna Charta, the right of *Habeas Corpus* which was given to them by section 491 for all times, and here, with due respect to the high office of the Law Member, I differ from the interpretation which has been given by him which may mislead the lay Members of this House, and I warn them against the advocacy of one of the greatest advocates of modern times. Sir Harry Haig, when introducing this simple Bill, as he called it, brought in things with which we have been made familiar from the Treasury Benches, not once or twice or a dozen times, but a hundred thousand times. He brought in the Chittagong riots, and so on, and then he said here is an opportunity given to this House to give their help. Sir, when you are in charge of the administration of a great country like ours, and when you have taken the duty of administering it with even-handed justice, if you really follow the path of righteousness and honour and give to the children of the soil their dues, the right of governing themselves, the right of self-determination, I think we shall then co-operate with you and allow you to administer the country certainly in our interests as well as in your interests. You are not here for a philanthropic purpose. You have not come here, six thousand miles away from your home, for that. You have come here for the sake of bread. In this connection, I am reminded of an old story. When the predecessor of this Assembly, I mean, the old Imperial Legislative Council was appointed, three great men were taken as Members, and one of the greatest of them was Sir Barnes Peacock. When introducing a very beneficent measure, he said "If we are not here to render service to Indians, then why are we here?" That gentleman, who happened to be a Member of the Imperial Legislative Council in those days, did not know English and it was interpreted to him and he replied at once in Hindi "For your belly's sake". Sir, we are not such fools as to think that Englishmen are here for a philanthropic purpose. We need their services. We are grateful to them for what they have done for India by

giving us education, by giving us an ordered Government and all the benefits which we enjoy under British rule after the chaos of Muhammadan rule. We and our children will be very grateful to them, but at the same time do not try to delude us by saying that you are here for our benefit. You came for your own purpose and you are staying here in order to perpetuate your rule with the help of Omichands. But that is not the way of a true Englishman and a righteous Englishman. If only they knew to what unrighteous paths they are led by their Indian advisers, they would not adopt this method of governing the country, but our difficulty has been that they do not approach good men for advice. There are lot of Indian *badmashes* to advise them, who are dangerous to Indian freedom and they are misled. I warn them against this and ask them not to enslave Bengal in the way in which they are attempting. Then we have got two reasons why this Bill is being brought in the present Session of the Assembly. The Honourable the Home Member has given one reason and the Honourable the Law Member has also given us some consolation which may be taken as another reason. The Home Member's suggestion is this that it may be that after you are kicked out from this Hall, other people will come in and they may delay, and so on, but the real reason behind this seems to me that other people may not be so amenable to your influence and your Councils.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should address the Chair.

Mr. Amar Nath Dutt : The Chair would not be so amenable. I shall therefore address through you.

Whatever that may be, that is the Honourable the Home Member's reason—that it may be January or February or March or April, and we may not have this Legislative Assembly. But what has been our experience in the past? Well, if the Government do wish to have this Bill passed, they can get it passed within a fortnight by going to Select Committee, having it reported and then having it considered and passed, all quickly. So I beg to submit that the reason that has been given by the Honourable the Home Member is, with all due deference to him and to his opinion, is not valid. The other thing which may be taken as a reason and which was given to us as a consolation is this: "why can't you pass this Bill?" This was probably the reason of the Honourable the Law Member: "You pass this Bill, you are going away, the other people will come, stronger men, and they will do away with it. I am also an Indian. I am your friend. I do not like this measure. We will have it passed as an eye-wash for some months." (Laughter.) Sir, anyone who knows the constitution of this House, who knows the formidable array of the 40 Nominated Members—26 officials and 14 non-officials—added to those representing the interests of that community for whose interest the Britishers would give you everything save and except the market, I mean the European community which commands sixteen Members.....

An Honourable Member : No, no, twelve Members for the European community.....

Mr. Amar Nath Dutt : All right, nearly a dozen, and then we should remember our amiable friends to whom my Honourable friend, Mr. Anklesaria, referred, that community which is being bribed from the very beginning.....

Mr. N. N. Anklesaria : I protest against the word "bribed". I never said the community was being bribed.

Mr. Amar Nath Dutt : I withdraw the word "bribed"—perhaps the community is being given prizes by being given 25 per cent. of all jobs, the Communal Award and such other things. Very well, we then get almost another thirty or something like that, then it will come to about eighty in a House of one-hundred and forty-four : and knowing full well that they can pass any measure and every measure with the help of this body, the Government do not care. I remember, Sir, in a humbler sphere, that of district boards and municipalities, how the Government in former days had members through nomination to the extent of one-third and how, with the aid of that one-third, they would have any measure brought up for the consideration of the municipality or district board. So long as this House does not consist solely of elected Members and so long as any legislative enactment does not depend upon the vote merely of the elected Members, I think such consolation as my esteemed friend, the Law Member, wants to give us will not really console us in the least ; but I forget that probably my Honourable friend had not much experience, at least that experience which I can claim of these self-governing institutions either in my Province or elsewhere. Be that as it may, I beg to submit it would have been more honest and fair if the Government had not brought up this Bill, and, Sir, that ought to have been their attitude—not that of giving the dog a bad name and then hanging him, as by calling upon us now to pass this legislation so that they might say afterwards, "these are the men who supported us in such Draconian legislation".

An Honourable Member : Are you making an election speech ?

Mr. Amar Nath Dutt : The House has not been dissolved as yet. When the House is dissolved, I shall no doubt make my election speech.

Then, as regards my friend, the Honourable the Law Member's argument, that has been met by my Leader, and the only thing I want to say about it is this. He has said, and there I agree with him, that, in spite of all this repressive legislation, terrorism has not been crushed. Sir, I am not a scholar either of ancient or of modern history of the type of my friend, Mr. Anklesaria, although I may claim to be the father of a scholar of ancient Indian history and culture. Sir, it has been said that it is preventive and not punitive, and here we have the testimony of no less a person than my Honourable friend, Mr. Anklesaria, who has derived his knowledge about it from no less a person than Mr. R. S. Sarma, whose activities are confined to Bengal and who is presumed to know more of my people than my friend, Mr. S. C. Mitra, or Mr. K. C. Neogy, or, for the matter of that, even that of the Honourable the Law Member ; and he has been pleased to say that these detenus are kept in nicely-furnished bungalows with all the luxuries possible—with books and the other amenities of life, and so on.

Mr. N. N. Anklesaria : Even perfume bottles also, I am told ?

Mr. Amar Nath Dutt : Not of whisky bottles ? Be that as it may, if this House can believe one of its Members, and, I think, if I name him, nobody will say that we can disbelieve him, I mean my Honourable friend, Mr. S. C. Mitra, he has his nephew in one of those fine commodious bungalows—the poor boy is not allowed to have any interview with his uncle or with his father, and that not for one month or one or two years, but

for all the years he is going to be detained at Deoli, and wild stories are being recited—we cannot vouch for the absolute correctness of those stories—but wild stories have reached the ears of Mr. Mitra and his family that every now and then big blocks of ice are placed on the chest of this young man, and the reason why he is not allowed an interview with Mr. Mitra is lest such things should leak out and come to the knowledge of the Honourable the Home Member, who has tried at least to do what little justice is possible for him to do, but he is kept in ignorance of all these things that are being done. My friend, Sir Nripendra Sircar's knowledge about the mode of living of these detenus.....

The Honourable Sir Nripendra Sircar : My knowledge is as great as yours.

Mr. Amar Nath Dutt : A little more probably—because neither I nor Sir Nripendra have had the good fortune of ever being a detenu or of being a visitor of a camp for detenus. At this old age I would like to be free, but if we have books, lights, perfume bottles and other luxuries there, I will not mind going there even at this old age. But if the conditions there are as described by the nephew of Mr. Mitra, certainly I for one would not like to go there. I do not know whether Sir Nripendra Sircar would like to go there or not. It has been said by the Honourable the Law Member that in no country has terrorism appeared in such a form. I appeal to him to say from his personal knowledge of other countries of the world, where he has travelled, whether the form of revolutions there was not of a more virulent type than that of Bengal. In Bengal, we have a handful of misguided youths who are patriotic enough to think that they will free their country of the foreigners. Some of them have been driven to this method owing to the economic depression or because youths, belonging to other communities and possessing the same intellectual attainments as they, have been provided with employment and they have been neglected. This sort of thing can be cured by more humane measures than this drastic legislation. Therefore, I submit that it is not the vituperative language to which the Honourable the Law Member objects when we say that it is a repressive measure. This is not only a preventive measure, but it is a punitive measure. As for the preventive measure, we have the provisions in sections 107, 108, 109 and 110 and section 144 of the Criminal Procedure Code wherein we find an iron hand in a velvet glove. Under section 144, you can do anything under the sun. In spite of all these provisions, you wish to arm yourself with these drastic powers and thereby disgrace the pages of the Indian Statute-book. I agree with the Honourable the Law Member when he says that by using vituperative language nothing is gained or lost. But I do submit that the charge of using any vituperative language can hardly be laid at the door of any Members on this side of the House at the present moment. Only we are trying to draw the attention of the Government.

Now, Sir, I have already replied to the argument that the permanency will disappear when the new Assembly comes. Then it was said that there was lot of irrelevant matter brought in. Sir, when the Government are concerned with the sending of prisoners from Bengal to other Provinces, it is up to them to see that their comforts and conveniences are looked after and it cannot be said that these things are irrelevant. With due respect to Sir Nripendra Sircar, I must say that in these matters he was, I think, more led away as an advocate of Government rather than by the consideration of relevancy or irrelevancy. Then, Sir, as regards the

[Mr. Amar Nath Dutt.]

solitary cell, he said that it was common everywhere. Sir, for people who are fired with the imagination that they must free their country from foreign domination, and who, rightly or wrongly, think that the foreigners have no business to rule over us, and it is their inalienable birth-right to have their own government, and if, in pursuance of those high ideals, they pursue methods which are subversive of law and order, then certainly the Honourable the Home Member is entitled to ask us for more powers, and we, at least the older men, would be the last persons to deny him those powers. But you cannot blame them for holding these ideas. If you give them human treatment in the jails by giving them the diet to which they are accustomed, and if you put them in surroundings where they will not feel themselves lonely and where the climate is bearable, surely the British Government will not collapse if these things are given to them. The mighty Government, as the British Government is, can easily afford to do these things for them and thereby wean these misguided youths from the path of revolution and terrorism, and thus save not only themselves, but also save their own countrymen. I quite appreciate that when they take a step like this under laws, it will be a mistake. But if these people can be won over from the path of revolutionary activities, then I believe that even these mistakes will not be committed and the whole country will be saved. I think both you, Englishmen, and we, Indians, will be able to co-operate with each other working hand in hand for years to come. Sir, I have learnt today several legal phrases. I have practised in the mufassil and have never had the privilege of going to higher Courts, and therefore, I will not take up the time of the House by referring to these things. But when it is said that this is not a question of law, I join issue, however high the authority holding this view may be. It is certainly a question of law. The first question is whether or not this Legislature is competent to pass this legislation. Whether or not this Legislature should co-operate with the Bengal Legislative Council and accept their *ipso dixit*. When you ask us to do this, I beg to think that you cannot do so under the law. When the Honourable the Law Member said that his predecessor was perfectly right in giving his interpretation, he was only paying a compliment which everyone pays to his predecessor. His predecessor gave us the assurance that the measure was to be a temporary one.

Mr. N. N. Anklesaria : He never gave that assurance.

Mr. Amar Nath Dutt : I can understand the chain of reasoning by which you can arrive at propositions like this that he never gave an assurance. I beg to submit that he did not utter any such words, namely, that after the expiry of three years the Bill is going to be made permanent. Otherwise, the fate of the Bill would have been different. May I ask my Honourable friend to point out anything like that from the speech of the previous Law Member ? I wait for an answer.

Mr. N. N. Anklesaria : If the Honourable Member should refer to the debates of 1930, he will find that it was actually Sir Cowasji Jehangir who, on behalf of the Opposition, invited the Government to express an opinion and give an undertaking that they will come to the House to extend this Act if the Local Government extended the Act. This will be found in the debates.

Mr. Amar Nath Dutt : I am sorry that I allowed this wasting of the time of the House, because my Honourable friend has referred to

some materials which are not in this astronomical universe. I think I ought to have proceeded with my speech without waiting for this answer. I would say that I feel very strongly on this measure. Even if for the sake of argument there are revolutionary youths by thousands, they have all been captured and more will be captured, I do say that the Government have no justification for perpetuating these repressive laws and putting the whole of a great Province, which once supported the British rule with loyalty and devotion, to restraint in this way, and thereby, alienate their sympathies. It has been rightly said by my Honourable friend, Mr. Anklesaria, that it is the Government that has been terrorising and that has been at the root of all this trouble.

Mr. N. N. Anklesaria : I never said that.

Mr. Amar Nath Dutt : I think the memory of certain Honourable Members seems to be short. If Honourable Members will go back 35 years, I mean towards the latter half on the 19th century, they will find that warnings were given by such far-sighted statesmen as Dadabhai Naoroji, Pherozshah Mehta, R. C. Dutt and Surendra Nath Banerjee and others, and these warnings were given from the Congress Pandal of those days, not the Congress of the present day, but the Congress of those days when such veterans were serving, and they gave warnings in no unmistakeable terms that they wanted to co-operate with the Government and they asked the Government not to drive sedition underground, but to allow the fullest expression to the thought and to remove the grievances. That was the demand then made. I remember, Sir, as young boys our ambition was only to have a few High Court Judges, to have simultaneous examination for the Civil Service and to have the repeal of the Arms Act. These were a few of the items in the programme of the Congress of those days when we joined it 35 or 40 years ago. What is it that occurred since to change the programme of that great constitutional body from asking for a few grievances to be redressed to one of independence. It was because the foreigners, who are administering this country, have not done their duty properly towards the children of the soil. There are a great many names in British Indian history to whom the country will ever remain grateful. We can cite Bentincks, Ripons and Macaulays and several others who devoted their lives to the good of this country. I can also name certain others who lived in recent years, because I have also some knowledge of the history of the present day, but I will not name them, but these are the men who are the greatest enemies of British rule in India. I remember, Sir, a gentleman, who was not a Congressman, but a very learned and erudite scholar, whose name if I mention will be remembered by the Honourable the Law Member, because, at one time, he lived in Bihar, this gentleman was a great Bengali scholar, and you will be surprised to hear that he used to say that the greatest enemies of India were men like Bradlaugh, Sir William Wedderburn, A. O. Hume and others. We were all boys then, and my uncle was surprised to learn that men like Bradlaugh and Sir William Wedderburn were enemies of India, because they wanted to broadbase the British rule upon our affection and thereby perpetuate our slavery. Mind you what kind of administration would give birth to thoughts like this. Have you ever cared to enquire what is at the root of this revolutionary movement ? The Honourable the Law Member was right when he said that quack prescriptions will not do. I do submit that these are quack prescriptions to which he is also going to be a party. Let them go deep into the root cause of this revolutionary movement and

[Mr. Amar Nath Dutt.] try to weed it out and save the youths who are the flower of this country from ruin, and if Government take proper steps, they can win over these youths and they will be very helpful in carrying on the administration of this country to the advantage both to themselves and to their countrymen.

Sir, I see that some of my Honourable friends are impatient, and they desire that I should conclude my speech. I will only say a few words more. As regards the motion for circulation, I must honestly confess that I do not believe in circulation. I would rather oppose it, because what does the motion for circulation mean? The Government will circulate the Bill to proper quarters who are best fitted to give them advice on these matters. The Government also know what sort of opinion they will get. So, Sir, I have no faith in circulation, but my Honourable friend, Mr. Mitra, who has been the victim of repressive laws, desires that the Bill should be circulated, and, therefore, we are in duty bound to support him. But personally I have no faith in circulation. I have been asked to finish my speech as early as possible. I know full well that we cannot carry anything in this House. Still I thought that more than the votes of those, who are always inclined to support Government in order to please them, there are genuine hearts throbbing within the human framework of the Honourable Members on the Treasury Benches, and that if I appeal to them for a more humane consideration for these people, who are taken away from their hearths and homes to a distant Province, I shall get some response. Sir, in my earlier years, I lived for several years in the Rajputana desert and I know the trial and the trouble of living in those deserts. There were no electric fans in those days and the *punkha* had to be pulled the whole night. But if the *punkha*-puller went away at 5 o'clock in the morning,—and I am a very late riser,—I would at once get up as soon as the *punkha* ceased. Then, I remember the difficulty about fish. I remember fish used to be brought one day in the week from far off Delhi by sending a man there and fish could not be had anywhere else. As you know, Sir, we Bengalis are not meat eaters, but we are accustomed to fish.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : When was that?

Mr. Amar Nath Dutt : That was from 1882 to 1886.

Then, again, there is the question of climate. My friend, Diwan Bahadur Sarda, if he had been here, could have given us some idea of the climate of a place like Deoli, and Deoli is 70 miles away from Ajmer. There is also the difficulty about getting interviews. Sir, we can well understand that some police officer should be there at the interview. If these detenus are of the type, who cannot be trusted to carry on a conversation, keep a police officer there, but allow them interviews at times with their friends and relations, and give power to the police officer to stop the interview as soon as he finds that something objectionable is being uttered by the detenu or the man who is interviewing him. He will be on this side of the bar and the interviewer will be on the other side. This is a small humanitarian treatment, which I am pleading for, before the Honourable the Home Member, whose term of high office ends in a day or two, and who is going to take up his exalted office of Governor of a great Province, on which we all congratulate him. (Applause.) We appeal to him to do something for these detenus. Sir, at one time I despaired

about getting anything. I know that this Bill will be passed and we will not be able to check its passage. But in the language of the great poet, I was tempted to say, in the words of Karna to his mother Kunti, when the latter wanted to bring him to the side of the Pandavas :

“*Jé pakshér parājay,
Sé paksha tyajitē morē karonā āhrān ;
Jayi hōk Rājā hōk Pandava santān ;
Ami rabo hatāshēr nishfalēr dalēy.
Āmārēy nirmam chittēy tyāgā jananee,
Deeptiheen, keertiheen parābhav parēy,
Shoodhoo āi āshirbbād diyē jāo morē,
Jayalōbhē jasholōbhē rājyalōbhē ār,
Virēr sadgati hotē bhrashṭa nāhi hōi.*”

“Don't ask me to leave the party that is to lose the fight. Let the Pandavas be victorious and win the kingdom. I shall remain with those whose hopes have been smothered and do not expect success. Leave me to the darkness of defeat and being unknown to fame. I pray only for your blessings, so that I may not swerve from the path of righteousness to secure victory, fame or kingdom.”

So, Sir, that was the thought which was uppermost in my mind. I knew full well that this Bill will be passed and my protestations will be of no avail. But I once more appeal to the Home Member to do some more acts of justice to these detenus as he has done in the past.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That the question be now put.”

The motion was adopted.

The Honourable Sir Harry Haig : Sir, the hour is late. It is said that every action produces an equal and opposite reaction and certainly the action of my Honourable friend, Mr. Amar Nath Dutt's speech impels me to be brief. (Laughter.) The debate has ranged over a very wide field, and I think the House can consider that every relevant argument, every consideration bearing directly or even remotely on this problem, has come before it. Now, Sir, that reminds me of the amendment that stands in the name of my Honourable friend, Mr. Mitra, the amendment for circulation. That is an amendment about which we have heard very little, and particularly from the Mover of it ; and I think the reason is clear. The facts, the considerations, the arguments, are all before this House, and no real reason has been advanced as to the advantage that would be derived from circulating this Bill for further opinion. I think, Sir, it may be regarded as merely a means of postponing a decision, and I submit that all the materials for a decision are before the House now.

Now, Sir, the Honourable Member, Mr. Mitra, with some engaging sentences occasionally interposed which indicate that he is as much interested in the suppression of terrorism as we are, nevertheless seems to me to suffer from certain blind spots in his outlook on this problem ; and the most amazing blind spot that I observed when he addressed himself to this problem was that he actually took me to task for reminding the House of what terrorism really means. He made it a complaint that

[Sir Harry Haig.]

I referred to some of these outrages and recalled them to this House. But, Sir, what is the subject we are debating? It is terrorism. What is the justification for this Bill? It is terrorism. And does the Honourable Member really think it reasonable that we should lull ourselves into a sense of security or of negligence; that we should not remind ourselves of what terrorism really means, the menace that it is, or,—to borrow the words of my Honourable friend, the Law Member,—the abomination, an abomination which we are determined to root out? I hope, Sir, we shall hear no more complaints that I have endeavoured to recall the House to a sense of the gravity of this problem.

Now, Sir, I was asked by the Honourable the Leader of the Opposition whether I could give any account of the origin of the movement. In a few casual words, at the end of the debate, I cannot attempt to give any exhaustive analysis of it. But I think the House recognises well enough that it originated in what one might call a revolutionary movement; the object was to overthrow the Government by the method of assassinating Government officials. The movement has spread since then; its aims are possibly wider now than in its origin. A movement like that gathers to itself and embraces all the revolutionary and subversive movements that may arise from time to time. Its aims broaden out, and that has been the case with the terrorist movement. In origin, perhaps the movement of a few people, it has been, I think, reinforced by some belief among a considerable section of the people in Bengal—a belief that is, I think, now disappearing—that the movement had something valuable in it, that it would pay, that it would succeed. That is why I continually stress the importance of public opinion. As long as public opinion is not genuinely opposed to this movement, genuinely determined to root it out, it is very difficult to make an end of it. And besides that, there have been certain predisposing causes among the boys who are recruited to this movement. They are very definitely recruited by revolutionaries for their own ends; but there are certain causes which predispose them to be recruited, and those causes might perhaps be found partly in an educational system which it is suggested is not altogether in accordance with the needs of the Province and partly in economic conditions. Perhaps one might say that a number of these boys are turned out with a certain lack of hope, with little to look forward to in life, and in that way they tend to become the prey of these people who recruit them into this vile movement. My Honourable friend, Mr. Neogy, acknowledging, I think, that His Excellency the Governor of Bengal and the Government of Bengal were addressing themselves to these wider causes, asked me whether the Government of India were doing nothing. This is a provincial problem; it has to be handled primarily by provincial means; but I would remind the House that the problem is to some extent economic, and that the Government of Bengal believe that greater financial resources will help them greatly in removing what I have called some of those predisposing causes, and my answer to Mr. Neogy, therefore, is that this House has already made some contribution in that direction by placing at the disposal of the Government of Bengal half the jute tax—a very substantial contribution.

Now, I want to say a little about the treatment of these detenus at Deoli. That is a very direct responsibility of the Government of India.

One of the last acts of my predecessor was to secure the passing of this Act, VIII of 1932, which we are dealing with today; and, consequently, I found that one of the first responsibilities that faced me when I took over charge was the organisation and superintendence of a camp for the detenus at Deoli. I realised that it was a very serious responsibility; I realised that it was difficult to deal with these men in a remote place, far from their own Province, and that it was necessary to have an efficient staff and to have arrangements that so far as we could ensure would work effectively. I got into touch at the very beginning with the officer who had been selected to be in charge of that camp, and until he went on leave a few months ago, I maintained constant personal touch with him. He has visited me here in Simla and in Delhi several times. I myself have been to Deoli and seen conditions on the spot; the Secretary in the Home Department, Mr. Hallett, has also been to Deoli and seen for himself; and we have been fully satisfied that the officers on the spot have administered their very difficult charge with patience, with discretion and with good sense. I would remind the House that their task is a peculiarly difficult one, for these men, as my Honourable friend, Mr. Mitra, has himself suggested, are very often not what one describes as altogether normal. They have a considerable measure of freedom, that is to say, from the ordinary restrictions of jails, and they have a great deal of leisure on their hands: they tend to become introspective and self-centred; the fact that they have no definite work to do, that we cannot give them any tasks, is really, I believe, looking at the matter broadly, bad for them; and yet I fear this House would not support us if we gave them any compulsory task....

Mr. D. K. Lahiri Chaudhury: Why do you not give them proper education in jail?

The Honourable Sir Harry Haig: It is an exceedingly difficult problem, and I think it must be admitted that these men are the most difficult prisoners in all India to deal with. My Honourable friend asks me why we do not give them education in the jail; we do what we can to give them facilities for occupying their time; we give them ample facilities for games and physical exercises; we give them a reasonable supply of books; we allow them to enter for examinations, and I think the House will remember that, only a short time ago, the Government of Bengal brought out a scheme for precisely what my Honourable friend is suggesting—some form of education to fit these boys for something useful when they are released; but on some point of, shall I say, pride—I do not know what the cause is—I understand that they have rejected the offer.

Well, Sir, my Honourable friend, Mr. Mitra, suggested that he could deal with these detenus, that the solution was to let them out, and I think his view was that he would be able to control them. That is what I understood to be his position.....

Mr. S. C. Mitra: You are not to let out all of them at the same time, but by batches and groups.

The Honourable Sir Harry Haig: I would only say that to take that action at the present time would be inconsistent with the lessons of experience. I would remind the House that in 1924 and 1925, a number of detenus were sent to jails or camps. In the course of the next two or three years, they were gradually released, and by the end of 1928,—I think I am right in saying,—that there was not a single detenu

[Sir Harry Haig.]

still under detention. Well, Sir, if the release of these men is really the cure for this evil, how was it that two or three years later this movement broke out again with a force that it had never possessed before, and we had that formidable outbreak at Chittagong in April, 1930? Did any of these gentlemen, who now suggest that they can control the detenus, control them between 1928 and 1930, and, if not, why not?

Again, Sir, my Honourable friend, Mr. Mitra, suggested that some of these manifestations might be due to *agents provocateurs*. I think his suggestion was that when a long interval passed without an outrage and the Government were beginning to think of relaxing their measures, then some new outrage always supervened, and his suggestion was that cannot be the work of the detenus themselves, but that must be the work of the Government acting through its subterranean agents. Well, Sir, again I would appeal to the lessons of experience. How does a theory of that sort fit in with what happened in 1927, 1928, 1929 and 1930? In 1927 and 1928, there was practically a complete cessation of outrages, and acting on that, the Government did release all these men, and then when the powers of Government had been removed, and not before then, these outrages were resumed. Is that consistent with this theory of *agents provocateurs* being used in order to create incidents which will justify the retention of these powers? The facts are exactly the opposite.

Now, Sir, my Honourable friend, the Leader of the Opposition referring to the speech which he had made two years ago, which I have mentioned, said that he hoped my view was not that I felt he was bound to accept any remedy which the Government put forward. That, of course, was not my intention. What I did welcome in his former speech,—and I must say I found some traces of it in his speech today,—was a spirit of some helpfulness, an inclination to examine fairly our proposals. The main point that the Honourable Sir Abdur Rahim has made against our Bill is that the powers we are taking should not be permanent. He argued that to give these powers to the Bengal Government in permanence would be likely to induce them to relax their efforts. I was surprised to hear such a view coming from an Honourable Member who is well acquainted with Bengal and well acquainted with administration. For surely if one fact stands out more clearly than any other, it is that circumstances themselves absolutely compel the Government of Bengal to devote the main part of their attention to this terrible menace of terrorism, and they cannot possibly relax their attention so long as that menace continues.

Now, Sir, what is the justification for making these powers permanent? That justification, I think, is very clearly to be found in the experience of the past. Let me remind the House of one or two facts. In 1915, the Defence of India Act was passed, and that Act for the first time gave the Government powers similar to those which are now contained in the Bengal Criminal Law Amendment Act. While that Act was in force, the movement was brought very definitely under control. Those powers of the Defence of India Act were removed, I think, in 1919 or in 1920, and in the next year or two, all the main weapons with which the Bengal Government had been fighting the terrorist movement were repealed. The result was that, within a year or two, there was a

very serious and dangerous recrudescence of the movement,—so much so that in 1924 it was necessary for the Governor General to issue an Ordinance re-imposing those powers, and that was further confirmed by legislation undertaken in the Bengal Legislative Council in 1925.

Now, Sir, as I mentioned before, all the detenus were out by 1928, and again the question arose whether these powers should not be allowed to lapse as they naturally would in 1930. It was decided to allow them to lapse. They lapsed in 1930, and, within a month or two, we had that very serious outbreak at Chittagong—clear evidence that the terrorist movement was stronger than it ever had been before. Consequently, in 1930, those powers were again taken, and now once more they are due to lapse in 1935. I say, Sir, that it would have been flying in the face of all experience to continue those powers still on a temporary basis. The experiment has been tried, not once, not twice, and has failed. That, Sir, is the justification for making the powers permanent, and I do appeal with confidence to the House to support a measure which will help us to continue without intermission the struggle against terrorism until it is finally rooted out.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1934.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

“That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be taken into consideration.”

The Assembly divided :

AYES—60.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Bagla, Lala Rameshwar Prasad.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Duguid, Mr. A.
Fazal Haq Piracha, Khan Sahib Shaikh.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Grantham, Mr. S. G.
L203LAD

Grigg, The Honourable Sir James.
Haig, The Honourable Sir Harry.
Harbans Singh Brar, Sirdar.
Hockenhull, Mr. F. W.
Hudson, Sir Leslie.
Ibrahim Ali Khan, Lieut. Nawab Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Lumby, Lieut.-Colonel A. F. R.
Metcalf, Mr. H. A. F.
Morgan, Mr. G.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya Charan.

Nihal Singh, Sardar.
 Noyce, The Honourable Sir Frank.
 Pandit, Rao Bahadur S. R.
 Perry, Mr. E. W.
 Rafiuddin Ahmad, Khan Bahadur Maulvi.
 Raghubir Singh, Rai Bahadur Kunwar.
 Rajah, Rao Bahadur M. C.
 Rastogi, Rai Sahib Badri Lal.
 Rau, Mr. P. R.
 Row, Mr. K. Sanjiva.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.

Scott, Mr. W. L.
 Sher Muhammad Khan Gakhar, Captain.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Pradyumna Prasad.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Studd, Mr. E.
 Trivedi, Mr. C. M.
 Wajihuddin, Khan Bahadur Hajji.
 Yamin Khan, Mr. Muhammad.
 Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
 Zyn-ud-din, Khan Bahadur Mir.

NOES—17.

Abdul Matin Chaudhury, Mr.
 Bhuput Sing, Mr.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Gunjal, Mr. N. R.
 Jog, Mr. S. G.
 Lahiri Chaudhury, Mr. D. K.
 Lalehand Navalrai, Mr.

Mahapatra, Mr. Sitakanta.
 Mitra, Mr. S. C.
 Neogy, Mr. K. C.
 Pandya, Mr. Vidya Sagar.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Sen, Mr. S. C.
 Singh, Mr. Gaya Prasad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th July, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 25th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

CHANGE IN THE ARRANGEMENT FOR THE CARRIAGE OF MAILS BETWEEN DELHI AND CALCUTTA.

203. *Dr. Ziauddin Ahmad : (a) Will Government be pleased to give reasons for changing the old arrangements of carrying the mails between Delhi and Calcutta ?

(b) Is it not a fact that the mails are not carried by the down mail train between Delhi and Howrah ?

(c) What is the present arrangement for carrying the mails from Simla to Allahabad, and intermediary stations ?

The Honourable Sir Frank Noyce : (a) The old arrangement of carrying mails between Delhi and Calcutta had to be altered owing to the changes in the time tables introduced by the East Indian Railway with effect from the 1st October, 1933.

(b) It is not a fact that mails are not carried by the 2 Down Mail train between Delhi and Howrah.

(c) Mails from Simla for Allahabad are sent by the 14 Down Mail of the Kalka-Simla Railway from Simla to Kalka, by the Kalka-Delhi-Calcutta Mail from Kalka to Ambala, by the 6 Down Punjab Mail from Ambala to Partabgarh and by 4 A. F. Down Passenger from Partabgarh to Allahabad. Mails for intermediate stations are sent from Simla to Kalka by the 14 Down Mail train to Kalka. They are despatched from Kalka by the 2 Down Kalka-Delhi-Calcutta Mail to Delhi and therefrom a portion of the mails for certain important places is sent under weighment system by the Kalka-Delhi-Calcutta Mail while the rest of the mail is sent by the 16 Down Delhi-Mughalsarai Fast Passenger.

Dr. Ziauddin Ahmad : Is it not a fact that by this new arrangement the delivery of the mails is delayed by one day ? Instead of being delivered on the following day, they are delivered a day later ?

The Honourable Sir Frank Noyce : I have no information on that point, but I shall be happy to inquire. I hardly think it is likely.

Dr. Ziauddin Ahmad : The mails reach Delhi early in the morning and the whole day they remain lying in Delhi, and are sent at 10 p.m.

(615)

PROHIBITION OF BEARERS OF INDIAN REFRESHMENT ROOMS FROM GOING NEAR THE CARRIAGES OCCUPIED BY UPPER CLASS EUROPEAN PASSENGERS ON THE NORTH WESTERN RAILWAY.

204. *Dr. Ziauddin Ahmad : (a) Is it a fact that the North-Western Railway administration issued a circular prohibiting the bearers of Indian Refreshment Rooms from going near the carriages occupied by upper class European passengers ?

(b) Are they prohibited to approach Indian passengers travelling in upper classes ?

(c) Are these orders issued for economic or hygienic reasons ?

Mr. P. R. Rau : (a) and (b). No.

(c) Does not arise.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there are still separate first class carriages for European passengers ?

Mr. P. R. Rau : I am not aware of any.

Mr. Gaya Prasad Singh : Is it not a fact that the opening of Indian refreshment rooms is an eyesore to the Kellners and the Spencers whose income is going down ?

Mr. P. R. Rau : I am not in a position to answer that question.

Dr. Ziauddin Ahmad : The answer given to part (a) is "No." I have got a copy of the circular in my room, and therefore, the statement "No" is definitely incorrect.

Mr. P. R. Rau : If the Honourable Member will send me a copy of that circular, I shall make further inquiries. I have been informed by the North Western Railway that there is no such circular.

Mr. Gaya Prasad Singh : Are more facilities given to Kellners and Spencers who cater for European passengers than to the Indian refreshment rooms ?

Mr. P. R. Rau : What are the facilities that my Honourable friend is referring to ?

Mr. Gaya Prasad Singh : One of the facilities, if I understand it correctly, is that any number of bearers of the European refreshment rooms are allowed to travel in railway trains if they are in charge of crockeries, while this facility is denied to the bearers of Indian refreshment rooms. That is one of the things.

Mr. P. R. Rau : I am not aware of that. If the Honourable Member will put down a question, I shall obtain information.

Mr. Vidya Sagar Pandya : Was it to encourage the European caterers that the Members of the Central Legislature from the Madras Presidency are now allowed Rs. 33 extra to travel *via* Bombay and not necessarily *via* Nagpur ?

Dr. Ziauddin Ahmad : This particular notice was shown to me by Mr. Shafie Daoodi who is not here. If I show it, will the Honourable Member take action ?

Mr. P. R. Rau : Most certainly.

(616)

STOPPAGE OF THE TRANSMISSION OF TELEGRAMS TO GOVERNMENT OFFICIALS, EDITORS AND OTHER PERSONAGES.

205. *Dr. Ziauddin Ahmad : (a) Have Government issued instructions to the Post Masters, authorising them to stop transmission of telegrams to Government officials, editors and other personages under certain conditions ?

(b) What are these conditions ?

The Honourable Sir Frank Noyce : (a) and (b). Telegraph Offices including Combined Offices which are in charge of postmasters are authorised, under rules 15 and 180 of the Indian Telegraph Rules, to refuse to accept or to forward any inland or foreign private telegram or radio-telegram or any part of such telegram of a plainly objectionable or alarming character or which appears dangerous to the security of the State or contrary to the laws of the country, to public order or decency. In cases of doubt, the matter is referred by the officer in charge of the Telegraph Office to a Secretary to Government or other officer nominated by the Local Government from time to time for this purpose if the office is located at a seat of Government, or to the Chief Civil or Military Officer, if the office is located elsewhere.

Dr. Ziauddin Ahmad : May I just ask whether these telegraph officers are entitled to stop messages even if they are sent to higher Government officials ?

The Honourable Sir Frank Noyce : I imagine if a telegram sent to higher Government officials offends against public order or decency, it will be subject to the same criterion as any other telegram.

Dr. Ziauddin Ahmad : If the telegrams give details of facts which have happened, are the Telegraph Department entitled to stop the message even if it is addressed to the Governor or any other high Government official ?

The Honourable Sir Frank Noyce : They have to follow the rules to whomsoever the telegram is addressed.

Dr. Ziauddin Ahmad : I can give one instance if the Honourable Member is prepared to inquire. There has been a great misuse of this power and in one case the telegrams addressed to the Governor have been stopped, and, therefore, the Governor had no opportunity to know the other side of the picture.

The Honourable Sir Frank Noyce : If the Honourable Member will send me information about that, I shall be happy to make inquiries and see whether the orders were carried out or not.

NON-PROVISION OF LATRINES IN THE THIRD CLASS CARRIAGES ON CERTAIN SECTIONS OF THE BARSII LIGHT RAILWAY.

206. *Mr. Gaya Prasad Singh : (a) Is it a fact that there are no latrines provided in the third class carriages on the Kurduwadi-Miraj Section, and Kurduwadi-Latur Section of the Barsii Light Railway, and are Government aware that this causes great inconvenience and discomfort to travellers ?

(b) Do Government propose to take any steps to remedy this state of affairs ?

Mr. P. R. Rau : (a) So far as Government are aware fourteen out of 49 third class carriages on the Barsi Light Railway are provided with latrine accommodation.

(b) The Honourable Member's question is being communicated to the Agent of the Barsi Light Railway for consideration.

NON-APPOINTMENT OF AN INDIAN TO THE PORT ADVISORY BOARD OF KENYA.

207. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the leading article, headed "Flimsy grounds", in the *Kenya Daily Mail*, dated the 13th June, 1934, on page 14, in which it is stated that there is no Indian appointed to the Port Advisory Board of Kenya?

(b) Are Government aware that, in reply to a question in the Kenya Legislative Council on the subject, the Government stated that :

"The constitution of the Port Advisory Board provides for full representation of all interests primarily concerned in the administration of the Port, and Government considers that no useful purpose would be served by amending the Order in Council to provide for representation on a racial basis."

(c) Are Government aware that Indians are making use of the Port in Kenya in a greater degree than the Europeans, that the Indians are exporting cotton in large quantities, that their imports are definitely more than those of Europeans, and that Indians are, along with other sections, shouldering the responsibility of meeting the interest and sinking fund charges on loans taken for the development of the Port?

(d) What is approximately the number of Indians and Europeans in Kenya?

(e) Is it a fact that the Association of East African Chambers, and the Mombasa Chamber of Commerce have been given representation on the Board?

(f) Do Government propose to enquire into this matter and take steps to see that the Indian Chamber which represents Indian commercial interests in Kenya, is also given representation on the Board?

Mr. G. S. Bajpi : (a), (b), (c), (e) and (f). Government have no information beyond what is contained in the Press article referred to by the Honourable Member, but are making enquiries.

(d) According to the census of 1931, the Indian population in Kenya was 39,644 and the Europeans, 16,812.

NON-APPOINTMENT OF A SINGLE BIHARI HINDU MEDICAL GRADUATE AS MEDICAL OFFICER ON ANY OF THE STATE RAILWAYS.

208. *Mr. Gaya Prasad Singh : (a) Is it a fact that there is not a single Bihari Hindu medical graduate, appointed as Medical officer, on any of the State-managed Railways in India?

(b) Are Government aware that there is in existence a Medical College in Bihar which turns out about 25 medical graduates every year?

(c) Do Government propose to take any steps in this matter?

Mr. P. R. Rau : (a) Government have no information.

(b) Yes.

(c) No.

LIQUIDATION OF THE EAST AND WEST CORPORATION, LIMITED, DELHI.

209. *Mr. Gaya Prasad Singh : (a) Is it a fact that the East and West Corporation Limited, Delhi, was floated some time back to push on the sale of Lancashire piece-goods in the Indian markets and that the official liquidator's report says that about Rs. 2 lakhs worth capital subscribed by the Mussalmans is not accounted for?

(b) Is it a fact that several European firms and banks, which had materially helped the Corporation, show large debit balances against the defunct concern? What are the names of these European firms and banks?

(c) Is it also a fact that several high officials helped the promoters to bring into existence this commercial organisation? If so, who are these officials?

(d) Do Government propose to place a copy of the official liquidator's report in the Library of this House?

The Honourable Sir Joseph Bhore : An enquiry has been made and the result will be furnished to the House in due course.

INTRODUCTION OF NIGHT FLYING FOR AIR MAIL SERVICES.

210. *Mr. Gaya Prasad Singh : Will Government kindly state if night flying for Air Mail Services has been, or is going to be, introduced in India? If so, on what routes, and since when?

The Honourable Sir Frank Noyce : The schedules of the air services operating in and across India, in the main, provide only for day flying. A considerable amount of flying before daylight and after dark is done, particularly when services are delayed and in the winter months.

The introduction of regular night flying depends on the provision of adequate aerodrome and route lighting, and this requires money. Government intend to provide the necessary equipment as soon as funds are available.

NON-REMOVAL OF BAN FROM THE RED SHIRT ORGANISATION.

211. *Dr. Ziauddin Ahmad : (a) Is it not a fact that Government removed the ban from the Congress Working Committee and from all Congress Sub-Committees?

(b) Is it a fact that Government have not yet removed the ban from Red Shirt Organisation of the North-West Frontier Province? What are the reasons for this differentiation?

The Honourable Sir Harry Haig : With your permission, Sir, I will answer questions Nos. 211 to 216, together. With one exception I think the points raised have already been dealt with in the replies given by me to questions Nos. 81 and 112 on the 18th and 19th July, and in the supplementary answers. The Red Shirt Organisation has never been

regarded by Government as a terrorist organisation, but as a revolutionary organisation, the object of which was to drive out the British from India by force. Specific acts of violence have included the murder of an Assistant Superintendent of Police by a mob of Red Shirts near Mardan, and an attempt to murder the Assistant Commissioner at Char-sadda following on the performance of a seditious drama containing direct incitement to his murder.

Dr. Ziauddin Ahmad : Has the Honourable Member seen the special cartoon in the *Hindustan Times* of today by Mr. Sarma in which he showed clearly that the terrorist movement is entirely the imagination of the Home Member and that he is looking into his own mirror ?

The Honourable Sir Harry Haig : I am afraid I have not had the privilege yet of seeing that cartoon.

Sir Abdur Rahim : Supposing there have been isolated cases of violence on the part of some members of the Red Shirt Organisation, does it follow that it is part of the creed of the Red Shirt Organisation ?

The Honourable Sir Harry Haig : No, Sir, not necessarily ; but our view is that the whole of the teaching and preaching of the Red Shirts was really directed to those results. After all the Red Shirts were definitely trying to stir up the trans-border tribes, and the latter were not going to act on principles of non-violence.

Sir Abdur Rahim : But is it not correct that the creed of the Red Shirts is non-violent non-co-operation, the same sort of creed as that held by the Congress ?

The Honourable Sir Harry Haig : I think if my Honourable friend will study some of the speeches of Khan Abdul Ghaffar Khan mentioned in those statements to which I have already referred, he will draw the same conclusion himself that he was not aiming at peaceful revolution.

Dr. Ziauddin Ahmad : Is it not the creed of the Red Shirts that their activities should be confined to British India and not extended to tribal area ?

The Honourable Sir Harry Haig : No, Sir, it is quite definitely the case that their activities extended beyond the border.

Mr. B. Das : Have the Government documentary evidence that the Red Shirt movement was planned out as a revolutionary movement ?

The Honourable Sir Harry Haig : We draw our conclusions from speeches and acts.

Sir Abdur Rahim : Is it not a fact that Mr. Gandhi, the apostle of non-violence, blesses the Red Shirt movement and adopts it as an intimate part of the Congress ?

The Honourable Sir Harry Haig : That may be so, but the Red Shirts were at the time useful allies of the Congress, and that is how they regarded themselves.

RED SHIRT ORGANISATION.

†212. ***Dr. Ziauddin Ahmad :** Was not the Red Shirt Organisation a branch of the Congress, and formally recognised by Congress as such ?

For answer to this question, see answer to question No. 211.

RED SHIRT ORGANISATION.

†213. ***Dr. Ziauddin Ahmad :** Is it not a fact that the objects of the Red Shirt Organisation are identical with the objects of the Congress ? If not, what are the points of difference ?

RED SHIRT ORGANISATION.

†214. ***Dr. Ziauddin Ahmad :** (a) Was the Red Shirt Organisation a terrorist organisation ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to mention the details of the political murders and political dacoities committed by the Red Shirt Organisation ?

RED SHIRT ORGANISATION.

†215. ***Dr. Ziauddin Ahmad :** (a) Did the Government of India consult the Government of the North-West Frontier Province about removing the ban from the Red Shirt Organisation ?

(b) If the answer to part (a) be in the affirmative, what reply did the Frontier Government give ?

BAN ON CONGRESS ORGANISATIONS.

†216. ***Dr. Ziauddin Ahmad :** Is there any Province, other than the North-West Frontier Province, which has refused to remove the ban from the Congress Organisations ?

RELEASE OF KHAN ABDUL GHAFFAR KHAN.

217. ***Dr. Ziauddin Ahmad :** (a) When do Government propose to release Khan Abdul Ghaffar Khan ?

(b) What are the conditions which must be satisfied before Khan Abdul Ghaffar Khan will be released ?

The Honourable Sir Harry Haig : (a) and (b). I would refer the Honourable Member to the answer given by me to Mr. Gaya Prasad Singh's question No. 152 on the 19th July, 1934, and to the supplementary questions.

Dr. Ziauddin Ahmad : What is the answer to part (b) ?

The Honourable Sir Harry Haig : I think my Honourable friend will find that point dealt with in the supplementary questions.

Dr. Ziauddin Ahmad : I do not think there were any supplementary questions regarding the conditions to be satisfied for release.

The Honourable Sir Harry Haig : Actually there were a number of questions on that point, and I referred to the previous answer. I said that the answer given was that he will be released when Government are satisfied that his detention is no longer essential in the public interest.

For answer to this question, see answer to question No. 211.

Dr. Ziauddin Ahmad : What are the conditions which must be satisfied before the Government are satisfied ?

The Honourable Sir Harry Haig : The conditions are that his release would not cause further trouble in the North-West Frontier Province.

Mr. Gaya Prasad Singh : Is it not a fact that Khan Abdur Ghaffar Khan was at the head of this Red Shirt movement ?

The Honourable Sir Harry Haig : Yes, Sir.

Mr. Gaya Prasad Singh : Is it the contention of the Government that Khan Abdur Ghaffar Khan used to indulge in revolutionary and unlawful activities before he was detained ?

The Honourable Sir Harry Haig : He was indulging certainly in activities which were tending to violence.

Mr. Gaya Prasad Singh : Is it fair on the part of Government to make this charge behind the back of a man whom they have kept in prison without giving an opportunity to him to justify his conduct ?

The Honourable Sir Harry Haig : I am not making this charge for the first time. The statements to which I referred were made simultaneously with the arrest of Khan Abdur Ghaffar Khan.

Mr. Gaya Prasad Singh : Was he given a chance of repudiating or explaining those charges ?

The Honourable Sir Harry Haig : No, Sir. He was dealt with under Regulation III.

Mr. Gaya Prasad Singh : Why was not an opportunity given to him to answer those charges if there is any substance in them ?

The Honourable Sir Harry Haig : Because the Government considered at that time that the situation was such that he must be arrested and dealt with at once under Regulation III.

Mr. Gaya Prasad Singh : Are Government aware that prominent members of the Indian National Congress have issued a statement repudiating the charges made with regard to this gentleman ?

The Honourable Sir Harry Haig : I have not observed this.

Mr. Lalchand Navarai : In view of the fact that the general situation has now changed, do Government propose to give him an opportunity now to explain the charges against him ?

The Honourable Sir Harry Haig : No, Sir.

Dr. Ziauddin Ahmad : Did the members of the Red Shirt Organisation commit any act of violence after it had been formally recognized as a branch of the Congress ?

The Honourable Sir Harry Haig : I am not quite sure at what date it was recognized formally as a branch of the Congress, but I do not think that that indicated any particular change in its policy. It had been working as an ally of the Congress since 1930.

Mr. S. C. Mitra : Will the Honourable Member kindly explain if they have any evidence in their possession that, after the lapse of these two or three years, if the Khan is released, the work of the organisation will continue in the same way, on the lines of preaching violence ?

The Honourable Sir Harry Haig : I am afraid, the view of the Local Government, with which the Government of India agree, is that the past activities of Khan Abdur Ghaffar Khan in the Frontier Province were of such a nature that at the present moment it is not possible to contemplate allowing him to return to that Province.

Sir Abdur Rahim : Is it not a fact that the attitude of the Local Government of the Frontier Province has been greatly influenced by the political opponents of Khan Abdur Ghaffar Khan, and that they are afraid that at the next election, if Khan Abdur Ghaffar Khan is free, his political opponents will find it very difficult to meet the electors ?

The Honourable Sir Harry Haig : No, Sir. I do not think that is a fair statement of the case. Khan Abdur Ghaffar Khan's activities in 1930 and, later on, in 1931, produced such a state of disorder, unrest and insecurity in the North-West Frontier Province that the Local Government are fully justified in objecting to his release.

Mr. Gaya Prasad Singh : If there is sufficient evidence in the possession of the Government, what, I ask, is the objection to their placing Khan Abdur Ghaffar Khan before a Court of law and convicting him in a regular way ?

The Honourable Sir Harry Haig : Government are satisfied that they have a sufficient case for detaining him under Regulation III.

Mr. Gaya Prasad Singh : And this case they are not prepared to make known before a Court of law or before the public ?

The Honourable Sir Harry Haig : They have not considered it suitable to prosecute him.

Sir Abdur Rahim : Is it not a fact that the attitude adopted by the Government towards the Red Shirt Organisation and Khan Abdur Ghaffar Khan as distinct from the attitude they have adopted towards the Congress has led to a great deal of misunderstanding and uneasiness ?

The Honourable Sir Harry Haig : According to my information, it has not led to any such results in the Frontier Province ; there is a certain amount of fictitious agitation in other parts of India.

REPORT OF THE TARIFF BOARD ON THE PROTECTION OF THE STEEL INDUSTRY.

218. *Dr. Ziauddin Ahmad : Will Government be pleased to give an opportunity to this House to discuss the Tariff Board Report on the protection of steel industry ?

The Honourable Sir Joseph Bhore : The Honourable Members will have an opportunity to discuss the report when the Bill, embodying the decisions of the Government of India on the recommendations contained in the report, is before the House.

ILL-TREATMENT OF INDIANS IN ZANZIBAR.

219. *Dr. Ziauddin Ahmad : (a) Have the Government of India made any representation to the Government of Zanzibar about the ill-treatment of Indians ?

(b) Are Government prepared to lay all the relevant papers on the table of this House ?

Mr. G. S. Bajpai : With your permission, Sir, I shall answer questions Nos. 219 and 220, together. The attention of the Honourable Member is invited to the reply given by me to Mr. C. S. Ranga Iyer's question No. 196 on the 23rd July, 1934.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

†220. ***Sir Muhammad Yakub :** Will Government be pleased to state fully the situation arising out of the anti-Indian legislation in Zanzibar and the steps taken by the Government of India for protecting the interests of the Indians ?

SELECTION OF AN OBJECTIONABLE DRAMA BY THE TEXT BOOK COMMITTEE, DELHI.

221. ***Khan Bahadur Haji Wajihuddin :** With reference to the reply given to my starred question No. 458, *vide* statement laid on the table on the 14th March, 1933, regarding selection of an objectionable drama by the Text Book Committee, Delhi, are Government prepared to consider the advisability of (a) nominating at least one Muslim to the Committee of Courses and Studies in English, (b) forfeiting to His Majesty's Government the drama in question, and (c) prosecuting the author, printer and publisher of the book in question ?

Mr. G. S. Bajpai : (a) Government have no power to nominate members of the Committee of Courses and Studies in the Delhi University. Moreover as stated in reply to part (h) of the Honourable Member's question No. 458, on the 14th March, 1934, they are quite sure that the Committee will always pay due regard to Muslim susceptibilities.

(b) and (c). The Honourable Member is referred to the reply given to parts (e), (f) and (g) of his question No. 458 on the 14th March, 1934.

CONSTRUCTION OF QUARTERS FOR DUFTARIES IN NEW DELHI.

222. ***Mr. M. Maswood Ahmad :** (a) Is it a fact that the Standing Finance Committee has sanctioned the construction of 100 quarters at Delhi for duftaries ?

(b) Will Government please state if these quarters will be constructed according to the application and the map submitted by the Record-sorters and Duftaries Association ? If not, why not ?

(c) At which site will these quarters be constructed ?

(d) Is it intended to allot these quarters, when ready, to the staff of the Imperial Secretariat only, or to that of the Attached Offices also ?

(e) Are Government prepared to place on the table of this House the application and the map referred to in part (b) above ?

(f) Is Block No. 90 of the duftaries' quarters a permanent building or a temporary one ?

(g) Is it a fact that the Health Officer, New Delhi, has condemned the old type duftaries' quarters as being unfit for habitation ?

†For answer to this question, see answer to question No. 219.

(h) Is it a fact that there are more than one thousand peons' quarters ready and that the Standing Finance Committee has sanctioned the construction of 200 more ? If so, what is the reason for not sanctioning the construction of more than 100 duftaries' quarters ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) No. The question was carefully considered by Government, and the design actually adopted was considered suitable, having regard to the status and pay of those for whom the quarters are intended.

(c) In the City Extension Area, New Delhi.

(d) To both.

(e) A copy of the application and of the plan is being sent to the Honourable Member.

(f) A permanent building.

(g) No.

(h) The reply to the first part of the question is in the affirmative. As regards the second part, Government do not consider it necessary at present to build more quarters. With the completion of the new quarters the percentage of quarters to applications will be approximately 66 for duftaries and 81 for peons and this is regarded as sufficient for the present, as the demand is falling.

PROVISION OF A TURNSTILE GATE AT THE GARHI HARSARU RAILWAY STATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

223. ***Mr. Bhuput Sing :** (a) Is it a fact that there is a railway station on the Bombay, Baroda and Central India Railway named Garhi Harsaru ?

(b) Is it a fact that a large number of railway passengers use that station day and night ?

(c) Is it a fact that most of the trains on the Bombay, Baroda and Central India Railway stop at that station in the night ?

(d) Are Government aware that such railway passengers getting down at night at that station used to be without shelter from the inclemencies of the weather and without any protection against dacoits and ferocious animals owing to the want of waiting rooms ?

(e) Are Government aware that with a view to help such railway passengers a generous minded philanthropic person built a Dharamshala at a cost of Rs. 50,000 by the side of the railway fencing of the said station platform for the use of all railway passengers using that station, irrespective of caste, creed or sex ?

(f) Are Government aware that the said philanthropic gentleman has employed four men at his own cost, to supply water to railway passengers either in the train or on the railway station platform ?

(g) Is it a fact that the said philanthropic gentleman requested the Bombay, Baroda and Central India Railway authorities for providing a turnstile gate on the railway wire fencing nearest to the station road for the convenience of the railway passengers using the said dharamshala ?

(h) Is it a fact that the District Traffic Superintendent of the Bombay, Baroda and Central India Railway recommended the provision of the turnstile gate nearest to the dharamshala and the station platform ?

(i) Is it a fact that some officers of the Engineering Department of the Bombay, Baroda and Central India Railway demanded from him some money for the provision of such gate ?

(j) Are Government aware that on the refusal to comply with that demand the provision of a turnstile gate was refused by the Bombay, Baroda and Central India Railway authorities ?

(k) Is it a fact that the proprietor of the dharamshala expressed his willingness to the Bombay, Baroda and Central India Railway authorities to execute a bond waiving all his rights over the said turnstile gate if provided by the Railway Administration ?

(l) Do Government propose to enquire into the causes for such a refusal to provide a gate for the convenience of the Railway passengers and do Government propose to remove the said grievance of the railway passengers of the said Garhi Harsaru Railway Station ? If not, why not ?

Mr. P. R. Rau : Will you permission, Sir, I propose to reply to questions Nos. 223, 225 and 226, together. Enquiries are being made from the Railway Administrations and a reply will be laid on the table in due course.

VACANCY AMONG THE MEMBERS OF THE RAILWAY BOARD.

224. ***Mr. Bhuput Sing :** (a) Is it a fact that there is going to be a vacancy among the Members of the Railway Board in the near future ?

(b) Is it a fact that generally the Members of the Railway Board are recruited from amongst the incumbents of the posts of Agents of the different Railways ?

(c) Will Government be pleased to state how many vacancies among the Members of the Railway Board occurred during the last ten years and how many of such vacancies were filled by the recruitment of Agents of State Railways and other Railways ?

(d) Do Government propose to fill the next vacancy by promoting one of the Indian Agents of State Railways, if there be any ? If not, why not ?

(e) Is it a fact that generally Government fill up the vacant posts of the Members of the Railway Board by men with technical qualifications of Railway Engineering together with the qualifications of general administration of Railway management as Agents ? If so, do Government propose to recruit such a qualified Indian Agent of a State Railway or a Company Railway, if there be any ? If not, why not ?

(f) Are Government aware that this House always insisted, during each Railway Budget discussion during the last so many years, for bringing in qualified Indians as Members of the Railway Board ? If so, do Government propose to give effect to these popular demands of this House by recruiting an Indian with Railway Engineering qualifications as well as with the qualifications of running a railway administration as

Agent of a Railway in India to fill up the post of the Railway Board Member, if there be any vacancy in the near future ? If not, why not ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) and (c). Since the re-organization of the Railway Board, there have been 11 permanent Members (including Chief Commissioners, but excluding Financial Commissioners). Of the officers holding these posts, five had been permanently Agents of Railways before appointment ; and four others had officiated as Agents.

(d) Mr. Tylden-Pattenson, Agent of the Great Indian Peninsula Railway, has been selected for the post.

(e) All relevant factors are taken into consideration and the most suitable officer is selected. Engineering qualifications are not by any means essential in the case of all Members of the Board.

(f) Government are aware that this opinion has been expressed during the discussion of the Railway Budget, but Government have more than once explained that these appointments must be filled by selection from the most suitable candidates, irrespective of nationality.

Mr. Lalchand Navalrai : May I ask the Honourable Member if no Indian is available to fill up the place of one of the Members of the Railway Board ? Has any attempt been made in that direction ?

The Honourable Sir Joseph Bhore : My Honourable friend may take it from me that, after taking into account seniority and other factors, the choice has, in the opinion of the Board, fallen upon the most suitable candidate.

RACIAL DISCRIMINATION IN ALLOWING THE USE OF THE CAB ROAD BETWEEN PLATFORMS NOS. 6 AND 7 OF THE HOWRAH STATION.

†225. ***Mr. Bhuput Sing :** (a) Is it a fact that there is a cab road between the platforms Nos. 6 and 7 of the Howrah Station ?

(b) Are Government aware that Indian passengers going to the platform of the Howrah Station to entrain the outgoing Bengal Nagpur Railway Bombay Mail are not allowed to take their motors through that road upto platforms Nos. 6 or 7 ?

(c) Are Government aware that European motorists are allowed to take their motors right up to the side of the platforms ?

(d) If Government are not aware of these facts, do they propose to enquire into the matter ? If not, why not ?

(e) Will they be pleased to state the reasons for this racial discrimination by the Howrah Station authorities ?

(f) Do Government propose to remove immediately this racial discrimination between Indian motorists and European motorists ? If not, why not ?

(g) Will Government be pleased to state the reasons why this road should be closed for motorists, either European or Indian ?

(h) Is it a fact that owing to the absence of side fencing and barrier to the two platforms, Nos. 6 and 7, the road is being closed ? If so, do

†For answer to this question, see answer to question No. 223.

Government propose to put fencing on the road side of the two platforms with an entrance gate on either side of the two platforms adjoining the said road? If not, why not?

ACQUISITION BY THE EAST INDIAN RAILWAY AUTHORITIES OF LANDS ATTACHED TO HINDU PLACES OF WORSHIP AT AZIMGANJ.

†226. *Mr. Bhuput Singh: (a) Are Government aware that there are two idols of the Hindu god—Shiva—situated close to the railway line passing between Azimganj Junction and City Station on the East Indian Railway?

(b) Is it a fact that the East Indian Railway authorities have decided to take possession of the lands attached to those two places of worship and to remove those idols?

(c) Are Government aware that on the day of the last Chaitra Shankranti when, according to the usual old custom prevailing there, a fair was being held on the grounds of that Hindu place of worship, the Railway authorities sent police to prevent people from going into that place of worship?

(d) Are Government aware that the said place of Hindu worship was desecrated by the Muslim constables sent by the Railway authorities, or under the instruction of the Railway authorities?

(e) Are Government aware that there is strong resentment being felt by the Hindu population of Azimganj City owing to the attitude of the Railway authorities in trying to demolish the temples and the usurpation of the lands belonging to such places of Hindu worship?

(f) Is it a fact that the Railway authorities have left only 10 square feet area of land for one of the temples in place of the original 100 square feet area?

(g) If Government are not aware of the facts mentioned in parts (a) to (f), do they propose to enquire into the allegations of high-handedness and *zulm* of the railway authorities concerned over the Hindu public of Azimganj?

(h) Do Government propose to return the old lands attached to those places of Hindu temples? If not, why not?

CONTROL OVER THE ADMINISTRATION OF THE MADRAS PORT.

227. *Mr. Vidya Sagar Pandya: (a) Will Government be pleased to state whether they exercise any control over the administration of the Madras Port?

(b) What are the harbour dues and landing charges prevailing in the Madras Port as compared to those in the other ports of the Madras Presidency?

(c) What is the fall in the volume of traffic in the Madras Port during the last three years?

(d) What is the number of Indian and foreign insurance companies with whom the properties of the Madras Port Trust are insured against risk of fire?

†For answer to this question, see answer to question No. 223.

(e) What is the proportion of Indians to Europeans on the Madras Port Trust Board?

(f) (i) What is the daily average number of quays that were vacant during 1933-34 in the Madras Port; (ii) how many vessels discharged cargo in the moorings during that period; (iii) to what company or companies those vessels belonged; and (iv) what amount did the Port Trust pay to such companies on account of discharge having taken place in the moorings rather than at the quays?

(g) What is the total amount spent by the Madras Port Trust in connection with the insolvency of Messrs. C. K. Narayana Iyer & Sons, who are the solicitors, and what was their share of the amount so spent?

(h) Is it not a fact that even the Chairman of the Madras Port Trust overdraw salary or allowances due to him and whether the Trust Board did not recover the amount but condoned it?

(i) Do Government propose to appoint a Committee of Inquiry to investigate and report on the matter?

The Honourable Sir Joseph Bhoré: (a) I would refer the Honourable Member to the Indian Ports Act, 1908, and the Madras Port Trust Act, 1905, which define the statutory powers of Government over the administration of the Madras Port.

(b) to (i). The Government of India are making enquiries on the subject and when information has been obtained, a reply will be laid on the table.

MEETINGS OF THE MADRAS AND SOUTHERN MAHRATTA AND SOUTH INDIAN RAILWAY ADVISORY COMMITTEES.

228. *Mr. Vidya Sagar Pandya: (a) Will Government be pleased to state the number of the meetings of the Madras and Southern Mahratta and South Indian Railway Advisory Committees held in 1933 and 1934?

(b) Did the two Railways hold any periodical conferences with merchants, as is done in Bombay and Calcutta?

(c) Are their mercantile coupon tickets interchangeable as between themselves and over other Railways in India? If not, why not?

(d) Have those two Railways appointed any traffic canvassers as has been done on the Great Indian Peninsula and Bengal Nagpur Railways, etc.? If not, why not?

(e) Did the Agents of the two Railways, or their deputies, or other officers, accompany Mr. P. R. Rau to the Southern India Chamber of Commerce meeting on his two visits to Madras? If not, why not?

Mr. P. R. Rau: (a) *Madras and Southern Mahratta Railway.* In 1933, there were held five meetings of the main Committee of the Madras and Southern Mahratta Railway at Madras and four of the branch committee, the meetings of which are generally held at Hubli. In 1934, the meetings held up to May were three and one, respectively.

The South Indian Railway Advisory Committee had four meetings in 1933, and two up to May, 1934.

(b) No. The Agents of these two Railways consider that their administrations are sufficiently in touch with commercial interests to make such conferences unnecessary.

(c) No. Interchangeability is not practicable owing to the basis of charge for such coupons on the different railways not being uniform.

(d) Government have no information. I am forwarding this suggestion to the Agents for consideration.

(e) They did not, because they were not asked.

Mr. Vidya Sagar Pandya : With reference to part (c), are the rates of the Madras and Southern Mahratta Railway and the South Indian Railway the same, and how do they differ from the other railways with the result that the interchangeability cannot be put into practice?

Mr. P. R. Rau : I have no information at the present moment as regards the actual rates for coupons on different railways, but if my Honourable friend wants the information, I shall be glad to supply it to him.

Mr. Vidya Sagar Pandya : Previously they were interchangeable. May I ask what were the rates then?

Mr. P. R. Rau : I understand that at present the basis of charges is not the same.

Dr. Ziauddin Ahmad : Are these mercantile coupon tickets issued on State Railways also?

Mr. P. R. Rau : I do not think they are issued on all railways.

Dr. Ziauddin Ahmad : Are they issued by the East Indian and Great Indian Peninsular Railways?

Mr. P. R. Rau : I must ask my Honourable friend to give me notice of that question.

Mr. Vidya Sagar Pandya : Regarding part (e), will the Agents of the two Railways accompany the Member, whether he is an Indian or a European in the future.

Mr. P. R. Rau : I do not quite understand that question.

Mr. Vidya Sagar Pandya : When European Members used to go there, the Agents of the two Railways used to accompany them when they met the two Chambers of Commerce, but in the case of an Indian Member, when he went to the Southern India Chamber of Commerce last, the two Agents were conspicuous by their absence.

Mr. P. R. Rau : I do not think that my Honourable friend is entitled to make that inference. The fact was that when I met the Southern India Chamber of Commerce, the Chamber did not ask that the Agent should accompany me, and, in the absence of such an invitation, I did not ask the Agent to accompany me either.

Mr. Vidya Sagar Pandya : But in previous years no invitation was sent to the Agents and still the Agents used to accompany the European Member?

Mr. P. R. Rau : I do not know anything about previous years.

Mr. Vidya Sagar Pandya : Will the Honourable Member please make inquiries in the matter?

Mr. P. R. Rau : I think it does not matter.

Mr. Lalchand Navalrai : May I ask if the Honourable Member did not want them because there was no necessity for them to accompany him?

Mr. P. R. Rau : I understood that the Chamber wanted to meet me.

MADRAS TELEPHONE COMPANY, LIMITED.

229. ***Mr. Vidya Sagar Pandya :** (a) Will Government be pleased to state, whether the Madras Telephone Company, Limited, which is a public utility concern, pays a dividend of nine per cent.?

(b) How much have its shares appreciated since the formation of the company?

(c) Were its shareholders given free bonus shares from the General Reserve?

(d) Were its shareholders given new issues of shares at a nominal premium of rupee one when the market premium was seven or eight times that amount?

(e) Have Government received a representation from the Southern India Chamber of Commerce for reasonable reduction in the monthly rental and other charges of the company?

(f) Do Government propose to ask the company to reduce the charges accordingly?

The Honourable Sir Frank Noyce : (a) A dividend of 9 per cent. was paid by the Madras Telephone Company during the calendar years 1932 and 1933 only, dividends paid during the previous years being less than this rate.

(b) and (d). Information has been called for, and will be placed on the table of the House in due course.

(c) Yes.

(e) Yes.

(f) The Madras Telephone Company, Limited, have already decided to make a reduction in their monthly telephone rent charges with effect from the 1st January, 1935, and the Government have accorded their approval thereto. Government do not propose to ask the Company to make any further reductions at present.

FORMATION OF A SEPARATE DEPARTMENT TO LOOK AFTER THE ADMINISTRATION OF THE INDIAN COMPANIES ACT IN MADRAS.

230. ***Mr. Vidya Sagar Pandya :** (a) Will Government be pleased to state whether they are not aware of grave defects in the Indian Companies Act, 1913?

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(b) Is the Registration Department of Madras looking after the administration of the Companies Act as also of the Indian Partnerships Act?

(c) Is the administration of the Acts in Bombay and Bengal in a separate department?

(d) Has Government's attention been drawn by the Southern India Chamber of Commerce to the necessity of improving the position?

(e) Do Government propose to form a separate department in Madras also for the purpose?

The Honourable Sir Joseph Bhoré : (a) Certain alleged defects in the existing company law have been brought to the notice of Government and it is proposed now to undertake a revision of the Indian Companies Act, 1913, at an early date.

(b), (c) and (d). The reply is in the affirmative.

(e) The question is already under the consideration of the Government of India.

Mr. B. Das : May I ask, Sir, if the amendment of the Indian Companies Act will take place in this Session of the Assembly or will it be postponed till the new Constitution?

The Honourable Sir Joseph Bhoré : I can remove all anxiety on that score from my Honourable friend's mind. It will certainly not be brought before the Assembly this Session.

Mr. Vidya Sagar Pandya : Is it possible for the Government to name the gentleman who will be in charge to look after the business of these amendments?

The Honourable Sir Joseph Bhoré : A communiqué will be issued in due course.

Dr. Ziauddin Ahmad : Is it not a fact that the Standing Finance Committee has already given sanction to appoint a special officer to prepare the preliminary draft?

The Honourable Sir Joseph Bhoré : That is quite right.

Mr. B. Das : Will Government consult the different Chambers of Commerce and get their opinion about the amendment of the Indian Companies Act?

The Honourable Sir Joseph Bhoré : I have no doubt that all responsible opinion, which is concerned in this matter, will be consulted.

RICE IMPORTED INTO THE MADRAS PRESIDENCY.

231. **Mr. Vidya Sagar Pandya :** (a) Will Government be pleased to state the quantity of imported rice into the Madras Presidency by coasting and foreign trade and what is the quantity of the production in the Presidency during 1932-33 and 1933-34?

(b) How much has the price of rice fallen during that period?

(c) How much has the export of Madras rice diminished during the period and is it not expected to diminish more and more in the future?

(d) Do Government propose to negotiate for recapturing old markets, and to order a substantial reduction in the railway freight?

(e) Do Government not propose to stop the import of rice, at least for the time being, in order to try to raise the price level?

Mr. G. S. Bajpai : (a) and (b). A statement giving the information required is laid on the table.

(c) The exports of rice abroad from Madras have not diminished, but increased from 66,912 tons in 1932-33 to 79,344 tons in 1933-34.

(d) The Ottawa Agreement has already had the effect of substantially improving the export of Indian rice to the United Kingdom. The recent Crop Planning Conference recommended that the question of improving prospects in Ceylon and British Malaya should be taken up. This suggestion is already receiving attention. As regards railway freights, the Railway Board have already advised the various Railway Administrations that where special rates are required to facilitate particular movements of special crops, the question should be sympathetically considered.

(e) I would refer my Honourable friend to the reply given to Mr. M. Maswood Ahmad's starred question No. 18 on the 16th instant.

Statements showing the imports, production and prices of rice in the Madras Presidency.

Imports :

(i) By sea from abroad—

	1932-33.	1933-34.
	Tons.	Tons.
Rice in the husk	10	4,381
Rice not in the husk	35,418	77,665
Total	35,428	82,046

(ii) By sea coastwise from other parts of India—

	1932-33.	1933-34.
	Tons.	Tons.
Rice in the husk	69,399	80,696
Rice not in the husk	445,374	533,927
Total	514,773	614,623

Production :

	1932-33.	1933-34.
	Tons.	Tons.
	54,06,000	50,90,000

(Fort St. George Gazette.)

Retail Prices of Rice.
(in Rs. per md. = 82 2/7 lbs.).

	West Goda- vari	Tanjore.		Tinnevely.		Malabar.		Madura.		Trichinopoly.		Madras.	
		1933.	1934.	1933.	1934.	1933.	1934.	1933.	1934.	1933.	1934.	1933.	1934.
First week of													
January	2.50	3.15	3.41	3.70	3.86	3.16	3.45	3.69	3.93	3.19	3.49	3.83	4.74
February	2.48	2.87	3.57	3.06	3.71	3.08	3.55	3.69	3.93	3.49	3.73	3.63	4.69
March	2.41	2.89	3.08	2.96	3.66	2.99	3.33	3.28	3.58	3.28	3.35	3.48	4.49
April	2.43	2.69	2.93	2.69	3.43	2.97	3.18	3.14	3.44	3.30	3.45	3.24	4.49
May	2.49	2.68	3.12	2.62	3.27	3.05	3.29	3.10	3.40	3.45	3.42	3.24	4.31
June	2.75	2.75	3.14	2.86	3.30	3.20	3.33	3.31	3.44	3.43	3.41	3.26	4.45
July	2.81	2.81	3.25	3.23	3.58	3.23	3.30	3.44	3.44	3.57	3.64	3.47	4.53

Mr. Vidya Sagar Pandya: May I ask, Sir, if the negotiations with the foreign Governments in the matter of rice have progressed any further, and can the Honourable Member throw any more light on the matter?

Mr. G. S. Bajpai: They have progressed no further except chronologically, I presume, since I made my last answer.

ENFORCEMENT OF THE PROVISIONS OF THE CHILD MARRIAGE RESTRAINT ACT.

232. ***Mr. Vidya Sagar Pandya:** (a) Has the attention of Government been drawn to the letter from the correspondent of the *Madras Mail*, dated the 2nd July, 1934, stating how the provisions of the Sarda Act are being violated by performing marriages in Yanam, a French territory in the Madras Presidency?

(b) What steps do Government propose to take to enforce the provisions of the Sarda Act?

(c) Do Government propose to draw the attention of the High Courts in India and request them to instruct the Courts to inflict punishment by way of imprisonment, along with the fines, so as to deter the public from violating the Sarda Act?

The Honourable Sir Harry Haig: (a) Yes. I am making enquiry into the facts.

(b) and (c). Government do not consider that any special steps are called for.

Mr. B. Das: Have Government communicated with the French Government not to permit British Indians to violate the British Indian laws in the French territory?

The Honourable Sir Harry Haig: No, Sir. I said that I was making enquiry into the facts of this case and nothing can be done until the facts are ascertained.

Mr. Vidya Sagar Pandya: If the Government do not propose to take any further action, will it not be defeating the Act which has been passed by the Legislature?

The Honourable Sir Harry Haig: I cannot anticipate whether any action will or will not be taken when the facts have been ascertained, but I submit that the first thing to do is to ascertain the facts.

TRADE BETWEEN INDIA AND CEYLON.

233. ***Mr. Vidya Sagar Pandya:** (a) Has the attention of Government been drawn to the leading article of the *Hindu*, dated the 4th July, 1934, regarding "Trade between India and Ceylon"?

(b) Will Government be pleased to state what the Indian commodities are that suffer under the new prohibitive duties imposed by the Ceylon Government?

(c) What steps do Government propose to take to safeguard the interests of India as a whole and of the Madras Presidency in particular?

The Honourable Sir Joseph Bhoré : (a) Yes, Sir.

(b) and (c). Government have no information beyond what is contained in the Press reports. Enquiries have, however, been made and the matter will receive the careful consideration of the Government of India.

Mr. Vidya Sagar Pandya : Have the Government of India taken any action to prevent the dumping of copra from Ceylon to the west coast of India ?

The Honourable Sir Joseph Bhoré : I am not prepared to say whether it is dumping or not, but as my Honourable friend knows, there is a very substantial import duty on copra.

Mr. Vidya Sagar Pandya : On account of the ten per cent. concession allowed to Ceylon Government under the Ottawa Agreement, is not Ceylon enabled to dump copra on the west coast ?

The Honourable Sir Joseph Bhoré : The Ottawa Agreement gives them a ten per cent. preference, but if my Honourable friend will remember, we did not reduce the duties, but we gave preference by increasing the duties against others.

Mr. Vidya Sagar Pandya : Will the Government increase the duty still further ?

The Honourable Sir Joseph Bhoré : I made it clear to the House on a previous occasion that we were awaiting the report of the special officer who has been appointed to conduct enquiries in regard to the coconut industry. We can do nothing, nor can I make any announcement to the House until the report of that officer has been considered.

Mr. Vidya Sagar Pandya : When is the report expected ?

The Honourable Sir Joseph Bhoré : I do not know.

Mr. Vidya Sagar Pandya : Would it be the next season ?

The Honourable Sir Joseph Bhoré : The officer was not appointed by the Commerce Department, and I am, therefore, not able to give my Honourable friend any definite information on the point.

Dr. Ziauddin Ahmad : Who appointed that special officer ?

The Honourable Sir Joseph Bhoré : I think it was the Imperial Agricultural Council.

Mr. B. Das : May I ask the Honourable Member, Mr. Bajpai, as to when the report is likely to be published ?

Mr. G. S. Bajpai : I shall have to make an enquiry on the point.

Mr. B. Das : Is it because Madras is a benighted Province that much interest is not taken in its affairs ?

Mr. G. S. Bajpai : The mere fact that an officer has been appointed disproves my Honourable friend's suggestion that Madras is neglected.

Dr. Ziauddin Ahmad : Madras is well represented in the Executive Council also.

Mr. G. S. Bajpai : I do not think I need stress the obvious for the information of my Honourable friend.

Mr. Vidya Sagar Pandya : May I protest against the remark of my Honourable friend, Dr. Ziauddin Ahmad ?

Dr. Ziauddin Ahmad : There is no point in the protest. Do these gentlemen deny that they do not belong to the Madras Civil Service ?

GRANT OF SUBSIDIES TO THE BRITISH SHIPPING INDUSTRY.

234. ***Mr. Vidya Sagar Pandya :** (a) Has the attention of Government been drawn to Reuter's telegram of the 3rd July, published in the newspapers on the 5th July, 1934, about Government's conditions for granting subsidies to the British shipping industry ?

(b) With reference to the telegram wherein Mr. Runciman said "that it was essential to have the co-operation of the Dominions and India with whom the Government were consulting in the matter", will Government kindly lay on the table of this House the correspondence in the matter and indicate to what extent and on what conditions India is expected to co-operate in this scheme ?

(c) Will the Central Legislature be consulted before the Government of India render any financial help for granting subsidies or special facilities to the British Shipping Industry ?

The Honourable Sir Joseph Bhoré : (a) Government have seen the Press telegram referred to.

(b) The Government of India have not so far been consulted in the matter.

(c) Does not yet arise.

Mr. Vidya Sagar Pandya : Will the Central Legislature be consulted in the matter ?

The Honourable Sir Joseph Bhoré : Should the occasion arise, I have no doubt that Government will take appropriate and suitable action.

Mr. B. Das : Have Government received any communication from the Indian Shipping Companies regarding the point referred to, namely, Mr. Runciman's speech ?

The Honourable Sir Joseph Bhoré : I must ask for notice of this question.

PROVISION OF MORE SPACE FOR CLERKS WORKING IN THE NORTH BLOCK OF THE SECRETARIAT IN NEW DELHI.

235. ***Mr. S. G. Jog :** (a) Is it a fact that in some offices located in the North Block of the Delhi Secretariat, there is great congestion in the rooms occupied, by the clerks, while the space provided for officers is more than what is admissible ?

(b) Is it also a fact that some of offices have more space for their clerks, while in others the rooms occupied by the clerks are very much overcrowded ?

(c) Are Government aware that the congestion in the rooms affects the health of the clerks and is a source of discomfort, specially in summer months ?

(d) If the replies to the preceding parts are in the affirmative, do Government propose to accord equal treatment in all offices and provide more space for the clerks ?

The Honourable Sir Frank Noyce : (a) and (b). No.

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

SPACE ALLOTTED TO EACH CLERK, SUPERINTENDENT, ETC., IN THE IMPERIAL SECRETARIAT IN NEW DELHI.

236. ***Mr. S. G. Jog :** (a) Will Government please state whether there is a standard scale of space to be occupied by a clerk, a Superintendent and a gazetted officer in the Government of India Secretariat in New Delhi? If so, what is that scale for each class of officers?

(b) Is the space occupied by racks and almirahs for keeping current records, etc., included in the scale?

The Honourable Sir Frank Noyce : (a) The standard scale of space allowed is 40 sq. ft. for a clerk and 64 sq. ft. for a Superintendent. No standard scale is prescribed for gazetted officers and the accommodation allotted to them depends on circumstances. Some gazetted officers are given rooms to themselves, while others share rooms. The space actually available in the New Delhi Secretariat is considerably in excess of the standard scale.

(b) Yes.

REPORT OF THE VARMA COMMITTEE.

237. ***Dr. Ziauddin Ahmad :** (a) When was the Report of the Varma Committee presented to Government?

(b) When was it printed?

(c) What action have Government taken, or propose to take, on that Report?

The Honourable Sir Frank Noyce : (a) to (c) The Report was available in print in June, 1933. Consideration of the Report was, however, deferred for reasons explained in the reply to Mr. S. C. Mitra's unstarred questions Nos. 178 and 179 in this House, on the 21st November, 1933. Government have recently received the views of the Director-General on the Report and hope to pass orders shortly.

Dr. Ziauddin Ahmad : May I ask whether the orders will be passed sometime in this Session of the Assembly?

The Honourable Sir Frank Noyce : I should think it somewhat doubtful.

Dr. Ziauddin Ahmad : May I know the reason for delaying the consideration of this report specially when it was urged that it was of an urgent nature and that tax-payers were losing money?

The Honourable Sir Frank Noyce : I shall be very happy to satisfy my Honourable friend's desire for information on that subject. The fact is that the report is a very technical one and involves issues of the greatest importance to the Telegraph Department. It was, therefore, felt necessary, as I have already explained in this House in reply to a question put by my Honourable friend, Mr. Mitra, that the views of the Departmental Associations should be taken on the report before the Director-General's recommendations were submitted to Government. That, naturally, took

time. Sir Thomas Ryan was busily engaged on the report when his tragic death took place. It had been his desire to submit his recommendations to Government before he retired. But unfortunately his death prevented his doing so. The notes he left were not complete and that meant that the new Director-General, being fresh to the Department, had to go through the report from beginning to end. I received his recommendations on the subject a few days ago, and I hope to pass orders on them as soon as possible. The report, as I have said, is a very technical one and difficult to deal with, and it is possible that my pre-occupations with this Assembly will prevent my dealing with it before the end of this Session. That is the position. The delay is very much to be regretted, but it is, I think, the House will agree, due to circumstances over which we have had no control.

Mr. B. V. Jadhav : Will the Honourable Member please see that copies are placed in the Library before Government passes any order?

The Honourable Sir Frank Noyce : I am replying to that in answer to another question. Copies have already been placed in the Library of the House.

REPORT OF THE VARMA COMMITTEE.

238. ***Dr. Ziauddin Ahmad :** Is it not a fact that Government considered the establishment of the Varma Committee very urgent on the ground that tax-payers were daily losing money?

The Honourable Sir Frank Noyce : The Committee was appointed to investigate the methods adopted to determine the number of posts in the telegraph traffic establishment and to make, as early as might be found possible, recommendations to secure the most economical organisation compatible with efficiency.

REPORT OF THE VARMA COMMITTEE.

239. ***Dr. Ziauddin Ahmad :** (a) Do Government propose to circulate the Varma Committee Report among the Members of the Legislature?

(b) Are Government prepared to give an opportunity to the Legislature to discuss the Report?

The Honourable Sir Frank Noyce : (a) and (b). The replies are in the negative. In this connection the Honourable Member's attention is invited to the reply given to Mr. Dudhoria's starred question No. 890 in this House, on the 23rd March, 1933. I may add that a copy of the report has been placed in the Library and is available for such Honourable Members as may desire to study it.

RURAL INDEBTEDNESS IN BRITISH INDIA.

240. ***Dr. Ziauddin Ahmad :** (a) What is the probable amount of rural indebtedness in British India?

(b) What is the amount in each Province?

Mr. G. S. Bajpai : (a) and (b). The total rural indebtedness of India was roughly estimated at about 900 crores of rupees by the Indian Central Banking Enquiry Committee in 1931. The figures for the Provinces are given in paragraph 77 of the Committee's report, copies of which are available in the Library of the House.

Dr. Ziauddin Ahmad: May I know whether Government have calculated the amount in 1933-34, and have they calculated by any method the usual rate of interest charged?

Mr. G. S. Bajpai: There has been no calculation so far as I am aware since 1931.

Dr. Ziauddin Ahmad: Has any attempt been made in any Province in India to bring the figures up-to-date?

Mr. G. S. Bajpai: According to my recollection of the proceedings of the Provincial Economic Committee, all the representatives of the Provinces took their stand upon the Banking Enquiry Committee's calculations, which, as I have already stated, were up to 1931.

RURAL INDEBTEDNESS IN BRITISH INDIA.

241. ***Dr. Ziauddin Ahmad:** (a) Have Government framed any policy of meeting the rural indebtedness? If so, what is their policy?

(b) Do Government propose to help the Provincial Governments who cannot make up their minds?

Mr. G. S. Bajpai: (a) and (b). This question was discussed at the Provincial Economic Conference held at Delhi in April last. The general view of the Conference was that the diversity of the conditions of the agricultural classes in India was so great, both in respect of land tenures and general economic status, that any legislative measures to afford relief must be primarily provincial. The question of ensuring a regular exchange of information on this matter between various Local Governments is under consideration.

Dr. Ziauddin Ahmad: What is the answer to part (b) whether Government propose to help the Provincial Governments who cannot make up their minds?

Mr. G. S. Bajpai: I would rather leave that task to my Honourable friend.

Dr. Ziauddin Ahmad: We know that the Government, to which the Honourable gentleman belongs, could not make up their mind for the last four or five years.

Mr. G. S. Bajpai: I do not think my Honourable friend is correctly representing the position when he says that he and I belong to the Government of the United Provinces, at least I do not.

CIRCULATION OF COUNTERFEIT RUPEE COINS.

242. ***Mr. Lalchand Navalrai:** (a) Are Government aware that since lately a very large number of false, counterfeit and suspicious rupee coins have got into circulation in India and in consequence thereof there is no safety and convenience in generally accepting any rupee coin?

(b) Are Government aware that by ordinary scrutiny nowadays it is difficult to distinguish a good rupee from a bad one and therefore rupees are being rejected on a mere suspicion by Government banks, treasuries, post and railway offices, which affects the commercial and general currency of them?

(c) What steps do Government propose to take to meet the situation and to eradicate the mischief caused thereby and the fraud perpetrated?

(d) Do Government propose to issue one-rupee notes at least until such time as the spurious and suspicious coins are excluded from circulation? If not, what other method do Government propose to adopt?

The Honourable Sir James Grigg: (a) The number of counterfeit rupees which came to notice increased substantially between 1928 and 1930, but since 1930 there has been comparatively little change. The total for 1933 is slightly higher than the totals for 1930 and 1932 but slightly lower than the total for 1931.

(b) Government have received no report to this effect.

(c) and (d). Government do not consider it desirable to issue one rupee notes so long as India has a large surplus holding of silver. Measures for the suppression of counterfeiting are, however, engaging the attention of the Departments concerned, and any marked increase in the number of counterfeit coins reported in any particular area is brought to the notice of the appropriate Local Government.

Mr. Vidya Sagar Pandya: May I inquire whether there is more counterfeiting in currency notes or in coins?

The Honourable Sir James Grigg: I should like to have notice of that question.

Mr. Vidya Sagar Pandya: Is it not a fact that the Bank of England does not issue any note below £5, and, in view of that, is it not necessary that India should not issue any currency note below Rs. 5?

The Honourable Sir James Grigg: No, Sir, that is not correct. The Bank of England now issue currency notes of the denominations of £1 and 10 shillings.

Mr. Lalchand Navalrai: With regard to clause (b), my object was to show that at present there are suspicious rupees in circulation, and people are inconvenienced, because the scrutiny applied is very strict, and the coins are returned on the slightest pretext. May I know from the Honourable Member if he is aware of this fact?

The Honourable Sir James Grigg: My answer to clause (b) was that Government have received no report to this effect. But I would like to make it clear that if the Honourable Member has in his possession conclusive evidence to that effect, I will be very glad to consider it if he would furnish me with it.

Mr. Vidya Sagar Pandya: Will not one-rupee postal stamps do instead of printing fresh one-rupee currency notes?

The Honourable Sir James Grigg: That is a new question, and I should like to have notice of it.

Mr. B. Das: Is it not a fact that the Honourable Member's predecessor, Sir Basil Blackett, had to stop the circulation of one-rupee notes, because there were losses caused to the poor people in the villages because these paper notes got destroyed in water?

The Honourable Sir James Grigg: I was not aware of it, but I am quite prepared to take it from my Honourable friend that it is so.

Mr. Vidya Sagar Pandya : Is it not also a fact that Government found that the circulation of one-rupee notes was costing them too much, much more than the coins in circulation ?

The Honourable Sir James Grigg : There also I have no information myself, but I am quite prepared to take it from my Honourable friend.

Mr. Lalchand Navalrai : What testimony does the Honourable Member want me to give him with regard to the inconvenience caused to the people ? Shall I take him to the stamp vendor downstairs and prove it by offering him a rupee ?

The Honourable Sir James Grigg : No, Sir ; the evidence I would like to receive is the indubitable evidence which the Honourable Member says he has in his possession.

Mr. Lalchand Navalrai : I never said there is any evidence in my pocket. I only say it is common knowledge that the scrutiny of rupees at present is very strict, and even genuine rupees are rejected on very flimsy grounds. Will the Honourable Member make inquiries about this ?

The Honourable Sir James Grigg : All I can say is that I have received no report to that effect. The Honourable Member said it is common knowledge. If it is common knowledge, it must be quite simple for him to produce instances and bring them to my notice.

Mr. Lalchand Navalrai : Is the Honourable Member prepared to inquire even from his own office people ?

The Honourable Sir James Grigg : Presumably the answer which I have given the Honourable Member was not prepared in any other office, but my own. (Laughter.)

UNSTARRED QUESTIONS AND ANSWERS.

INTRODUCTION OF MOTOR BUS SERVICES BY RAILWAYS.

20. **Mr. Gaya Prasad Singh :** What are the names of the Railways which have opened motor-bus services since the passing of the Railway (Amendment) Act on this subject, and from which place to which place ?

Mr. P. R. Rau : None of the Railways affected by the Indian Railways (Amendment) Act, 1933, has as yet instituted road motor services.

THE INDIAN CARRIAGE BY AIR BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to present the Report of the Select Committee on the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air.

THE INDIAN AIRCRAFT BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to present the report of the Select Committee on the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft.

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Bengal Criminal Law Amendment Supplementary (Extending) Bill.

The question is :

“ That clause 2 stand part of the Bill.”

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I beg to move :

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

‘ 2. In part 2 of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, for the words ‘ three years ’ the words ‘ six years ’ shall be substituted.’ ”

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, on a point of order. We find from the supplementary agenda that the Indian Iron and Steel Duties Bill will be given preference over any other business today. What has happened to that Bill ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Indian Iron and Steel Duties Bill will be introduced at about 1 o'clock. Copies of the Bill have not yet come from the press.

Rao Bahadur B. L. Patil : Sir, in moving my amendment, I feel that most of the important points have been already fully threshed out in this House, and that very little remains for me to put before the House. However, I should like to place before the House my points as to why this amendment should be accepted. In the first place, my amendment assumes that this terrorist menace exists in Bengal. It further assumes that the Bengal Government are confronted with a serious situation. Lastly, the amendment also assumes that some help should be given to the Bengal Government at this juncture. But the amendment seeks to protest against making the provisions of Act VIII of 1932 a permanent feature of the Statute-book. Sir, in reply to yesterday's debate, the Honourable the Home Member stated perhaps as his foremost ground that because from time to time Government were required to place before the Legislature similar measures, it is no use fixing a time limit for this

[Rao Bahadur B. L. Patil.]

Bill, but that once for all it should be made a permanent one. In placing this argument before the House the Honourable the Home Member referred to an Act of 1915 known as the Defence of India Act. I may submit, Sir, that this reference to that Act does not take the case of Government any further. The Great War began in the year 1914, and it was necessary for the Government of India as well as the Government of Great Britain to enact such measures, and it was in order to safeguard the interests of the State as a whole that this Act was enacted in India. Let me point out a few provisions of that Act to show that it had nothing to do with the terrorist movement in Bengal or in any other part of British India. In section 1 (4), it is stated :

" This Act shall continue in force during the continuance of the present war and for a period of six months thereafter."

This conclusively shows that this Act had absolutely nothing to do with the terrorist movement. In my humble opinion, the Government of India's first resort to this procedure of transferring detenus from the Province of Bengal to the other Provinces started in the year 1925. Therefore, the argument which was put forward as the one justification for making it permanent does not hold good at all. On the one hand, we know that it has become difficult for the Government of Bengal to accommodate a large number of detenus and also to segregate them in a proper manner, and to prevent them from making unauthorised communications with the sympathisers outside the jail. We know also that, on the other side, there are serious objections to the continuation of this procedure of transferring the detenus to jails outside Bengal. My Honourable friend, Mr. Raju, the other day protested against this procedure of sending detenus to his own Province and causing any contamination to take place in his own Andhra Province. May I bring to the notice of the Honourable the Home Member that it is not one individual Member who has protested against this procedure, but practically every Provincial Government and every jail authority had something to say against this when opinions were called for in 1932. That being the case, what justification have the Government of India to force upon the people of other Provinces and upon their Governments to accept the detenus in their jails? My Honourable friend, Mr. Raju, also alluded to some instances that recently occurred in Poona. In my opinion, by this Act, the Government of India are doing a great injustice in forcing upon the other Provinces to accept these dangerous detenus. Here I assume that all the detenus are dangerous; but if that is not the case of Government, if they say that all of them are not so dangerous as some of us think or as some Provincial Governments think, then I urge why should they not be kept in the Province of Bengal itself?

Another serious objection taken is with regard to the personal inconveniences of the detenus themselves. We have heard during the last two years a number of questions put forth from this side of the House with regard to the treatment of detenus in other jails. We have heard that no facilities are given, if any are given at all in a few cases, to the relatives of these detenus to visit them. We know that the detenus are hard put to in the matter of maintaining their families. We know that with regard to food and the surroundings, and different climates, the detenus are greatly inconvenienced. These are certainly serious matters.

Then, we have to weigh the inconveniences on both sides. If the Government of Bengal still think that it is necessary that these detenus should be removed from the Province of Bengal, it is up to them to make their own arrangements. They have had sufficient time. I do not think they hoped that it would end sooner than now. I do not think that the Bengal Government are not spending money for the suppression of this movement. We know that lakhs of rupees are lavishly spent in suppressing this movement. Then, why should they not make proper arrangements for accommodating all these detenus? They are, after all, 1,500 at present. My Honourable friend, Mr. Sen, the other day suggested, as also my Honourable friend, Mr. Neogy, that the Civil Disobedience prisoners being let off, there is sufficient accommodation in the jails in Bengal. These being my few reasons in addition to whatever has already been urged before the House, I should like to deal with one or two other points.

It appears that the Government are under the impression that in 1932 this House accepted the principle of sending these detenus outside Bengal in perpetuity. That is not a fact. Any one who refers to the debates in 1932 can very easily see that it was not so. The question then was whether the Bill introduced in 1932 would automatically be tagged to the local Act if that Act were extended before it lapsed. The opinion of the then Honourable the Law Member was that if it was extended before it lapsed, the Bill before this House would become tagged to that local Act, but if it was extended after the Act had exhausted itself or lapsed, it would not be so. Under those circumstances, and fortified with the legal opinion which was placed before this House, this House accepted the time limit of three years. Sir, may I submit that this House did not accept the principle of making it a permanent measure? It only gave a qualified support to the Bill.

Then, Sir, another argument advanced by some of the Honourable Members as well as by the Honourable the Home Member is that such time limit gives encouragement to these

detenus. Now, let us consider what will be the position when the time limit is over. The result will be that these detenus would be taken back to the jails in Bengal. How can their mere transfer back to Bengal jails give them any encouragement? Under the local Act, they would still be kept in prison. The Local Government will have all the powers under the local Act to deal with these terrorists. Sir, I do not see any relation between these two things. It cannot give them any encouragement. But, I am sure, Sir, if they are taken back to Bengal, you will remove the anxiety of other Provinces, the burden on their jails, and at the same time you will temper the administration with justice. For these reasons, I commend my amendment for the consideration of this House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

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

" 2. In part 2 of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, for the words ' three years ' the words ' six years ' shall be substituted."

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I rise to oppose this amendment. It occurred to me that after the most lucid and convincing speech which the Honourable Mr.

[Mr. Muhammad Muazzam Sahib Bahadur.]

Studd made yesterday, my friend, Rao Bahadur Patil, would not move his amendment, but as he has moved it, I think I should place my view of the case when I rise to oppose this amendment.

Sir, the objection raised is that this Bill should not be placed permanently on the Statute-book. My friend, Mr. Studd, yesterday pointed out the necessity for a permanent legislation of this character, and he also, in the course of his very eloquent speech, said that the fair name of India is being sullied by acts of terrorism, and that, in the interest of the preservation of law and order in this country, the terrorists should know that a drastic measure of this type is going to remain on the Statute-book for all time. Sir, from one point of view, I admit, that we should have a permanent legislation of this kind on the Statute-book. It is a slur to Indians, no doubt; but, at the same time, I must say that from another point of view it is a still greater slur on the Government of the country when they introduce this measure as a permanent one, but while they do so, they must be feeling that they are compelled to do it. Knowing as they do that terrorism ought to be stamped out of this country by any means and under any circumstances, and knowing as they do that the credit of the Government of this country would be lowered in the estimation of the outside world by the introduction of such a measure permanently on the Statute-book, that the Government of the country are bringing discredit to themselves, they still maintain that such a legislation is necessary, whatever may be the consequences, and however much their reputation may be lowered in the estimation of the outside world. Sir, I say that the Government are prepared to do it simply because the necessity demands it. Terrorism is an exceptional malady, and it requires exceptional treatment. That is admitted on all hands, and if it is alleged, as some Honourable Members did, that terrorism was due to the unpopularity of the Government, then I ask them, how is it that it is peculiar to the Bengal Province alone? If the Government of the day is unpopular, it is equally unpopular in every Province, and not in Bengal alone. While I admit that there must be some cause, political or economic, and that we have not tackled these questions in the way we ought to, still the fact remains that we have got to legislate some such law, we have got to take drastic measures as a palliative until the root cause is discovered.

Then, Sir, dismissing the question of the legality or the illegality, fairness or otherwise, of detaining persons without trial, I should say that it is a matter entirely foreign to this debate. It is a matter which has been conclusively determined by the Legislative Council of the Bengal Province, and we have nothing to say further upon it. But, in the course of the discussion, it was pointed out that when persons are detained without trial, it almost amounts to their being detained on the barest suspicion. That is what my friend, Mr. Mitra, said yesterday. I should think, Sir, that although there may be a certain margin of error in these arrests and detentions without trial, although it cannot be claimed that these detentions have that margin of certainty which exists in the case of an ordinary judicial trial, still we have to consider the fact that, even in the case of ordinary judicial trials, there is a certain margin of error in many instances. In the case of acquittals and convictions in ordinary trials, can my friend, Mr. Mitra, assert that they are always right? There is

a certain margin of error even in the case of judicial trials. Well, my friend, Mr. Mitra, might say,—then do away with judicial trials altogether. I say,—No, why should we do away with judicial trials? We are dealing here with a peculiar set of circumstances, we have to deal here with a peculiar disease, and we need a peculiar prescription for it. I think if my Honourable friend, Rao Bahadur Patil, applies his mind to it for some time more, he is bound to change his opinion. I think he will be on my side and would say that “I shall not move my amendment”. (An Honourable Member: “Question.”) In my opinion, what is exactly needed is a strong, lively and vigorous public opinion expressed in unequivocal terms, public opinion which exerts itself every moment. It has occurred to me that my Honourable friends from Bengal, those who are anti-terrorists, if I may say so, have not applied their minds in the way they ought to. For instance, when in any city there is a scare of kidnapping, as we have had in some cities in India, every home is vigilant, is on the alert to find out who the kidnapper is, and some such sort of feeling ought to exist in Bengal if they are determined to root out this malady. With these words, I oppose the amendment.

Mr. G. Morgan (Bengal: European): Mr. President, I rise to oppose this amendment. From the speeches I have heard in regard to this Bill, most of the speakers have been dealing with the result of the administration of the Bengal Act of 1930 and the Supplementary Act of 1934. The Bill before us merely deals with the question whether the three years should be omitted from the Bill. The Bengal Act of 1930 will remain in force whatever we do with this Bill. The 1930 Act was put permanently on the Statute-book. Our Act of 1932 expires in 1935, the date on which the original Bengal Act of 1930 would have expired, and it is to bring it into conformity with the Act now in force in Bengal that the Government wish to have this Bill passed. That, I take it, is the plain issue before us at the moment. Sir, with regard to the terrorism in my Province, a good deal has been said about stirring up public opinion. I would like to inform the House that within recent months public opinion is being stirred. In Chittagong, in Dacca, in Calcutta, there is a good deal going on to try and combat this terrorist movement. I myself have attended anti-terrorist meetings of the British Indian Association in Calcutta, both a general meeting and also the committee meetings, and I am co-operating with them in every way. They are now working out the question of propaganda. They are co-operating with Government with regard to propaganda in the districts and they are proposing to have committees at some big centres like Mymensingh, Comilla, Dacca, and so on, and in that way to help to tackle this unfortunate movement. Sir, as regards the Calcutta Committee there are many eminent Bengalis connected with it, and I am glad to say that my friend, Mr. Nalini Ranjan Sarkar, now the Mayor of Calcutta, is one of the prominent members of that committee. He would be in a position to do a great deal, so far as Calcutta is concerned, because there has always been a suspicion that the schools of the Calcutta Corporation certainly did not help to stop this terrorism, whatever they may have done to keep it more or less alive. Mr. President, I want my Honourable friends to understand that apathy has now been broken. It is not easy to get a general interest in anti-terrorism, but a beginning has definitely been made. I may mention also that we are in close touch with the Educational Officer of the Bengal Government with a view to helping the students in schools and colleges to

[Mr. G. Morgan.]

a proper perspective of the situation, and I have every hope that some real good will come out of this anti-terrorist movement inaugurated by the public in Bengal.

Sir, I am sorry to have to refer to the administration of the Act, but I should like to say that one of the difficulties of the position referred to by my Honourable friend, Mr. Mitra, is that the bulk of the administration in India is carried on by various grades of officers, and it is very difficult to control the last rung of the ladder. The top rung of the ladder will always get the blame of whatever objectionable may happen in the lower rungs of the ladder. Sir, my Honourable friend, Mr. Amar Nath Dutt, is not here. I believe he has entirely forgotten what Bengal climate is like when he refers to the terrible ordeal of waking up in the morning at Ajmer and finding the *punkah* had stopped. All I can say is that when I had to sleep under the old pull *punkah*, it would be more trying from the time I went to bed and the time I had to get up in the Bengal climate than the Ajmer climate, if the *punkah* had stopped. (Mr. S. C. Mitra : "To Mr. Morgan.") My Honourable friend, Mr. Patil, said,—at least I understood him to say, it was very difficult to follow what he was saying,—I understood him to say that the Government of Bengal are not spending any money to combat this movement.

Rao Bahadur B. L. Patil : I said that the Government of Bengal were lavishly spending money.

An Honourable Member : Not slavishly !

Mr. G. Morgan : Quite unwillingly. Unfortunately as you, Sir, know, the coffers of the Bengal Government are not what you might call overflowing. I think I am right in saying that it cost Rs. 77 lakhs on account of extra administration, police, and so on, for the year 1933-34. Mr. President, I have nothing more to say about the Bill before the House. Sir, I oppose the amendment.

Mr. J. M. Chatarji (Bengal : Nominated Official) : Sir, I appreciate the opportunity that has been allowed to me of saying a few words on the measure now under discussion which concerns my Province. The necessity for the measure.....

An Honourable Member : Louder please. We cannot hear.

Mr. J. M. Chatarji : The necessity for the measure and other points have been discussed so threadbare that I do not propose to go over them again. We are not considering whether the old Act of 1930 should have been placed permanently on the Statute-book, but we are considering whether the powers which this Legislature gave to Bengal in 1932 for a period of three years should be made permanent. We have had a lot of discussion over matters which are cognate, though not strictly relevant, to the measure under discussion. I do not propose to touch on any of those points, but in case I happen to digress into some of them, I hope I will be pardoned for being in good company.

I listened to the speech of my Honourable friend, the Leader of the Opposition, with the attention which his utterances always deserve. The main ground that he made out was, why should the power to send the detenus outside Bengal be given permanently and not for a term of years, and why should not she be asked in the meantime to set her house in order.

I believe he could not have struck a safer ground, because I hardly think it was possible for him to attack any of the provisions of Act VI of 1930 which was but an offspring of the Act of 1925 in favour of which he had voted with a minority of 57 in the Bengal Legislative Council. I did not find in my Honourable friend's speech any reference to the reasons which the Honourable the Mover of the Bill had given for making this measure permanent. Temporary measures lead to a quiescence for a period and keep alive the expectation that it may be possible to revive the movement, and to strengthen it, should the measure be withdrawn from the administrative armoury. Again, the mere fact that the measure is being made permanent does not necessarily mean that it could never be repealed. Should the situation fortunately improve, there will be nothing to prevent the Legislature from asking for a repeal of the measure.

Another point on which my friend laid much stress was that proper and right steps have not been taken by Government in the past to meet the evil which has been in existence for the last 30 years. He does not even now prescribe any medicine which he thinks is likely to be effective. May I remind the House that he was himself for years an honoured Member of the Bengal Cabinet which he now accuses of inefficiency in grappling with the evil. If the remedy that he knew was so patent or potent, he would have saved a generation of blooming young men from trouble and misery if he had himself pressed for the application of the remedy in the comparatively initial stages of the disease.

Sir, my friend, Mr. Mitra, has given us a moving picture of the conditions in which the detenus live. We all know that, the more moving a picture, the greater perhaps is its indebtedness to imagination. Detenus are not, as they have been described to be, prisoners confined in solitary cells. The Honourable the Law Member has already touched on the point.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I do not want to interrupt my Honourable friend when he is making a maiden speech. There are detenus, not only at Deoli, but also in Mianwali, in the C. P., Madras. They are put in jails and in cells also.

The Honourable Sir Harry Haig (Home Member) : I think the Honourable Member is under a misunderstanding in calling them detenus. I think I am right in saying that the detenus outside Bengal are all held at Deoli and those who are held in other Provinces are State Prisoners under Regulation III. It is a technical point, perhaps, but it is of some importance with regard to this Bill.

Mr. S. C. Mitra : Only the other day I put a question about State Prisoners at Mianwali, and I was corrected by the Honourable the Home Member. The man has now been transferred to Bengal, though he was under the Bengal Criminal Law Amendment Act. He is Satyendra Nath Sen. He was not a State Prisoner.

The Honourable Sir Harry Haig : The Honourable Member is right. There may be one or two cases like that.

Mr. J. M. Chatarji : I do not propose to deal with the conditions of detenus outside Bengal, because I have no experience of them ; but from what I gathered from the speech of my Honourable friend, Mr. Mitra, I thought his observations referred to the condition of detenus in general,

[Mr. J. M. Chatarji.]

and what I am speaking about is the condition of detenus in a camp of which I have myself some experience. There is a tendency to assume that these detenus are confined in cells. It is nothing of the kind. The camp is a big enough place with a large number of houses for living accommodation and with all the paraphernalia of a camp including hospitals, dispensaries, kitchens and other things. At night the detenus are locked in their own rooms, but during the day their freedom is not interfered with in any way except that they are not allowed to go outside the boundary wall. It cannot possibly be said that the sameness and monotony of a detenu's life affects his mental equilibrium. It will perhaps be truer to say that some of those who have to administer their camps run the danger of qualifying themselves for a short stay in a mental asylum. The detenus have their hands full of work, if they want to do it. They have got their own committees for looking after the supply of provisions, for cooking, and sanitation, and if he has any time to spare after finding fault with the servants and after carrying his complaints to the Commandant, he can devote it to books of which he has usually a plentiful supply, and he can take to sports, both indoor and outdoor, for which he is given sufficient facilities.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I know from the Honourable Member whether he has ever visited Deoli ?

Mr. President (The Honourable Sir Shanmukham Chetty) : He is speaking of his own experience in a Bengal camp.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : As a detenu !

Mr. J. M. Chatarji : My Honourable friend, Mr. Mitra has spoken of torture on the detenus, I was not quite sure whether he referred to torture inside or outside detention camps. If he referred to torture inside detention camps, I could unhesitatingly tell the House that such a thing is unthinkable. The Commandant of a camp has usually reason to congratulate himself if on any day he can persuade the inmates to partake of a kind of fish different from that which they indented. In such circumstances, to think that any person would think of putting any pressure upon a detenu in a camp would be thinking something which is impossible ; and it must be remembered that there are about four to five hundred of these detenus and their compatriots looking on all the time.

Another question that has been asked is, why send them out of Bengal, why not keep them within the jurisdiction of the Local Government ? Sir, the answer is perhaps simple. It would then be extremely difficult to prevent any communication between the detenus and the outside world. Again, to confine them perhaps in detention ships in the Bay of Bengal or to dump them into the Sundarbans will probably not give them better conditions than they can have outside Bengal. There is also, Sir, some misapprehension about the scope of the Bill. There is a tendency to assume that if the Bill is passed, all the detenus will be sent out of Bengal. No doubt the Local Government of Bengal will have the power to do so, but the whole purpose of the measure is not to extern detenus wholesale, but to assume powers to extern only those who are found to be too dangerous to be kept inside Bengal.

Now, Sir, about the reason for the measure, what are the facts today in Bengal ?

Mr. S. C. Mitra : On a point of order, Sir. Is the Honourable Member speaking on the third reading or on the amendment before the House ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not want to interrupt the Honourable Member, but the further remarks to be made by him must now be confined to the amendment before the House, namely, whether the Bill ought to be made a permanent measure or should remain only a temporary measure.

Mr. J. M. Chatarji : Sir, I stand corrected. As regards the question of the term of the measure, I have already said what I have to say. My main point is that even if the measure becomes permanent, there will be nothing to prevent the Legislature from repealing the measure at any time it is found possible to do so. Sir, I am afraid I should be digressing into other features of the Bill if I were to speak on all the matters on which we have already heard very useful speeches. I do not think I should now detain the House any longer on this point. Sir, I oppose the amendment. (Applause.)

Mr. Gaya Prasad Singh : Sir, the sum and substance of this amendment is to extend the power, which has been conferred by the measure already passed, for another three years from the time when it is going to expire next year. I venture to think that this is an amendment which my Honourable friend, the Home Member, should seriously consider before summarily rejecting it. I know he commands a majority in this House and it is very easy for him to reject this amendment. But in the very interest to which he referred yesterday, I would very seriously appeal to him to consider this amendment. Yesterday, Sir, my Honourable friend said, if I remember aright, that without the force of public opinion behind the back of the Government, it is not possible to stamp out terrorism from Bengal or from any other part of the country. Now, I would ask him to consider whether the proposal of the Government to make this Bill permanent on the Statute-book is likely to win over public opinion to his side. As is very well-known, public opinion, not only in Bengal, but in other parts of the country, is seriously opposed to this measure being permanently placed on the Statute-book, and if the Government ride roughshod over public opinion, they will have no reason to complain if public opinion is not arrayed on the side of Government measures designed to stamp out terrorism from Bengal or from any part of the country. Sir, when an outrage occurs, all and sundry, including the Members of the Legislative Assembly and the leaders of opinion, proceed to condemn unmistakably these outrages and rush to the rescue of Government to save the fair name of India, as it is said, but when disgraceful and obnoxious measures are sought to be rushed, should this House support Government when they spurn public opinion and endeavour to give effect to the prescription which comes uppermost in their mind ? I would, therefore, ask my Honourable friend, the Home Member, to consider whether it is not possible to limit this Bill to a stipulated period. Sir, had the so-called terrorists been convicted by a properly constituted tribunal, there would have been some justification for the proposal which is before this House, but these so-called terrorists have not been

[Mr. Gaya Prasad Singh.]

put before any Court of law : they are at best kept in detention on mere suspicion.

Sir, is my Honourable friend, the Home Member, I ask, prepared to stand up and say that he is morally satisfied that all these detenus in Deoli or elsewhere are really guilty of the offences of which they are suspected ? It is just possible, is it not, that several of these prisoners may, after all, be innocent. I say, it is just possible, because their guilt has not been proved before any Court of law. We know how the guilt is usually established in the case of political prisoners. The police officer submits a report, a confidential report which forms the basis of further action by his superior officer, and thus we have seen how innocent persons are sometimes clapped in jail and kept in detention. I do not assert that none of the prisoners may be guilty, but I merely want to say that it is just possible that the guilt of at least some of the prisoners may be open to question. Now, if an innocent person is kept in detention, what will be the state of feelings of his relatives and friends ? One can understand this temporary inconvenience being undergone in the interest of law and order, but when this legislation is going to be made permanent, one should think over the consequences of such a measure. Thousands and thousands of young men, consisting of the friends and relations of these detenus, must be smarting under a sense of injustice and must be highly discontented, and I would ask my Honourable friend to consider whether that condition of things is conducive to the effect which we are anxious to secure in Bengal. Sir, we seem to be moving in a vicious circle. Outrages unfortunately sometimes occur which we all deplore, but the conditions under which such outrages occur must be thoroughly investigated before a proper remedy can be prescribed. The very fact of these detenus being imprisoned without trial for an indefinite period is hard enough, but to compel them to live for an indefinite period outside their own Province, and amid circumstances to which they are not accustomed, is harder lot still for them. Sir, I am opposed to the outbreak of violence. I am equally opposed to violence whether it proceeds from the side of the people or whether it proceeds from the side of the Government. I am equally prepared to condemn any murderous outrage in Bengal committed by a misguided youth as I am prepared to condemn the act of General Dyer when he massacred hundreds of our innocent men, women and children at the Jallianwala Bagh. But, are the Government on their side, prepared to condemn the outbreak of lawlessness on the part of the Government officials in an equal measure ? That is just the point on which Government and the Members of the Government are silent. That creates a state of feeling in the country which is very deplorable. Sir, this amendment is a limited one. We are not yet at the stage of the third reading. I would, therefore, finally appeal to the Government to consider what would be the consequence of making this feature permanent in the administration of the country. I know it is no use appealing to Government because in this Assembly, they command an absolute majority and they can carry everything before them. Is it going to soothe the feelings of the people or is it going to embitter the feelings which have already been roused over this Bill ? With these few words, I beg to support the amendment.

Mr. B. V. Jadhav : Sir, I rise to support the amendment. There have been a number of detenus in Bengal, and the Government of Bengal

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL. 653

saw that it was necessary to keep them outside that Province. The Bengal Legislative Council passed the Criminal Law Amendment Act three years ago, and this House was asked to sanction the same measure in order to empower the Government of Bengal to keep the detenus outside that Province. The then Home Member drafted the Bill for a limited period of three years. Now, the Bengal Legislative Council have passed the same measure on a permanent basis, and the Government of India here have come before this House to pass a similar legislation. This House need not follow implicitly the example set by the Bengal Legislative Council. This House has a will of its own and it ought to exercise it in the best interests of the country. The amendment of Rao Bahadur Patil is to limit it for a further period of three years. It has been said here that such a drastic legislation is a slur on the fair name of any country, and I perfectly agree with it. Therefore, such measures ought not to be made permanent but they ought to be passed for a certain stated period.

I am very much obliged to my Honourable friend, Mr. Morgan, for describing here the steps that are being taken in Calcutta and the whole of the Province of Bengal to co-operate with Government in putting down this outrageous movement. I am confident that with the active co-operation of the European members and the Indian members in Calcutta and outside, this pernicious movement will be put down during the period of the next three years. If it is not put down within the period of six years, then it shows that the repressive measures are not very effective. I think the repressive measures during the past three years have had a very considerable effect in curbing the movement, and I am quite confident that the active movement that has been started in Calcutta with its branches in every important city will surely succeed in putting down the pernicious movement within the period of next three years. Therefore, the period proposed in the amendment can be very safely accepted.

Sir, this House by questions and Resolutions has brought to the notice of the public and the Government that the conditions at Deoli and other camps are not very desirable. The Honourable the Home Member has personally visited that place and he has assured this House that the treatment given to the detenus is according to law, and, I think, according to the circumstances of the place. I have full confidence in his statement, but what I urge is this, that this question of the treatment of the detenus ought to come for discussion on the floor of this House periodically, and this is one of the other reasons for our urging that the duration of this Bill should be limited to a further period of three years. The Government of India, if they unfortunately find that the period ought to be prolonged, will have to come before this House and place the facts before it, so that there will be a general discussion before any further extension of the period is granted. In the interests of the detenus as well as in the interests of the general administration, it is necessary that such a drastic measure ought to be discussed periodically in this House. I do not think that the acceptance of this amendment will embarrass either the Government of India or the Government of Bengal in any way, as the Bengal legislation is for an unlimited period and the detenus or the would-be detenus will be governed by that legislation. Therefore, if the extension of this

[Mr. B. V. Jadhav.]

measure is made here only for three years, it need not have any deleterious effect upon the minds of the people there. On the other hand, it will show the desire of Government to do away with the legislation as early as possible.

The Honourable the Official Member from Bengal has given a very important piece of information to this House, namely, that even the Bengal Criminal Law Amendment Act can be repealed at any time. That is a fact known to everybody. But when an Act is passed for an unlimited period, it is not expected that a repealing Act will be introduced at any time. If there is no necessity for making use of that legislation, it will lie dormant, but then in that case nobody takes the trouble of getting it repealed. And, as it has been said, such a drastic measure is always a slur on the fair name of any country, such a measure ought not to be made permanent, so that it will lead to the lasting shame of that country. That is another reason why the period of the operation of the Bill should be limited to three years, and no more. If, unfortunately, there is any necessity for the measure again, then, the Government will be free to come to this House and ask for another extension. With these words, I support the amendment.

The Honourable Sir Harry Haig : Sir, I quite appreciate the spirit in which my Honourable friend, Mr. Patil, has moved this amendment. He is prepared in the circumstances to give some assistance to the Government of Bengal in coping with their difficulties. But he proposes to limit that assistance to a period of three years. I gave at some length yesterday to the House my reasons against that principle. I tried to show the House that in the past this principle of temporary legislation to deal with terrorism had been tried a number of times, and it is my own conviction that it is because the legislation was not continuous and it has not been permanent that this movement has continued for such a long period. I think it might not have revived with such strength as it undoubtedly did revive in 1930—that is the root of our present troubles—had the legislation, for instance passed in 1925, been of a permanent character.

Now, Sir, I do not know that I need follow my Honourable friend, the Mover, in his reference to the Defence of India Act. It is perfectly true that the Defence of India Act was an Act passed for the general defence of India during the period of the Great War and that it was not passed specifically in order to deal with terrorism in Bengal. But the powers given by that Defence of India Act were used with very great effect in Bengal, and the lapsing of these powers, as my Honourable friend reminds me, in 1919, did give a great opportunity to that movement to start again. With regard to the other Provinces there seems to be some misunderstanding of the position. I can quite appreciate that Honourable Members from other Provinces are particularly anxious that these detenus should not be detained among them. They do not feel exactly the same confidence about their innocence as some other Honourable Members in this House. But, Sir, it is not our policy to distribute these men all over India. We have a limited number of what were originally considered the most dangerous men who were dealt with under Regulation III and who have been distributed in

small numbers in various Provinces. But that was not done under the provisions of our Act VIII of 1932. The action we took under Act VIII of 1932 was to constitute this big camp at Deoli which is under the charge of the Chief Commissioner of Ajmer-Merwara, and that is our policy at present—to keep these detenus in Deoli where a very large expenditure has been incurred by the Government of Bengal on providing buildings and a suitable water supply amounting, in all, I think, to about four lakhs of rupees. My Honourable friend, Mr. Gaya Prasad Singh, said that by continuing these powers we were offending and affronting public opinion. I am not sure that I agree with my Honourable friend in his interpretation of public opinion. After all, should we not consider the public opinion of the Province of Bengal? They, after all, are the people most intimately concerned, and it is reasonable to look to that public opinion being reflected in the Bengal Legislative Council where, as we have heard so many times, these provisions in regard to terrorism have just been passed by an overwhelming majority and made permanent.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : But the Honourable Member assumes that the Bengal Legislative Council today represents public opinion!

The Honourable Sir Harry Haig : It is as representative of public opinion as this House.

Mr. K. C. Neogy : Do not say then that it is the public opinion in Bengal which supports such measures.

The Honourable Sir Harry Haig : At any rate that is the constitutional means of expressing public opinion. I really think that my Honourable friend, Mr. Gaya Prasad Singh, does a certain injustice to public opinion by identifying it with his own.

We have heard an interesting speech from my Honourable friend, Mr. Chatarji, who gives from his own personal experience some idea of the conditions in a detenu camp. I do not want to go over that point again, because, as I said yesterday, I have endeavoured, since I have had on myself the responsibility for this Deoli Camp, to keep in touch as closely as I could with the officers who are actually administering the Camp, and I am convinced that they are doing their best to look after these detenus in a reasonable way.

In conclusion, I would merely say that the Bengal Legislative Council have decided that it should be made clear that their policy is to last so long as the menace continues, and I submit that we should also make it clear that our help continues for the same period. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

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

“ 2. In part 2 of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, for the words ‘ three years ’ the words ‘ six years ’ shall be substituted .”

The Assembly divided :

AYES—23.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Bhuput Singh, Mr.
Chandi Mal Gola, Bhagat.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Hoon, Mr. A.
Isra, Chaudhri.
Jadhav, Mr. B. V.
Lahiri Chaudhury, Mr. D. K.
Lalechand Navalrai, Mr.

Mitra, Mr. S. C.
Mody, Mr. H. P.
Murtuza Saheb Bahadur, Maulvi-Sayyid.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Sadiq Hasan, Shaikh.
Sen, Mr. S. C.
Singh, Mr. Gaya Prasad.
Ziauddin Ahmad, Dr.

NOES—57.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Dalal, Dr. R. D.
Fazal Haq Piracha, Khan Sahib Shaikh.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Grantham, Mr. S. G.
Grigg, The Honourable Sir James.
Haig, The Honourable Sir Harry.
Hockenhull, Mr. F. W.
Hudson, Sir Leslie.
Ibrahim Ali Khan, Lieut. Nawab Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.

Lumby, Lieut.-Colonel A. F. R.
Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nihal Singh, Sardar.
Noyce, The Honourable Sir Frank.
Pandit, Rao Bahadur S. R.
Perry, Mr. E. W.
Rafiquddin Ahmad, Khan Bahadur Maulvi.
Raghubir Singh, Rai Bahadur Kunwar.
Raisman, Mr. A. J.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan Gakhar, Captain.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Studd, Mr. E.
Trivedi, Mr. C. M.
Wajihuddin, Khan Bahadur Haji.
Wilayatullah, Khan Bahadur H. M.
Yamin Khan, Mr. Muhammad.
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.

Mr. Vidya Sagar Pandya : Sir, I rise on a point of order. It appears that some gentleman cast his vote on one side and the paper was torn up and another paper substituted and the count was taken afterwards. Is that in order ?

Mr. President (The Honourable Sir Shanmukham Chetty) : If any Honourable Member voted wrongly and immediately corrected the mistake, it is perfectly in order, and there is no objection.

The question is :

“ That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

THE INDIAN IRON AND STEEL DUTIES BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel.

I ought to explain, Sir, and apologise for, an omission which has occurred in the course of printing in the Statement of Objects and Reasons. I understand that in certain copies of the Bill the word “ proposed ” has been omitted at the end of the Statement of Objects and Reasons and I would ask Honourable Members who have copies in which that word has been omitted to be so good as to insert the word “ proposed ” after the words “ has not been ”.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel.”

The motion was adopted.

The Honourable Sir Joseph Bhore : Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 26th July, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 26th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock.
Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

HUNGER-STRIKE BY POLITICAL PRISONERS IN THE ANDAMANS.

Mr. K. C. Neogy : (a) Is it a fact that there has been a hunger strike amongst the political prisoners in the Andamans ? If so, when did it begin and is it still continuing ?

(b) What are the reasons for this hunger-strike ?

(c) How many persons are involved in the hunger-strike ?

(d) What steps have been taken, or are proposed to be taken, by the Government to meet the wishes of the hunger-strikers in removing their grievances ?

(e) What is the present state of the health of the strikers ?

The Honourable Sir Harry Haig : (a) to (e). It is not a fact that there has been any recent hunger-strike amongst the terrorist prisoners in the Andamans. The rumour may have arisen from the following facts. On the 7th July, the Superintendent of the Cellular Jail had occasion to punish a terrorist convict from Madras with seven days cross bar fetters for assaulting a head warder, the assault being entirely unprovoked. The next day, the majority of the terrorist convicts protested against the punishment inflicted. They were informed that the infliction of a punishment and the form of punishment were matters for the decision of the Superintendent. On the 9th July, when the weekly parade was held, about twenty of the terrorist convicts refused to turn out of their cells for inspection. It was found that this action was deliberate and had been taken as a protest against both the punishment of the convict and the refusal of the Jail authorities to cancel the punishment at their request. In consequence of this action, all those convicts, who were absent from parade, were deprived for a period of certain privileges. I am informed that everything in the Cellular Jail is now absolutely quiet and normal.

Mr. Lalchand Navalrai : May I know if there are any other persons who are on hunger-strike who are not terrorists ?

The Honourable Sir Harry Haig : No, Sir ; there is no hunger strike in the Andamans.

received, relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
3,367	..	Bengal.	1	..	Bengal.
27	Howrah.	Do.	89	Burdwan.	Do.
15	Do.	Do.	89	Do.	Do.
47	Tippera.	Do.	92	Do.	Do.
51	Do.	Do.	81	Do.	Do.
24	Do.	Do.	90	Howrah.	Do.
47	Do.	Do.	11	Do.	Do.
57	Do.	Do.	37	Burdwan.	Do.
85	Dacca.	Do.	94	Do.	Do.
65	Do.	Do.	71	Howrah.	Do.
18	Do.	Do.	93	Do.	Do.
13	Do.	Do.	14	Do.	Do.
13	Do.	Do.	91	Do.	Do.
44	Sylhet.	Assam.	95	Burdwan.	Do.
50	Do.	Do.	90	Do.	Do.
18	Do.	Do.	50	..	Do.
42	Howrah.	Bengal.	94	Midnapore.	Do.
670	Do.	Do.	10	Howrah.	Do.
26	Do.	Do.	95	Midnapore.	Do.
7	Do.	Do.	95	Do.	Do.
42	..	Do.	94	Do.	Do.
6	..	Do.	91	Burdwan.	Do.
86	Chandpur.	Do.	90	Do.	Do.
40	Jessore.	Do.	90	Do.	Do.
54	Do.	Do.	13	Howrah.	Do.
42	..	Do.	23	Kidderpore.	Do.
43	..	Do.	94	Howrah.	Do.
48	..	Do.	90	Do.	Do.
88	Burdwan.	Do.	59	Burdwan.	Do.
33	Howrah.	Do.	75	Howrah.	Do.
77	Do.	Do.	40	..	Do.
90	Do.	Do.	90	..	Do.
92	Do.	Do.	2	Calcutta.	Do.
71	Do.	Do.	21	Howrah.	Do.
80	Do.	Do.	89	Do.	Do.
63	Do.	Do.	78	Do.	Do.
5	Do.	Do.	211	..	Madras.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
8	Guntur.	Madras.	52	Gauhati.	Bengal.
4	Do.	Do.	90	Larkana.	Sindh.
41	..	Do.	238	Do.	Do.
21	..	Do.	32	Do.	Do.
222	Godavary.	Do.	812	Do.	Do.
34	Tanjore.	Do.	11	Benares.	United Provinces.
27	Do.	Do.	15	Do.	Do.
31	..	Do.	10	Do.	Do.
33	Howrah.	Bengal.	5	Do.	Do.
16	Calcutta.	Do.	10	Do.	Do.
23	Kidderpore.	Do.	127	..	..
4	Hooghly.	Do.	49	..	..
3	Do.	Do.	52	..	..
23	Do.	Do.	62	..	..
86	Howrah.	Do.			
183	Patna.	Bihar & Orissa			
325	Gauhati.	Bengal.	10,928		

THE UNTOUCHABILITY ABOLITION BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under Standing Order 78, I have to report that 79 petitions, as per statement laid on the table, have been received, relating to the Bill to provide for the abolition of untouchability among the Hindus, which was introduced in the Legislative Assembly on the 24th March, 1933, by Rao Bahadur M. C. Rajah.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
425	..	Bengal.	93	Burdwan.	Bengal.
263	..	Do.	82	Do.	Do.
41	Howrah.	Do.	88	Do.	Do.
43	..	Do.	101	Midnapore.	Do.
42	..	Do.	11	Howrah.	Do.
48	..	Do.	37	Burdwan.	Do.
16	Howrah.	Do.	93	Do.	Do.
24	Do.	Do.	71	Howrah.	Do.
3	Kidderpur.	Do.	94	Do.	Do.
3	Hooghly.	Do.	14	Barrackpur.	Do.
23	Do.	Do.	95	Burdwan.	Do.
86	Howrah.	Do.	90	Do.	Do.
89	Burdwan.	Do.	94	Midnapore.	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
95	Midnapore.	Bengal.	72	Howrah.	Bengal.
95	Do.	Do.	29	Hooghly.	Do.
94	Do.	Do.	80	Do.	Do.
49	Do.	Do.	64	Howrah.	Do.
90	Burdwan.	Do.	5	Do.	Do.
90	Do.	Do.	4,128	..	Do.
91	Do.	Do.	73	..	Do.
21	Do.	Do.	102	..	Do.
94	Howrah.	Do.	52	..	Do.
90	Do.	Do.	57	..	Do.
41	..	Do.	49	..	Do.
56	Burdwan.	Do.	47	..	Do.
75	Howrah	Do.	58	..	Do.
90	Do.	Do.	56	..	Do.
2	Do.	Do.	27	..	Do.
21	Hooghly.	Do.	11	Rangpur.	Do.
89	Calcutta.	Do.	51	..	Do.
91	Do.	Do.	16	..	Do.
88	Do.	Do.	47	..	Do.
13	Howrah.	Do.	12	..	Do.
11	Do.	Do.	47	Noakhali.	Do.
90	Do.	Do.	52	Tippera.	Do.
88	Midnapore.	Do.	44	Noakhali.	Do.
89	Burdwan.	Do.	35	Do.	Do.
33	Howrah.	Do.	9	Do.	Do.
77	Do.	Do.			
90	Do.	Do.			
92	Do.	Do.	9,237		

RESOLUTION RE CONSTITUTION OF MALABAR INTO A SEPARATE PROVINCE.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the following motion moved by Mr. C. S. Ranga Iyer on the 6th April, 1934 :

"That this Assembly recommends to the Governor General in Council that steps be taken to constitute Malabar (Kerala) (Madras Presidency) as a separate Province together with neighbouring Malayalam-speaking areas."

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam : Non-Muham-
madan Rural) : Sir, I rise to support the principle underlying this Resolution, namely, the need for redistribution of areas on a linguistic basis. As an Andhra, the principle appeals to me very much, because for nearly two decades the Andhra people have put strong faith in this principle. Long before the Utkals dreamed of an Oriya Province, long before the Sindhis realised the benefits of separation, the Andhra districts

demanding that the provincial boundaries should be readjusted with a view to ensuring linguistic and racial and cultural affinities. That being so, I am only doing my duty in supporting the principle underlying this Resolution. The principle is not only confined to any particular section like the Andhras, but it has been a demand from the whole country that the provincial areas should be redistributed. The Government did recognise that the existing Provinces are not based on any particular principle, that they are more a result of historical accident, and that the redistribution of areas could be made provided certain conditions are fulfilled. The Statutory Commission observed as follows on this question :

"There is a considerable body of opinion in India which calls for some readjustment of boundaries and redistribution of areas, and we entirely share the views of those who think that the present arrangement is not altogether satisfactory. The existing provincial boundaries in more than one case embrace areas and peoples of no natural affinity and sometimes separate those who might under a different scheme be more naturally united."

Further on, they say :

"If those who speak the same language form a compact and self-contained area, so situated and endowed as to be able to support its existence as a separate province, there is no doubt that the use of a common speech is a strong and natural basis for provincial individuality."

Further down, they make these important observations at page 26 of their report :

"As long as the Government of India was entirely centralized, and both the administration and the finance of any area were provided and directed from the Centre, the line taken by a provincial boundary was of less importance. But now that the provinces have a real political existence of their own, the situation is changing, and if, as we hope, the time is coming when each province will not only have its own provincial Government and its own provincial resources, but will form a unit in a federated whole, it is extremely important that the adjustment of provincial boundaries and the creation of proper provincial areas should take place before the new process has gone too far. Once the mould has set, any mal-distribution will be still more difficult to correct. We therefore propose and we regard it as a matter of urgent importance, that the Government of India should set up a Boundaries Commission with a neutral Chairman, which would investigate the main cases in which provincial readjustment seems called for, and should endeavour to work out schemes with a view to seeing how far agreement is possible."

As has been pointed out by the Royal Commission, for the very success of the Federation which is now in sight, it is necessary that the various units composing it should, as far as possible, be natural units. It is no longer a matter of simple faith nor a sound principle to be thought of, but a matter of urgent necessity in order to promote rapidly the process of evolution of really natural units into a harmonious group of Federation. It is not born out of any narrow-minded provincialism as some people would like to call it, but, Sir, it is born in the desire to create really natural units for building a sound federal scheme. Sir, having said, and having also referred to the weighty words....

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Will the Honourable Member kindly speak up ? We can't hear him.

Mr. B. Sitaramaraju : Having said that, and having also referred to the weighty words of the Simon Commission on this subject, I would like to point out that the linguistic and racial considerations, however primary they may be, there are also other considerations to be taken into account, namely, the economic and the administrative factors. They are

[Mr. B. Sitaramaraju.]

also of as much importance in the consideration of this problem as the other two. Sir, with my limited knowledge of Malabar, I have tried to picture to myself whether these tests could be applied to Malabar. Sir, it would satisfy the linguistic considerations; it would satisfy the racial considerations, and when the test made whether it has got a due share of country and town and coast line and interior, I submit that Malabar would satisfy those requirements also, though I am not so hopeful as my friend whether economically it would be paying its way. My friend, Mr. Ranga Iyer, the other day said that economically it will be able to support itself. He said that he will cut his coat according to his cloth. It really does not rest with him or with us to reduce the cost of administration, but it rests with the Government of India and His Majesty's Government. They prescribe certain standards of administration and services which must be paid in a certain scale. If it rested with us, we could make our administration cheaper, but it is the Government which prescribe the pattern and the length and breadth of that coat. Such being the case, I am not so sure about its ability to pay itself. If it does, as my friend says it does, then I for one would certainly welcome the day when it shall be a separate Province. Sir, the All-Parties Conference in 1928 observed as follows:

"Partly geographically, partly economic but mainly the consideration must necessarily be the wishes of the people and the linguistic unity of the area concerned. We are of opinion that ordinarily a province should be self-sufficient in regard to finances and must not look to Central Government for doles."

Sir, I do not attach much importance so far as the Province of Malabar is concerned with regard to the wishes of its people, because Honourable Members are aware of the fact that the Tamils wanted to have a separate Province of their own, and a Resolution to that effect was moved in the Council of State by Sir Sankaran Nair; similarly, the Andhras wanted to have a separate Province of their own and moved Resolutions in the Madras Council and the Council of State, while the Karnataks wanted a separate Province of their own. Now, if all these races have their own separate Provinces, what would be left in the Madras Presidency would be only Malabar itself, whether Malabarese would like to have a separate Province of their own or not, Malabar would be a separate Province.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): May I inform my Honourable friend that every Taluq Board in Malabar has passed a resolution, as I shall show, supporting my plea for separation of Malabar.

Mr. B. Sitaramaraju: I am glad to hear that, Sir. I have referred to the All-Parties Conference of 1928 welcoming linguistic Provinces which can be self-supporting. The Central Government should not be asked to pay any doles to any Provinces. Further, Sir, in 1931, the Council of the All-India Moslem League resolved:

"The Council is of opinion that the question of re-organization of Provinces should be taken up as a whole and not piecemeal."

Again, Sir, the Sub-Committee, which was constituted under the Simon Commission, observed that their decision to create the Utkal Province involved the larger question of the sub-division of existing Provinces, and that the creation of the Sind and Utkal Provinces are part and parcel of a larger scheme of re-distribution of provincial areas. We demand that the

scheme should be carried, and that the Boundary Commission, which was pointed out as one of urgent necessity, should also be constituted as early as possible. However, Sir, I cannot overlook the fact that subsequent developments did not give us much confidence in the matter. The Second Round Table Conference, after considering the question of Sind and Utkal, have said that the further re-distribution of Provinces should be left to be considered only by way of amendment to the new Constitution. That means to say that for the present the question is shelved and the constitution of a Boundary Commission is passed over. Sir, when the Secretary of State, giving his evidence before the Joint Parliamentary Committee, was asked as to what he proposed to do with regard to the question of the constitution of a Boundary Commission, the Honourable gentleman said "Boundary Commission for what?" Sir, he was pointed out that it was the Boundary Commission which was recommended by the Statutory Commission to be constituted for the re-distribution of provincial areas, and this was his reply:

"The Simon Commission recommended the setting up of a Boundaries Commission (they say it is an urgent matter) to investigate the main cases in which provincial readjustments might be called for. I would very much hope that we should not have a Boundaries Commission. I would not like to pre-judge the decision at all now, but I do not want these constitutional questions to get confused in a maze of disputes about frontier delimitations. We have dealt with the two most urgent questions of provincial redistribution by dealing with Sind and Orissa, and I very much hope that we are not going to get into an endless dispute about the boundaries of every other Province in India."

The Secretary of State having thus thrown cold water upon the whole, as though it is a matter in which he could not possibly take any action or encourage the idea, I venture to submit that the view taken by His Majesty's Government on this matter is not just and proper. The very success of the Federation depends upon the units of the Federation being homogeneous and capable of having individuality of their own. Unless they feel conscious that they are one, it will not be possible for a real Federation of natural units. Therefore, Sir, I submit that on the question of re-distribution of Provinces and of constituting a Boundaries Commission, the Government of India should convey to His Majesty's Government the desire of the people of this country that the question of the re-distribution of provincial areas should be taken up and not postponed. Sir, with these words, I would like to resume my seat.

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): Sir, in view of the statement made by the Honourable the Mover of this Resolution to the effect that he has got the fullest support for his proposition from almost all the District Boards and Taluq Boards and Municipalities,—and we all know how these District Boards and Municipalities are run, how their finances are bad,—I would like to read a letter which I have received from a very responsible body, and it is my duty as a Member representing the Indian Commerce Constituency of the Madras Presidency to read that letter for the information of the House. This is a letter from the Malabar Chamber of Commerce.....

Mr. C. S. Ranga Iyer: Run by Chetties?

Mr. Vidya Sagar Pandya: Malabar Chetties or outside Chetties?

Mr. C. S. Ranga Iyer: Outside Chetties having settled down in Malabar.

[Mr. B. Das.]

to see the Province of Kerala made into a separate Province, because it is the one area in the whole of the universe where the women have the right of ownership of property and enjoy rights and privileges that women nowhere else in the world enjoy.

An Honourable Member : With a right of divorce !

Mr. B. Das : Yes, not only the right of divorce, but a right to govern, to own property, and the right to displace their menfolk from property. Kerala arts, Kerala civilisation—they are well known in the ancient history of India. Kerala has contributed its arts and its music to the greatness of India, and today the people of Kerala are noted for their arts and culture. Nobody would deny them separate existence if they can justify such an existence, but of that little knowledge has been placed before the House by my Honourable friend, Mr. Ranga Iyer. Unfortunately, the Government of India's proposition of creating Federation and separating the princes from the people of British India is a barrier to the cherished hope of my Honourable friend, Mr. Ranga Iyer. If Cochin, Travancore and Malabar could be joined together, surely it would be a nice little Province and the people could go on developing their culture and art and find their self-expression, and probably they will be much more homogeneous than my own Province of Orissa ; but, unfortunately, under the system of Federation—I do not know when that Federation is coming—but with that anticipation of the Federation, there is no chance of States like Cochin and Travancore joining with Malabar, simply because they will have a unified culture. The people of Malabar have a tradition. They are a very ancient people. It is they that gave refuge to the Syrian Jews, and Malabar is the only place where we find villages that remind us of the Jewish homes of Palestine and Syria. My Honourable friend, Mr. Pandya, reminds me that the Britishers landed there first, and, I believe, they were received with the same courtesy and the same oriental hospitality as other refugees and other visitors were received with by the Zamorin of Malabar. There are other aspirants to new Provinces. There is my friend, Mr. Raju, who asks for an Andhra Province. I have every sympathy with my Honourable friend, Mr. Raju, because he belongs to an old civilisation, the old Telingana Empire which held sway during the 14th and 15th centuries from the Empire of Vijayanagar and the town of that name. That was the admiration of the European travellers. The people there talked Telugu. My friend, Mr. Raju, has a just claim to have a Province of his own, but they must go through the processes and the travails that have been laid down in the Government of India Act.

But, unfortunately, Sir, I find that the White Paper contains no clauses which lay down as to how, in the future Constitution of India, there should be re-distribution of Provinces or re-adjustment of boundaries as is provided under section 52A, of the present Government of India Act. I have read the reports of the Round Table Conferences. I find none of the members of these three Round Table Conferences did lay stress on that point, not even before the Joint Parliamentary Committee.

Mr. B. Sitaramaraju : In the Second Round Table Conference, under Article 42, I think they said that it could be done only by way of amendment to the Constitution.

Mr. B. Das : It could be done but it is not provided for.

Mr. B. Sitaramaraju : Amendments must be by an Act of Parliament.

Mr. B. Das : It is not provided in the White Paper. I was the sole, solitary representative of Orissa, nay of India, who was present at the time in London and who presented a memorandum before the Joint Parliamentary Committee that the Constitution Bill should provide for such an emergency. I had not the opportunity to give evidence before the Joint Parliamentary Committee. Had I given evidence, I would have laid stress on that issue, but I saw the high and the mighty of the India Office, and I told them that they should not ignore such contingencies, because there is prospect of new Provinces being created in future under the new Constitution.

I am grateful to my Honourable friend, Mr. Raju, for quoting that pregnant passage from the report of the Simon Commission. I have a grievance as an Oriya. I have got a Province, but I have not got all the boundaries that Orissa should contain. There are tracts that have been left out in the Central Provinces, in my Honourable friend's Province, Madras, and in Bengal, and also in Bihar, which are properly and purely Oriya-speaking tracts and which ought to be included in the Orissa Province.

Mr. B. Sitaramaraju : Question.

Mr. B. Das : You may question, but if you want to ensure the contentment of these people and ensure homogeneity,.....

Mr. B. Sitaramaraju : Await the Secretary of State's decision in the matter. You do not know the boundaries as yet.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House is not discussing the Orissa Boundary now.

Mr. B. Das : Sir, I was only pointing out that the new Provinces which are sought to be created should be homogeneous. As the point of re-distribution of boundaries under the new Constitution has been raised, I do hope, the Honourable the Home Member would look into the issue I have raised, that the White Paper does not provide anything that there should be re-distribution of boundaries or there should be creation of separate Provinces under the new Constitution Bill. If the draft new Constitution Bill does not provide for such an emergency, I hope that when my Honourable friend visits London in the near future, he will at least point out that deficiency.

Mr. B. Sitaramaraju : May I just point out that the White Paper Constitution proceeds upon the existing basis of the present provincial units and they said that any alteration of the provincial boundaries could only be done by way of amendment to the Constitution Act and the powers under the Government of India Act, which the Governor General possesses with regard to the distribution of areas, is not to be found in the new Constitution, because it was held that whatever changes may be made with regard to these boundaries of Provinces must be done by way of an Act of Parliament.

Mr. B. Das : But my contention is that the Act of Parliament, which will be the new Constitution Act, should provide for such an emergency. Otherwise, future agitators and propagandists like my Honourable friend, Mr. Raju, will be left in the lurch, and they will have no opportunity to agitate. As regards the subject matter of this Resolution, whether

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Malabar can be made a separate Province, although it is a welcome proposition, I have my doubts whether one small district can be made into a Province, but I would very much like to hear my Honourable friend, Mr. Thampan, and also the Home Member, to know whether such an eventuality can arise.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I may assure the House that I had absolutely no intention to intervene in this debate especially as I was not feeling well this morning. However, I must say that this Resolution of my friend, Mr. Ranga Iyer, is not really wanted. My reasons are quite plain. If I give a silent vote on this occasion, it might give rise to some misunderstanding that I am in favour of the separation of Sind. If this small Province is going to be separated, it is going to be an agony. Sind is in that agony from which she has not yet come out. Sind is even being coveted by a high personage as His Highness the Aga Khan who wishes to have a territory of his own. Sir, I submit that though the papers say that there is no truth in His Highness the Aga Khan gaining a territory here as a ruler, yet, when we have heard such rumours and when we remember the manner in which the question of Sind has been considered, there should be no surprise in seeing one day that he is made a ruler of one of the territories in India. Sir, I do not say that so far as Kerala is concerned, there is any such high personage like the Aga Khan who is insisting upon Kerala being separated. Therefore, there is no great danger of Kerala being separated; but I just want to say one thing that that is that, when I thought of this Kerala being separated, I put the question to myself—have I the facts before me about any demand about Kerala being separated? Well, Sir, I have none; but I am very glad to see today that several Members on this side have expressed themselves plainly and declared that the main question which is relevant is the same which applies to Sind also, namely, the financial difficulty. Sir, financial difficulty is a matter which can curb down all our rights, all our privileges and all our benefits when we wish to have a new Province. The question of Sind unfortunately is such that even though it has been so prominently found out by not only one, but by two Committees and other officials and by the Bombay Government itself that there are no spare finances, yet the threat is at least that Sind might be separated when the federal legislation and the Federal Government comes into operation. Sir, if that is so, if Sind is going to be separated, then I shall curse that day when that Federation comes into force.

Sir, the second point is that when you receive such Resolutions as this and when you comply with them, the difficulties of the Government are augmented. The Honourable the Finance Member is not here; otherwise he would have told you that he also has not got lots of money to give away subventions: and if Kerala is not going to be self-contained and it is not going to supply the finances that will go to make it a separate province, I submit it will operate as an unnecessary and unbearable burden upon the tax-payers of the whole of India. Why, I ask, should Bengal be called upon to pay, why should other Provinces similarly be called upon to pay just in order to get Sind or Kerala separated? Sir, that is the main point; take hold of it, and such Resolutions should be thrown into the waste paper basket. Sir, I have on the contrary now learnt facts which

have been made out showing that Kerala could not be separated, but further, on the ground of principle, I oppose the proposition very strongly. What is the principle underlying the Resolution, and what is the authority for it quoted by two of my Honourable friends on my right? They quoted for their principle the Simon Commission. Sir, there was a time when these same gentlemen had a hatred for the Simon Commission, and now they come forward and say that this is the opinion of the Simon Commission. Sir, I do not endorse the principle that is sought to be enunciated in this House that every Province should be separated on a linguistic basis. Sir, I am exceedingly opposed to such a dangerous principle. Sir, don't you see that when we want India to be united, our opponents want to make it disunited, and they seek to make as many different Provinces as possible, so that we may be so segregated that there should be no union but disintegration and questions like the Hindu-Muhammadan question, the Anglo-Indian question and such like should loom large and come into prominence, all tending to make for the disintegration of the very unity and solidarity of India.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Then abolish all the Provinces!

Mr. Lalchand Navalrai : I submit, Sir, that the principle is one which should not appeal to anybody. Sir, what is it that the Congress wants? Why is the Congress suffering so much? What for? What do the people want? The people want that there has been a great deal of disunion amongst us and that has been on account of several reasons,—but we want to unite the various sections. The Congress and the people have from early times been crying and crying that there ought to be only one language current for the whole of India. (*Dr. Ziauddin Ahmad* : “Hear, hear”.) Do you want that the multifarious languages should all remain permanently and perennially separating the nation, so that people may not understand one another and the language and interest, and get into chaos. Sir, I say it is not even in the interests of the Government to separate these Provinces on a linguistic basis. Sir, if you adopt the principle of separating provinces on a linguistic basis then you shall have to consider many more such Provinces. When I went to Madras, I found a language which was going to be universal for that Province, although their own indigenous languages were four or five—Malayalam, Telugu, Tamil, Canarese, Urdu, Oriya. But nonetheless English is going to be the uniform language in Madras. Even the rickshaw driver who took me spoke in English, and unhappily he told me that he was a matriculate, though, of course, I shuddered when I got into his rickshaw that I should be driven by a matriculate who has got so much respect in this part of the country. Go anywhere, Sir, in Madras, and they all speak English. But if you are to have this separation of Kerala on the ground of language, then you have to separate the other four parts of the Provinces also which have different languages. On the contrary, the attempt of all patriotic people, people who have any love for India and for unity, should be that there should be one and one language only for India, and I submit that Hindustani is already getting to be the *lingua franca* the common language of India (Hear, hear), though Hindustani is not known so much in two parts of India, namely, Madras and Bengal. On the Madras side, however, I found Muhammadans speaking Urdu. Of course Urdu and Hindustani are alike, and it was thus easy for the Madras Muhammadans to talk in Hindustani, though, so far as the

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other communities are concerned, I found they had different languages and they could not understand Hindustani.

Mr. Vidya Sagar Pandya : They are learning Hindi now.

Mr. Lalchand Navalrai : I am very glad my friend on my right says that they are learning Hindi. I pray for that day.

Mr. Vidya Sagar Pandya : Four lakhs of people have learnt and passed in Hindi.

Mr. Lalchand Navalrai : So I am correct in opposing this Resolution. Sir, I think the Mover of this Resolution will excuse me when I tell him that he was probably thinking of some journalistic venture when he proposed the question of Kerala's separation.

Mr. C. S. Ranga Iyer : If my Honourable friend will wait to know the truth, he will find that not only every district board, but every taluqa board in Malabar and every public-spirited Kerala gentleman wants separation.

Mr. Lalchand Navalrai : I have heard several such assertions.

Mr. C. S. Ranga Iyer : I am quite willing, when my turn comes, to place documentary evidence on the floor of this House.

Mr. Lalchand Navalrai : I am sure that will not move me an inch. Sir, these reasons are overwhelming, namely, as the Congressmen have all along insisted upon,—we have all remained for a long long time in segregation ; if we now want unification, then we must have one language in India, and, therefore, I say, Provinces should not be separated on the score of linguistic differences.

Mr. C. S. Ranga Iyer : Did we not, as Congressmen, take a large part in the Congress resolution which altered the Congress creed under which Malabar ought to be treated as a separate Province on linguistic grounds ?

Mr. Lalchand Navalrai : It is not a direct reply to me, and, therefore, I will proceed. Sir, what I submit is this that we must have the common welfare of India at heart. I would not even object if we have English as a common language of the whole of India. I have no objection to that at all, especially as our destinies are linked together with the English people. It is on that ground that the English education is advancing. It may be that if we are not careful to have Hindustani as our common language and try our very best to see that this is done, then one day in the near future we will find that we will not only be speaking in English but even thinking and dreaming in English. I, therefore, submit that I am strongly opposed to this Resolution. Sir, I am sure my points are such that they will at least appeal to the public outside and to many of the Honourable Members on this side of the House. Although my learned friend, the Mover of the Resolution, may persist in sticking to his opinion, I can assure the House that one day we will read a contribution from him in some paper to the effect that he has re-considered the question and that he is not for a separate Province on linguistic basis.

Sir, my grievance was about the separation of Sind, and that made me get up. I know that the moment I mention the Sind question, the

Muhammadan Members will attack and say : " Do not raise that question at all ". But I must say that Sind is not a Province which should be separated. It will be a grievous mistake to do so. I would make it clear to the Honourable the Muhammadan friends of mine in this House what they are really going to get if Sind is at all separated. The Barrage area is included in the area of Sind and practically the whole of it is going to be a reserved subject in the hands of the Government. Then comes the question of law and order. A strong case has already been made out, not only before the Round Tablers, but also before the Joint Parliamentary Committee that Sind is full of atrocities, dacoities and abductions.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should now bring his remarks to a close.

Mr. Lalchand Navalrai : I am going to finish, Sir. Therefore, without saying much on this point, I would only submit that on principle I am absolutely against this Resolution, and I hope the House will realise all these points. Let Sind remain apart, but this is a principle which we should not endorse.

Mr. C. S. Ranga Iyer : You do not want the separation of Sind ?

Mr. Lalchand Navalrai : You have not understood me up to this time at all. I never wanted Sind to be separated, and I am a strong advocate of no separation of any Province. With these reasons, and without taking any more time of the House, I oppose this Resolution.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, the question involved in this Resolution is really a very important one, namely, the re-distribution of the Provinces in India, and I think that the success of the Federal Constitution in India, to a very large extent, depends upon this question. It is indeed very unfortunate that this question was not threshed out, as it ought to have been, before the Round Table Conferences or the Joint Parliamentary Committee, but I think that it is not yet too late to take it up and give it the consideration that it deserves.

The Provinces of India, as we know, were not constituted and formed on any logical or reasonable grounds. The fact was that the British came to India as traders, and not as conquerors ; but when the circumstances of the country led them to take possession of different territories under their administration, then, as soon as a portion of some territory came into their possession, they attached it to another portion already in their possession, without seeing whether there were any logical or reasonable grounds for adding or attaching it to a particular Province. In this way, we find that in India there is a heterogeneous collection of Provinces, and they have got no affinity with one another. One of these tracts of land, the Province of Malabar, was attached to the Presidency of Madras. Now, Sir, you know it very well, in fact, more than I do, that there is no affinity between the traditions, the culture, the language or anything else, between Madras proper and the people of Malabar. Therefore there is no reason why Malabar ought to have been attached to Madras.

Mr. K. P. Thampan : West Coast and Nilgiris : Non-Muhammadan Rural) : May I know what the Honourable Member means by " Madras proper " ?

Sir Muhammad Yakub : By " Madras proper " I mean Madras excluding Malabar.

Mr. Vidya Sagar Pandya : Does my Honourable friend know that Tamil and Malayalam are very much alike to each other ?

Sir Muhammad Yakub : Many languages are alike to each other. For instance, English and French are very much alike to each other, but it does not follow that English should be merged into French. Then, Sir, in the same way, we find that there is no affinity whatsoever, geographically, linguistically or culturally, between Sind and Bombay, and there was absolutely no reason why Sind should have been amalgamated or attached to Bombay. Sind and Hind are, in fact, two different portions of the country. Geographically, Sind is a part of Arabia, and, therefore, I say there was no reason why Sind should be attached to Bombay. The very idea of the Federation of Provinces means that there should be small Federal States having something in common between them. My friend, Mr. Lalchand Navalrai, has been talking about the Congress and the unity which the Congress wants. The Congress has all along been for the creation of a nation in India. Now, Sir, can anybody claim that the huge sub-continent of India ever be formed into one nation ? If you can form the whole of Europe into one nation, then certainly you can form the whole of India into one nation. But as they have divided Europe into different small countries, such as, France, Germany, Italy and others, most of which are even smaller than the Provinces in India, you can also divide India into several small units you may call them Provinces or States as you like, in such a way as to create a nationality in those Provinces. Then and then alone you can introduce and run the Federal system in India successfully, and then and then alone can the national ideal of Congress be realised.

Let us examine what is it that goes to form a nation ? The first and foremost thing which goes to form a nation is a common language. Then come the culture and the family traditions. What we want is that India should be divided into small States having a common language, common culture and common traditions. If you can achieve this object, then really you can form a Federation of States in India. My Honourable friend, Mr. Lalchand Navalrai, has referred to the separation of Sind. I think there was a time when the Congress, and members belonging to the community of my Honourable friend, Mr. Lalchand Navalrai, wanted the separation of Sind.

Mr. Lalchand Navalrai : Question.

Sir Muhammad Yakub : That question can be replied in the affirmative, and it can be proved by documentary evidence on record, but as soon as they found that the Mussalmans were in favour of separation of Sind, only from that very day they turned round and said that they did not want the separation. (Laughter.) There is, I understand, a distinct resolution of the Congress in which the separation of Sind from Bombay was demanded, and my Honourable friend, who talks in the name of the Congress, now says that he is opposed to the separation of Sind.

Mr. Lalchand Navalrai : The Honourable Member is not correct in saying that there is a resolution. No doubt there is a resolution with

great reservation and safeguards and others which were also tentative, and they all fell through.

Sir Muhammad Yakub : All resolutions are always tentative. As regards safeguards, we have never denied that the minority community in Sind should have adequate safeguards. In fact we have always been for safeguards, and Muslims have always extended the same safeguards to the minority communities which they want for themselves in Provinces in which they are in a minority.

Mr. Lalchand Navalrai : Poor consolation.

Sir Muhammad Yakub : Sir, it is very unfortunate indeed that the name of His Highness the Aga Khan was dragged in this debate by my Honourable friend, Mr. Lalchand Navalrai. If he adopts this attitude, he is widening the gulf of disunion between Hindus and Muslims in this country. (Hear hear.) Nothing has hurt the feelings of the Muslims throughout the country so much as that the name of His Highness the Aga Khan was introduced in this Assembly. On the basis of some rumours, for which there was no foundation, and on the basis of some information from official documents, which somehow or other, through the subversive agency of the Congress, has leaked out into the Press, this question has been brought to the notice of the public. Those who cry for union between the two communities must understand the effect of making allegations like these and wounding the feelings of Muslims.

Mr. B. Das : How can the Congress steal the secrets from Government offices ?

Sir Muhammad Yakub : They have got secret agency in all the offices of Government. I can make this assertion on the floor of the House, and I warn the Government to take very great care about the leakage of confidential news from their offices, through the subversive agency of the Congress.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : So it appears that the matter alleged is true.

Sir Muhammad Yakub : Well, Sir, my Honourable friend has also made another unfortunate reference to Hindustani. This is another contrivance which is now being made in order to destroy Urdu, which is the language in which the culture, the religion and traditions of Mussalmans are embodied today in India. It is another method to destroy Urdu and to bring Hindi, with Sanskrit in it.

Mr. Lalchand Navalrai : Excuse me, you are thoroughly wrong.

Sir Muhammad Yakub : I assert that this is bound to widen the gulf of disunity between the two communities in India. The other day a question was asked in the Assembly about some resolution which was passed in Delhi requesting the substitution of Hindi for Urdu in the Courts of Delhi. Without having any reference or any relevancy to the resolution, my Honourable friend has again introduced this question.

Mr. Lalchand Navalrai : Urdu and Hindustani are similar.

Sir Muhammad Yakub : They are quite different, and there is no affinity whatsoever between them. If Hindustani means anything, it is a combination of *bhasha* and Sanskrit, which the Mussalmans do not know and which it would be extremely difficult for them to learn. Therefore,

[Sir Muhammad Yakub.]

I say that it is very unfortunate that, in a simple Resolution about the separation of Malabar, all these points, which tend to create trouble between the two communities, have been brought in. As regards the desire of the people of Malabar to form a separate Province of their own, I would only quote some resolutions passed by the Moplahs of Malabar. I have got in my hand the proceedings of the Ernad Taluk Board passed at its meeting held at Manjeri on the 5th February, 1934. The resolution runs thus :

“ Resolution No. 6 : Read the following resolution by Member K. Mammad Moyan Kurikkal Sahib Bahadur :

“ Since Malabar has got an individuality of its own on account of its extensive area, dense population and peculiar language and culture, this Board resolves to request the Government of Madras to pass before the Joint Parliamentary Committee the claims of Malabar to be constituted as a separate Province when the Reforms are given effect to.”

This is signed by the President, Mr. V. Kunhi Moyi.

There is another resolution passed by the District Board of Malabar at its meeting held at Kottakkal on 16th October, 1933 :

“ Resolution No. 10. Moved by Mr. Abdur Rahiman Sahib Bahadur, District Board Member :

“ This Board considers it to be in the best interests of the people of the West Coast to have a separate Province to their own and requests the Government to take early steps to form such a separate Province and bring into working along with the reconstituted new provinces under the Reforms Scheme.”

Mr. K. P. Thampan : Is that all, only one Taluk Board and the District Board ?

Sir Muhammad Yakub : These will show that the people of Malabar are highly in favour of the separation of Malabar. As I have said in the very beginning, this is a very important question, and if the Government want that the Federal Constitution should work successfully, they should consider the whole question of the re-distribution of Provinces on linguistic and cultural basis before the new Constitution is fully in working order. With these remarks, I heartily support the Resolution.

Mr. K. P. Thampan : Sir, before I came to the House this morning, my idea was to request you to adjourn this motion, because I felt unequal to the task of making a speech having been in the train for the last four or five days. I arrived here only this morning and came into the House straight without taking my food and I found that the discussion has been proceeding and has gone too far to make a request for adjourning the debate. I must, therefore, content myself with what I can do under the circumstances.

Sir, I had the pleasure of carefully listening to the speech of my Honourable friend, Mr. Ranga Iyer, when he moved this Resolution on 6th April last. I had also the benefit of reading in cold print the full report of the debate as published in the proceedings of the Assembly. Having read it, I find that Mr. Ranga Iyer's speech contains more of abuse and vilification of the party to which I have the honour to belong and of myself than anything about the merits of the question. Sir, I would be very sorry to assume the role of a bad lawyer who abuses his adversary, finding that he has a very weak case. That is precisely what Mr. Ranga Iyer

has done, but I must in duty bound to myself and to my constituents offer certain explanations by way of answering the charges and allegations made against me. Before I deal with the merits of the question, I will deal with that aspect of the case, and I crave your indulgence for a short while. Mr. Ranga Iyer says that the representative of Malabar has :

“ Disappointed his own constituents in Malabar and judging from a newspaper article in the *Matrabhumi*, a very cautious newspaper, it appears that Malabar is not represented in this House as it ought to be represented.”

Sir, I would not care a tuppence for an opinion like that from Mr. Ranga Iyer. The proper persons to come forward with such expression of opinions are my constituents. If anybody in Malabar,—never mind who he is,—holds a public meeting and passes a resolution condemning my attitude in this Assembly, it is my duty to answer it, but not the vilifying attack of an Honourable Member who ought to know his duty better. Sir, he refers to the newspaper *Matrabhumi*. The *Matrabhumi* is a Congress paper and the Congress, as all people know, is for a separate Province. If the people for whom the *Matrabhumi* speaks are the people of Malabar, then I do not represent them here, I do not represent the Congress and I do not think the Congress has got a majority in my district. Sir, Mr. Ranga Iyer says that I uttered a falsehood in saying that nobody wanted the separation of Kerala. Sir, I did not mean literally what I said. I knew Mr. Ranga Iyer wants it, I knew Mr. Palat wants it, and I knew a handful of his followers want it ; but they are such a microscopic minority in the district that one can safely say that nobody wants it. It is in that sense that I used these words. And if what I said is a falsehood, Mr. Ranga Iyer's statement that people of Malabar want separation is certainly a malicious falsehood.

Then, Sir, there are one or two attacks that are more or less personal. He compares me to Mr. Palat who is no doubt a very respectable gentleman and a friend of mine ; he says that Mr. Palat occupies a position that I have yet to occupy and that, during my political career, I have failed to occupy that position,—i.e., the Chairmanship of the District Board. Well, Sir, if Sir Charles Innes, whom everybody in the House knows, and who was our Collector, were here, he could tell Mr. Ranga Iyer that if I cared to be President of a Taluk Board or the District Board, it was not very difficult for me to get it. And it would not be a travesty of truth to say that, after the advent of the present Constitution, when a vacancy occurred in the Presidentship of the Malabar District Board, the then Minister, my revered friend, the Raja of Panagal, made himself sure, before he nominated one, that I did not care to have it. Frankly, I have not got those qualities which go to make a District Board President. I confess I am not made for that kind of work, and I have no ambition in that way.

Sir, one other aspersion that he made is that I wanted to exploit the position of the Muslims of Malabar. I am sorry, my friend, Mr. Uppi Saheb, is not here, but if he were here, he would have told the House what my views on such matters and what my relations with the Muslims are, how kind and cordial they are to me as I am to them. If he had made a statement that the Muslims of Malabar were not having their due share, I should have respectfully heard it, but it is not for a gentleman like Mr. Ranga Iyer to take up the cause of the Muslims. I might have failed in my duty, but why should he cast aspersions on my friend, Mr. Uppi

[Mr. K. P. Thampan.].

Sahab, also, for whom it was open to agitate for the due share of the Muslims, both here as well as in the Local Council where he was a distinguished Member? Sir, the Muslims, the Moplahs of Malabar, have not yet begun to take to English education and are not well represented in the public services. They are quite well off in other walks of life. As merchants, they hold a unique position in the district, as agriculturists they are second to none, and there are a very large number of landholders amongst them, people who pay more than Rs. 3,000 as revenue and are eligible to vote in the landholders' constituency. In my election campaign to represent the landholders in the Madras Legislative Council, I came across many of them, and I know the enormous influence which they wield in their place. They are after all not a very unimportant community, and judging from the number of Moplahs who are already in the service, the proportion of unemployment among the educated Moplahs is not so great as it is among the other communities in Malabar.

This is all, Sir, by way of preface. I now come to the merits of the question. In the first place, I maintain that this is not the place to discuss this question. The Joint Select Committee in 1919 said that if a Local Legislative Council by a majority passes a Resolution to separate a portion of its Province and constitute a different one, then the Government must appoint a committee to investigate and report on the question before taking any action. And section 52A of the Government of India Act says that the Government of India must satisfy themselves by consulting the Local Government and the Local Legislative Council before doing anything. Sir, this question was by way of an amendment to another Resolution fully discussed and turned down in the Madras Legislative Council, and it is curious to find that only two out of the six representatives from Malabar supported it. The Madras Government also opposed it. If the people of Malabar had a grievance on this subject, it was up to the representatives of Malabar to take it up in the Local Council.

Sir, I must apologise to the House for making a digression and going back to answer another aspersion of my Honourable friend which I left out. Mr. Ranga Iyer says here that Members of the Democratic Party

"run with the hare and hunt with the hound ignoring their duties and responsibilities to their own constituents."

Sir, hunting with the hound and running with the hare is a very happy phrase. The House knows very well who all are flirting with the Congress on the one hand and flirting with our friends on the Government benches on the other; who all are moving Resolutions such as the release of Mahatma Gandhi, the abolition of untouchability and the disabilities as regards entry into temples to placate the Congress, and, at the same time, are voting with Government in regard to the Press Law and other repressive measures and angling for preferances such as nominations to go to England as members of Railway Board and Reserve Bank Committees. Sir, I have been in this House for four years, and sitting in that Chair you must have seen how many times I have gone into the Government Lobbies; except once, namely, in the matter of tariff duty on hosiery, in which many of my constituents are interested, I have not voted with the Government. I am a Member of the Opposition, and it is my duty to be in my place and oppose the Government.

Who are hunting with the hounds and running with the hare is very plain and obvious to the House and people outside. To come back to the subject, Mr. Ranga Iyer urged, as one of the main reasons for separation, that Malabar has got its own greatness and genius, and he wanted the people of Malabar to keep up that genius. It is, indeed, a noble endeavour. My friend very well knew that the one instance, the *marumakkathayam* system, which he quoted, was proposed to be uprooted in the district by means of a legislative measure: his very friend, Mr. Palat, was the sponsor of that measure in the Madras Legislative Council. Did he do anything then? Where did his magnanimity go? Did he discuss the matter with his friend, Mr. Palat, or any other, and persuade them not to destroy it, but to keep that characteristic genius or greatness of Malabar to itself? The only instance of that great genius he quoted was the *marumakkathayam* system and that was completely abolished by that measure. There is, now, absolutely no difference between the law of inheritance and marriage in Malabar and that of other districts in Madras. He did not move a single finger then to agitate against that measure. If he was sincere in his declarations, it was up to him to carry on a propaganda with a view to keeping that genius; but, now, after the law was passed and the system was totally abolished, very generously he says "Why not keep it?" He wants the people of Malabar to keep their genius. Keep what? Surely there ought to be a limit even for Mr. Ranga Iyer. One could fool a few people for all time; one could also fool all people for some time; but one cannot fool all people for all time. This is just what Mr. Ranga Iyer vainly attempts to do.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member has just got two minutes more.

Mr. K. P. Thampan: I have not touched the fringe of the question and have a good lot more to say.....

Mr. President (The Honourable Sir Shanmukham Chetty): He must finish in two minutes.

Mr. K. P. Thampan: Sir, we in Malabar do not want separation. We are well off as we are. When the Andhras, Tamilians separate or when Cochin and Travancore will consent to join us to form a Province, the time may come. The present move is a mischievous one and will end in ruin. The District Board or the Taluk Boards do not count. I will wind up by reading two or three letters from among many which I have received from leading and representative gentlemen to whom I wrote for an expression of their opinion on this subject. Sir M. Krishnan Nair, one of the foremost men of my district, writes:

"Dear Thampan, with reference to your letter requesting me to state my views about the desirability or otherwise of constituting a Kerala Province, I have to state that in my opinion the formation of a Kerala Province will be against the interests of the people of Malabar. If it were possible to include the whole of the Malayalam speaking country consisting of the Indian States of Travancore and Cochin, the British District of Malabar and the Kasergode Taluk of the S. Kanara District in a Kerala Province, it might be desirable to have a Kerala Province. But you know as well as I do that it will not be possible to include the tracts referred to above in a single province. I have no objection to your making use of this letter in any way you like."

[Mr. K. P. Thampan.]

Another gentleman, Mr. K. P. Raman Menon, the uncle of Mr. Palat, who has a very good record of public career, writes—this was long before the Resolution was moved :

“ Your letter of the 24th *re* Kerala Province could be read by me only on the 2nd March when I returned from Madras. My views are decidedly against the separation of Kerala from the present Madras province. Most of my reasons have been stated by me in the debate on a similar resolution moved in the Madras Legislative Council and negatived there, I believe last November or so, to which please refer. Over and above those reasons I may mention one or two more. What are you going to do with Travancore and Cochin? If those Rajahs are to be pensioned off and all Malayalam speaking people are brought together as one Province there is some semblance of common sense behind it. Again how can a small province like this sustain the financial burdens that would arise from the top heavy machinery of a Governor, ministers, secretaries, etc. As far as I can gather from the trend of the discussion people who advocate separation can be classed under two heads (1) those suffering from what I call pseudo-patriotism who want their language, their culture, etc., to predominate, (2) those who think that in a sphere more restricted than the Madras Presidency they could make themselves masters either honestly or dishonestly. A smaller legislative council can be better managed than a larger one either by corruption or by honest endeavour and hence the craving to separate, because men of this persuasion are in too great a hurry to thrust themselves into the lime light.”

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's time is up.

Mr. K. P. Thampan : I have got letters condemning this proposal from all classes and creeds of people, merchants, landlords, Government servants—people in all walks of life and Brahmins, Tiegys, Nairs, and Rajas representing all communities.

The financial aspect of the question has also to be considered. The Government of Madras was good enough to supply me with certain relevant figures and I can show.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot embark upon a new topic just now.

Mr. K. P. Thampan : I oppose the motion and request the House to vote with me.

Bhai Parma Nand (Ambala Division : Non-Muhammadian) : Sir, in one respect I appreciate that I cannot say much on the particular subject of the separation of Malabar from Madras. But as this subject has another aspect and that aspect has involved in it the interests of the country as a whole, I would like to make a few remarks on it. The main argument that Mr. Ranga Iyer has given to us, is the linguistic reason. If we take the linguistic reason as a main ground for the separation of a Province, then I think there will be so many different Provinces in this country that it would become very difficult to make arrangements for the separation of each. If Malabar is to be separated from Madras, then the question which Andhra people would ask is, “ Why should not Andhra be made a separate Province ?”

An Honourable Member : They have already done so.

Bhai Parma Nand : I quite agree with Sir Muhammad Yakub in his view that the division of the country into separate Provinces was not made by any particular design. It was done gradually as the British East India Company went on conquering one part after another in India. Taking that as a reason for re-distribution of Provinces of

India, I think the best form of the Resolution ought to be that some Royal Commission should be appointed which should take up the question of re-distribution of India into various Provinces. I would agree and support this form of Resolution. I cannot understand that if the present division into Provinces is not satisfactory, how the demand to separate one portion now and again another, would be a satisfactory solution for it. The real remedy for this difficulty is to take the country as a whole and then try and find out a proper way of distributing it into various Provinces.

Take the case of Sind. It was only the Muslim majority of that Province who have made it one of their demands. Sir Muhammad Yakub said that before the year 1925 the Hindus of that Province were agreeable to the separation of Sind. Sir, I have also studied this question of the separation of Sind, and what I find from the statement of the Hindu leaders, is that they never wanted the separation of Sind from Bombay ; what they wanted was to have the judiciary separated from the Bombay Presidency. When the Hindus wanted this, the Mussalmans of Sind were not agreeable to the proposition. It was in 1925 or 1926 that the demand for separation of Sind on behalf of the All-India Muslim League was made, and then the Mussalman community of Sind was set up to make this demand for the separation of Sind for themselves. The demand was altogether given a new shape by the All-India Muslim League by making it an All-India question.

In the same way, Sir, as this demand was made by the Mussalmans of Sind or by the All-India Muslim League, I think some people, who call themselves as belonging to the Delhi Province or Delhi *plus* Ambala Division, which I have the honour to represent here, have also been making a similar demand for a long time, for separating them from the Punjab. Their reasons are also quite clear and cogent enough, because Ambala was never a part of the Punjab proper. The people of Ambala, Rohtak, Hissar and other neighbouring Districts were altogether different from the people of the Punjab until the British conquered the Punjab from the Sikhs. Their traditions, their history, their language and their customs are altogether different even today from the people of the Punjab, and, therefore, the demand of the people of Delhi *plus* Ambala Division was that they should be separated from the Province of the Punjab. I personally agree with that view. The people of Ambala sent their representations to the Parliamentary Committee and also passed resolutions at several of their Conferences. Sir, if the demand for the separation of Provinces on a linguistic basis is acceded to, if Honourable Members, one after another, bring out Resolutions to separate Provinces, it will be no real remedy for the troubles we are facing today in the country. Therefore, what I say is, if a real remedy is to be sought for our troubles, the Resolution should take some such a form that a Commission should be appointed for considering the whole question.

Now, Sir, before I sit down, I just want to say a few words with regard to certain remarks that fell from my friend, Sir Muhammad Yakub. Some of his remarks were so flagrantly wrong that I do not think that they should go unchallenged. My friend, Sir Muhammad Yakub, said that Sind was a part of Arabia, and, therefore, the people.....

Sir Muhammad Yakub : I said that geographically it is a part of Arabia. I never said it was a part of Arabia.

Bhai Parma Nand : Yes, that is what my friend said, that geographically Sind was a part of Arabia. Referring to the name of Sind, he also said that Sind was different from Hind, and, therefore, Sind was a different country making it geographically or in other ways a part of Arabia,—it may not be so politically,—I do not think my friend was serious in making such a statement. I am afraid my friend is making a serious mistake in saying that Sind was a part of Arabia.....

Sir Muhammad Yakub : It is not a mistake, but it is a fact.

Bhai Parma Nand : The word Sind is derived from the river Sindhu or Indus. *Sindhu* in Sanskrit means river, and it is from this word "Indus" that the name of the country "Hindustan" is derived; but my friend, Sir Muhammad has been telling us quite a different story. In fact, Sind is the Province which has kept up really the original name of the whole country, i.e., Hindustan and its people.

Mr. Lalchand Navalrai : As Punjab is derived from the five rivers.

Bhai Parma Nand : Then, again, my friend, Sir Muhammad Yakub, also said something about the Hindustani language. I beg to differ from him entirely. Hindustani is the word used for the spoken language, and it includes Urdu just as well as Hindi. It was a mistake to suppose that Hindustani meant only Hindi. Of course, my friend's prejudice against Hindi impelled him to make certain remarks and he went so far as to say that Hindustani should not be the language of India, and that if any one would repeat it, he would be throwing Hindu-Muslim unity to winds. Sir, spoken Hindustani is the common language spoken by the major portion of the people of India. Of course, my friend may not agree that Hindi should be the common language of India, but Hindi is altogether different from the Hindustani that is spoken. Hindi is written in Sanskrit characters, while Hindustani can be written either in Urdu or Hindi. Hindustani is being used by the people of the South and it is being popularised more and more to serve as a medium of communication between the North and the South.

Then, my friend, Sir Muhammad Yakub, also said that India was just like European countries. My Honourable friend was a member of the Round Table Conference. He has been favouring Federation in India. I do not think, Sir, that being a member of the Round Table Conference and holding such a responsible position as he does, he should indulge in such remarks that India should be considered like Europe and should have separate Governments just as Italy and France have got different forms of Government.

Sir Muhammad Yakub : There was nothing irresponsible in the remarks which I made when I said that India was as big as the whole of Europe minus Russia, and that some of the Provinces of India were greater than the countries of Europe. I was perfectly right in saying that you cannot have one standard for a sub-continent or one language for the whole of a sub-continent.

Bhai Parma Nand : That is what I said, that for a gentleman, who was a member of the Round Table Conference and who has been supporting the Federal Government scheme, it was foolish to suggest that India should have separate governments.....

Sir Muhammad Yakub : You have entirely misunderstood what I said.

Bhai Parma Nand : That is all what I have to say to Sir Muhammad Yakub.

Therefore, I would say that, although I am no authority on Malabar, the proposed Resolution is no remedy, that is to say, that the Andhra people should have a separate Province, or the Sind people should have a Province for themselves, or that the Ambala people should also have a separate Province, but the real remedy is that Government should set up a Royal Commission to settle the question once and for all, whether the Provinces should be separated and distributed on a linguistic basis or on some other lines.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I think the question of separation of Provinces should be left to the people of each Province to decide for themselves. Sir, I am not an authority to speak for Malabar, and I am not in a position to say what is the difference between the two cultures of the Malayalam or Kanarese speaking people. I know that Malabar had for a long time past had a civilization of its own. I find, though only through history, that Malabar had nothing in common with the rest of the Madras Presidency. If the people of Malabar unanimously demand that they should be separated from the rest of the Madras Presidency, I will whole-heartedly support their demand. But if I find that they do not wish to be separated, either on account of political reasons, or on account of administrative difficulties, or on some other grounds, I will be the last person to lend my support to the Resolution on the flimsy ground of sentiment and linguistic affinity. I leave this matter entirely to the people who come from Madras and who only can authoritatively speak on the subject. I can only speak on the principle. The principle is that if the civilization of a people is different from the rest of the people of the Province and if they can be easily separated, then they should be separated, and if the separated province can work in harmony for the settlement of its affairs and its administration, then I think the Government must see their way to give effect to the demands of the people.

I have got no controversy with my Honourable friend, Bhai Parma Nand, when he says that the Ambala Division may be separated from the rest of the Punjab. I know that the Ambala Division is quite different from the rest of the Punjab. People living on this side of the Sutlej have not got very much in common with the people living on the western side of the Sutlej. But I do not see eye to eye with my Honourable friend, Mr. Lalchand Navalrai, when he says that Sind is a part of India. If my Honourable friend will only read the one and the only history which had been written before the Muslims came, namely, *Chao Nama*, he would find that Sind never formed part of India. Sind was always considered to be a different country from the rest of India. The words "Sind" and "Hind" show that they are two different things. If my Honourable friend has not made up his mind but is open to conviction, the recent excavations in Harappa and Mohenjo-Daro will show that the civilization of Sind was quite different from the civilization of India. (Interruption.) My Honourable friend says that Sind did not form part of the countries to the west of it. That is only sentiment, but historically, it can be proved that the civilization which existed up to the banks of the Indus extended, not only as far as Babylon, but right upto Egypt.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair must now intervene and ask Honourable Members to confine themselves to the Kerala Province.

Mr. Muhammad Yamin Khan : I am only replying to what my Honourable friend had been saying and challenging when he remarked that Hind and Sind have got the same civilization. I say, no. They are different. (Interruption by Bhai Parma Nand.) My Honourable friend is excited, but the history is different.

(At this stage, Mr. Lalchand Navalrai rose in his seat, and there were also other interruptions.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Mr. Muhammad Yamin Khan : Therefore, if the people of Sind want separation, I do not see what business we have got in this House to say that they should not be separated.

Mr. Lalchand Navalrai : I rise to a point of order, Sir. Your ruling was that Kerala should be talked about.

Mr. President (The Honourable Sir Shanmukham Chetty) : It is the Honourable Member himself who first violated that. (Laughter.)

Mr. Muhammad Yamin Khan : My Honourable friend comes into this House to challenge a thing with which we are not concerned ; that question has been settled somewhere else, and it is a pity that that question was brought in here in a round about manner. I say that my Honourable friend has no right to re-open that question in this House or to ask for our opinion. That is left to the Sind people of whom Mr. Lalchand Navalrai is one. There are others also in Sind whose voice we have to consider, and if their voice is that Sind should be separated, that will have to be separated, and the voice of this House can have no effect on that point.

Bhai Parma Nand : He is the representative of the Hindus.

Mr. Muhammad Yamin Khan : He may be representative of the Hindus, but there are other people who are representatives of other communities.

Mr. Lalchand Navalrai : None in this House except myself.

Mr. Muhammad Yamin Khan : I will put a pertinent question to my Honourable friend, Mr. Lalchand Navalrai, and if he answers that, I will be the first person to concede him whatever he wants.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. It appears that a passing reference to Sind which the Chair permitted in the case of one Honourable Member has given an entirely new turn to the debate. The Chair does not want unnecessarily to intervene ; but, in the case of future speakers, the Chair must ask them strictly to confine themselves to the Kerala Province.

Mr. Muhammad Yamin Khan : I will only say, let my Honourable friend say what he wants to have in Sind, and I am ready to give him that. That is not only my personal opinion, but also of many other Muslims—namely, whatever rights he wants let him mention and we shall concede. If he does not want to ask, then it is his look out. The mere adoption of this Resolution will have no effect on the decision of the Government, because, this House, as it is composed, has got no authority, has got no right to speak for the people who are living in different Provinces. But I will tell the Government that if they find a real and genuine desire on the part

of people, who are going to be affected, there should be separation, they should do something in the way of accepting their demands. With these words, I support the Resolution.

Maulvi Sayyid Murtuza Sahib Bahadur (South Madras : Muhammadan) : But for the absence of Mr. Uppi, who is the only Muslim representative of Malabar, I would not have risen to make a speech on this occasion. So far as the Muslims of Malabar are concerned, I think they are quite indifferent regarding the separation of Malabar from Madras. The same attitude is to be adopted by the Muslim representatives of Madras, I mean Mr. Muhammad Muazzam and myself, but the House may ask how it was that I was the man who moved a Resolution regarding the introduction of reforms into the North-West Frontier Province and placing it on the same level as other Provinces of India. If the same was the case here, as it was in the case of the N. W. F. P., I should favour this Resolution ; but I want to convince the House that I am neither in favour of, nor against, this Resolution. I will adopt the same attitude as has been adopted by the Congress regarding the communal question. They are neither for rejecting it nor accepting it. Questions like these should be viewed from this point of view. If the majority of a certain Province do want its separation, we should favour it. As my Honourable friend, Mr. Thampan, said, the majority are not in favour of the separation of the Province. So far as the Muslim representative is concerned, unfortunately he is absent, but I have some connection with Malabar. I happen to be the President of the Majlis-i-Ulema, the association of the divines of that district, and, as such, I know their attitude. They will favour separation if the majority favours it. They would not at all stand in the way if the majority want separation. Personally I would not like it, because the House is fully aware of the fact that we are only seven per cent. throughout the Madras Presidency, and, if Malabar should be separated from Madras, our percentage will be even less than that. It is Malabar which contributes largely to the Muslim population of the Madras Presidency. Out of 35 lakhs throughout the Presidency, about one-third or even more than one-third is the Muslim population of Malabar, and, so personally I would not like it, but if the Hindus, who form the majority of the Province, want separation in their own interests, I know the Moplahs of Malabar would not stand in the way and they will make common cause with them, because, so far as I know, the Muslims and Hindus of our whole Province are living on terms of cordiality. The same is the case with the Moplahs of Malabar. So I speak on behalf of the Muslims of Madras when I say that we will remain neutral so far as this question is concerned.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : I would not have intervened in this debate but for Mr. Lalchand Navalrai who brought in the question of the separation of Sind.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair cannot allow any further discussion of the separation of Sind.

Mr. Lalchand Navalrai : Hear, hear.

Mr. A. H. Ghuznavi : If that is your ruling, certainly I have nothing more to say than that Mahatma Gandhi accepted the separation of Sind in England, when he was there representing the Congress. That is a fact which you cannot deny.

Bhai Parma Nand : He did not represent the Hindus though.

Mr. A. H. Ghuznavi : As one of the members of the Round Table Conference, it is my duty to inform this House that not a word of protest was said about the separation of Sind either in the first Round Table Conference or in the Second Round Table Conference in which Mahatma Gandhi was a delegate and a member. He was entirely with the Muslim view that Sind should be separated from Bombay. When the partition of Bengal was proposed by Government, what was the reason? The reason was that Bengal was a very bulky Province for a single administration to carry on, and, if I am not wrong, that is also one of the points that were raised in the case of the Bombay Presidency.

Mr. B. V. Jadhav : Not at all.

Mr. A. H. Ghuznavi : I am not here to contradict my friend. That was the point that was raised in the Round Table Conference. Mr. Jayakar, who was a member of the three Round Table Conferences, did not oppose the transference of Sind from Bombay. It was only an afterthought. The Communal Award was published in India in 1932, and then this agitation was carried on by the Hindu Mahasabha. So far as the question of Malabar, which we are discussing, is concerned, Mr. Murtuza Sahib has just said that our policy should be neither for nor against. It is for the Malabarees themselves to say whether they want separation or not. One thing more, and I have done. It pained every Muslim Member in this House that the honoured name of our leader, His Highness the Aga Khan, has been dragged into this discussion. It is a historical fact and will be borne out by my friend, Sir Hari Singh Gour, that so far as His Highness the Aga Khan is concerned, he has worked in all the three Round Table Conferences and Joint Select Committees, not only as a representative of Muslims, but he has also taken India's interest as a whole, and, but for him, Sir Hari Singh Gour will confirm me, that historic memorandum, which has demanded much more than is contained in the White Paper, would not have seen the light of day.

The Honourable Sir Harry Haig (Home Member) : This Resolution makes a positive recommendation that steps should be taken to constitute a new Province of Malabar. As I see the matter, there are three methods by which effect could be given to that Resolution. In the first place, effect could be given to it under the present Constitution. Now, it is laid down in the present Constitution, in section 52A of the Government of India Act, that action of this kind should only be taken after obtaining an expression of opinion from the Local Government and the local Legislature affected.

Now, as I have listened to the debate this morning, it appears to me that the advocates of this proposition have still a good long way to go before they can show us that they really have strong and unanimous opinion in favour of the proposal; and I am confirmed in that view by a reference to the debate which took place not very long ago in the Madras Legislative Council, where, in fact, this proposal was rejected. I do not propose myself to take any line on one side or the other on the merits of this case; but I do submit that at the present moment it cannot be held that local opinion has declared itself in favour of the proposal, and therefore, we are not in a position to take steps under the present Constitution.

Now, Sir, the second way in which effect could be given to this Resolution would be to include the proposal as part of the new Constitution for India. As various Honourable Members have pointed out, there is no such proposal included in the White Paper. The White Paper, as we all remember, contemplates the creation of only two new Provinces, namely, Sind and Orissa; and, as a matter of practical politics, I think we can take it that it is now too late to ask Parliament to consider the constitution of new Provinces in the measure that they will shortly be asked to consider. Therefore, Sir, I am led to the conclusion that the only way in which practical effect could be given to this Resolution would be after the introduction of the new Constitution, and, in that connection an important point was raised by my Honourable friend, Mr. B. Das. He pointed out that, in the White Paper proposals, there is no definite reference as to what procedure there would be for any future readjustment of boundaries or the Constitution of new Provinces. Well, Sir, I admit that that is a very important question, and I think it is a question which should undoubtedly be brought to the notice of the Secretary of State, and I would, therefore, suggest, as possibly a suitable method of dealing with this Resolution—which in its present form, I must make it clear, the Government of India could not accept—I would, therefore, suggest that the Government of India might forward a copy of this debate to the Secretary of State and invite his attention, in particular, to that point as to whether provision will or will not be made under the new Constitution for the constitution of new Provinces, should it be found desirable (Hear, hear); and I hope that perhaps my Honourable friend, the Mover, might be content with that assurance and be prepared on that assurance to withdraw his motion. I make that suggestion to my Honourable friend. (Loud Applause.)

Mr. C. S. Ranga Iyer : Sir, I beg leave of the House to withdraw my motion, and I would like to express my gratitude to the Honourable the Home Member, who has always been good to us and whom I wish all good in future. (Loud and Prolonged Cheers.)

The Resolution was, by leave of the Assembly, withdrawn.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

RESOLUTION RE CATERING CONTRACTS ON RAILWAYS.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

"That this Assembly recommends to the Governor General in Council to appoint a committee consisting of Railway officials and others not connected with Railway Administrations to enquire as to how far the present system of giving contracts and sub-contracts, to outsiders and not to local persons, for catering to the Railway passengers is responsible for the supply of bad food and drinks at very high prices by the vendors either at the Railway platforms, in the refreshment rooms or in the running trains and to suggest ways and means to remove these grievances."

[Dr. Ziauddin Ahmad.]

Sir, the most important problem in connection with the road-rail competition is to provide good facilities in the railway traffic in order to divert the traffic from road to rail. In this connection, there are three very important questions out of which we are discussing only one today. The first question is the over-crowding of all railway trains. We know that the buses are unpopular on account of their being over-crowded, and if the railways are equally over-crowded, there will be very little to choose between the two. The second is that we should have the system of concession tickets. In England, about 70 per cent. of the travellers travel by means of concession tickets. In India the concession tickets are very few. It is desirable to increase these concessions. The third point, which will be the subject-matter of discussion today, is the supply of cheap and good food. Sir, when we calculate the cost of travelling, the price of food is always added to it, and it is desirable that we should make the budget of the travelling as low as possible in order to attract a larger number of men to travel by rail and in preference to the motor service. The question of food was taken up by several Advisory Committees of Indian Railways, and I do not like to quote them at any great length, but just to mention a few facts. The Bihar and Orissa Branch Committee discussed this question and their item No. 7 ran as follows :

"This Committee thinks that separate contracts should be entered into for Indian refreshment rooms and stalls at stations, the contractor being under the supervision of the station master."

The reply was :

"The suggested procedure was tried in 1926 on the Bengal Nagpur Railway and had proved unsatisfactory. Since the local shop-keepers are men of small means, they found themselves unable to maintain the required standard of Bengal Nagpur Railway catering service."

The Bengal Nagpur Railway wanted to maintain a very high standard of service, and, therefore, they undertook the catering for themselves and money was no consideration to them. The Railway Retrenchment Committee in their report of 1931 remarked as follows about their extravagance :

"We understand that the Bengal Nagpur Railway runs its catering departmentally and at an annual loss of over half a lakh of rupees, and for a number of years the total cost of the establishment has been 2½ lakhs. We can see no justification for continuing this department at a loss and recommend that the question of adopting the system in force on other railways of letting the catering to contractors should be considered immediately."

Therefore, the suggestion of the Bengal Nagpur Railway was found to be too expensive, and it was criticised by the Railway Retrenchment Committee. The second occasion, when this question was taken up, was by the Sind Committee of the North Western Railway. In paragraph 36, they said :

"The rates of selling food at the refreshment rooms and at restaurants are exorbitant."

It was suggested that a small sub-committee be appointed to go into the whole question and place their views before the Committee at an early date. The reply was disposed of in the following terms :

"As the general question in regard to food vending was under consideration, the Mover did not press this Resolution."

I do not know whether the North Western Railway went even one step further to settle this particular question. The question was also taken up by the Assam-Bengal Railway. In paragraph 11, they said :

"The reduction in the scale of charges in refreshment rooms should be considered."

They decided that the contractors ought to be consulted whether they would be willing to reduce their rates, and naturally the contractors gave it as their opinion that they could not do it and the railway authorities accepted it.

This question was also taken up by the Central Advisory Committee of the Railways. I moved in the Central Advisory Committee that the prices are abnormally high. Then Sir Leslie Hudson pointed out that this question ought to be inquired into and we ought to have some more details about the prices of various articles at different stations compared with their prices in local markets. At his suggestion, I put a notice in papers and I got a very large number of replies simply by putting in one notice. This in itself shows how much interest the travelling public takes in the question of catering. I have got two files about the answers which I have received in reply to the notice which I put in the papers, and I will make some reference to them. I have made a summary of these replies. In reply to Sir Leslie Hudson's questions, we find that at Lucknow it was said that the price of one meal consisting of two vegetables and rice and sweets was Rs. 1-4-0 at the Hindu restaurant, whereas the same food at a decent hotel could be obtained for eight to ten annas. At Fatehgarh and other places, the price of *puris* at the railway stations was from ten to twelve annas a seer, whereas, in the town, its price was six to eight annas a seer. The same remark about *puris* applies to a large number of places. At Jodhpur, though the prices at the railway station and the town are the same, the weight of the seer is different. At the railway station, the seer is of 80 tolas, whereas in the town it is of 100 tolas. Thus, the difference in prices is made up by a difference in weight. At the Agra station, somebody writes to me, the *pethai-ka-mithai* is sold at eight annas per seer in the city, and it is sold at 12 annas a seer at the railway station. *Dal moth* is sold at the rate of 12 annas in the city and at Rs. 1-4-0 at the railway station. The model of the Taj is being sold for Rs. 6 in the town and for Rs. 10 at the railway station.

The Honourable Sir Joseph Bhoré (Member for Commerce and Railways) : Is that an article of food ?

Dr. Ziauddin Ahmad : This affects the pockets of the travelling public. At Gaya, I am informed that the *jalaibeas* are sold at six annas per seer in the town, and at ten annas per seer at the station. Then, *ghi-ka-pakwan* is sold at 12 annas a seer in the town and at one rupee a seer at the station, and the *pakwan* in oil is sold at four annas a seer in the town and at eight annas a seer at the railway station. One gentleman, Mr. Ajodhya Prasad, writes to me that on the 8th May, 1934, he could buy *raiwries* at six annas per seer at the Lucknow railway station, but, on the 10th July, the price was raised to eight annas. On making an inquiry, it was found that there was a vendor outside the railway station who used to sell at the former rate. The outside vendor was induced to increase the price, and, therefore, the vendor at the railway station also increased it.

[Dr. Ziauddin Ahmad.]

As regards the cost of tea, I was also told and I also calculated myself that the price of articles which are given in what is called the *chota hazri*, consisting of two toasts and tea is about one anna, if they are purchased in retail, and nine pies if purchased in wholesale. But we have to pay for *chota hazri* a sum of eight annas, that is, it is eight times or ten times the price at which the caterers purchase the articles. As regards aerated waters, we all know that it costs about three annas a dozen to make, but they are sold at six annas a dozen in towns, and at the railway stations on the East Indian Railway they are sold at Rs. 1-8-0 a dozen, and I understand in the North Western Railway, it is sold a little cheaper. I have not got the figures for the North Western Railway at present with me. The same is the case with ice. The wholesale price is eight annas per maund, but it is sold in all the stations, where there is no ice factory, at three pice per seer, and at the railway station it is sold at two annas per seer which is abnormally great as compared with the price prevailing in towns. This is really the answer to the question raised by my Honourable friend, Sir Leslie Hudson, in the Advisory Committee. This was also one of the questions which I put down on paper for which I have got a reply. I, therefore, submit that if proper enquiries are made, you will find that in each and every article the prices at the railway station differ from prices in towns by 30 per cent. to 75 per cent., and in some cases even cent. per cent. These are heavy taxes on the travelling public, and it adds to the cost of travelling.

Now, coming to the quality of food, I have got my own personal experience, and I think a good many other Honourable Members have got their own experiences. It is rather more comfortable to go without food than to have the food supplied by these vendors at the railway stations. I have got with me some of the opinions expressed by some gentlemen. One gentleman says about tea that the quality of tea served at railway stations is hopelessly poor, and in some cases the balance of tea of the morning is kept up warmed till eleven o'clock, so that illiterate passengers who arrive by later train may be served with that tea. The same gentleman also says that, at the Marwar junction, the trains arrive at close intervals and the old tea is served for passengers who come by later trains. Another gentleman says about the quality of food that two men in the refreshment room at Gaya were attacked by cholera on the 11th May, 1934, and one of them died in the cholera hospital and the other was sent to an unknown place. No steps were taken to destroy all the food-stuffs that were remaining. No steps were taken to clean and whitewash the premises or close the room temporarily. The infected eatables were sold to the public without any interference by the contractor or by the railway authorities.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Was it only on the East Indian Railway or on other railways also ?

Dr. Ziauddin Ahmad : Gaya is on the E. I. R. As regards cooking in vegetable *ghee*, my Honourable friend, the Commerce Member, has passed the Bill to protect the industry of vegetable *ghee* in this country. I will now give the House the opinion of a doctor from my constituency from Fatehgarh, Doctor Ayodhia Prasad ; and he says that the stuff sold is inferior in quality and the preparation is often stale, and unwholesome foods are often sold to the passengers who have no

alternative but to accept them or to starve. He continues to say that you cannot get this vegetable *ghee* even to put in your eyes and that is also a thing which is not possible and he deplores the absence of good *ghee* altogether, and he recommends that the import of vegetable *ghee* should be stopped altogether, but, alas, we do the reverse. Sir, so far I have proved by the evidence that I have received and based also on my own personal experience that the price of articles sold at railway stations is very high, that the quality of food that is given to the passengers is not good, and this is criticised by the medical authorities whose opinions I have received.

Now, I will make just one or two observations. The first thing is that I should very much like that the system of sub-contracts should be abolished altogether. Under our very nose, at the Delhi Railway Station, the contract for a large number of articles is given to one person who is not even a resident of Delhi, he comes from some place in the United Provinces. He comes once a month to Delhi and collects about Rs. 1,000, or Rs. 1,500 every month from the sub-contractors and goes away to his house. What for is he allowed to collect these sums ? Because he was fortunate enough to have the contract for such a large number of articles from one of the officers of the railway. In this connection, I wish to bring to the notice of the House that Sir Guthrie Russell pointed out at a meeting of the Advisory Committee that the sub-letting of contracts was not permissible under the terms of the agreement with the contractors. This view may be correct, but we find that it is not followed in practice by subordinate railway officers. It may be the opinion of the Chief Commissioner for Railways, but if enquiries are made at different places, it will be found that his opinion is not being carried out by the subordinate railway officials. In fact, every officer of the railway has got his own opinion, and he carries out the system in his own way, and he is guided by several considerations. When Sir Guthrie Russell was the Agent of the Great Indian Peninsula he stopped the system of selling contracts, and Mr. Tyldon Patterson, in his capacity as the Commercial Superintendent, recommended that the system of selling contracts should be abolished. Sir Guthrie Russell has come to the Railway Board, Mr. Tyldon Patterson has become the Agent and the present Commercial Superintendent, who succeeded, again introduced the very same system which Mr. Tyldon Patterson himself recommended to be abolished. Now, he has shown great weakness in accepting the recommendations of his subordinate in restoring a system which he himself recommended to abolish. As regards the Great Indian Peninsula, they have sold contracts at several stations and they have given passes to the men who hold contracts. In one case, it was discovered that a contractor had carried under this cover a large number of heavy articles for sale, because he was engaged in that trade and he carried on trade both at Delhi and Bombay. He used this privilege of passes in carrying his articles from Delhi to Bombay. This fact was published in some of the newspapers in Bombay, and I also put a few questions on the subject, but nothing came out of it ; and the system of selling contracts is vigorously being pursued in the Great Indian Peninsula. One of my correspondents writes to me about the sale of contract as follows. He says that the contract of the Moradabad railway station miscellaneous goods was given for about Rs. 1,200 a year only a few years back, and this year it was given for Rs. 3,900 to the same person. And then he says that to crown all this the railway sells

[Dr. Ziauddin Ahmad.]

its tender forms, two sheets of brown paper for Rs. 5 each and demands big amounts as earnest money which they promise to return in case of non-acceptance by the officer. Then he goes on to describe the difficulties in returning the earnest money.

I simply demand that the opinion of the Honourable Sir Guthrie Russell and the principle already accepted by the Railway Board ought to be literally carried out in all the railways. Inquiries should be made whether the system of giving sub-contracts is prevalent at any station and the system should be ended.

My second suggestion is that railways should not make money on contracts, that is, they should not sell the contracts, an example of which I have already given. In this connection I may say that, about Dinapore, there have been a series of questions in the Assembly, that is, the small men who had the contract had to lose their contracts which went to the big capitalists for which no evident reason exists.

The next thing I should suggest is that the prices should be the same as prevail in the towns. In fact I found on inquiry that the people are willing to sell at the railway stations even at cheaper rates than prevail in the towns, because they are certain of a market, they can sell it with certainty, and, on account of this certainty, they are willing to undersell at railway stations as compared with the towns.

The next thing is that there should be some kind of a supervisory committee at each station in which non-railway men should be associated, because this question of eatables is not an expert railway question requiring expert knowledge. This is, in fact, a question in which the travelling public are more interested than the railway officials. Therefore, it is just and reasonable that in each town you should appoint a committee consisting of the Station Master as convener and two other persons to assist him, whoever they may be, officials or nominees of the local bodies. Circumstances differ and probably you will have to adopt different methods in different Provinces. But the important principle is that non-railway men ought to be associated in giving contracts, in fixing rates and in supervising the quality of the foodstuff. Then, in the same category, we come to drinks. To give a contract for drinks for all stations from Bombay to Delhi or from Calcutta to Delhi is not very good. We should always give the contracts for a particular branch of the line and on terms which may be reasonable. The unreasonable rates, that are at present provided in hot weather, debar a large number of third class passengers from getting cold water or cold drinks, because they cannot afford the high prices which they are required to pay in running trains.

Sir, there is one more suggestion which I should like to make, and it was also discussed very often that the third class passengers will be very much benefited and their comforts will be increased if we have this system of stopping these express trains at some station between 9 and 12 A.M. for about 20 minutes or half an hour. There should be bathing facilities, because we know that many Hindus would not like to have meals without a bath. Bathing facilities should be provided there and cheap food should be provided costing about four annas, and for better class passengers eight annas. If these facilities are provided, I am perfectly sure, the travelling public will very much appreciate these conveniences supplied to them.

Now, Sir, I do not like to go more into details, because there is a good deal of business, and I could not touch upon the question of refreshment rooms and the question of refreshment cars. But those questions are very analogous to the questions I have discussed, and all these matters should be inquired into and some satisfactory solution should be obtained for the benefit of the travelling public. We should also provide some machinery to ensure that whatever decisions the Government and the Railway Board may arrive at, they are carried out by the subordinate railway staff, who considered themselves masterless masters.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Resolution moved :

"That this Assembly recommends to the Governor General in Council to appoint a committee consisting of Railway officials and others not connected with Railway Administrations to enquire as to how far the present system of giving contracts and sub-contracts, to outsiders and not to local persons, for catering to the Railway passengers is responsible for the supply of bad food and drinks at very high prices by the vendors either at the Railway platforms, in the refreshment rooms or in the running trains and to suggest ways and means to remove these grievances."

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : Sir, the Resolution moved by my esteemed friend, Dr. Ziauddin, is an extremely reasonable one. Agitation on the subject was really overdue. Coming as I do from Orissa, where the Bengal Nagpur Railway runs for over 600 miles, I know personally how railway passengers there suffer on account of bad food and drink and those at abnormally high prices. I am sure, Members of this House who have ever been to Puri must have suffered also. I have travelled in many railways. But as regards supply of food and drink, the Bengal Nagpur Railway is the worst. This bad food and drink in the Bengal Nagpur Railway is, to a very large measure, due to the faulty system of giving contracts. I believe, since the introduction of railways in our parts, no local man has ever been able to get a contract for the supply of food or drink from the Bengal Nagpur Railway. There is a catering superintendent for the Bengal Nagpur Railway. He is responsible for giving these food and drink contracts. Till some time back, due to a quite mysterious system of calling for tenders, if there was ever any call for tenders, two fixed persons used to get contracts for the whole system of the Bengal Nagpur Railway for fixed amounts for many years, perhaps because one man was catering superintendent for all those years. But, with the change of catering superintendent, this system has undergone some change. In place of two contractors, there are now a number of contractors, and the amount has gone up about six times. But still it is confined to those persons who keep themselves in very close touch with the catering department of the Bengal Nagpur Railway.

I submit, Sir, making money should not be the only consideration where supply of food and drink to passengers at stations is concerned, even taking it for granted for arguments' sake that contracts are given to the highest bidders in open bid. Supply of good food and drink and that at reasonable rates should be the main consideration.

Food contractors in the Bengal Nagpur Railway now, as before, being all outsiders and on account of their taking contracts at heavy amounts naturally try to make money as much as possible at the cost of passengers.

[Mr. Sitakanta Mahapatra.]

Sub-contracts are sometimes given to local men at unimportant stations by these outside and absentee contractors. But they are helpless and do not count. There are, of course, inspectors of food. But they receive their pay both from the company as well as from the contractors regularly. I suppose, Sir, you have always used the restaurant car of the Madras Mail for food and drink purposes, and have got no personal knowledge of the food and drink supplied in stations in the Bengal Nagpur Railway locally. But you might have chanced to mark how absolutely uneatable they often are. If not, I would request you to try it on your way back this time.

I believe a local food and drink contractor would have been more human and amenable to reason. But nobody even sees the present contractors. They, being outsiders and rich men, place the entire management in the hands of servants instead of looking after the business themselves and enjoy the earnings. These servants also naturally in their turn try to fork out as much for themselves as possible, and the accumulated burden is borne by the poor and unfortunate passengers. The company must gain, then the contractors must gain, then the sub-contractors must gain, and then the servants who manage must gain. Besides, there are many others whose gains are not open. During festivals at Puri, large number of upcountry passengers are carried by this railway like hoards of sheep, sometimes by passenger trains, but more often by goods vans. This is the time when the inhuman treatment of these food contractors rises to a pitch. Of course, these up-country passengers are not so calculating as regards the quality of food available. Even then the contractors never feel that they are catering to human beings and these hungry long-distance passengers are exploited to the utmost. The Honourable Member for Railways and the Leader of this House, who is today one of the ablest civilians in India, built his splendid future career, both official and private, in one of our districts through which the blessed Bengal Nagpur Railway passes, and I trust he may still remember or be reminded of the conditions of food and drink supplied in the Bengal Nagpur Railway : I believe he will interest himself in the question of improvement of food and drink supplied in railway stations in general and personally take up the question of the Bengal Nagpur Railway which, I have no doubt in my mind, can be done easily if the system of giving contracts at present in vogue is thoroughly overhauled and ways are found by which local men can get these contracts. Sir, I support the Resolution.

Rai Bahadur Lala Brij Kishore (Lucknow Division : Non-Muhamadan Rural) : Sir, catering of foodstuffs and drinks to railway passengers, specially the Indian passengers, is a much neglected item of the Railway administration in India. Every railway administration has a policy of its own in the matter and every railway official his own favourites to patronise at the expense of the travelling public. The prices charged for foodstuffs and drinks are quite out of proportion to the prevailing market prices of the same, and in the bargain third class and worthless material is supplied, much to the inconvenience and detriment to the health of the travelling public. As an instance in point, soda water on the East Indian Railway system is sold at 2 annas 6 pies per bottle when the market price of the same is only one anna.

In allowing a vendor to sell foodstuffs and drinks at the platforms, refreshment rooms and passenger halls, the railway provides the vendor an exclusive monopoly of this market. The vendor is not required to meet any competition, and, therefore, can have no justification in lowering the quality of his products. Railway officials like station masters and inspectors are expected to inspect the foodstuffs exhibited for sale, but, whether this is done or not, I cannot say ; but the result is obvious.

The first step in this direction should be the appointment of an Indian officer, who knows something of the art of catering and the Indian taste, on each Railway administration, and to have under him a staff of inspectors for the purpose of examining the foodstuffs at each station, and to see whether food is available at every station. It is very difficult to get milk at way-side stations by those who cannot afford to pay in English refreshment rooms, or whose misfortune it is to live in old ways and not to go straight to refreshment rooms.

The second step will be to place vending contracts under a mixed committee of officials and non-officials.

If the local authorities are associated in supervising the prices and in giving contracts to local persons, I am certain that the situation will substantially improve.

The third step will be to open separate vegetarian and non-vegetarian refreshment rooms at all principal stations and to give the vending contracts to a local man and to one who is already in the trade, and to strictly prohibit the system of subletting which at present prevails.

The fourth step will be to provide refreshment cars on each main line and such branch lines where there is sufficient traffic for the convenience of Indian passengers, and to fix prices for each at the current market rate.

This is the barest minimum that the Railway administrations should do, and there is no question of incurring any expenditure in this matter. On the other hand, the whole thing can be made a source of income to the railways after meeting the cost of the catering department. I for one would have suggested to the railway administrations, for the purpose of attracting traffic, to have its own inexpensive hotels at each hill station, place of pilgrimage, and famous sea-side resorts, but it would be too much to expect from the administration at this stage.

If the railway administrations are anxious to run the railways on a profitable basis and meet the hard competition from motor bus, etc., it is necessary for its officials to study the convenience of the travelling public and meet it.

I, therefore, support the resolution to appoint a committee of officials and non-officials with a view to exploring the possibilities of this department and devise ways and means for putting it on a satisfactory basis. I hope, there will be no objection from the official Benches to associate non-officials with officials on such a committee, for the railways are a public concern ; and, further, this is a matter which concerns purely the convenience and well-being of the travelling public. With these words, I support the Resolution.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : Sir, I rise to support the Resolution placed before this House by my friend

[Lieut.-Colonel Sir Henry Gidney.]

Dr. Ziauddin Ahmad. My remarks will be very few. I think Dr. Ziauddin has done a great service in giving publicity to this matter. He has pointed out that the food sold on station platforms is not only unwholesome, but is bad and costly. I agree with that opinion, and, as a medical man, I can assure this House that I have at times been staggered to see the unwholesome food for sale at station platforms. I desire to refer to the adverse criticisms that my friend, Mr. Mahapatra, made about the catering department of the Bengal Nagpur Railway. In my opinion, the Bengal Nagpur Railway is about the best administered Railway in the whole of India, I know that its catering department is administered by the Railway itself and is managed by its officials; and I do submit that since that practice has been in vogue the food has been of very good quality indeed—I would go so far as to say that you would not get a better or as good a meal in any first class hotel in the East than you would get in the dining saloons and refreshment rooms on the Bengal Nagpur Railway.

Let me refer to what Dr. Ziauddin has suggested as a remedy for these conditions—the appointment of a committee. Whilst I should vote for his Resolution in the belief that something is better than nothing, I do not see what a committee of this nature will be able to do to ensure better food being sold to passengers or to supervise the preparation of this food and its protection from contamination of flies. I think the real remedy lies in the Medical and Sanitary Departments on Railways and I should advise the Honourable Member in charge of Railways to impress on the Medical Departments of Railways that this is one of their chief duties and needs closer attention. I should like to know how many railway medical officers inspect the food sold on the smaller station platforms. I go further, and I doubt very much whether many of them inspect or examine the drinking water offered for consumption at the smaller wayside stations. Neglect of these duties is the prime cause of a great deal of disease among passengers, and I know of cases of cholera which have been traceable to bad drinking water supplied at wayside railway stations. That is perhaps rather a damning statement to make,—though I must admit it happened years ago, since when matters have considerably improved. But I do think that there is imperative necessity for a better medical and sanitary supervision of foodstuffs sold at wayside stations, particularly on stations which can be very easily controlled by local administrations,—I refer to Calcutta, Delhi and such other big stations. Sir, I do think the railway authorities should give this Resolution their very serious and very early consideration. Sir, I support this Resolution whole-heartedly.

Mr. A. H. Ghuznavi : Sir, I have been travelling very often on the East Indian Railway and the Great Indian Peninsula Railway as also on the North Western Railway. I think it can be safely said that the foodstuff sold on the East Indian Railway stations are the worst.....

Lieut.-Colonel Sir Henry Gidney : I quite agree.

Mr. A. H. Ghuznavi : So far as the first class refreshment rooms in the Bengal Nagpur Railway are concerned, they are the best in my experience.....

Mr. Sitakanta Mahapatra : What about the platform supply ?

Mr. A. H. Ghuznavi : I will come to that. Next is the North Western Railway where Spencers cater.....

Mr. Lalchand Navalrai : I have to say something about it.

Mr. A. H. Ghuznavi : There the catering is the best, the same is the case on the Great Indian Peninsula Railway,—I forget the name of the caterers.....

Mr. P. R. Rau (Financial Commissioner, Railways) : Brandons.

Mr. A. H. Ghuznavi : That is right. But the worst arrangement is on the East Indian Railway. The food is bad there, and the prices also are higher than the prices charged by Spencers.....

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Kellners is owned and managed by Spencers.

Mr. A. H. Ghuznavi : I ought to know more than my friend, coming as I do from Calcutta. Until recently Spencers were responsible. Up to Ghaziabad or some station, Kellners are responsible, and after that Spencers are managing the thing.

Now, Sir, as regards the foodstuffs sold at the wayside stations and at Howrah, Mr. Abul Kasem, who is a Member of the Bengal Legislative Council, and a member of the Advisory Board of the East Indian Railway, has sent me a long note on the sort of foodstuffs sold at the stations and how these things are managed by the railways. He has pointed out that the Railway authorities generally auction out the contracts and give them to the highest bidder, with the result that the man who pays the highest gets the contract, and he sells as bad and as cheap food as he possibly can at the highest price possible. That is where the trouble comes in. There should be no highest bidder system. The Railway authorities should never try to make any profit by the sale of foodstuffs to the passengers. It is their duty to give the travelling public the best food at the cheapest rates possible. They should give the vendors licence to sell their foodstuffs, and not let out the contract to the highest bidder for the sale of foodstuffs.

Sir, Mr. Abul Kasem, in a letter to the Chief Operating Superintendent, East Indian Railway, Calcutta, says this :

“Some time back, Sir Hugh Hannay, at a meeting of the Advisory Committee, made the statement that after full consideration, the Railway authorities have definitely decided not to give large area contracts to one contractor and that it would be limited to twenty or thirty miles and that no tender will be called, but the contract given to respectable and reliable vendors at reasonable rates and that there would be separate Hindu and Muhammadan vendors. This was satisfactory, and if carried out, would be of very great convenience to the travelling public, but I find that in practice the policy followed is quite contrary to the spirit of the decision arrived at by the authorities. It appears that there are certain firms and individuals who are particularly favoured. It is for the railway authorities to lay down a policy as well as to see that it is carried out in practice.”

He then draws attention to the following facts. He says :

“The contract for the sale of foodstuffs and miscellaneous articles is given *ad hoc* to a big area contractor who necessarily lets out the sale of particular articles to different vendors at different stations. The contract for Hindu and Muhammadan refreshment rooms at Burdwan is being given to the same man and is causing much inconvenience to the passengers. This contractor who is a Hindu has let out the Muhammadan Refreshment Room and the Teastall to a Mussalman, but he is not allowed to sell beef. A large number of Mussalman passengers want kabab roti, paratas and curries, but they cannot get these things.

Under the present arrangement the passengers have to pay higher prices for the commodity, and also generally get inferior articles. This is inevitable.

[Mr. A. H. Ghuznavi.]

The railway authorities may say that they have rates fixed and standard prices for all articles particularly foodstuffs, but it is absurd to suppose that prices can be controlled particularly when the vendors are to deal with the moving customers. I need scarcely labour the point."

Then, further on, he says this :

"Considering the fact that Messrs. G. F. Kellner & Co., pay only Rs. 12,000 a year for their refreshment rooms all over the line and the dining cars, it is not reasonable to charge a heavy rate for one refreshment room at Howrah."

Here he refers to a Hindu refreshment room at Howrah where the man had to pay Rs. 1,500 per annum for one single room, whereas Kellners are paying only Rs. 12,000 for all the refreshment rooms on the entire East Indian Railway line including their dining cars. This one Hindu refreshment room keeper at Howrah had to pay Rs. 1,500 for one room.

Lieut.-Colonel Sir Henry Gidney : Does that Rs. 12,000 include dining cars ?

Mr. A. H. Ghuznavi : Yes, that does include dining cars as well.

Now, as I said, the refreshment room at Howrah was given to this Hindu gentleman for Rs. 1,500 per annum, and, at the end of the year, it was again put up for auction. When he went up and protested to Sir Hugh Hannay,—that is what is stated in the letter,—they were not satisfied with even Rs. 1,500 and the rooms were again put up for auction and the poor man's protest went unheeded.

Then, Mr. Abul Kasem says :

"The sale of foodstuffs and other miscellaneous articles at stations is intended for convenience of passengers and not meant to be a source of income to the railways."

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

All this trouble about bad food and high price is due to the fact that the railways want to make it a source of income by giving out these stalls to the highest bidder. Regarding the Burdwan station, he says :

"Burdwan is well-known for a particular kind of sweetmeats,"

—my Honourable friend, Mr. Sen, will agree with me that Burdwan is noted for sweetmeats—

"and for all times the sweetmeat stall had been kept by well-known confectioners of the town, but under the present arrangement the stall is given to an outside contractor, with the result that the sweets are of inferior quality and the prices very high."

He suggests that the system of contract should be abolished and licences should be given to different vendors at fixed rates, or, in the alternative, the Hindu refreshment room, tea stall and sweetmeat *plus pan* should be given to one Hindu licensee at each station and the Muslim refreshment room, the Muslim tea stall and miscellaneous articles should be given to a Muhammadan licensee. He states that it is not desirable to give the licence to one particular firm or individual for several stations together. Sir, I support this Resolution.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I support this Resolution. It is noteworthy that this Resolution originally stood in the name of my Honourable friend, Seth Haji Abdula Haroon, who comes from Sind and who has much experience of the N. W. Railway. But as he has not been able to be present today, I submit that Dr. Ziauddin Ahmad has done signal service to the public by asking your permission to move this Resolution. It seems to me that the local Advisory Committees and the Central Advisory Council have not sufficient powers in this respect. No doubt the Advisory Committees make suggestions, but this is a typical instance of their inability to do anything in the matter, so that Dr. Ziauddin Ahmad has had to bring it on the floor of the House. I am very thankful to Dr. Ziauddin for collecting so much material to prove his case. I am very sorry that these materials had not been placed before ; otherwise the Chairman of that Central Advisory Committee would have had a different opinion.

This Resolution is a very simple and modest one. What is wanted is that a Committee should be appointed to enquire into the system of giving contracts or having vendors at the stations. The present system should be reviewed by that Committee. Are these complaints against vendors of the refreshment rooms false, or is there any truth in them ? These complaints are old ones, and they are also incessant ones. Therefore, it cannot possibly be said that they must be unfounded. These complaints show that the system is rotten and requires to be revised and improved. If it had been a question of giving instructions to the Railway Board that the thing should be done in such and such a way, that would have taken a very long time. Therefore, we are asking that a Committee should be appointed to go into the question. The first defect in this system is the question of the monopoly. May I enquire from the Honourable Member for Railways since when Kellners and Spencers have been in the enjoyment of this monopoly. I should think, from ages. Then, I ask, why should they enjoy the monopoly, and why should they not make way for other Indians, Anglo-Indians and Europeans ? Why should there be this pernicious system of patronising one or two men for ever ? The refreshment rooms on the North Western Railway are no exception. I am very glad to learn today that the Bengal Nagpur Railway administration has taken care about this matter. Very recently I had to travel on the Bengal Nagpur Railway, and I had the pleasure of meeting its Agent, Mr. Jerrad. It seems to me that he takes personal interest, and if he can do so, the other Agents can follow him and see that this monopoly is stopped and some measures taken for the supervision of the business. Let me deal with the North Western Railway administration. There are two questions with regard to that, one is of the vendors on the station platforms where they have got stalls, and the other is of the refreshment rooms and dining cars. It has been proved that the materials from which the food is supplied can be got from the bazar cheap, but still, as pointed out by Dr. Ziauddin Ahmad, the things are sold at a very high price in the refreshment rooms. Why should it be so ? When the price of foodstuffs has gone down in these days, why should Kellners and Spencers charge the same prices, eight annas or ten annas for the morning tea and toast, and similarly in the case of other stuffs ? If the railways had departed from their former practice of giving favours to a particular man, I do not think we would have come with such complaints here. So that, this is the first thing that should be enquired into. Coming to the vendors on the platforms, what do we find ? There also is the same

[Mr. Lalchand Navalrai.]

system, giving contract to one man, not for one station, but for 6 or 10 stations.

Mr. A. H. Ghuznavi : For the whole line.

Mr. Lalchand Navalrai : It may be for the whole line perhaps on the East Indian Railway, but so far as the North Western Railway is concerned, I brought it to the notice of the House here that six stations were given to one man, because he happened to have some one in the Divisional Superintendent's Office, Karachi, as his relative. Six stations were being given from time to time to that man. If that man is favoured like that, are you sure that he will give us good food, good *ghee*, wholesome things? The Railway created some Inspectors and they had also their medical officers, but, may I ask, if this is one of their functions? No. On the North Western Railway, the Inspectors were created, but that cadre has now been done away with.

Now, the other day, a question was put, and my amiable friend, Mr. Rau, gave a reply that the station masters take care of their business. If only the vendors take care of the station masters and their families, then the whole thing is done. Therefore, I say that giving a monopoly to one man and favouritism shown to another are the causes of the mischief.

An Honourable Member : What is the remedy?

Mr. Lalchand Navalrai : The remedy is suggested in the Resolution. It asks for a committee to consider this question. For a cure of this evil, the Agent himself should take a personal interest in this matter and not leave it, as he does now, to the station masters.

Then, as regards the sanitary nature of the food, my friend here (Mr. Pandya) gave me a story which I shall narrate to the House. At one time, one man came to buy a cup of tea. The vendor prepared a cup of tea and a fly went in. The man asked the vendor what is this, you are giving me a fly with the tea. The vendor said: "What, do you want an elephant in the tea for one anna!" (Laughter.) This is the kind of thing that goes on, flies fly into the tea. The thing is that there should be proper sanitary and medical supervision. The second thing is that the Agent should give more power to the Advisory Committees who should be allowed to bring these things to the notice of the Railway by means of resolutions. When they put in a resolution, the Agent comes in and says: "I am not going to accept it". I have been on local committees and now I am also on the Central Advisory Council. So I know what is done in these committees. What I submit is that the functions of the local Advisory Committees should be increased and more powers should be given to them. The third remedy is that you should have a Committee which should find out ways and means to remedy this evil. With these words, I support the Resolution.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): There is a fourth remedy, and that is to abolish the monopoly in the vending of sweets and refreshments on the railway station. The food that is supplied to the passengers at the third class refreshment rooms is spiced by flies, sampled by black ants and seasoned by dust and cockroaches, and, for supplying this food, the Railway Company put up to auction, I believe, every year the monopoly of sale

from which they derive a handsome profit, and when you ask the sweetmeat sellers as to why they charge such exorbitant prices for such low quality, their reply is "Don't you know that the Railway takes so much from us? How are we going to pay ourselves if we do not charge the price we do". Is there any relation between the prices charged at the railway station and the prices charged outside the railway fencing? I think Honourable Members who have been outside the railway fencing will bear me out that the prices outside the railway fencing are perhaps half or two-thirds of the price charged for similar goods within the railway precincts. Take, for example, the cost of meals supplied to higher class passengers. Those who have been in England will find that the ordinary charge for a dinner is either 3s. 6d. or 5s. Here, the ordinary charge for a dinner used to be before the War Rs. two. Now, after the War, it rose to Rs. three, and now it has gone up to Rs. 3-8-0, and, adding a eight anna tip, it comes to Rs. four, and this in a country where the index of prices at the present moment is lower than it was on the eve of the War—somewhere between 96 and 98, and this when the whole country is suffering from unprecedented depression and when the railway rates have been enhanced by about 30 to 40 and even 50 per cent. I must pity the unfortunate passenger who is driven to journey by train, and I do not for one moment sympathise with the Railway Companies, because their management is bureaucratic from beginning to end. The other day when I was coming to Simla, I was besieged by a large number of chauffeurs who came up and asked me "are you going to Simla?" I said "Yes", and asked them "How much will you take to take me to Simla in a motor car?" He said, he will take Rs. three for a seat and Rs. nine or Rs. ten for the whole car including the luggage, and, I believe, the railway fare from Kalka to Simla is about Rs. 21, but that is not all. The moment you land at Kalka, a man comes up to you and says "Have you weighed your luggage?" You have got your overcoat and a few pieces of luggage. They are all thrown into the weighing scale, and if there is one ounce extra, you are charged for a quarter of maund from the place of the journey to the place of the destination, as my friend, Mr. Lalchand Navalrai, reminds me. On the other hand, if you get into a competing motor car, all your luggage is tied up on the luggage carrier. The driver gives you a comfortable seat, and, instead of penetrating through 103 tunnels, you make your journey in comparative comfort by the road where there are no tunnels, and no railway servants to worry you.

The Honourable Sir Nripendra Sircar (Law Member): May I put a question to the Honourable Member? Do I understand that for Rs. 3 the chauffeur takes you to Simla and also gives you a good feed? (Laughter.)

Sir Hari Singh Gour : No, he does not give you a good feed, but out of the balance from Rs. 21 you can have a very good feed on the road for half the money you have to pay at Barogh. That is the point I make.

Now, Sir, this is perhaps one of the contributory causes for the annually recurring deficits in the Railway Budget. I do not say, it is the primary cause. I do not say, it is the main cause: but the discomfort to which the railway passengers are subjected, the discomforts which they suffer from the pangs of hunger from which they have to

[Sir Hari Singh Gour.]

suffer (Hear, hear) on account of the unwholesome food prepared in insanitary surroundings and sold at prohibitive prices perhaps deter many a man from taking the shorter route by railways if there is a bus handy.

Sir, the other day, the Honourable Member for Commerce brought up a Bill to do away with the road-rail competition. Let me remind the Honourable Member for Railways that the road-rail competition will be a crying menace to the development of the Indian railways, unless the management of the Indian railways is thoroughly rationalised and commercialized. It has neither been rationalized nor commercialized (*Lieut.-Colonel Sir Henry Gidney* : "Hear, hear.") The system of management is an anachronism, and an outsider coming from America and parts of Europe is aghast when the morning cup of tea is presented to him and he is asked to pay four annas for it, which anywhere in England you will get for a tuppence.

Now, these are small discomforts which are only commensurate with the bad system of management all along the line, and the Resolution which my Honourable friend, Dr. Ziauddin Ahmad, has moved today focusses the attention of the Government upon the one crying need of reform and that is the reform of the refreshment rooms, the refreshment cars, the rationalization of prices, the supply of wholesome food and that for a reasonable price. If this is achieved, I am sure, one blot upon the railway administration shall have been removed, and then it cannot be said that the railway passengers have to starve themselves whenever they get imprisoned into the train till they have reached their destination.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, notwithstanding the fact that I am not so very well (*Voices* : "We can't hear you")—Sir, notwithstanding the fact that I am not so very well (*Voices* : "Louder, please")—Sir, notwithstanding the fact that I am not so very well as to speak on this motion vehemently so as to impress this House about the reasonableness of this Resolution moved by my Honourable friend, Dr. Ziauddin Ahmad, I would appeal to the Official Members to consider this. Sir, whenever they travel in a railway carriage, most often they have either their own carriages, especially the high officials, or if they are railway officials, then they have the strength of the whole Railway Department behind them and thus perhaps it will not be so easy for them to realise the difficulties of the general public who suffer so much for the bad management of the contract system. Sir, this Resolution does not in any way blame the Railway Department for its management or for its giving contracts to undeserving people, but what it presses for is this, that an inquiry should be made by non-officials, whoever they may be—it does not say that they should be Members of the Legislative Assembly, it does not say "exclude the railway officials", but it only says that an inquiry should be made, so that the public may have more conveniences on railway journeys.

Sir, my Honourable friend, Sir Hari Singh Gour, has depicted the condition of the railway passengers. The fortunate officials of the Government here may not believe it, but it is a fact that the railway passengers have really some very great troubles to endure, because they pay for their fares, they pay for the articles they purchase, they pay for the

purchases they make, but still I can say from my own experience in my own constituency at Lucknow that those very articles which are sold in the Bazaar near about the railway station are really sold at double the price at the railway station itself. Now, the reason for this is not far to seek ; it is only this that those people who monopolise these contracts, those people who are given the contracts, whether by the favour of some friends or by means of bidding at the highest bid, do as they like. This Resolution does not discourage or does not say a word against the officials ; it is meant simply to remove the grievances of the passengers, whether they be first-class or second-class or third-class passengers. Sir, I would appeal to my official friends here to accept this Resolution, not as being a censure on the Government, but only as a recommendation to remove the grievances of the railway passengers. It is only in the name of the public that we are crying here and that we ask the railway officials to look into the substance of this motion. It is not in any way a censure on the Government. With these words, I heartily support the Resolution.

The Honourable Sir Joseph Bhore : Sir (Applause), I trust that the House will consider this matter in an atmosphere not charged with prejudice, which I fear so often warps the consideration of railway matters. (*Voices* : "No, no.") I must, first of all, congratulate my Honourable friend, the Mover, on the very restrained manner in which he has set out his case and which has certainly added to the weight of its presentation. As regards my Honourable friend, Sir Hari Singh Gour, to use a phrase which he himself used yesterday on a recent festive occasion, "the less said, the better". (Applause and Laughter.) Where it was not irrelevant, I may say that it was very largely inaccurate. Now, Sir, as regards the reason for the prejudice to which I referred, I have tried to explain that on a previous occasion. Perhaps the House will forgive me if I repeat what I said on the occasion of the discussion of the Railway Budget last February. I said :

"I have often attempted to analyse and tried to account for the attitude, almost of hostility, towards the Railway Department which has so often been exhibited in this House and which is prepared to take for granted the guilt of the Railway Department and throw upon it the onus of proving its innocence. It seems to me that no organisation, public or private, is brought into such close, such intimate and such continuing contact with the public as the Railway Department. It is so to speak continually and ceaselessly on its trial, literally every minute of the day and every day of the year. Under these circumstances, it is not surprising that occasions should arise for legitimate criticism. The only wonder is that those occasions do not arise more often. A single instance of discourtesy or rudeness on the part of an employee, a single instance of negligence or inconvenience that may be experienced will very often warp the whole outlook of the person so affected towards the Railway Department."

I have no doubt that most of us here have, at one time or another in our lives, had very just cause of complaint against the Railway Department. I myself have very often had such causes of complaint. But, Sir, I would ask that, however legitimate those personal complaints, they should not be allowed to colour our judgment on every occasion upon which we discuss a railway matter.

Now, Sir, let me turn to the Resolution itself. It assumes that bad food and drink are always supplied at exorbitant rates at every railway station. Sir, no one will have the temerity to assert that the food supply

[Sir Joseph Bhore.]

at the railway stations and platforms is always good. It may very well be that on many occasions, and, in respect of certain places, the standard of quality may very justly be challenged, but I submit that that is perhaps almost inevitable in a railway system which extends over a sub-continent. Since the matter was ventilated in the Central Advisory Committee, I took the opportunity of my own journeys to observe the quality of food vended at railway stations *en route*.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadian Rural) : Did you get cockroaches ?

The Honourable Sir Joseph Bhore : No, Sir. That is one of the inaccuracies in my Honourable friend, Sir Hari Singh Gour's speech to which I referred. I noticed that the food varied a good deal in quality and that no single judgment was possible which would be applicable to all cases. In a few instances, at a few large stations, the food was noticeably excellent. In a few other cases, I found that the food was undoubtedly poor in quality. But I was told that in these cases the people who had to be catered for were poor people and that the quality of the goods and their price had to bear some relation to the length of their purses. But I found in the majority of cases that the food was certainly fair in quality. Now, Sir, I hope that the result of my own observations will be largely borne out by the experience of people who have had occasion to travel frequently on railways. That, I think, is also borne out by the proceedings of the various Advisory Committees. We have examined those proceedings very carefully, and I find that they do not reflect any serious dissatisfaction with the quality of food that is being supplied. I entirely agree with my Honourable friend that the closest possible supervision should be exercised over vendors. The orders in existence provide for that. On some railways, there are regular food Inspectors. On most railways, however, the work is entrusted to the station masters, and travelling officers like the Railway Traffic Inspectors, Medical Officers and others, are enjoined to inspect and supervise the quality of the food and the wares of vendors at various railway stations. In all dining rooms and refreshment rooms, there are complaint books, and, if there are any complaints, extracts are sent at once to the District and Divisional Officers. The superior officers themselves are enjoined to examine these books and to take suitable action wherever this is possible at the earliest opportunity. I merely mention these facts to show that we go, as far as we possibly can, to try to remove causes for just complaint. I do not for a moment say that there is no cause for complaint at all. Adverting for one moment to food in railway trains, I have heard from a number of independent quarters that the food supplied, for instance, in the Indian Restaurant Car on the Grand Trunk Express is absolutely first class, well served and extraordinarily cheap. I am sure that Honourable Members, who have occasion to use that route, will bear out what is an almost universal testimony. Unfortunately, our President is not here, or I should have appealed to him to substantiate that allegation of mine. Sir, I merely mention this as an instance in order to show that it is dangerous to indulge in generalization or sweeping condemnation.

Then, let me turn for a moment to the question of price. Here, again, I do not think that the complaint of gross and extortionate over-charging can be established as a general proposition. I have no doubt that the

charges at railway stations are high, but my experience is that the charges at all railway stations in every part of the world are higher than the charges in, say, the local market. The question, however, is : Are these charges reasonable and do we exercise adequate control over those charges ? Well, Sir, I have made inquiries, and I am told that these charges are generally fixed by responsible railway officers on the basis of the Bazaar prices ruling in the locality and on several railways also in consultation with the local civil authorities. These prices, I am told, are scrutinised periodically to see if any revision is called for. Local Advisory Committees on Railways have occasionally also initiated discussions when it has seemed to individual members that the rates charged were susceptible of reduction. Vendors are required to exhibit on their stalls or on their trays printed tariffs of charges. I do not know whether this is always done. This should enable the public to satisfy themselves that they are not being charged higher rates than those fixed.

Now, Sir, I come lastly to the remedy suggested in the Resolution, and I suggest that the remedy is inappropriate. The actual appointment of vendors is a matter of minor administrative detail, and I do not think that it would be appropriate to leave this matter to a Committee such as that envisaged in this Resolution. I fully realise the interest taken by the public in this matter. It is a matter which very nearly concerns all of us, and, in a matter where amenities to the travelling public are concerned, the Railway Department cannot afford to be either careless or irresponsible. I have emphasised this point more than once in speeches made in this House, and perhaps the House will forgive me if I quote just a few lines from my closing Budget speech. I said :

" I would close with one final remark in regard to the attitude of the Railway Department towards the competition which they will be called upon more and more to face from many quarters in the future. Whatever may have been their attitude in the past, my close contact with the Railway Administrations during the past eighteen months has left this much perfectly clear in my mind, namely, that the railways are alive to the fact that it is only by endeavouring to give better service, by endeavouring to give better value for money than their competitors, that they will be able to keep and to increase their clientele in the face of competition."

This, Sir, will, I am sure, convince the House that there is no difference in its point of view and ours. We are both working to the same end. It seems to me that this particular question is one which can be most suitably and most appropriately considered by Local Advisory Committees. They are in close touch with local conditions, they know what the local requirements are, and if my Honourable friend will withdraw his Resolution, I will undertake that, in so far as the railway administrations over which we have control are concerned, they will be required specifically to remit this question to Local Advisory Committees and to record their views and suggestions. When these views and suggestions have been received by the Railway Board, I will give the assurance that the Railway Board will see what steps are possible and what steps can appropriately be taken in order to secure the result we both want to secure, namely, the provision of good and wholesome food at reasonable rates for the travelling public. Sir, I must oppose the Resolution. (Applause.)

Dr. Ziauddin Ahmad : Sir, we on this side of this House are very thankful to the Honourable the Railway Member for his promise to look into the matter. There are certain matters in which the Opposition is a

[Dr. Ziauddin Ahmad.]

greater authority than the Members on the Treasury Benches and one of them is the quality and the price of food supplied to the travelling public, because the Members of the Treasury Benches, who travel in their saloons, have no personal knowledge. The Railway Board has promised to refer the matter to the Advisory Committees all over India, and I would suggest that the Honourable the Railway Member may also be pleased to send a copy of the proceedings of today's debate to the different railways.

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

In the course of the debate specific questions were raised, namely, (1) the system of giving big contracts to one man, (2) the system of sub-letting the contracts to other individuals, (3) the system of selling contracts, (4) the fixation of prices, (5) the supervisions by a body in which non-Railway men may be associated, etc., etc. The Railway Board or any Committee under the direction of the Honourable the Railway Member might examine these opinions received from Advisory Committees on these specific points. The conclusions of the Board or the Committee should be effectively carried out. If it is done, the purpose of my Resolution would have been served.

The Honourable Sir Joseph Bhole : I will certainly have this done.

Dr. Ziauddin Ahmad : With this assurance, I beg leave of the House to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* REPRESENTATION OF INDIAN CHRISTIANS IN THE SERVICES AND COMMITTEES.

Dr. F. X. DeSouza (Nominated Non-Official) : Mr. President, as the Honourable Members, Mr. Jagan Nath Aggarwal and Lala Hari Raj Swarup, in whose names Resolutions Nos. 3 and 4 stand, are absent, and as they would have authorised me to move the Resolution if they had been present, I beg to move the Resolution which stands on the Order Paper in my name and which runs as follows :

"That this Assembly recommends to the Governor General in Council that the claims of the Indian Christian Community for adequate representation in the services and for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the Community may be affected, should be recognised."

I should like to state at the very outset that I am not a communalist. (Hear, hear.) On principle, I should like no special privileges to be conferred on my community or on any community. (Hear, hear.) I stand for absolute democracy where merit and personal considerations are the only things that qualify for political privileges or opportunities of public office. But the Communal Award issued by His Majesty's Government has introduced the principle of communalism in the general polity. And the Government of India, Home Department Resolution of 6th July, 1934, regarding the representation of minorities in the Services has accentuated this principle. The Communal Award gave us insufficient weightage in the Legislatures and in the public life of the country. The

Home Department Resolution virtually ignores our claim to a share in the public services.

The result is that while on the one hand we are being gradually elbowed out from our position in the public services by the more powerful communities, on the other the Government of India and the Home Government act as if we are not entitled to claim a share in the public life of the country. In the composition of the several Royal Commissions, Conferences and Committees appointed to work out the details of the Reformed Constitution, no member of our community has found a place and though these Committees shape our destinies, we have no voice in their deliberations.

And yet we form the third largest community in India, numbering according to the last census 6,297,000 souls. Our numbers are increasing by leaps and bounds, having risen by 32.5 per cent. during the last decennial period and by 238.1 per cent. during the last half century. Apart from natural increase which may be expressed at 12 per cent. for the decennial period, more than 20 per cent. out of the total increase is due to conversion from depressed classes and still more so from the hill and forest tribes. In the circumstances the following figures of the standard of comparative literacy among the several communities taken from the last Census Report are an amazing indication of the educational and moral uplift which Christianity has brought to the masses who have come under its influence.

Literacy per mille.					
Hindus.		Muslims.		Christians.	
Male.	Female.	Male.	Female.	Male.	Female.
144	21	107	15	352	203
Literacy in English per 10,000.					
Hindus.		Muslims.		Christians.	
Male.	Female.	Male.	Female.	Male.	Female.
204	16	164	11	1,174	649

The political significance of this educational advance is obvious.

I have, on more than one occasion, drawn the attention of the Government in this House to the feeling of alarm created amongst the Indian Christian Community by recent pronouncements made by the Nationalist Leaders affecting our fundamental rights—religious and civil. The warning held out by Mr. Gandhi, in March, 1931, to our missionaries, denying their rights to proselytise—a right which he concedes to Muslims—sent up a storm of angry protest throughout the country, as being a threat to our liberty to practise and preach our religion. The Bill introduced by Mr. Kelkar, a prominent nationalist, in the Legislative Assembly in 1928 for the repeal of Act XXVI of 1850 which we regard as our Magna Charta, as it secures us against forfeiture of civil rights by conversion, was an ominous indication of what might be in store for us if a Swaraj Government were installed in office. Certain orders recently passed by the Government of Madras discriminate in an invidious manner against our religious and charitable foundations in the matter of acquiring Government land holding that they are alien institutions, under the absurd notion that they vest in a foreign Ruler, the Head of our Church.

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There is also serious resentment in the Madras Presidency against the refusal by the Minister of Education to grant recognition and adequate grants-in-aid to our denominational schools which our children are bound in conscience to attend.

These, Sir, are fundamental rights which we think should be inserted in the Constitution, so as to make it possible to challenge the validity of any future legislation in contravention of these rights in the Supreme Court or the Federal Court. The feeling was universal in the community to which I gave expression in my speech in the Assembly, on 30th March, last year, that we should be given an opportunity to urge before the Joint Select Committee our point of view on these vital questions. But while microscopic minorities were allowed the privilege of a seat on the Select Committee and insignificant interests were invited to state their case as witnesses before that Committee, we, the third largest community in India, with our fundamental rights seriously threatened, were not considered of sufficient importance even to be invited to give evidence. As a measure of despair, I, as President of the All-India Catholic League, submitted to the Joint Parliamentary Committee a written statement of our case which I trust will receive due consideration.

Nor has a single Indian Christian found his way to any of the numerous Commissions and Committees appointed to prepare the ground for the New Constitution and work out its details. From the third and decisive sitting of the Round Table Conference we were excluded. We were not only not represented on the Joint Select Committee of Parliament, but the Committee did not even care to hear us, so that there is great danger of our case going by default. The Franchise Committee, which was meant to be a representative Committee, and whose deliberation will vitally affect our future, could not find place for even one member of our community. It is not too much to say that the Indian Christian Community feel humiliated at the continuous slight offered to them by the Government of India as if they were untouchables in the public life of the country.

I had occasion to address an interpellation on the subject, in this Honourable House, and I was informed that it was either the Home Government or the Joint Select Committee who were responsible for the omission. I trust that the Government of India will not wash their hands of all responsibility in the matter on the present occasion or suggest that they did not tender any advice to the Home Government on the subject.

I cannot help thinking that this callous indifference of the Government of India to the claims of our community has its origin in history. The East India Company, the predecessor in title of the Government of India, was incorporated for trade, not for empire. From the very beginning they showed a nervous dread of any appearance of friendship towards Christianity for fear of offending Indian susceptibilities and endangering the sale of their broad-cloth and hardware. It was not till 1813, that the embargo on Christian educationalist and missionary enterprise was lifted. And though the Government became more and more Christian in its activities after that date, due to evangelical influence in England, it became more and more anti-Christian in its treatment of Indian Christians. It has been pointed out by Mr. Arthur Mayhew, formerly a Director of Public Instruction in the Central Provinces, in a

recent volume on Christianity and the Government of India, at page 137, that the Charter of 1833 which enunciated the principle of equality of all races and castes and creeds in recruiting for public offices was subject to one important exception, *viz.*, in the case of converts to Christianity. They soon came to understand that so far as Government office was concerned no Christian need apply and that the profession of the same religion as their Rulers far from being regarded as a qualification for office actually disqualified them and served as an excuse for violating the spirit of the equality clause in the Charter. Again, the same authority points out at page 158 that, while every other form of religion was tolerated in the Army, the case in 1819 of Prabhudin Naik, a Sepoy of a Brahmin regiment of the Bengal Army, who was converted and baptised by a Company Chaplain and was dismissed from the Army in consequence, showed that the Government was not prepared to tolerate Christianity in the Army. From that date, the Army, as a profession, has been closed to converts to Christianity, even though they belong to the martial races.

The transfer of the Sovereignty to the Crown has not materially altered the status of the community though it has done away with the discrimination against us practised in the days of the East India Company. We do not now complain of ill-treatment or of oppression; only we have become minor pawns in the rivalries of communities and the Government have abandoned us to the exigencies of higher politics. The East India Company was a stepmother to our community but there is no one to act as godfather in the present Government of India. It is unnecessary to go beyond the White Paper to furnish an illustration. In the matter of seats, in order to placate more powerful interests, no weightage whatever has been given to the Indian Christians in the Punjab, a wholly inadequate weightage in Madras, where in spite of our numbers, we are placed in a position of absolute inferiority *vis-a-vis* the Muhammadans and no representation whatever in the Central Provinces and in separated Sind. While providing that important minorities should be represented in the Provincial and Federal Cabinet, there is no provision that the Indian Christian Community should be declared an important minority community in Madras where it is one of the most advanced communities, nor is there any provision that it should ever be represented in the Federal Cabinet.

There are several Committees to be appointed shortly to work out the details of the Reformed Constitution. Among those is the Committee for the Delimitation of Constituencies in each Province. The Indian Christian Community is vitally interested to see that there shall be no gerrymandering of constituencies. And I would respectfully ask that the Government of India nominate at least one member of our community from each Province on these Committees.

I have not said much about the representation of Indian Christians in the Public Services. Thanks to our advance in education and training, till recently we occupied a position of advantage in the matter of subordinate appointments in the public service, participation in educational work and public utility services. But the Home Department Resolution has rung the death-knell of our hopes for the future. The Indian Christian Community is the only all-India minority community whose prospects have been sacrificed by that Resolution to placate other minorities. The Sikhs are virtually confined to the Punjab and are

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strong enough to look after themselves. The net result of that Resolution, so far as we are concerned, is that while, since 1925, we had a fair field with other minorities to compete for 33 1/3 per cent. of the vacancies, under the new scheme we have to compete with Sikhs, Parsis, Jains, Anglo-Indians and others for 8 1/3 of the All-India appointments, and with Sikhs, Parsis and Jains for 6 per cent. of the local appointments. We do not grudge the Muhammadans the 25 per cent. of all appointments, Imperial and Provincial, which they have secured for all time, nor the Anglo-Indians 8 1/3 of the local appointments which they have been guaranteed—a weightage of 1,000 per cent. on their numerical strength. All honour to the doughty champions of these two communities, Sir Muhammad Yakub and Sir Henry Gidney. But in the name of justice and fair play we ask that the same consideration that apply to them should be held to apply to us also.

We have neither zamindars nor moneyed classes among us, and like the Anglo-Indians we depend to a large extent on employment in Government service for our economic life, and rapid displacement may lead to a serious dislocation of the economic structure of our community. Besides, in a competition with other minorities more powerful than ourselves, even for the very limited percentage of vacancies now reserved, the dice will be heavily loaded against us as we shall have no friends at Court who can influence the distribution of patronage. The proviso, that when qualified candidates from the minor communities will not be available for nomination to make up their quota, the residue will be available for Muslims, is specially obnoxious because members of the latter community will thereby be placed in the position of stakeholders and judges.

Only the other day I heard of a member of one of the smaller minority communities, which shall be nameless, appointed to a high office who immediately proceeded to fill his office with members of his own community rejecting all Indian Christian candidates on the ground that his own community was not well represented in his office and there was no separate quota fixed for the smaller minority communities *inter se*.

Another glaring instance of injustice which is likely to occur under the resolution : an Indian Christian holding a temporary appointment in the clerical branch of the Calcutta Customs Preventive Office and who would have, in usual course, got one of the posts to be filled up immediately was, as soon as the Resolution was published, thrown out on the ground that paragraph 8(1) of the Resolution lays down that 8 1/3 per cent. are reserved for all minority communities including Anglo-Indians and the latter must be given the preference in the Customs Service according to paragraph 8(4) of the Resolution. This is an extension of the principle of reservation to cadres of subordinate services which the Resolution does not contemplate.

May I respectfully request that a fixed percentage of vacancies with a reasonable weightage in our favour, be reserved to us also as in the case of Muslims and Anglo-Indians and that in the annual returns of recruitment called for in paragraph 5 of the Resolution, a column be added for Indian Christians also so that we may not be entirely lost sight of ! Otherwise, our last state will be worse than the first and we fear that, under the Swaraj Government as under the East India Company, no Christian need apply.

I can assure the House that it goes much against the grain for me to urge our communal claims for appointments in the public service. But to sit with folded hands in the name of nationalism, while the ground is being cut from under our feet by more militant minorities, may be magnificent but it is not practical politics.

The apathy of the Government of India to our claims is regarded by some members of our community as a blessing in disguise. Educated youths of the community have realised their true position in the general polity during the past decade and, as pointed out by the Census Commissioner, their attitude has tended to change from that of a separatist minority towards co-operation with moderate nationalists—a change expressed by the formation in Bombay of the Christian Nationalist party. On the other hand, the Extreme Nationalists are gradually realising that Christianity is not an exotic plant from the West, inconsistent with a nationalist outlook, but having been established in Southern India as long ago as Christianity in most parts of Europe, and earlier than Islam or the religion of Zoroaster, has as much right to be regarded as an indigenous religion today as the religion of the Muslims and Parsis. A striking proof of this change of mentality is furnished by the election by the Madras Legislative Council of two successive Presidents from among the ranks of Indian Christians and by the selection by Provincial Governments throughout India of Indian Christian Magistrates to adjudicate in communal disputes.

Sir, it is in no spirit of self-aggrandisement, but in the spirit of service, that we ask for opportunities to serve the Motherland. With the gradual elimination of the Christian element in the personnel of the Government of the country, the duty will devolve on the small Indian Christian Community to maintain Christian standards and Christian principles in public policy. Our Master came to be the servant of mankind. He came "not to be ministered unto but to minister and to give His life a ransom for many". In the New India it is the Motherland which will have the first claim on our ministry. In the public services of the country, in the Legislative Assembly, in schools and colleges, in the work of industrial education and village uplift, in medicine and surgery and maternity work, in sanitation and hygiene, in art and literature, in trade and commerce, in science and engineering, in agriculture and public works, we desire to have unlimited scope for the service of our country. Belonging to no caste or sect, able to hold the scales even between Hindu and Muslim, we feel that in the India of the future we shall have the role of peacemakers to fill. That is why we chafe at the prospect of being cribbed, cabined and confined within the narrow limits of our numerical quota in spite of our great educational advance. Many indeed there are who believe that the great spiritual revival for which Christians in the West are waiting may take place in India and that Indian thinkers and sages will recall the forgotten meanings and values of the Christian faith. And Narayan Vaman Tilak, the Christian poet of Maharashtra, in a spirit of prophecy exclaims :

"Yee, at the end of pregnant strife
Enshrined as 'guru' of the Earth,
This land of Hind shall teach the worth
Of Christian faith and Christian life."

Two great communities have emerged from the impact of European influence in India,—the Anglo-Indian Community and the Indian Christian

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Community. The former will be launched by the Government of India to try its fortunes under the New Constitution fortified by every privilege with safeguards as regards education, employment in the public service and their economic future. Truly blood is thicker than water, especially when the water is the water of baptism. But the latter has been left to its own resources to wage an unequal fight and goes forth branded with the mark of inferiority. We ask for no special privileges, for privilege creates odium. All that we ask for is that the Government of India before surrendering the reins of power to the Swaraj Government shall give adequate recognition of our status as numerically the third largest community in India, in literacy superior to all other communities, in education and culture second to none, in the political and public life of the country. With this brand of inferiority removed and our fundamental rights safeguarded in the Constitution, we trust to our own strength to work out our salvation in the future Government of the country in the Provinces as well as in the centre.

Quite recently, the Government of Madras have made the announcement that a member of our community has been appointed by the King Emperor as a Member of the Government of Madras. On behalf of the Indian Christian Community, I tender my sincerest thanks to the Government. It is the result of constitutional agitation, long and patiently pursued. The appointment will undoubtedly enhance the political status of the community throughout the country.

Public opinion in Madras is expressed by a leader of the community in one of his letters to me, in the following words :

"The Government by one stroke of the pen have atoned for all their past sins of commission and omission, in respect of Christians, by appointing an Indian Christian as Home Member.... Christians are naturally jubilant because the Government have, at long last, recognised the claims of the Indian Christians to a share in the Government of their own country."

But one swallow does not make a summer. It is to be hoped that the appointment indicates the orientation of a new policy towards the community in the India of the future and that, side by side with the doors thrown open to leaders leading to Councils and Governments, the rank and file will also not find the door barred against their entry in the public services, so that the economic life of the community may be maintained intact. We merely ask that the pledge given by His Majesty's Secretary of State, in addressing the Anglo-Indian Association the other day, be redeemed in our case also. "We are insisting" he said, "on these safeguards with the object of introducing stability and ensuring that no community is aggrieved at the start of constitutional changes". We ask for nothing more.

With these words, I move the Resolution that stands in my name.

Mr. President (The Honourable Sir Shanmukham Chetty) : Resolution moved :

"That this Assembly recommends to the Governor General in Council that the claims of the Indian Christian Community for adequate representation in the services and for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the Community may be affected, should be recognised."

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam : Non-Muhammadan Rural) : Sir, there appears to be no escape for us on this side of

the House from these communal claims. Two years ago, Mr. Bhagwandas, addressing a huge Hindu gathering, gave some advice to the Hindu community. He said that it had no future before it, and that it must make up its mind whether they should become Muslims or they should become Indian Christians....

Dr. F. X. DeSouza : Then become Indian Christians.

Mr. B. Sitaramaraju : And Mr. Bhagwandas said that there would be an obvious advantage if the Hindu community were to become Indian Christians, and I realised the truth of that statement when I read these papers placed before me. Before I give Honourable Members the percentage of Indian Christians in the public services of this country from the statistics before me, I must at the outset tell my friend, Dr. DeSouza, that we have no objection to his community getting a legitimate share in these services ; let it get as many posts as possible, but, for God's sake, let it not be said that they, the Christian community, have not got enough.

Dr. F. X. DeSouza : Have you got enough ?

Mr. B. Sitaramaraju : If Mr. President will allow me, I shall be pleased to read to the House the figures to show who has got enough.

An Honourable Member : We cannot hear you. Please speak up.

Mr. B. Sitaramaraju : Before I take the statement showing the communal strength of the community in the Departments of the Government of India, let me deal with their position in the Provinces. The Indian Christian community, including those in the Indian States and in the Provinces, form about six and odd millions, of whom it is admitted that a great number are in the Presidency of Madras. Now, Sir, as you know, Madras has tried to solve this communal problem in a peculiar way. It has introduced what is called the communal rotatory system by which the various communities in the Provinces are given their due share on a population basis, and even more in case of minorities. According to that rotatory system, all recruitment is made to the public services on communal rotation. They followed the principle that, consistent with considerations of efficiency and necessary qualifications, a due share should be given to all communities. In that way they prescribed minimum qualifications and other tests by which the communities should be qualified to enter the services in the proportions to which they are considered to be legitimately admissible. But, in regard to promotions, different considerations prevail, because promotions do require some merit also ; and, therefore, the Government have reserved a certain proportion of appointments to be given on merit, and a certain proportion has been reserved for racial and communal considerations. Therefore, it cannot be said that the claims of this or any community is overlooked, at any rate, in Madras, where this community is found in very large numbers.

Leaving, therefore, the question of Provinces aside, I will now take up the question of the services of the Government of India. In the Government of India, we find that in the Army, the percentage of Indian Christians is 1.2 ; Commerce 1.09 ; Education, Health and Lands 1.12 ; Finance 2.44 ; Foreign and Political 2 ; Home Department 2.94 ; Imperial Research Council,—they have not given the figures ; Industries and Labour 5.18 ; Legislative 1.18 ; Legislative Assembly Department 1.96 ; Military Finance 1.1 and Railway Department 2.17 ; A. D. O. S. 2.17 ; A. G.'s Branch 3.1 ; Director of Contracts 7 ; Engineering Branch 7.4 ;

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Master General of Ordnance 8 ; Q. M. G.'s Branch 1 ; Royal Air Force 2.08 ; Director General of Archaeology and D. G. I. M. S. 3 ; A. G. C. R. and Auditor General's Office 4, and so on and so forth. Under Commerce Department, there is the office of the Superintendent, I. M. M. T. S. "Dufferin", and there you have 66.67 Indian Christians, Shipping Office 37.0.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : You have omitted the Executive Council here which has a Member of that community as the Leader of the House.

Mr. B. Sitaramaraju : I am coming to my friend, the Leader of the House, which would give 16 per cent. in the Government of India, and also to the Member of the Executive Council of Madras which would give 33 per cent in the Government of Madras. It must be remembered that the Indian Christian community ought to be grateful to the Government, because, for the first time, this seat in Madras which had hitherto been given to members of the Muslim community, has been given to a member of the Indian Christian community, and today, Rao Bahadur Pannirselvam is the Executive Councillor in Madras. And, Sir, with a population, so small as the Indian Christians, if they have got such a high percentage, I do not understand why my friend, the Mover of this Resolution, still complains by stating that he wants a special consideration for his community. If the special consideration for his community is to be based merely on the question of religion, then I don't see any reason why he should leave my friend, Sir Henry Gidney, aside, and also my friend, Sir Leslie Hudson, because, from the point of view of religion, they all belong to one religion, and, therefore, form one group. If it is from the point of view of race, Sir, then my friend's place is not there in isolation, but with us. If it is from the point of view of backwardness, that is no reason why that claim should be made, a claim allowed to the Depressed Classes, because, even according to his own showing, they are in every way far more advanced than the other communities. Therefore, I ask, what right have the Indian Christians got to claim special consideration for,—not that I grudge them their due share, but let them not say that they have not got enough. They cannot claim consideration partly on religious or racial basis and partly on importance. That is another important absurdity in this matter. Recently, an instance occurred in Madras, and I should like to mention that particularly for the information of the House. You remember, the goldsmiths class in Madras have been claiming that they are Brahmins. They applied to the Government that they should be registered as Brahmins. The Government said that if they were so particular to be classed as Brahmins, they for their part had no objection, and so these goldsmiths class were classed as Brahmins. Subsequently, a member of that community applied to the Collector of the District for a certain post. The Collector informed him that the Brahmin quota having been exhausted under the rotatory system, the candidate would have to wait till the turn of the Brahmin came again in its usual course. Then, this candidate said : "No, Sir, we are non-Brahmins ; you must give us our share from the non-Brahmin community". Then the Collector told him : "Well, my dear man, you are registered as a Brahmin, and therefore, you can go only under the Brahmin category". "No, Sir", said the candidate, "for the purposes of services we are non-Brahmins, but for social superiority we are

Brahmins". (Laughter.) Therefore, Sir, in order to avoid this sort of absurdity, I suggest that Honourable Members should take a broad view. There should be a just and proper appreciation of the inherent rights the others have and the difficulties the various communities are labouring under these exorbitant claims. Sir, as a Hindu, I am always a patient man. I always believe that this narrow communal consciousness is a calamity which we have to put up with. Here is my friend, Dr. Ziauddin Ahmad. There is no greater friend than he to me, but his views about these matters are different from mine. What we do, is, we try and find as much as possible a common agreement among ourselves. If we are bent on finding only differences, there are plenty of differences ; but the highest thing that legislators can do is to try and find a common agreement among ourselves and see that, by our co-operation and our sympathy, we understand each other's difficulties and try to achieve greater unity.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : So far as the claim of the Indian Christian community in the public services is concerned, as the principle has already been settled by the Government of India by giving a certain proportion to one minority or another, I cannot object to the claim that is put forth by Dr. DeSouza. But I strongly object to the very principle of dividing the public services among different communities. The claim is that, being a minority, the Indian Christian community also should have a certain share reserved for them. I object to this on the following grounds.

In the first place, we should look at the question of the minorities' rights as have been settled by the League of Nations' Minorities' Sub-Committee. There the rights and privileges of the minorities in the populations of Europe were discussed and certain principles have been laid down with regard to them. Firstly, it has been settled that a minority cannot be counted a minority for political purposes unless it is above 25 per cent. The next point was as regards their rights. So far as the rights are concerned, they are divided into three categories ; one is the safety and freedom of their religion ; secondly, the education of their children should be arranged for by the State, and, thirdly, their culture, i.e., history and traditions, should be preserved. These are the three main rights which have been conceded to the minorities in the European countries by the League of Nations. When we were discussing about the question as to how long India has been a member of the League, and what were the contributions that were made by the Indian Government to the League of Nations, I was thinking at that time whether we were bound to follow the decisions of the League of Nations on all matters or not. India is an original member, and, being an original member of the League of Nations, if we were to claim certain rights in its management, it was also the duty of the Government of India to follow the principles laid down by the League of Nations in its Minorities Sub-Committee on these questions.

My next point is to show what is meant by public service. Public service, as it is understood in America, England and other European countries, means that the man, who is more fit for serving the public, should be selected for that service. It is very strange that here we want that the public service also should be regulated according to the religious beliefs held by different sections amongst us. This naturally brings in another form of communalism, and religion comes in to play a part in the Government by the apportionment of public service to different

[Bhai Parma Nand.]

religious communities. Not only that, but distinctions of occupations and professions also come in. In the South, we have got divisions, for instance, of Brahmins and Non-Brahmins. They would claim separate distribution of public service for them. In the Northern India, similarly in the Punjab, there is being created a division between the profession of zamindars and non-agriculturists. They are in possession of land and, forming the main population, they should be given special favourable privileges in the public service. I do not understand how this public service is being interpreted by different communities and different classes in India in the sense of demanding certain privileges and certain rights.

Again, this kind of reservation, will destroy the principle of efficiency altogether. I have had opportunity to explain this to the House many a time before. If you give preference to a person simply because he follows a certain creed, or his parents follow a certain profession,—be he fit or not,—it becomes communalism of the worst type, and the country that has got such a principle in its administration can never grow or develop self-government in it. This will deprive the best people who are really fit for and willing to devote their energy and ability to the service of their country.

Going to the root of evil, I think, as the current systems of Government give very big salaries to certain persons and to certain services, it is a great temptation for us all and that is why every community is trying to stress the principle of communal rights in this country. As against that, the principle of social equality or socialism would be far more preferable. In order to select persons for public service, their salaries and remunerations should be equalised in such a way, that they could not get more than they could make otherwise. I may be excused if I give an illustration from what I saw in the United States of America. I was in America, and, on one occasion, I had to act as an interpreter in a case of some Indians before a Court. What I found there was that the Judge was getting 500 dollars a month, the clerk was getting 450 dollars a month, and the orderly was getting 400 dollars a month. There was not much difference between the peon, the clerk and the Judge, and the result was that there was not much temptation for running after Government service. I, therefore, say that it is the hope and desire of big salaries which is responsible for this communalism.

In our case, however, I would put the blame on the shoulders of the British Government who, by giving the Communal Award in our Constitution, and, along with this Communal Award, by bringing in communalism in all kinds of services, have practically made this communalism so deep-rooted in this country that I think it would not be possible for any human agency in the future to uproot this evil, which is going to be a sure check to the growth of nationalism in this country. We talk so much of self-determination and Swaraj, but I consider, before we begin to think of Swaraj, of having self-government in this country, we should do away with or prepare the minds of the people to get rid of this curse of communalism in every department. Dr. DeSouza has told us that the Christians are so highly advanced in education that they can compete with anybody. I would not mind at all if by competition all posts go to Christians in any service; in that case, there would be no possible objection to it. But if a man is selected simply because he is a Christian,

it brings in an element of interference with freedom of religion. I know personally of some cases in which some qualified engineers and doctors have been told that they would be eligible to get the jobs if they changed their names and their religion, but not otherwise. They were highly qualified persons and this is what they were told. This idea of manning the services by men belonging to particular religions and professions is the worst form of communalism, and it does interfere with religion and it becomes and would gradually become an ugly unfair means of conversion.

Now, coming to the main point, the recent decision of the Government of India is that 25 per cent. of the posts should be given to Mussalmans. If the Government give 25 per cent. to the Mussalmans on a population basis, well and good. If the Muslim leaders and the Muslim community want it, let them have their share but there should be one uniform principle. Let it be that all posts are to be distributed on a population basis, though it is opposed to all principles of nationalism and national progress of the country. If, at all, this principle is conceded, let it be on a population basis. Let us take the railway service. Taking Mr. Hasan's report as our basis, I am prepared to show that 25 per cent. of the Mussalmans are already there in the railway service, but injustice comes in when it is added that, besides this reservation, they can compete with others and get more jobs. This is a wrong principle. There is 8-1/3 given to Anglo-Indians.

Dr. Ziauddin Ahmad (United Provinces Southern Division: Muhammadan Rural) : On a point of order. Is the Resolution of the Government of India just issued about service under consideration now?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair was going to allow two minutes more to the Honourable Member to finish his speech, and, therefore, it did not draw the attention of the Honourable Member to it itself. The whole problem of communal representation is not for discussion before the House. It is purely a question of the demand of the Christians for an adequate share in the representation in the public services. The communal G. O. and all that may be just referred for purposes of analogy and comparison, but the Honourable Member should not dilate on it at great length.

Bhai Parma Nand : I would submit, Sir, that I am opposed to this demand of the Christian community on principle, because it is communal. But as the principle is accepted by the Government, I don't mind if the Christians also have as much as they can. I must oppose the principle. Supposing we gave 25 per cent. to Mussalmans, 8-1/3 to Anglo-Indians and eight or ten per cent. to Indian Christians, and five or ten per cent. to Sikhs, then would come the zamindars and depressed classes; in short, the minorities of India would monopolise all the services and they would deprive the main community of India, i.e., the Hindus, of all share in the services. This is quite a wrong way of proceeding with the administration of the country, and, therefore, I oppose this demand on principle.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhoré (Leader of the House) : On Monday next, Sir, we propose to proceed with the unfinished business standing on the combined list for the three opening days of this week other

[Sir Joseph Bhore.]

than the remaining stages of the Bengal Criminal Law Amendment Supplementary (Extending) Bill and the Assam Criminal Law Amendment (Supplementary) Bill. On Tuesday, I shall move for reference to Select Committee of the Indian Iron and Steel Duties Bill which I introduced yesterday and the debate on that motion, if not finished on Tuesday, will be continued on Wednesday, whereafter, if time permits, the remaining stages of the Bengal Criminal Law Amendment Supplementary (Extending) Bill may be taken as well as any unfinished items of the business for Monday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 30th July, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 30th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN :

Mr. W. J. C. Richards, M.L.A. (Burma : European).

QUESTIONS AND ANSWERS.

MILITARY FORCES SENT TO THE BURMESE FRONTIER.

243. *Dr. Ziauddin Ahmad : (a) Have Government sent military as to the Burmese Frontier ? If so, why ?

(b) What is the number of the forces which have recently been sent India to Burma ?

(c) In case Burma is separated from India, will the cost of the troops be debited to the accounts of Burma ?

Lieut.-Colonel A. F. R. Lumby : (a) At the request of His Excellency the Governor of Burma one section of a Mountain Battery was sent to the Burma Frontier to support the Burma Military Police. The reasons were explained in the statement supplied to the Press on the 27th June, 1934, a copy of which has been placed in the Library.

(b) None.

(c) I am afraid I am unable to answer such a hypothetical question.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether there is already any military force on the borders of the Province ?

Lieut.-Colonel A. F. R. Lumby : The armed forces on the actual frontier in this particular part of the Sino-Burmese frontier are the Burma Military Police and the one section of a Mountain Battery to which I have already referred in my reply.

Mr. Lalchand Navalrai : May I know what necessity has actually arisen on the border, so that a force should have been sent additionally.

Lieut.-Colonel A. F. R. Lumby : No additional force has been sent to Burma.

Mr. Lalchand Navalrai : The Honourable Member gave us the reply that the military forces of Government had not been sent, as in clause (a) of his answer. I did not quite follow the Honourable Member ?

Lieut.-Colonel A. F. R. Lumby : The reply to clause (a) of the question was that there had been sent to the frontier one section of a Mountain Battery. The reply to clause (b) was that no additional force had been sent from India to Burma.

Mr. Lalchand Navalrai : Has this not been necessitated by the entry of the Chinese into that Province ?

Lieut.-Colonel A. F. R. Lumby : Undoubtedly the steps taken were necessary.

Mr. Lalchand Navalrai : Why was it not necessary, if the Chinese have actually entered our country ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question cannot be asked.

Dr. Ziauddin Ahmad : Is the separation of Burma from India of the same hypothetical nature as the question of the separation of Oudh from the United Provinces ?

Lieut.-Colonel A. F. R. Lumby : I think that, so far as these particular operations are concerned, the question is a hypothetical one.

The Honourable Sir Joseph Bhore : I would ask, Sir, that the questions relating to the Home Department be taken up next Wednesday ; I regret to say that the Home Member has not yet reached Simla.

Mr. President (The Honourable Sir Shanmukham Chetty) : Questions relating to the Home Department will be taken up on Wednesday.

†244*.

†245*.

INCLUSION OF A TABLE OF EXPORT TRADE IN THE REPORT ON THE WORKING OF THE OTTAWA AGREEMENT.

246. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state whether the report on the working of the Ottawa Agreement will include a table of our export trade in principal commodities to—

- (i) the United Kingdom,
- (ii) the countries other than the United Kingdom included in the British Empire,
- (iii) the countries outside the British Empire ; and
- (iv) detailed figures to show that the increase of our export trade to the United Kingdom (if any), is real increase or only a diversion from non-Empire countries to Empire countries ?

(b) If the reply to part. (a) be in the negative, are Government prepared to take steps to see that the information regarding items Nos. (i) to (iv) of part (a) is included in the report ?

The Honourable Sir Joseph Bhore : Government are of opinion that the Report contains all the information necessary to judge of the results of the working of the Ottawa Agreement.

†This question will be answered on the 1st August, 1934.

Dr. Ziauddin Ahmad : May I know whether the Report will give explicit figures as regards item No. 3 and item No. 4 ?

The Honourable Sir Joseph Bhore : I would ask my Honourable friend to wait until he sees the Report.

Diwan Bahadur A. Ramaswami Mudaliar : May I know when the Committee of the House appointed to consider this question will meet and review the Report ?

The Honourable Sir Joseph Bhore : Sir, it is not a question of its being a report of the Government : it is a report compiled for the Committee itself, and it will be placed before the Committee, which I hope will meet some time next week.

Diwan Bahadur A. Ramaswami Mudaliar : May I know if this House will have an opportunity to consider the report of its own Committee after that Committee has considered all the materials placed before it ?

The Honourable Sir Joseph Bhore : The report certainly must be made to the House.

Diwan Bahadur A. Ramaswami Mudaliar : To this House ?

The Honourable Sir Joseph Bhore : Undoubtedly.

Mr. President (The Honourable Sir Shanmukham Chetty) : In view of the fact that this will be the last Session of this Assembly, the Chair thinks it would be desirable that Government should make available the Report of the Committee to this House before the Session is adjourned.

The Honourable Sir Joseph Bhore : That certainly will be our endeavour.

Dr. Ziauddin Ahmad : When the Committee was appointed, the Members of this House, I think, understood that this Committee would meet *before* the Sessions of the Assembly, so that the Report might be in our hands in the earlier stages, and we might have the opportunity of discussing it.

†247*.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

248. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the F. Sc. Medical Group students of the Delhi University are not given admission to any Medical Colleges in India, except two from Delhi to the King Edward Medical College, Lahore ? If the admission is not open for the Delhi students, do Government propose to take any steps to ensure the admission of the Delhi F.Sc. Medical Group students to other colleges in India ?

(b) If admission to the Medical Colleges in India is not made open to the Delhi students what is the utility of retaining the Medical Group of the Delhi University ?

(c) Is it a fact that the Selection Board held at Delhi for interviewing these students have not interviewed all students but only a few ?

†This question will be answered on the 1st August, 1934.

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(d) Will Government please state reasons why the students, who have passed F.Sc. (Medical Group) examination of the Delhi University, are not permitted to appear at the "Test examination" for the admission to the Medical College, Lucknow?

Mr. G. S. Bajpai : (a) to (d). Information is being collected and a reply will be laid on the table in due course.

REBELLION IN CHINESE TURKISTAN.

249. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly make a statement on the situation, arising out of the rebellion in Chinese Turkistan, in course of which many British Indian subjects were killed and injured, and their properties looted?

(b) How many Indians are there in that territory, how many of them were killed and wounded, and approximately how much property has been looted up to date?

(c) What is the present position there, and what steps have Government taken for the protection of the British Indian subjects, and for the compensation of those who have suffered?

Mr. H. A. F. Metcalfe : (a) and (b). The Honourable Member is referred to the answer, given by Major Fraser-Tytler, to his starred question No. 23, during the last year's Simla Session. There are about 450 British Indians in Chinese Turkistan. Government have since received a complete list of the losses sustained by British subjects in lives and property in Chinese Turkistan during the disturbances, showing 12 British subjects killed, four wounded and two missing. The approximate value of property claimed to have been lost is Rs. 2,67,000. Most of these casualties and losses occurred during the beginning of the rebellion.

(c) The present position is still obscure, but the latest information indicates that there is a possibility of the Chinese Government regaining control. His Majesty's Government have made strong representations in the proper quarter, and the question of claiming compensation is under consideration.

CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.

250. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether :

(a) it is a fact that Khan Abdul Samad Khan of Baluchistan was tried and sentenced to three years' rigorous imprisonment under section 124, Indian Penal Code, and ordered to furnish security for Rs. 3,000 in connection with speeches delivered by him at Hyderabad, Sind; and

(b) it is a fact :

(i) that the first Jirga pronounced him innocent, but the Political Agent, Quetta, pressed for his punishment;

(ii) that all the facilities, which are usually afforded in jail to Indian political prisoners in the ordinary course, were taken away from Khan Abdul Samad Khan with the result that he has been undergoing rigorous imprisonment unlike political prisoners.

Mr. G. S. Bajpai : With your permission, Sir, I will answer questions Nos. 250 and 253 together. Information is being obtained from the Local Administration and will be given to the House as soon as it is received.

Dr. Ziauddin Ahmad : Is it permissible for the Chief Commissioner of Baluchistan to punish a person for speeches delivered in Sind? Should it come under the cognizance of the Chief Commissioner of Baluchistan?

Mr. G. S. Bajpai : I think the Chief Commissioner acted within his own competence.

WATCH ON THE ACTIVITIES OF YOUNG MEN IN BALUCHISTAN WHO READ NEWSPAPERS.

251. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Is it a fact that the Baluchistan authorities watch the activities of young men in Baluchistan who read newspapers, and are Government aware that this indirectly prevents reading of national papers there?

Mr. G. S. Bajpai : With your permission, Sir, I will answer questions Nos. 251 and 252 together. Information is being obtained from the Local Administration and will be given to the House as soon as it is received.

Mr. M. Maswood Ahmad : Will this information be laid on the table of this House during the life of this Assembly?

Mr. G. S. Bajpai : I think every endeavour will be made to lay it on the table of the House during the life of the present Assembly.

PERMISSION TO CERTAIN GENTLEMEN TO ISSUE NEWSPAPERS FROM BALUCHISTAN.

†252. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether they are prepared to grant permission to Messrs. Abdul Kudus Khan Achakzai and Pir Baksh Baloch to issue newspapers from Quetta, if they could satisfy Government that the policy and the tone of their papers will be mild and pro-Government?

TRIAL OF KHAN ABDUL SAMAD KHAN IN BALUCHISTAN.

†253. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state why Khan Abdul Samad Khan was tried in Baluchistan for the speeches delivered in Sind?

RELEASE OF POLITICAL PRISONERS IN BALUCHISTAN.

254. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Do Government propose to release all the political prisoners in Baluchistan, when the former have compromised with the Congress and all the political prisoners in India are being released? If not, why not?

Mr. G. S. Bajpai : The Honourable Member appears to be under some misapprehension in regard to the attitude of Government *vis-à-vis*

†For answer to this question, see answer to question No. 251.

†For answer to this question, see answer to question No. 250.

the Congress. I would refer him to the Government of India's Communiqué of the 6th June, 1934, which states the position and the action being taken in regard to the release of civil disobedience prisoners. No question of releasing any other class of prisoners arises.

INTRODUCTION OF CERTAIN REFORMS IN BALUCHISTAN.

255. *Dr. Ziauddin Ahmad (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether they have ever considered the question of introducing reforms in Baluchistan, such as freedom of speech, introduction of local board system, education, and judicial reforms ? If so, to what conclusion have they reached ?

Mr. G. S. Bajpai : (a) The Government of India are not aware that the position regarding freedom of speech is different in Baluchistan to that which obtains in any other part of India.

(b) By Local Boards, the Honourable Member presumably has in mind the introduction of a system of District Boards in rural areas. The established form of Local Self-Government obtaining in Baluchistan is tribal, and Government are satisfied that an attempt to introduce local self-governing institutions in rural areas on the lines obtaining in Governor's Provinces would not only be expensive but would not accord with the desires of the people.

(c) With regard to education, the Honourable Member is referred to the replies given to questions Nos. 420 and 426 asked by himself in the Spring Session of 1933. Government have nothing to add to the answers then given.

(d) As the Honourable Member is aware, except in certain areas such as the Quetta Municipality, the judicial system in Baluchistan is based on the Tribal *Jirga*. Government are not convinced that the substitution for this system of regular courts and an expensive judicial machinery would, at their present stage of development, either be welcomed by the people or be in the interests of the tribes themselves.

Dr. Ziauddin Ahmad : May I ask, Sir, whether, in the year 1934, the Honourable Member is still in favour of the *Jirga* system, which really is the negation of justice ?

Mr. G. S. Bajpai : Sir, it is not a question of any Honourable Member's opinion in the matter.

Dr. Ziauddin Ahmad : I mean the Government.

Mr. G. S. Bajpai : On behalf of Government I have already stated that they consider that the *Jirga* system is not merely suited, but is in conformity with the desires of the people of Baluchistan.

Dr. Ziauddin Ahmad : Is the Honourable Member sure that it is in conformity with the desire of the people ? My information is that it is just the reverse. Has not the Honourable Member got the experience of the North-West Frontier Province and was not *Jirga* system condemned and subsequently abandoned there ?

Mr. G. S. Bajpai : Sir, I think my Honourable friend is not instituting a correct comparison between the North-West Frontier Province and Baluchistan. I think the conditions of Baluchistan are quite different.

Dr. Ziauddin Ahmad : May I know, Sir, the reasons which have led the Government to think that the *Jirga* system is liked by the people in Baluchistan ? My own information is that this system is hated by the people.

Mr. G. S. Bajpai : My Honourable friend is welcome to his information, but I base my replies upon the information furnished by the Agent to the Governor General, who, presumably, is entitled to speak for the great bulk of the people.

Mr. M. Maswood Ahmad : Is it a fact that people in Baluchistan are not allowed to publish their vernacular papers in order to express their views on these and on other religious or political subjects ?

Mr. G. S. Bajpai : I am not aware that there are any restrictions on publicity in Baluchistan independently or different from those which prevail in the rest of British India.

Mr. M. Maswood Ahmad : Are Government aware that Khan Abdus Samad Khan made an application for the publication of a vernacular newspaper and it was refused, and, in this connection, questions were put on the floor of this House ?

Mr. G. S. Bajpai : It is possible that questions were put ; I am not personally familiar either with those questions or the answers that were given. But the fact that, in the case of one individual, permission has been refused may have something to do with the character of that individual.

Mr. M. Maswood Ahmad : I want to know the reply of this question from the Political Department, if my friend is not familiar, who have dealt with this subject and who should reply to this question.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order order. Honourable Members cannot dictate as to which Member of Government should reply his question.

Mr. M. Maswood Ahmad : I said so, because my Honourable friend does not know the facts of the case. Is it a fact that when Abdus Samad Khan applied for publishing a newspaper, the Commissioner of Baluchistan informed him that the paper should contain no articles on politics, religion or social matters, and, if he would agree to this condition, then only the publication of the paper could be allowed ?

Mr. G. S. Bajpai : My Honourable friend's question originally was as to whether permission was generally given in Baluchistan to the printing of newspapers. I gave answer to that question. Now he wishes to know in regard to the action taken by the Agent to the Governor General with regard to a particular individual. I regret to say that I am not familiar with the earlier history of that individual, and, therefore, cannot answer the question.

Mr. M. Maswood Ahmad : Is it a fact that Government are also not aware of these facts ?

Mr. G. S. Bajpai : I daresay Government who have a comprehensive mind have information available about this individual in some compartment of that mind ; only I don't happen to be in charge of that compartment.

Dr. Ziauddin Ahmad : Is the Honourable Member himself familiar with the *Jirga* system in Baluchistan, so that I may ask one or two more questions from him ?

Mr. G. S. Bajpai : So far as knowledge of the *Jirga* system is concerned, undoubtedly I cannot contend with the erudition of my Honourable friend, but I think I am familiar with the general features of the system. If my Honourable friend wishes to put me under cross-examination, I would be prepared to do my best. But I do not know whether such questions exactly arise from the answer that I have given.

Dr. Ziauddin Ahmad : My Honourable friend said that the *Jirga* system was popular among the people. Is he not familiar with such cases that if one *Jirga*, which is appointed to decide a case, does not decide that case to the satisfaction of the authorities, that *Jirga* is discharged and another new *Jirga* is appointed and this process goes on till the decision of the *Jirga* is to the satisfaction of the authorities ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not think that all these details are relevant.

Dr. Ziauddin Ahmad : The Honourable gentleman says that the *Jirga* system is popular with the people of Baluchistan, and I am trying to ask questions and elicit that it is not.

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

256. ***Rao Bahadur B. L. Patil :** Will Government be pleased to state the number of students during the past five years, who have passed the Intermediate Examination of the Delhi University in Science (Medical Group) and those who have been able to secure admission to the Medical College at Lahore, or elsewhere, and the number of those who wanted to join medical colleges but failed to get admission ?

Mr. G. S. Bajpai : A statement containing such information as is readily available is laid on the table.

Statement.	1930.	1931.	1932.	1933.	1934.
Number of students who passed the I. Sc. (Medical Group) Examination of the Delhi University during 1930-1934	11	9	16	21	28
Number of students who secured admission to the King Edward Medical College, Lahore	3	3	2	1	2
Number of students who applied for admission to the King Edward Medical College, Lahore, but failed to secure admission during 1930-1934	5	6	5	4	10

Information is not readily available in respect of the admission of students to medical colleges other than the King Edward Medical College, Lahore. It is understood that certain students were admitted to the medical colleges in Bombay, Calcutta and Lucknow privately and without the aid of the University of Delhi.

NON-RECOGNITION OF THE INTERMEDIATE EXAMINATION IN SCIENCE, MEDICAL GROUP, OF THE DELHI UNIVERSITY BY THE LUCKNOW UNIVERSITY.

257. ***Mr. B. V. Jadhav :** (a) Will Government be pleased to state whether they are aware of the fact that the Intermediate examination in Science (Medical Group) of the Delhi University is not recognised by the Lucknow University for purposes of its pre-Medical test for admission to the King George's Medical College, Lucknow ?

(b) Do Government propose to have the said Delhi examination recognised by the Lucknow University for the aforesaid purpose ? If not, why not ?

Mr. G. S. Bajpai : (a) and (b). Certain information is being collected and a reply will be furnished as soon as possible.

Mr. Lalchand Navalrai : May I ask, Sir, if there is any fixed number of students to be admitted to this college ?

Mr. G. S. Bajpai : So far as my information goes, there is a provision made every year for the admission of two medical students from Delhi to the Lahore Medical College.

Mr. Lalchand Navalrai : Who makes that provision ?

Mr. G. S. Bajpai : Obviously the Government of India make provision for that in the Budget of the Delhi administration.

Mr. B. V. Jadhav : Is that provision considered sufficient for the Delhi students ?

Mr. G. S. Bajpai : When we went into this question last in 1931, we came to the conclusion that that was adequate.

TIME TEST FOR WORK DONE BY CLERKS IN POSTAL CIRCLE OFFICES.

258. ***Sardar G. N. Mujumdar :** (a) Will Government be pleased to state whether any time test has been fixed in respect of the work done by the clerks in the Circle Offices of the Post Office and, if so, to what effect ?

(b) If the reply to part (a) be in the affirmative, has a similar time test been fixed in respect of the work done by the clerks in the Divisional Offices of the Post Office and Railway Mail Service and, if not, why could not the one prescribed for the Circle Offices be applied to the Divisional Offices ?

(c) If the replies to parts (a) and (b) be in the negative, do Government propose to prescribe a time test in respect of the work done by the clerks in the Circle Offices and Divisional Offices ? If not, why not ?

The Honourable Sir Frank Noyce : (a) The reply to the first part of the question is in the negative. The second part does not arise.

(b) Does not arise.

(c) The question of framing a suitable standard is under investigation by the Postal Enquiry Committee.

INCREASE OF WORK IN THE POSTAL DIVISIONAL OFFICES.

259. ***Sardar G. N. Mujumdar :** (a) Are Government aware that, as a result of the delegation of certain additional powers to the Superintendents of Post Offices and Railway Mail Service, the clerical work in those offices has increased ?

(b) Are Government also aware that, as a result of the economy campaign, the retrenchment scheme and grant of concessions for voluntary retirements, the work in the Divisional Offices has greatly increased and thereby the staff of those offices are over-worked and required to work for longer hours?

(c) If the replies to parts (a) and (b) above be in the affirmative, are Government prepared to sanction the additional staff for the purpose? If not, why not?

The Honourable Sir Frank Noyce : (a) No. In fact the delegation of increased power to Superintendents of Post Offices and of the Railway Mail Service should result in a decrease in the work of their offices since it removes the necessity for references to higher authorities in many cases.

(b) and (c). Government have no precise information but if in any Divisional Office the facts are as stated by the Honourable Member, Heads of Circles have full discretion to increase the clerical staff of such Divisional Offices when necessary.

A copy of the question and of this reply will be sent to all Heads of Circles for information.

Mr. Lalchand Navalrai : May I ask, Sir, how far this Postal Enquiry Committee has progressed?

The Honourable Sir Frank Noyce : I think it is somewhere about half way through its enquiry.

Dr. Ziauddin Ahmad : Is the formula of the Honourable Member about 54-hour weeks applicable to these clerks in the Superintendent's office also?

The Honourable Sir Frank Noyce : I am afraid I must ask for notice of that question. To the best of my knowledge, none of these clerks work 54 hours a week.

Dr. Ziauddin Ahmad : I understand the rule is that they should not work for more than 54 hours a week. They should not work more than a labourer does.

The Honourable Sir Frank Noyce : They do not come within the definition of industrial workers; that is obvious. As to their hours of work, I should have to make inquiries.

QUARTERS FOR INFERIOR SERVANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT AT POONA.

260. ***Sardar G. N. Mujumdar :** (a) With reference to the reply to my starred question No. 475, dated the 14th March, 1934, will Government be pleased to state whether it is not a fact that the accommodation at present allotted to the peons and porters of the Posts and Telegraphs Department at Poona does not provide for a small cookshed measuring five feet by five feet, a verandah four feet wide and a court-yard with a *pukka* bathing platform five feet by five feet properly drained?

(b) If the replies to part (a) be in the affirmative, do Government propose to take steps to provide adequate accommodation to the peons and porters and, until this could be done, either to exempt them from the

payment of water and other service taxes, or to allow them to vacate the quarters and to resume payment of the house-rent allowance?

The Honourable Sir Frank Noyce : (a) The facts are substantially as stated by the Honourable Member.

(b) As regards the first part of the question, the Postmaster-General, Bombay Circle, will be asked to see what can be done to improve their accommodation; as regards the latter part, I may inform the Honourable Member that the occupation of the rooms by the lower grade staff is optional.

†261*.

PUBLICATION OF THE REPORT OF THE JOINT SELECT COMMITTEE ON INDIAN REFORMS.

262. ***Mr. Bhuput Sing :** Will Government be pleased to state whether there is any truth in the Reuter's message, dated the 14th July, 1934, from London, that the Report of the Joint Select Committee will be released before Parliament rises at the end of this month? If not, when is the Report expected to be published?

The Honourable Sir Joseph Bhoré : The Honourable Member is referred to the reply given by me to parts (b) and (c) of Mr. B. Das's starred question No. 172, on the 23rd July, 1934.

UTILISATION OF THE EXPORT OF GOLD.

263. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state the extent to which they have utilised the export of gold amounting to about two hundred crores for improving the public finances of India?

(b) Will Government be pleased to give the details?

(c) What portion of this amount has come to the Government of India in the shape of deposits (savings bank, cash certificates, Government loans)?

Mr. A. J. Raisman : I would refer the Honourable Member to the very full statement made by Sir George Schuster in paragraphs 17—29 of his Speech on the Budget for 1933-34. I can add nothing to the information which he then gave.

Dr. Ziauddin Ahmad : As that information is now about 18 months old, will the Honourable Member kindly give the correct figures up-to-date?

Mr. A. J. Raisman : If the Honourable Member will refer to the speech of Sir George Schuster, he will find that the calculation in question is based on certain materials. It is true that that information was compiled for 1932-33, but if the Honourable Member is desirous of making a similar calculation, I think he will find all the material which he requires in the last report of the Controller of Currency for the year 1933-34.

†This question will be answered on the 1st August, 1934.

Mr. Lalchand Navalrai : With regard to part (c) of the question, is the Honourable Member in a position to give a reply to that specifically or that is also included in that discussion?

Mr. A. J. Raisman : I think the Honourable Member will find the relevant statistics in the report of the Controller of Currency.

Dr. Ziauddin Ahmad : The report of the Controller of Currency deals with facts ending 31st March, 1933.

Mr. A. J. Raisman : I am talking of the latest report which was published a few weeks ago. It deals with the year 1933-34.

Dr. Ziauddin Ahmad : Does it deal with the facts which have happened till the 31st March, 1934?

Mr. A. J. Raisman : Yes, Sir.

Mr. Lalchand Navalrai : May I know if the report is in the Library?

Mr. A. J. Raisman : I think so, Sir.

NOTE WRITTEN BY SIR SHAH MUHAMMAD SULAIMAN IN THE CAPITATION TRIBUNAL.

264. ***Dr. Ziauddin Ahmad :** Will Government be pleased to lay on the table of this House the note written by Dr. Sir Shah Muhammad Sulaiman in the Capitation Tribunal?

Lieut.-Colonel A. F. R. Lumby : Government are not prepared to lay the note in question on the table of the House. They are, however, prepared to show it to the Leaders of Parties or their nominees, subject to certain conditions which were communicated to the former during the last Delhi Session.

Dr. Ziauddin Ahmad : I am the Deputy Leader. Can you show it to me?

Lieut.-Colonel A. F. R. Lumby : What I said was "They are, however, prepared to show it to the Leaders of Parties or their nominees".

Mr. M. Maswood Ahmad : Under what conditions will it be shown?

Lieut.-Colonel A. F. R. Lumby : The conditions originally stated were :

"The papers will be shown in strict confidence and on the clear understanding that those who read them, whatever use they may make of the information disclosed, will not quote the writers of the notes as their authority for such information, still less make copies or take verbatim extracts from the notes for use either in the press or in public speeches and of course that no reference is made to any foreign power by name as having been alluded to in those notes."

Diwan Bahadur A. Ramaswami Mudaliar : Is it a fact that the Leaders of Parties declined to take the responsibility of either seeing these notes under those conditions or nominating any of their Members to see the notes under those conditions?

Lieut.-Colonel A. F. R. Lumby : That is true, certainly of two Parties, but I know that one Party took advantage of the offer made.

WITHDRAWAL OF THE CONCESSION GIVEN TO POOR PATIENTS TRAVELLING TO KASAUJI.

265. ***Dr. Ziauddin Ahmad :** (a) On what date did the Railway Board inform the Education Department that they had withdrawn the concession given to poor patients travelling to Kasauli?

(b) What action, if any, did the Education Department take on receipt of that information?

Mr. G. S. Bajpai : (a) The Department of Education, Health and Lands, came to know of the withdrawal of the concession on the 29th May, 1933.

(b) The Railway Board were unwilling to press the Indian Railway Conference Association, who came to this decision, to reconsider it, but steps were taken to have the concession extended by six months so as to enable Local Governments, if they so wished, to arrange for the issue at their own expense of free passes to indigent persons residing within their jurisdiction. Instructions were also issued to authorities in the directly administered areas to meet the expenditure involved from their budgets.

WITHDRAWAL OF THE CONCESSION GIVEN TO POOR PATIENTS TRAVELLING TO KASAUJI.

266. ***Dr. Ziauddin Ahmad :** (a) Is it the intention of the Government of India that the Kasauli Pasteur Institute be reserved for the rich people?

(b) Are Government aware that poor people will not be able to pay the expenses of travelling to Kasauli from their houses?

Mr. G. S. Bajpai : (a) No.

(b) Attention is invited to the reply just given to part (b) of the Honourable Member's question No. 265.

WITHDRAWAL OF THE CONCESSION GIVEN TO SOLDIERS AND OFFICERS TRAVELLING TO KASAUJI.

267. ***Dr. Ziauddin Ahmad :** (a) Have the Railway Board withdrawn, or do they propose to withdraw from the soldiers and officers the concession of travelling to Kasauli?

(b) What is the nature and extent of these concessions?

(c) What is the net loss to Railways on account of these concessions?

Mr. P. R. Rau : (a) No special concession is given by Railways to soldiers and officers travelling to Kasauli.

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

†268*.

†269*.

†270*.

REPRESENTATIVES OF INDIA AT THE LEAGUE OF NATIONS.

271. ***Mr. Bhuput Singh :** (a) Will Government be pleased to state the names of India's representatives at the League of Nations from the very beginning to its ensuing session?

†This question will be answered on the 1st August, 1934.
‡This question was withdrawn by the questioner.

(b) Were these representatives selected direct by His Majesty's Government, or upon recommendations of the Indian Government?

(c) What is the procedure of selection in other parts of the British Commonwealth?

(d) Has any vacancy in the League Council occurred by the retirement of China?

(e) What is India's quota towards League expenses in proportion to other Dominions of the Commonwealth and the nations of the world?

The Honourable Sir Nripendra Sircar : (a) A statement is laid on the table.

(b) India's representatives are selected by the Secretary of State in consultation with the Government of India.

(c) The Government of India have no information, but it is presumed that the selection is made by the Dominion Government of the day.

(d) China was elected to the Council by the Assembly of 1931. Temporary members of the Council are elected for a period of three years and China's seat will therefore be required to be filled up by the Assembly in 1934.

(e) The Honourable Member is referred to page 1258 of the League of Nations Official Journal, 14th Year, 1933, a copy of which is in the Library.

List showing the composition of the Indian Delegations to the Assembly of the League of Nations, 1920-1934.

1920.	Delegates	..	..	Sir William Stevenson Meyer. Maharaja Jam Saheb of Nawanagar. Sir Saiyid Ali Imam.
1921.	Delegates	..	..	Sir William Stevenson Meyer. His Highness the Maharao of Kutch. The Right Hon'ble V. S. Srinivasa Sastri.
1922.	Delegates	..	..	Viscount Chelmsford. Maharaja Jam Saheb of Nawanagar. Sir P. S. Sivaswamy Aiyer.
1923.	Delegates	..	..	Lord Hardinge of Penshurst. Maharaja Jam Saheb of Nawanagar. Syed Hasan Imam.
	Expert	..	..	Mr. J. Campbell.
1924.	Delegates	..	..	Lord Hardinge of Penshurst. Maharaja of Bikaner. Sir Muhammad Rafique.
	Substitutes	..	..	Captain Maharaj Kumar of Bikaner. Sir Stanley Reed. Mr. J. Campbell. Mr. P. J. Patrick (Secretary and Substitute Delegate).
1925.	Delegates	..	..	Viscount Willingdon. Maharaja of Patiala. Sir Atul Chandra Chatterjee.
	Substitute	..	..	Sir Edward Chamier.

1926.	Delegates	..	..	Sir William Vincent. Maharaja of Kapurthala. Khan Bahadur Shaikh Abdul Qadir.
	Substitutes	..	..	Sir C. P. Ramaswami Ayyar. Sir Edward Chamier. Sir Basanta Kumar Mullick.
1926.	Special Session Delegate	..	..	Sir Muhammad Rafique.
1927.	Delegates	..	..	The Earl of Lytton. Maharaja of Kapurthala. Sir C. P. Ramaswami Ayyar.
	Substitutes	..	..	Sir Edward Chamier. Khan Bahadur Mian Sir Fazl-i-Husain. Sir Basanta Kumar Mullick.
1928.	Delegates	..	..	The Earl of Lytton. Nawab of Palanpur. Mr. S. N. Mallik.
	Substitutes	..	..	Sir Edward Chamier. Sir Kumar Venkata Reddi. Mr. A. Yusuf Ali.
1929.	Delegates	..	..	Sir Muhammad Habibullah, <i>Leader</i> . Maharaja of Kapurthala. Sir William Ewart Greaves.
	Substitutes	..	..	Sir Chunilal Mehta. Sir Geoffrey Corbett. Syed Raza Ali.
1930.	Delegates	..	..	Maharaja of Bikaner. Nawab Sir Zulfiqar Ali Khan. Sir William Ewart Greaves.
	Substitutes	..	..	Sir Deva Prasad Sarvadhicary. Sir Denys Bray. Sir Jehangir Cooverjee Coyajee.
1931.	Delegates	..	..	The Hon'ble Sir Brojendra Lal Mitter. Khan Bahadur Diwan Abdul Hamid. Sir Denys Bray.
	Substitutes	..	..	Sir Jehangir Cooverjee Coyajee. Rao Bahadur Sir Annepu Patro. Dr. L. K. Hyder.
1932.	Delegates	..	..	H. H. The Aga Khan. Sir Denys Bray. Sir Prabhashankar Dalpatram Pattani.
	Substitutes	..	..	Sir Jehangir Cooverjee Coyajee. The Hon'ble Mr. Bijay Kumar Basu
1933.	Delegates	..	..	Sir B. L. Mitter. Sir Denys de S. Bray. Sir Abdussamad Khan.
	Substitute	..	..	Sir Homi Mehta.
1934.	Delegates	..	..	H. H. The Aga Khan. Sir Denys de S. Bray. Sir V. T. Krishnamachariar.
	Substitute	..	..	Sir Homi Mehta

Mr. Bhuput Sing : Will Government state whether Local Governments are consulted in the selection of the delegates to the League of Nations ?

The Honourable Sir Nripendra Sircar : I have no information on the matter, but if my Honourable friend will put down a question, I will make inquiries.

Mr. Lalchand Navalrai : May I know on what basis is this quota fixed ?

The Honourable Sir Nripendra Sircar : I want notice of that question. That question cannot possibly arise from this question.

Mr. Lalchand Navalrai : It arises from part (e).

Mr. B. Das : Arising out of the reply regarding the personnel chosen from India, will the Honourable Member kindly tell us why there is a change of attitude by Government in choosing only loyalist gentlemen to represent at the League of Nations and not politicians of outstanding merit ?

The Honourable Sir Nripendra Sircar : Government do not admit any of the six fallacious assumptions made in this question.

Mr. B. Das : The Right Honourable Srinivasa Sastri and others used to represent in the good old days at the League of Nations.

Dr. Ziauddin Ahmad : In view of the fact that Indian States are always represented in the delegation of India, have the Government of India ever asked the Indian States to contribute their quota of expenses to the League of Nations ?

The Honourable Sir Nripendra Sircar : My Honourable friend, like his predecessor, has made another wrong assumption. They are not always represented.

Diwan Bahadur A. Ramaswami Mudaliar : During the last four years ?

The Honourable Sir Nripendra Sircar : The question was that the Indian States were always represented. My reply is that they are not always represented, but sometimes represented. If any further information is required, I want notice.

Dr. Ziauddin Ahmad : If in any particular year the Indian States are represented, then, in that particular year, are the Indian States required to give their quota of expenses ?

The Honourable Sir Nripendra Sircar : I want notice.

Mr. Lalchand Navalrai : May I have a reply particularly to part (e), and, if the Honourable Member is not in a position to give reply, he may do so hereafter after making enquiries. I want to know what is the basis on which the Dominions and the Nations of the world are taken to the League ? On what basis and on what proportion ?

The Honourable Sir Nripendra Sircar : I want notice.

Mr. H. P. Mody : Was not this question asked sometime ago ? Why does the Honourable Member want fresh notice ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It must have been answered at that time.

Mr. H. P. Mody : No, Sir. My Honourable friend wanted notice even at that time.

The Honourable Sir Nripendra Sircar : A few days ago, that question was put as a supplement to some supplementary question, and that was answered to the best of my ability. I insist on notice for this question.

Mr. Lalchand Navalrai : I give then two notices of the question.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

272. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state when it is proposed to start the Reserve Bank in India ?

(b) Have the Governors and Deputy Governors been nominated ? If so, what are their names ?

(c) What is the approximate initial cost estimated for the starting of the Bank ?

Mr. A. J. Raisman : (a) Government are not yet in a position to make an announcement.

(b) No.

(c) It is not yet possible to frame a reliable estimate.

Dr. Ziauddin Ahmad : Is it not a fact that the Governor has already been appointed as announced in the newspapers of today ?

Mr. A. J. Raisman : I am not in position to add anything to the reply I already gave.

Mr. Vidya Sagar Pandya : Has the Honourable Member read today's *Hindustan Times* ?

Mr. A. J. Raisman : No, Sir. (Laughter.)

Mr. Vidya Sagar Pandya : Will Government now read that paper ?

Mr. Lalchand Navalrai : Has the Honourable Member read the *Statesman* of this morning ?

Mr. A. J. Raisman : No, Sir. (Laughter.)

Dr. Ziauddin Ahmad : When will the Government issue their communique ? Everybody knows what the position is.

Mr. A. J. Raisman : I am not in a position to say anything further than I have said just now.

†273*.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

274. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state the exact nature and the salient features of the new laws against Indians in Zanzibar ?

(b) Is there any Agent of the Indian Government in Zanzibar ? If so, did he inform the Indian Government before these laws were passed ? If not, is it intended to appoint an Agent to safeguard Indian interests ?

†This question will be answered on the 1st August, 1934.
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(c) When did the Indian Government first get information of these laws ?

(d) Have these laws been already brought into effect ?

(e) What steps are Indian Government taking in the matter, and with what result ?

Mr. G. S. Bajpai : (a) A copy of the decrees, to which the attention of the Honourable Member is invited, has been placed in the Library of the House.

(b) There is no Indian agent in Zanzibar. The second part does not arise. The answer to the third is in the negative.

(c) On the 24th June, 1934.

(d) The laws have been passed.

(e) I would invite the attention of the Honourable Member to the reply given by me to Mr. Gaya Prasad Singh's question No. 148, on the 19th of this month.

Mr. B. Das : Is it a fact that Party Leaders waited on the Honourable Member in charge of Education, Health and Lands, and that the Honourable Member assured the deputation that Sir Maharaj Singh will be deputed to Zanzibar to enquire on the spot ?

Mr. G. S. Bajpai : Certain Honourable Members saw the Honourable Sir Fazl-i-Husain, and the suggestion was made that the Government of India should depute an officer to Zanzibar to make local investigation. The Honourable Sir Fazl-i-Husain gave the assurance that that suggestion would be promptly and carefully considered. I regret to say that I am not in a position to announce any names.

COMPETITION OF BRITISH FIRMS WITH INDIAN STEEL MANUFACTURERS.

275. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state if the report of the Tariff Board regarding abuse of the Ottawa Agreement preference by British firms in steel manufactures has been accepted by them ?

(b) If the reply to part (a) be in the affirmative, do Government propose to take any drastic action against the British firms who, taking advantage of the preference, are competing with Indian steel manufacturers by underquoting them ?

(c) Do Government propose to withdraw the preference and exclude British steel from the Indian market in view of the action of the British manufacturers ?

(d) Is it a fact that Government intend to extend further concessions to British steel ?

(e) Are Government aware of the strong public feeling in the matter ?

The Honourable Sir Joseph Bore : (a), (b) and (c). So far as Government are aware no Ottawa preferences have been given in respect of iron or steel which have been abused in any way.

(d) and (e). The decisions of the Government of India on the recommendations of the Tariff Board are embodied in the Bill which was introduced on the 25th July, 1934.

EFFECT OF THE NEW EXCISE DUTY ON THE SUGAR INDUSTRY.

276. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether there has been any effect of the new sugar excise duty upon the sugar industry in this country ?

(b) What is the amount of excess collections of duty since its imposition till June, 1934 ?

(c) Do Government propose exempting the Bihar sugar mills, affected by the earthquake, to enable them to recoup their losses ?

(d) Have the sugar imports increased after the imposition of the new duty ? What are the comparative figures of imports from April to June for 1933 and 1934 ?

(e) Has there been a 25 per cent. decrease in sugar consumption in 1933-34 as compared with the average of the last six years ending with 1930-31 ? If so, have Government found out the reasons for this ? What steps, if any, do they propose to take to increase the sugar consumption ?

Mr. A. J. Raisman : (a) I would invite the Honourable Member's attention to the statement contained in section XIII of the Review of the Sugar Trade in India, published in the *Indian Trade Journal* (Supplement), dated the 5th July, 1934. This contains the latest information available and the Sugar Technologist's conclusions are that the immediate effect of the excise duty has been to put a wholesome check on excessive expansion ; that factories are taking steps to increase their efficiency and employ better technical staff and that future development will be on desirable lines.

(b) The information is being collected and will be placed on the table in due course.

(c) The Government of India have already agreed to the grant of exemption to such factories in respect of stocks of sugar held on the 1st April in excess of the stock which would have been held but for the earthquake.

(d) No. The total imports during April, May, and June, 1933, were 71,915 tons, and during the corresponding period of 1934, have only reached 49,971 tons.

(e) There are no statistics of the consumption of sugar in India. Any estimates framed by adding figures for the imports to the figures of Indian production are liable to serious error as there are no figures of sugar produced by the *Khandsari* process. A reference to the Review quoted in reply to (a) will show that the consumption of factory sugar in India has fallen steadily since 1929-30. The estimated consumption for 1933-34 is still as high as in 1924-25, while the net quantity of *gur* consumed is estimated to have gone up from 2,400,000 tons to 3,245,000 tons.

Sir Leslie Hudson : Sir, before question 277 is answered, I rise to a point of order. I submit that clause (f) of this question offends against Standing Order 36, clause (3), which states that questions should not be asked if they contain inferences or defamatory statements.

Mr. President (The Honourable Sir Shanmukham Chetty) : The President carefully examines the questions in the light of all the Rules and Standing Orders before the questions are admitted, and, when the questions once appear in the order paper, it is presumed that all those points have been considered by the President.

HARDINGE BRIDGE ON THE EASTERN BENGAL RAILWAY.

277. ***Mr. Bhuput Sing** : (a) Will Government be pleased to state whether contract works of the Hardinge Bridge on the Eastern Bengal Railway, worth several lakhs of rupees, have been finished and works worth one crore of rupees or so have still to be completed ?

(b) Is it a fact that the Deputy Chief Engineer in charge of the Hardinge Bridge has got only three contractors to whom he gives contracts and is it also a fact that the agreements are made with the son, brothers and partners of the said contractors, who work jointly ?

(c) Will Government be pleased to state why the tender system is not in force on these works ?

(d) Do Government propose to introduce the system of calling public tenders in all future works ? If not, why not ?

(e) Are Government aware that the subordinates of the Engineering Department take the measurements of earthworks and check the number of coolies as dictated by the said contractors ? If not, do they propose to enquire into the matter ? If not, why not ?

(f) Is Mr. Harvey an unmarried man ? Are Government aware that the contractors have to arrange for his enjoyments, feasts and boat joyrides ? If not, do they propose to enquire into the matter ? If not, why not ?

(g) Has the attention of Government been drawn to the article by Mr. C. C. Banerjee, a retired engineer, published in the *Anurita Bazar Patrika* of the 26th May, 1934 ? If so, has his advice been followed ? If not, why not ?

(h) Is it a fact that these contractors have been promised by Mr. Harvey that the less percentage below the scheduled rates of the Eastern Bengal Railway shall not be deducted from them and they will be paid bonus ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 277 and 278 together. I am making enquiries from the Railway Administration and will place a reply on the table in due course.

Mr. Bhuput Sing : Will the reply be laid on the table in this Session ?

Mr. P. R. Rau : I cannot say now.

Mr. B. Das : Is it a fact that, with reference to the construction of this Hardinge Bridge, the opinion of Indian experts is that Government are not following the right kind of advice in the matter of construction of this bridge.

Mr. P. R. Rau : I think my Honourable friend is aware that we did get the best possible advice, and, specially in Sir Robert Gales, we have

one who is an engineer of great experience in these matters and who himself originally constructed the Hardinge Bridge.

Mr. B. Das : But have these experts got any experience of Indian rivers and the vagaries of the current, particularly of the river near Hardinge Bridge ?

Mr. P. R. Rau : Of course. As I have already informed the House, Sir Robert Gales was himself the person who constructed this bridge.

Mr. B. Das : Has the Honourable Member read the statement of Mr. C. C. Banerjee, and does the Honourable Member realise that that is the view held by many Indian engineers ?

Mr. P. R. Rau : I realise, Sir, that that is the view held by Mr. C. C. Banerjee.

Dr. Ziauddin Ahmad : In view of the fact that the allegations in these two questions are of a very serious nature, will the Railway Board make special inquiries, and, after those inquiries are made, lay a statement before this House, instead of simply referring to the report of the Agent ?

Mr. P. R. Rau : I have already asked for the information, and, as soon as the information is available, I shall place a statement on the table of the House.

Dr. Ziauddin Ahmad : My question is, after the information is received by the Railway Board, will they make additional inquiries if they are found necessary ?

Mr. P. R. Rau : Additional inquiries are always made if necessary.

CONTRACTS FOR WORKS ON THE EASTERN BENGAL RAILWAY.

278. ***Mr. Bhuput Sing** : (a) Will Government be pleased to state whether there is any Eastern Bengal Railway contractor of the name of Teomal Seth with his head office at Lalmonirhat, in the District of Rungpur ?

(b) Is it a fact that all the big contract works are always given to him, at very high rates, for the last so many years, though many contractors offered to do the same work at half rates ? If so, will Government be pleased to state why public tenders are not called for the works over the Eastern Bengal Railway ?

(c) Is it a fact that on the 21st April, 1931, Mr. Mellot, an Executive Engineer of Paksey, invited tenders for relaying 75 lbs. rails with 90 lbs. trucks, between Domar on Siliguri and Parbattipur Section, but before the opening date of the said tenders the then Chief Engineer of the Eastern Bengal Railway encamped at the spot and got the said work done by the said Teomal, contractor, on his executing an agreement, which in the beginning amounted to Rs. 42,000 but in the end became worth Rs. 1,10,000 ?

(d) Is it a fact that Mr. L. F. Jackson, the Chief Engineer, after inspecting the construction of Dhaneshwari Bridge and Tungle Line, issued a circular order that Teomal should not be given any works in future, and fined him Rs. 8,000 for supply of boulders of smaller weights than contracted for the Hardinge Bridge from his Siliguri quarry ? If so, do Government propose to institute an enquiry into the allegations and inform this House of the result ? If not, why not ?

†For answer to this question, see answer to question No. 277.

PROPOSED INCREASE IN PRESS TELEGRAM RATES.

279. *Mr. Bhuput Sing : (a) Will Government be pleased to state whether they have received any memorandum from the Indian Journalists' Association, objecting to the proposed increase in Press telegram rates ?

(b) Have Government sent any reply to it ? If so, will they be pleased to lay a copy of it on the table of this House ? If not, why not ?

(c) Do Government propose to drop the proposed increase in view of the submissions made by the Journalists' Association ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) The answer to the first part is in the negative. The second part does not arise. As regards the third part, a communication, dated the 4th July, 1934, has been received from the Indian Journalists' Association, Calcutta, with reference to the Press Notice, issued by Government, calling for the views of all affected interests on the proposed revision of the rates for inland Press telegrams. The views expressed by the Indian Journalists' Association will be considered, with such other views as may be received, in due course, from various bodies on the same subject and consequently no reply has been sent to the communication.

(c) Government have not yet arrived at a final decision on the subject. In response to requests received from the various interests affected they have extended the period originally fixed for the submission of views from the end of April, 1934 to the 15th August, 1934.

MR. CHAWLA'S FLIGHT BY AEROPLANE.

280. *Mr. Bhuput Sing : (a) Was any representative of the Indian Government present at the Delhi aerodrome to see off Mr. Chawla, the first Indian aviator on his world flight ?

(b) Do Government view with disapproval Mr. Chawla's flight ?

(c) Was it under instructions that the aerodrome people were also conspicuous by their absence ?

The Honourable Sir Frank Noyce : (a) The Aerodrome Officer was present at the aerodrome to see Mr. Chawla off, in the ordinary course of his duties. No other Government official was present.

(b) No. On the contrary, a great deal of trouble has been taken to obtain permits for Mr. Chawla's flight and to assist him by seeing that he started with all the documents and information necessary to ensure that he will not be delayed in other countries. The arrangements made only cover the flight to Europe so far as Government are aware Mr. Chawla has made no arrangements which will enable him to fly round the world.

(c) No instructions were issued.

Dr. Ziauddin Ahmad : May I ask whether any representative of this Assembly was present on that occasion ?

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

281. *Rai Bahadur Sukhraj Roy : (a) Will Government be pleased to state whether it has been decided to remove the Agricultural Institute from Pusa to somewhere near Delhi ? If so, when ?

(b) What are the reasons for the proposed removal and at whose initiative has it been so decided ?

(c) What will be the approximate cost of acquiring the lands and constructing new buildings for the accommodation of the Institute ?

(d) How will the present buildings and lands be disposed of ?

(e) Will this House be consulted before taking the final decision ? If not, why not ?

Mr. G. S. Bajpai : I would refer the Honourable Member to the answer given to Mr. Gaya Prasad Singh's question No. 69 on the 18th July, 1934, and to connected supplementaries.

†282*.

RECOMMENDATIONS OF THE ORISSA BOUNDARY COMMITTEE.

283. *Mr. Sitakanta Mahapatra : Will Government be pleased to state what action has been taken so far by them to give effect to the recommendations of the Orissa Boundary Committee ?

The Honourable Sir Joseph Bore : I invite the Honourable Member's attention to the footnote to paragraph 61 of the Proposals for Indian Constitutional Reform.

†284*.

ORIIYA-SPEAKING PEOPLE IN THE INCOME-TAX DEPARTMENT.

285. *Mr. Sitakanta Mahapatra : Will Government be pleased to state how many men belonging to Income-tax Department are working in the districts consisting mainly of Oriya-speaking people, and will they be pleased to state how many of them belong to Orissa proper ?

Mr. A. J. Raisman : In all 15 men are working in the districts referred to by the Honourable Member and of these, nine belong to Orissa proper.

Mr. Lalchand Navalrai : May I know if there is any rule or regulation that people will be taken from each district and from each Province ?

Mr. A. J. Raisman : There is no such rule, Sir, as far as I am aware.

Mr. Lalchand Navalrai : Is there any practice like that ?

Mr. A. J. Raisman : I am not aware that that is the practice, Sir.

†This question will be answered on the 1st August, 1934.

TRAIN CLERKS WORKING AS GUARDS.

286. *Mr. M. Maswood Ahmad : (a) Is it a fact that train clerks are ordered to work as guards ?

(b) Do they get in such cases pay and allowances as guards and enjoy all the privileges which a guard is entitled to enjoy ?

(c) Is there any rule to permit the appointment of railwaymen to such posts, the duties of which they do not know ?

(d) Is it a fact that if train clerks when working as guards, commit any mistake, they are punished and penalised for the mistake ?

(e) Is it a fact that the Railway Board recently issued orders that the staff appointed for a specific service should not be allowed to work on other posts, the duties of which they do not know ?

Mr. P. R. Rau : (a) I understand that train clerks, who are qualified in guard's duties, are occasionally required to work as guards.

(b) and (d). Government have made no enquiries on these points, but presumably the position is as stated.

(c) and (e). No.

Mr. M. Maswood Ahmad : Is it a fact that, in spite of train clerks not knowing the duties of guards, they are asked to go and work as guards ?

Mr. P. R. Rau : In reply to part (a) of the question, I said that I understand that train clerks who are qualified in guard's duties are occasionally required to work as guards.

Mr. M. Maswood Ahmad : What does the Honourable Member mean by "qualified" ? Does he mean qualified by passing the examination of guards, or simply qualified in the opinion of the Traffic Superintendent ?

Mr. P. R. Rau : Those who are qualified in the opinion of their superior officers.

Mr. M. Maswood Ahmad : Though they might not have passed the guard's examination ?

Mr. P. R. Rau : I have no information on that point.

Mr. M. Maswood Ahmad : Will Government be pleased to inquire whether it is not a fact that sometimes train clerks, who do not know the duties of guards and have not passed the guard's examination, are asked on the North Western Railway to work as guards of trains ?

Mr. P. R. Rau : If my Honourable friend has any specific instances to bring to notice, I shall be quite pleased to take action, but on purely hypothetical assumptions I do not think it is fair to ask Government to inquire from all the Railways what the practice is.

Dr. Ziauddin Ahmad : May I ask whether the work of a guard does not require technical knowledge and special training ?

Mr. P. R. Rau : I am not acquainted personally with the duties of guards, but I am quite willing to take it from my Honourable friend that their duties might be described to some extent as technical.

Mr. M. Maswood Ahmad : Is it a fact that when they go with trains, they enjoy all the privileges as guards ?

Mr. P. R. Rau : I have no reason to believe they do not.

Dr. Ziauddin Ahmad : May I ask whether passenger trains are put in charge of untrained persons ?

Mr. P. R. Rau : I do not think so. I do not think that a train will be put in charge of an untrained person, but if my Honourable friend has any reason to believe that such is the case, and if he gives me evidence in support of his allegation, I shall be quite prepared to inquire into it.

CONTRIBUTION MADE FOR THE EDUCATION OF THE STUDENTS OF THE DELHI UNIVERSITY IN THE LAHORE MEDICAL COLLEGE.

287. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state whether any contribution is made by the Delhi Province to the Government of the Punjab as capitation charges for the students who pass the Intermediate Examination in Science (Medical Group) from the Delhi University and who are sent to the Lahore Medical College after being selected for the purpose by the Chief Commissioner ? If so, what is the charge per student ?

(b) During the last five years how much of these charges, if any, was spent on account of the sons and wards of the employees of the Central Government and how much on those of others who are not employed under the Government of India and have got Medical Colleges in their provinces ?

Mr. G. S. Bajpai : (a) A contribution of Rs. 1,050 per student per annum is paid.

(b) The total amount spent on capitation charges was Rs. 83,551. The other information asked for by the Honourable Member is not available.

Rao Bahadur B. L. Patil : May I ask what is the number of students admitted into the Lahore Medical College every year ?

Mr. G. S. Bajpai : I really would have to make an inquiry on that point—I cannot say what the total number of students admitted into the College is, because the college is under the Local Government : what I do know is that two are admitted every year from Delhi.

Rao Bahadur B. L. Patil : May I ask what is the number of students that passed in this Medical Group in Delhi ?

Mr. G. S. Bajpai : I have already laid a statement in regard to that in reply to a question, I think, asked by Mr. Jadhav or by Mr. Patil himself. The numbers are 11 in 1930, 9 in 1931, 16 in 1932, 21 in 1933, and 28 in 1934.

Mr. M. Maswood Ahmad : Will Government be pleased to say how many students had applied and how many of them were not sent to Lahore ?

Mr. G. S. Bajpai : My Honourable friend's question, No. 287, is as regards capitation charges : not as regards the number of students who

applied : but I have already answered that question in reply to an earlier question.

†288*.

†289*.

MUSLIM GAZETTED OFFICERS RECRUITED IN CERTAIN DEPARTMENTS OF STATE RAILWAYS.

290. *Kunwar Hajee Ismail Ali Khan (on behalf of Haji Chaudhury Muhammad Ismail Khan) : (a) Will Government be pleased to state the number of Muslim gazetted officers recruited during the last one year in each of the following departments of the Indian State Railways and how many of such officers were Bengal Muslims :

- (i) Traffic Department,
- (ii) Loco. Department,
- (iii) Audit and Accounts Department,
- (iv) Engineering Department ?

(b) Will Government be pleased to state the number of Muslims recruited during the last one year in the subordinate ranks of the Indian State Railways in each of the above Departments and how many of them were Bengal Muslims ?

Mr. P. R. Rau : (a) No direct recruitment to the gazetted ranks in any of the departments referred to in part (a) of the question was made on the State-managed Railways during the period 1933-34.

(b) All the information available will be found in Appendix C of Volume II of the "Report by the Railway Board on Indian Railways for 1932-33", a copy of which is in the Library of the House.

†291*.

INDIAN OFFICERS EMPLOYED IN THE ARMY HEADQUARTERS.

292. *Rao Bahadur B. L. Patil : (a) Will Government please state

- (i) the number of officers employed in the Army Headquarters, and
- (ii) the number of Indian officers employed in the Army Headquarters (with the exception of any if employed for the publication of *Fauji Akhbar*) ?
- (b) If the reply to part (a) (ii) be in the negative, will Government please state the reasons underlying the fact that Indian officers are not employed at the Army Headquarters ?

(c) Are Government prepared to bring Indian officers for employment at the Army Headquarters ?

(d) Is it a fact that the prescribed period for each officer's employment at the Army Headquarters is four years ?

†This question will be answered on the 1st August, 1934.

(e) Will Government please state the number of officers now employed at the Army Headquarters, and of those who have been there for more than four years ?

(f) Is it a fact that in order to allow officers to stay at the Army Headquarters for more than four years, their appointments are changed, thus giving them another four years and so on ?

(g) Is not this practice a set-back for other officers of the Army ?

(h) Are Government prepared to order specifically that under no circumstances, an officer's stay at the Army Headquarters should exceed four years ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) I presume the Honourable Member is referring to King's Commissioned officers. If so, the numbers are :

(i) 140.

(ii) None.

(b) and (c). As the Honourable Member is no doubt aware, there are no Indian King's Commissioned officers who have more than fifteen, and few who have more than ten, years service as yet. It is only rarely that British officers with less than fifteen years service are selected for staff or departmental appointments at Army Headquarters, and in the case of the former, the officers selected are as a rule Staff College graduates. The first Indian officer to be chosen to attend the Staff College has not yet completed the two years' course of instruction there. When Indian officers have the necessary training and experience, they will of course be considered for these appointments.

(d) Yes.

(e) and (h). Out of the 140 officers employed at Army Headquarters only ten have been there for more than four years. Five of these commenced a fresh tenure on promotion to a higher grade, while the other five possess special knowledge of particular subjects and are, therefore, difficult to replace in their appointments at any given moment. Government are not, therefore, prepared to tie their hands particularly as regards officers of the latter category by issuing a specific order on the lines suggested by the Honourable Member.

(f) No.

(g) Does not arise.

INDIAN OFFICERS EMPLOYED IN THE MEDICAL DIRECTORATE.

293. *Rao Bahadur B. L. Patil : (a) What is the number of officers employed in the Medical Directorate of the Army Headquarters ?

(b) How many of these officers are Indians ?

(c) Has ever an Indian officer been employed in the Medical Branch of the Army Headquarters ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) Seven Medical Officers.

(b) None.

(c) No. These appointments are filled by selection from officers of the Royal Army Medical Corps and the Indian Medical Service. There

is nothing to prevent an Indian officer of the latter Service, who possesses the necessary qualifications, from being selected for an appointment at Army Headquarters. It has, however, been found that Indian officers, who are suitable practically, always prefer to serve on the civil side.

PURCHASE OF STORES FOR THE ARMY.

294. *Rao Bahadur B. L. Patil : (a) Is it a fact that the Director of Contracts, Army Headquarters, is responsible for the purchase of stores required for the Army, and disposal of stores no more required for the Army ?

(b) Can not the purchasing work for the Army be done by the Indian Stores Department ? If not, why not ?

(c) Are Government prepared to merge the Purchase Branch of the Contracts Directorate, Army Headquarters, into the Indian Stores Department, creating a Military Section in that office ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) The Director of Contracts is responsible, under the orders of His Excellency the Commander-in-Chief, for the purchase of stores (other than such articles as lethal weapons and technical apparatus and equipment), and for the disposal of surplus and waste material.

(b) Not fully. Actually a large proportion of the stores required for the Army is purchased through the Indian Stores Department. After full consideration it was decided that it was essential to retain the present system, which provides an agency possessing special knowledge of the needs of the Army in peace and war.

(c) No. The present system is cheaper and more efficient.

INDIAN OFFICERS EMPLOYED IN THE CONTRACTS DIRECTORATE.

295. *Rao Bahadur B. L. Patil : (a) What is the number of officers employed in the office of Director of Contracts, Army Headquarters ?

(b) How many of these officers are Indians ?

(c) Have Government considered whether it is necessary to employ Indian officers in this office where knowledge of Indian markets would be an asset ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) Five.

(b) None.

(c) The work of the Contracts Directorate requires not only business capacity, but experience in the executive duties of the Army and knowledge of its special requirements in stores and material. The combination of qualifications is not to be found outside the Army, which as yet has no Indian officers of its own possessing them to a sufficient extent. When Indian officers of these necessary qualifications and experience become available, they will certainly be considered for employment in the Directorate.

Lieut.-Colonel A. F. R. Lumby : The qualifications, I referred to in my reply, were "business capacity and experience in the executive duties of the Army, and, knowledge of its special requirements in stores and material".

RECRUITMENT OF ORIYAS IN THE SALT DEPARTMENT.

296. *Mr. Sitakanta Mahapatra : (a) Will Government be pleased to state the number of men, belonging to the Salt Department of the Government of India, who are employed in the districts of Bihar and Orissa where the population is preponderatingly Oriyas ?

(b) Will Government be pleased to state the number of Oriyas amongst such officers of the Salt Department ? If there are none, do Government propose to take immediate steps for the recruitment of Oriyas ? If not, why not ?

Mr. A. J. Raisman : The information is being obtained and will be laid on the table in due course.

RECRUITMENT OF ORIYAS IN CERTAIN DEPARTMENTS OF THE BENGAL NAGPUR RAILWAY WORKSHOP AT KHARAGPUR.

297. *Mr. Sitakanta Mahapatra : (a) Will Government be pleased to state the number of men recruited during the last one year in the subordinate ranks of each of the following departments of the Bengal Nagpur Railway Workshop at Kharagpur :

(i) Engineering Department,

(ii) Accounts Department,

(iii) Loco. Department,

(iv) Carriage and Wagon Department ?

(b) Will Government be pleased to state the number of Oriyas recruited in the above Departments of the Kharagpur Railway Workshops during the same period ? If none was recruited, why not ?

(c) Do Government propose to take immediate steps, such as the issue of instructions to the Bengal Nagpur Railway authorities for the recruitment of more Oriyas in the subordinate ranks of the different Departments of the Bengal Nagpur Railway Workshop at Kharagpur ? If not, why not ?

Mr. P. R. Rau : (a) and (b). Government regret they cannot undertake to collect information in addition to what is already contained in the Annual Administration Reports of Railways.

(c) I am sending a copy of the question to the Agent, Bengal Nagpur Railway, for his consideration. The staff, I may add, are not Government servants, but servants of the Bengal Nagpur Railway Company.

RECOMMENDATIONS OF THE ORISSA BOUNDARY COMMITTEE.

298. *Mr. Sitakanta Mahapatra : (a) Is it a fact that the Government of India are still in correspondence with the Secretary of State on

the recommendations of the Orissa Boundary Committee? If so, do Government propose to lay a copy of such correspondence on the table of this House? If not, why not?

(b) Is it a fact that Government are putting obstacles in the way of the immediate creation of a separate Orissa Province?

(c) Is it a fact that on the contrary Government are trying to hasten the creation of a separate Sind before the creation of a separate Orissa?

The Honourable Sir Joseph Bhore : In reply to the Honourable Member's question I cannot say anything more than that the proposals of His Majesty's Government for the creation of the separate provinces of Orissa and Sind are presumably now under the consideration of the Joint Parliamentary Committee.

MANUFACTURE OF PYROTECHNIC MATCHES.

299. ***Mr. S. C. Mitra :** (a) Are Government aware that pyrotechnic matches are manufactured in Bengal as cottage industry in different places and that each box contains twelve sticks?

(b) Are Government aware that the pyrotechnic matches are not for ordinary daily use and are used only during religious festivals?

(c) Will Government please state whether the present Matches Act applies to the manufacture of pyrotechnic matches?

(d) If the reply to part (c) be in the affirmative, do Government contemplate passing orders for exempting such cottage industries from the operation of the Matches Act? If not, why not?

Mr. A. J. Raisman : (a) and (b). Government have no precise information. I am prepared to accept the facts suggested by the Honourable Member in part (a) of his question, but as regards part (b) of his question, I am not aware that the use of pyrotechnic matches is confined solely to occasions of religious festivals.

(c) The answer is in the affirmative.

(d) Government see no sufficient reason for exempting such industries from the operation of the Act. They are eligible for the rebate provided by the rules made under section 19 of the Matches (Excise Duty) Act to the same extent as cottage factories producing ordinary matches.

EXTENSIONS GRANTED IN THE CURRENCY OFFICE, CAWNPORE.

300. ***Mr. S. G. Jog :** (a) Will Government be pleased to state whether their attention has been drawn to the resolutions passed at the Annual General Meeting of the Cawnpore Currency Association held in January, 1934?

(b) Is it a fact that in Cawnpore Currency Office extensions are repeatedly granted to the employees who are due for retirement? If so, does this not block the promotions of the deserving persons in these hard times?

(c) In how many cases have such extensions been granted in that Office?

(d) What is the number of employees who are due for retirement by the end of this official year in Cawnpore and other Currency Offices in India?

Mr. A. J. Raisman : The necessary information is being collected and will be laid on the table in due course.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

301. ***Mr. S. G. Jog :** Will Government be pleased to state when the Reserve Bank is likely to be started?

Mr. A. J. Raisman : I am not yet in a position to make an announcement.

DWINDLING TRADE OF BOMBAY.

302. ***Mr. S. G. Jog :** (a) Has the attention of the Government of India been drawn to a letter, dated the 23rd June, 1934, published in the *Bombay Chronicle* under the *nom de plume* "Tempus Fugit" regarding Bombay's dwindling trade?

(b) Is it a fact that during the last 15 years there has been a gradual decline of re-export trade of India?

(c) Is it a fact that the entrepot trade in Japanese cotton and other piece-goods is being diverted to the Persian Gulf owing to the prohibition of import of piece-goods without a quota certificate?

(d) Is it a fact that the Government of Straits Settlements have established transshipment depôts to minimise the inconvenience to and to prevent the diversion of entrepot trade?

(e) Do the Government of India propose to take immediate steps to establish similar transshipment depôts in Bombay and other ports?

The Honourable Sir Joseph Bhore : (a) Yes, Sir.

(b) There has been a gradual decline in the value of re-exports from British India since 1919-20 though the figures for 1933-34 show an increase over those for the preceding year.

(c) No. I may add for the information of the Honourable Member that certificates are not required in respect of cotton piece-goods which are manifested for transshipment to a foreign port.

(d) Government have no information.

(e) No.

NON-STOPPAGE OF THE POONA FAST PASSENGERS AT KURLA, GREAT INDIAN PENINSULA RAILWAY.

303. ***Mr. S. G. Jog :** (a) Will Government be pleased to state whether the Great Indian Peninsula Railway Administration have removed the halt at Kurla of the Up and Down Poona Fast Passenger trains since March, 1933? If so, why?

(b) Is it a fact that all the Up and Down Poona Passenger trains used to stop at Kurla before March, 1933, since the commencement of the Railway journey to Poona?

(c) Had any representation been received from the residents of Kurla regarding the inconvenience caused by the non-stoppage of the Up and Down Poona Fast Passengers at Kurla, and if so, was any reply given?

(d) If the halt was removed owing to the dearth of passengers, were any statistics collected? If so, what was the exact period of statistics, and was any notice thereof given to the public?

(e) Do Government propose to issue orders to stop the Up and Down Poona Fast Passenger trains at Kurla? Is it a fact that these are the only trains running during the day time and that the population of Kurla is over 30,000 and that more than half of it comes from up-country?

Mr. P. R. Rau : (a) Yes. I understand this halt among others was eliminated to meet the public demand for the acceleration of these trains.

(b) I have no definite information, but am prepared to take it from the Honourable Member.

(c) Government have no information, but understand that this was discussed at a meeting of the Local Advisory Committee.

(d) I understand some statistics were obtained, but am not aware for what period.

(e) Government do not propose to interfere in the making of time tables for such services, as the matter is one which can usefully be discussed, as it has already been, at meetings of the Railway's Local Advisory Committee. The question will, however, be sent to the Agent, Great Indian Peninsula Railway, for consideration.

OLD SINGLE PICE COINS.

304. ***Mr. S. G. Jog :** (a) Will Government be pleased to state whether it is a fact that new and old single pice coins are mixed in the Bombay Currency Office before they are issued to the public? If so, what is the reason for doing so?

(b) Were the old single pice coins brought to the Bombay Small Coin Depot from mofussil treasuries in exchange for new coins at considerable expense to Government? If so, what was the total expenditure on this account during the year 1933-34?

(c) Were some new coins sent to the Mint to make them dark by putting them into acid when old coins were not available for issue in the Bombay Currency Office? If so, what was the total expenditure for doing this?

(d) Are no new copper coins issued now in the Bombay Currency Office? If so, what is the object of not issuing new copper coins and incurring this expenditure as stated in parts (a), (b) and (c)?

(e) Will Government be pleased to state whether they propose now to issue instructions to the Bombay Currency Officer to issue new coins at least to those who want them for ceremonial purposes? If not, why not?

Mr. A. J. Raisman : (a) New and old single pice coins are sometimes mixed, because it is not possible for reasons of economy to issue new coin in all cases, and it is considered desirable that all applicants should be treated alike.

(b) Old coin was brought from mofussil treasuries when stocks at Bombay were low and could not be replenished in time with new coin from Calcutta. Figures regarding the expenditure incurred are not available.

(c) A mechanical process of this kind was tried as an experimental measure, for about a week, but was not pursued. The expenditure incurred was negligible.

(d) For reasons of economy new coin is only issued when the supply of old coin is insufficient.

(e) No. This would cause additional expenditure, and it is not practicable to distinguish one kind of demand from another.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

305. ***Mr. Gaya Prasad Singh :** (a) Will Government be pleased to lay on the table of this House all correspondence that may have passed between them and the Secretary of State regarding the proposed removal of the Agricultural Research Institute from Pusa to Delhi?

(b) In the event of the transfer, is it intended, to meet the expenditure by raising a loan or by any other source?

(c) Are Government aware that the notification for the acquisition of land in the vicinity of Delhi has given rise to much discontent among the villagers, and they have been holding *punchayats* to protest against this step?

Mr. G. S. Bajpai : (a) A copy of the correspondence is laid on the table of the House.

(b) It is proposed to meet the expenditure from loan funds.

(c) So far as Government are aware there is no general agitation amongst the Jats and no meetings have been held.

Correspondence with the Secretary of State, regarding the transfer of the Imperial Institute of Agricultural Research from Pusa to Delhi.

TELEGRAM TO THE SECRETARY OF STATE FOR INDIA, No. D-1228-A., DATED THE 22ND APRIL, 1934.

We have recently reviewed position as regards agricultural Research in connection with which a question for urgent decision has arisen owing to earthquake damage to Central Institute at Pusa. Reconstruction there will cost about 9 lakhs but position will not be certain until possibilities of further subsidence have been tested after monsoon and cost may be greater.

You will recollect that Royal Agricultural Commission strongly expressed view that central Agricultural Research Institute in India could never operate satisfactorily nor attain full value if situated at inaccessible and ill-adapted place like Pusa. It is becoming increasingly apparent that location there was an extremely bad mistake. In these circumstances we view with reluctance the necessity for sinking more money at this station, and after careful consideration have reached conclusion that present occasion should be taken to correct the original mistake and reconstruct the Institute at a central, typical and accessible site. We believe that suitable site could be found within 20 miles of Delhi and this location has been supported by all Directors of Agriculture. We have not yet worked out details of new plans but it is clear that expenditure on new construction and land purchase should not exceed 30 to 35 lakhs. We consider that a scheme of this kind can be justified on broad economic grounds as a suitable object for capital expenditure especially at a time like the present when borrowing rates are low and other demands for capital expenditure much reduced.

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA, No. 1338, DATED THE 23RD MAY, 1934.

Your telegram dated April 22nd. Reconstruction of Pusa Institute. I approve your proposals.

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FLOODS IN NORTH BIHAR.

306. *Mr. Gaya Prasad Singh : (a) Has there been any correspondence between the Government of India and the Government of Bihar and Orissa regarding the alarming situation in Motihari, Muzaffarpur, and in North Bihar generally, due to abnormal floods, and the changes in the courses of many rivers, resulting in the loss of crops and properties ?

(b) Will Government be pleased to make a statement on the subject, explaining the steps taken by them to meet the situation and save the people of the affected areas from starvation and epidemic ?

Mr. G. S. Bajpai : (a) and (b). The Government of India have not received any communication from the Local Government on the subject. A reference, to pages 14-15 of the recently published Report on the progress of earthquake reconstruction in Bihar, will show that the Local Government were fully alive to the possibilities of heavy floods and prepared to cope with them. Copies of this Report are available in the Library of the Central Legislature.

ABSENCE OF AN INTERMEDIATE CLASS WAITING ROOM AT DELHI.

307. *Mr. Gaya Prasad Singh : Are Government aware that there is no Intermediate Class Waiting Room for male passengers at Delhi Junction railway station ?

Mr. P. R. Rau : I understand that this is the case, and am bringing the Honourable Member's question to the notice of the Agent, North Western Railway, to consider whether there is any necessity for providing one.

REMODELLING OF THE PATNA JUNCTION RAILWAY STATION.

308. *Mr. Gaya Prasad Singh : When do Government propose to take up the remodelling of the Patna Junction railway station (East Indian Railway), so as to make the Indian Refreshment Room on the platform like the European Refreshment Room ?

Mr. P. R. Rau : I understand the remodelling is under consideration, but I am not able to say at present when the work, if sanctioned, will be taken up.

THE INDIAN DOCK LABOURERS BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I beg to move :

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration."

In making this motion, it is unnecessary for me to say very much. This Bill has been before the House for a very considerable time. It was the subject of a long debate on a memorable occasion when the House sat until midnight. It has passed unscathed through the hands of the Select Committee which has reported the measure in almost exactly the same form in which it was originally presented to the House, the changes

made being of a very minor character. I trust the House will accept this beneficent measure.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration."

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I want just to say a few words with regard to this Convention which has been proposed for ratification by the Honourable Sir Joseph Bhore. This Convention was adopted in the year 1929, and, in that year, I had the privilege of attending the Session of the International Labour Conference in which this Convention was passed. I also had the privilege to serve in that Committee which dealt with this particular matter, and though myself and my friend, Mr. B. Das, pressed our viewpoint there, the opinion of the Government was entirely non-committal. I am glad, Sir, that they have now come round our view. This measure makes provision against accidents to dock workers and others engaged in hazardous occupations, and loading and unloading ships is an hazardous occupation, and, owing to the absence of a suitable provision, Indian workers were hitherto exposed to dangers of accidents which can now be avoided by proper precautions. By this Bill, the Government made regulations, so that the Indian States, which possess ports, will also have to provide for safety provisions for the welfare and safety of workers engaged in these hazardous occupations in their States, and this, I think, is a step in the right direction and will bring the Government of India in a line with the Governments of other progressive countries of the world.

Sir, my friend, Mr. Joshi, could not attend the meeting of that Select Committee, but he sent us a note even in the midst of his pre-occupations, and we discussed that note in detail. Mr. Joshi had no suggestions to make with regard to the clauses of the Bill, except that the Preamble should be re-worded to make it clear that the Bill applies to workers working in docks, wharfs, quays or warehouses, and I think Mr. Joshi's view will satisfy all Members of this House. Sir, I support this measure.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, I should like to refer to only one aspect of the question which has been adverted to in the Select Committee's Report, and that is the great necessity and importance of bringing Indian States in line so far as this legislation is concerned. We have been very much handicapped in the past in all matters of labour legislation, because British India is an island by itself and the rest of India is not concerned with it. This is a matter of humanity, even more than a question affecting any capitalist class, and in this matter, at any rate, I trust that the fullest endeavours of the Government of India will be forthcoming to see to it that the maritime States of this country conform themselves to the general provisions of this Bill. I do not know under what circumstances and in what manner the Government of India will be able to bring their persuasive efforts to bear on the administrations of Indian States, but I do venture to think, knowing something of the relationship of the Government of India with the Indian States, that in a question of this nature, no maritime State can afford to make light of the efforts of the Government of India and decline to come into line with them. I trust

[Diwan Bahadur A. Ramaswami Mudaliar.]
that these efforts have already been started, and that, in a short time, we may hope to get a satisfactory statement from the Government of India to the effect that all maritime States in India have virtually copied the excellent provisions of this Bill.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Pious hopes.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, as regards the question raised by my friend, Diwan Bahadur Ramaswami Mudaliar, there is one little difficulty that I was always faced with when dealing with questions like these. The Government of India sitting in their Cabinet come to a certain conclusion, they make their own inquiries,—and so far as I am aware, in the course of their inquiry stage the Government of India never consult any of these States. They, however, come to certain conclusions, and I have no doubt their conclusions are perfectly reasonable and just. But what I very strongly object to is this, that having considered the question only from a certain standpoint so far as they are concerned, a Bill is introduced here, and the Indian States have got to fall into line with them,—not because they have been consulted, not because their opinions have been taken, not because these States came to the same conclusion as the Government of India, but because certain gentlemen sitting over here have come to a certain conclusion, and those that have got the misfortune of having ports must fall into line with them. Sir, I strongly object to that principle. I do not say for a moment that you should not incorporate this salutary provision in this Bill in such a manner that the Indian States may also fall in line with the rules and provisions obtaining in British India in this matter, but what I do object, and object very strongly, to is the line of action which is generally taken by the Government of India in enacting legislation for Indian States without giving them an opportunity to have their say.

Sir, I may here cite the instance of the factory legislation that took place some time ago. The Government of India appointed a Commission. That Commission toured throughout India, but they did not visit a single State. But Government passed the Factories Act, and I know it for a fact that those powers of persuasion, which my friend just referred to, have been brought to bear upon each and every Indian State, and most of them were compelled,—of course not by force or show of force or by over-awing,—to agree to fall in line with the provisions of the Factories Act. Therefore, I submit that while I entirely agree that the maritime States should be asked to fall in line with the action taken in British India in this matter, I feel that at least, as a matter of courtesy, they should have been asked what they thought of it and whether they agreed to this position or not. If they had been asked or consulted, then I withdraw everything that I say now. So far as I am aware, Sir, no such reference was made either in the Select Committee or anywhere else in the Report of the Select Committee to point to the fact that these States were consulted at any stage before enacting this piece of legislation. In the absence of any information of this sort, as to whether the Indian States were consulted or not on this matter, I feel that I am perfectly justified in bringing to the notice of this House, that the persuasive powers which the Government of India have,—and I know they have very strong persuasive powers,—will not be exercised until proper expression of opinion is invited from the States concerned.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I wish to say a few words on this Bill, and my justification in rising on this measure is that I was a party to the Select Committee. Sir, two important questions arose before the Select Committee, and both of them, I must say, were very satisfactorily decided. I am glad to say that the Honourable Member in charge of this Bill agreed with our views on those two points. The first point was the one which was intimated to the Select Committee by Mr. Joshi who is supposed to be a specialist on the question, and the same point was also raised by some other Members as well, and that point was that, in the definition of "processes" in clause 2 (a) should be included work in docks, wharfs and quays and also work in connection with the transfer of goods from a railway wagon alongside a ship or from a warehouse on a wharf or quay. It is well-known now to the House that this measure attempts to deal with the welfare of the workers engaged in hazardous occupations of the kind I have just mentioned, and, with this end in view, the Government of India want to lay down what the Convention agreed to and make certain rules and regulations to give effect to that Convention. Now, Sir, safeguards have been provided against accidents to workers employed on loading and unloading ships. Mr. Joshi thought that loading and unloading ships meant only making a provision as regards accidents on the ships themselves, and so he wanted that the definition should be expanded, and in the note he sent us he wanted the following to be inserted : "Whereas it is necessary to secure protection against accidents of workers working in every dock, wharf, quay or warehouse generally",—this was a point which was taken before the Select Committee, and the Select Committee came to the conclusion that those points were already covered by the very definition of "processes". The Select Committee extended the definition to some extent, and in their Report they explained what the real meaning of the word "processes" was. Sir, I will read paragraph 2 of the Select Committee's Report :

"So far as this proposal does not involve an extension of the scope of the Bill to matters alien to its expressed scope, we are satisfied that a change is unnecessary. The definition of 'the processes' in clause 2 (a) includes work in docks, wharfs, and quays and would include work done in connection with the transfer of goods from a railway wagon alongside a ship or from a warehouse on a wharf or quay."

So far as warehouses generally are concerned, it was decided that only the definition as given here would apply and the benefit of the Act should be given only in the case of warehouses which are in close proximity to the wharf or quay, and not those that are far away, for which there are regulations already in existence. Therefore, the first point was very amicably and satisfactorily decided. The second point also is an important point, and that relates to the Indian States. It is desirable, and even necessary that, in the case of maritime States, the provisions of this Act should apply. It will not be denied that this salutary provision should also apply to the Indian States. I can assure the Raja Bahadur that no principle has been departed from. The States are not to be compelled or forced to apply this Act. The States are only to be asked, the words are very cautious in the report of the Select Committee. We know that the administration of States is being watched today and their defects are not covered up as before, and, for the good government of the States, a provision of this nature should be made, and

12 Noon.

[Mr. Lalchand Navalrai.]

for that purpose this suggestion has been made in the report of the Select Committee as follows :

"We received an assurance that the Government of India would bring to the notice of the Administrations of those Indian States which possess ports the action now being taken in British India, so that those Administrations may consider the advisability of adopting similar measures in respect of any of their ports which attain dimensions rendering such measures advisable."

Therefore, those two points have been properly provided for, and now there are no differences. I had raised one or two other points in the Select Committee, about the time for prosecuting people and with regard to the quantum of punishment, but then I was referred to the Factories Act where provisions of the same nature exist, so I dropped them and I do not propose to pursue them here. I hope that this Bill will be passed.

Mr. B. Das : It was a pleasure to listen to my Honourable friend, the Raja Bahadur, who has infused a breath of fresh air on the floor of this House. It is very seldom that we hear what is agitating the mind of the dark side of India, I mean the Indian India. My Honourable friend, the Raja Bahadur, who occasionally forgets that he represents British India and tries to represent an exalted State and speaks the mind of the exalted princes, told us that the Leader of the House and the Government of India do not consult these Indian Princes, and that the latter are so very civilised and so very human in their ideals and ideas that they would gladly jump into the civilised Conventions that the League of Nations and the International Labour Conferences adopt. It is a very good piece of news, and I am very grateful to my Honourable friend, the Raja Bahadur, for having expressed that view on behalf of the Indian States, particularly when he represents a very big State, the largest State in India.

Raja Bahadur G. Krishnamachariar : I do not represent any State at all here.

Mr. B. Das : Not here, but you represent the viewpoint of that State. My Honourable friend, the Deputy President, must have felt very happy to have listened to that speech. I think my honourable friend, the Raja Bahadur, was not present when the Factories Act was discussed. The Honourable Member in charge of Industries and Labour at that stage stated that there were 34 Indian States which had fallen in line with the humanising legislations of the Department of Industries and Labour.

The Honourable Sir Frank Noyce, (Member for Industries and Labour) : I am sorry to interrupt my Honourable friend. Did I hear him say 34 Indian States?

Mr. B. Das : Yes.

The Honourable Sir Frank Noyce : I do not think I gave the figure 34 States. To the best of my recollection, I only mentioned 8 or 10.

Mr. B. Das : My recollection was that my Honourable friend had mentioned 34 States and gave list of 8 States who have followed up the legislations enacted for British India. However, there are some States, and, of course, if any particular State was anxious to identify itself with the Whitley Committee's recommendations or those of any other Committee that the Government might appoint for the amelioration of the

conditions of workers, that Indian State had only to ask the Government of India, and the Government of India would gladly help them. To me it is a pleasing situation that the Indian States are willing to accept such Conventions. But, of course, I know that my Honourable friend, the Raja Bahadur, is not connected with any of the maritime States. And we know how turbulent those maritime States are, and whether they will follow any of the measures that are passed here, because it will reduce their income, and, if they introduced a civilised system in one phase of their administration, they would have to become civilised in other phases also, and I believe they are afraid to do that. However, I do hope that the Honourable the Leader of the House will accept the offer that has been made by the Raja Bahadur on behalf of certain Indian States and will try to ask them whether they cannot legislate on the lines of the British Indian enactment. Otherwise, the Government have got the whip hand and they will see that in future no Indian Prince and no subject of an Indian State represents India in the League of Nations or the International Labour Conferences.

The Honourable Sir Joseph Bhore : I have very little to say. I am sure that my Honourable friend, the Raja Bahadur, will not take exception to the procedure which we propose to follow in this case. Surely, even he would not object to the assurance given by Government in the terms set out in paragraph 3 of the Report of the Select Committee. I am glad that the House has approved of this measure which will go to swell the stream of beneficent legislation which has been initiated during the last few years on behalf of the workers of India.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 12, both inclusive, were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Joseph Bhore : Sir, I move :

"That the Bill, as reported by the Select Committee, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill, as reported by the Select Committee, be passed."

The motion was adopted.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to move :

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

This Bill does not lend itself to any contentious matter. The whole object of the Bill is to get rid of certain words which have become un-

[Sir Nripendra Sircar.]

necessary by reason of later Acts that have been passed. It also purports to correct certain of the errors in some Acts. I do not feel justified in taking the House through each of these different enactments, but to give the House an example of what is meant by correcting mistakes, if the House will kindly turn, for instance, to the Indian Partnership Act, it will be found that by mistake section 55 was mentioned, whereas section 56 ought to have been mentioned. Explanations have been given in respect of the different Acts which are found in the Schedule, and I can assure this House that this Act does not make any change in any law, but is absolutely necessary by reason of certain subsequent enactments and the discovery of mistakes.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

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

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : In this connection, I want to say that I do not agree with my Honourable friend, the Law Member, that in this Bill there is nothing controversial. If you will see, Sir, you will find there are two lists in the two Schedules in this Bill. One is for amendments and the other is for repealing certain sections of certain Acts. In the Second Schedule, take item No. 3, the Indian Merchant Shipping Act, 1923. In this, they have proposed that in sub-section (1) of section 213, clause (mm) should be repealed. I say that this portion affects my community to a very great extent. The portion which is amended is not only with regard to merchant ships, but rather it is specially in connection with pilgrim ships. If you will see section 213, which has been referred to, it deals with those ships which are native passenger ships and pilgrim ships. At the same time, this portion was specially mentioned when Act XI of 1933 was discussed in 1933 on the floor of this House. This sub-clause (mm) was specially inserted in the Act for the reason I had pointed out on that occasion ; for the inoculation of cholera, the period was mentioned as six months, and I had mentioned on that occasion that in other countries the time is much more, and, then, on behalf of the Government, it was said that this power was given to the Governor General in Council to fix the period for this purpose. Clause (mm) reads in this way. I read that clause to make it more clear. Section 15 (1) (d) says :

"After clause (m), the following clause shall be inserted, namely : ' (mm) The period referred to in clause (a) of sub-section (1) of section 206 '."

Sir, it means that the period was to be fixed by the Governor General. At the time of discussing the Bill, it was agreed to six months, and then this power was given to the Governor General to increase this period if he was satisfied, and for that reason this House had passed this measure, and now Government want to delete that portion. To my great surprise, I find they have given reasons for all the amendments, but they have specially omitted this amendment in the aims and objects. This is very objectionable. An important question, which is a very controversial point and which affects my community, has been brought up in this form.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member refer to the Indian Merchant Shipping Act ?

Mr. M. Maswood Ahmad : Yes. In this Bill, they want to repeal sub-section (1) of section 213, clause (mm) of the Indian Merchant Shipping Act. I say, it is not fair on the part of the Government to repeal that portion. I am pointing out that the reason for repealing this clause has not been mentioned in the aims and objects. Government wanted to shut our eyes, and, for that reason, they have not mentioned it in the Statement of Objects and Reasons. In the past three years, our experience is that Government are trying to make our Haj pilgrimage more difficult, and, with that object, they have brought this. This portion was entered into on that occasion to give power to the Governor General in Council to increase the period. I myself had pointed out on the previous occasion that in other countries the period is two years and ten years. I am sorry, my friend, Mr. Bajpai, and my Honourable friend, Sir Fazl-i-Husain, are absent on this occasion. I think the House remembers it. It was definitely undertaken by the Government that power to fix the period had been left to the Governor General in Council with a view to increasing the period of six months, and now the Government want to repeal that portion in this way and say that this is a non-controversial measure. So, Sir, I seriously object that this measure should not be brought before the House in this way by a Repealing and Amending Bill. Had Government any idea of repealing that portion, it was fair for the Government to bring that in a separate Bill and not in this way that this is a non-controversial measure and that it has been brought in order to clarify the law. With these words, I oppose the motion.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : It seems to me from the statement made by Mr. Maswood Ahmad that perhaps it is a slip on the part of the Government and it could not be the intention of the Government to bring in any controversial point in a Bill of this nature. The Honourable the Law Member pointed out that the whole object of the Bill was to correct certain obvious errors. I am very glad to see that my Honourable friend, the Law Member, seems to assent to the suggestion that I have put forward, and, I am sure, the Government will rectify the mistake that has been made.

The Honourable Sir Nripendra Sircar : This Bill is intended to repeal certain provisions, because they are now superfluous by reason of certain other amendments. If I get three minutes more time, I will find out the position in regard to this matter. If I find that this is changing the law, then certainly I would not press for it.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I have only a word to say with regard to the Dangerous Drugs Act, 1930. Sir, it is said in the First Schedule attached to this Bill—and I want to draw the attention of the Honourable the Law Member, so that he may explain with regard to the Dangerous Drugs Act, 1934, exactly the amendment that is required in it—Sir, we find that in that Schedule it is said that :

"In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words, brackets and figures 'In sub-section (1) of section 32, the proviso shall be omitted' shall be omitted."

[Mr. Lalchand Navalrai.]

Now, Sir, referring to the Statement of Objects and Reasons, I find that it is said again there—and I hope the Honourable the Law Member will give me a reply on this point :

“The Bombay Abkari Act, 1878, and the Dangerous Drugs Act, 1930.—The amendments are designed to correct a mistake made in the latter Act.”

That perhaps means the Dangerous Drugs Act, 1930, but it does not explain how this mistake crept in, so that the proviso should be taken away. I should be very much thankful to the Honourable Member if he will enlighten me on that point.

The Honourable Sir Nripendra Sircar : Sir, I think I was right in stating that no change was intended, and (1) (mm) had become unnecessary. The history of that legislation is this. In the course of the passage of clause 9, on the motion of Mr. Maswood Ahmad, sub-clause (a) was amended in section 206. Section 206, as it stood, was changed, and what was introduced was this :

“No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who in the opinion of the officer making an inspection under this section are duly qualified to grant such certificates showing that.....”

and I would draw the attention of the Honourable Member to this passage :

“such pilgrim has been inoculated against cholera within six months before inspection”—

so that 206 (1) (a), which refers to the six months, remains. That is not going. That was, as I understand—I was not familiar with the earlier history—that was introduced as the result of a motion by my Honourable friend, Mr. Maswood Ahmad. Having regard to the result of that amendment, to leave (1) (mm) would now be idiotic. My friend's point is already there by reason of the amendment which he has succeeded in introducing. Therefore, I do not admit for one second that we are going to change the law. The point for which my Honourable friend tried he has succeeded in achieving and that we are not going to affect in any way. That is the whole explanation ; there is nothing sinister behind it.

Sir Abdur Rahim : What is the provision of (1) (mm) ?

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, if I may be allowed to read that, sub-section (1) of section 213 of the principal Act runs as follows :

“The Governor General in Council may make rules to regulate all or any of the following matters, namely, (a), (b), (c), etc.”

Then, we come to (mm) :

“The period referred to in clause (a) of sub-section (1A) of section 206.”

When that was put in, clause (a) of sub-section (1A) of section 206 referred to the prescribed period and left the period to be prescribed. Subsequently, clause (a) of sub-section (1A) of section 206 was amended, so as to specify the period in terms “within six months”. Therefore, it became clearly inept to retain the rule-making power to prescribe a period which is laid down in terms in the Act itself.

Mr. M. Maswood Ahmad : The main point here is concerning the period of six months. It was fixed and then power was given to the Governor General in Council to extend that period. My point was that the period should be one year, as it is in the Egyptian law—and I quoted some law on that point—but at that time it was not agreed to by the House and it was fixed to six months only, but, then, afterwards, this clause (mm) was kept, so that this power was given to the Governor General in Council to extend the period, that is, if he wants to increase it, that will be in the hands of the Governor General in Council. As far as I understood on that occasion, the period of six months, referred to in clause (a) of sub-section (1) (i) of section 206, was to be increased by the Governor General in Council at the time of making rules. But, now, after repealing this, the Government want that this power should be taken away from the Governor General in Council, and I say that, if for any reason these two portions are not in conformity with each other, then, in that case, I would prefer to repeal that portion of clause (1) (iv) and not this clause (mm). That is the main point. In my opinion, six months is a very short period. If these two clauses are not in conformity with each other, I and my community would prefer to omit that portion of clause (1) (iv) instead of repealing this portion of (mm), because we have got ample power to represent our case before the Governor General in Council, and, after that, we may satisfy the Governor General in Council that, in all other parts of the world, the time fixed for a pilgrim is one year or two years, and why should it be that in India it should be six months,—and so, Sir, this is a controversial measure. In any case, it cannot be called a non-controversial measure and should be examined by a Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is it that the prior Act left the power of fixing the period to the Governor General in Council, and that the subsequent Act fixed that period in the Act itself ?

Mr. M. Maswood Ahmad : That power was also given to the Governor General in Council by the same Act,—and the six months period was fixed by the same Act, it was not by a subsequent Act. Had it been made subsequently, then the case would have been quite different. Both the powers were conferred by the same Act, and, so, if there was anything of that nature, I would ask the Honourable the Law Member to repeal that portion and not this portion of (mm). So this is a controversial measure, and I hope controversial measures should not be brought up in the form of this Bill.

Sir Abdur Rahim : If both provisions were brought in by the same Act, then the matter becomes controversial, undoubtedly.

The Honourable Sir Nripendra Sircar : Sir, this only illustrates that some people can raise a controversy where none exists. If the two sections had said that the period in one section is six months and in another it is nine months, the argument of my Honourable friend, Mr. Maswood Ahmad, would have been very legitimate. He could have said : “Why keep it at six months, and why not nine months ?” That is not the position. Under (1) (mm), certainly the time could be prescribed, but, as the result of my Honourable friend's amendment, 206 (1) (a) fixed the period at six months. Therefore, the Governor General cannot by rules change what has been fixed in the Act itself.

Mr. M. Maswood Ahmad : This power was that the Governor General.

The Honourable Sir Nripendra Sircar : If my Honourable friend will not interrupt me, that is the exact situation, and I still maintain that there is no change. The Governor General cannot, if (1) (mm) remains now, go against the express provision of the Statute which fixed the period at six months. I cannot make the point clearer, and that is all I have got to say.

Sir Abdur Rahim : If, by the same Act, both the sections were enacted, then surely it is a matter on which the judgment of this House is required as to which of them should be repealed or which of them should be retained. Because one confers power on the Governor General which is inconsistent with another section of the Act, it does not necessarily follow that that power should be taken away. It may follow that this House may decide that section 201 should be modified and not the rule-making power. Apparently it was due to some mistake or oversight on the part of the House to pass both those provisions. Now, the question is, what would the House have done if this matter was brought to its attention? I submit to the House that it is really a matter for the House to decide, and I do not know that this is an occasion on which it can decide. The Act is not before us, nor is the policy, as regards inoculation of the pilgrims before they are allowed to embark, is before the House, and I think that it cannot be decided in this way in an indirect manner.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, may I say a few words just to place the position, as I understand it, before the House. When this amending Bill was introduced, there was primarily a provision in the Bill which amended section 206 and which stated that the period would be prescribed by the Government. The period will be a prescribed period, and it will be so prescribed by the Governor General in Council. It was, therefore, taken for granted that the Governor General will prescribe the actual period which would lapse before this particular inhibition would pass away. In consonance with that provision in the earlier portion of the Bill, the later provision maintained that (mm) should be added, whereby the Governor General in Council will frame rules to prescribe the period. Now, when these two provisions were simultaneously before the House, because the Bill was one Bill and it should be understood in that sense alone, the earlier provision was first taken up and the later provision was only a corollary to the earlier provision which suggested that the time should be a prescribed time. The House felt that it should not be left to the discretion of the Governor General in Council. My friend, Mr. Maswood Ahmad, moved the amendment that the time should be an ascertained time and not a vague time which may depend upon the will and discretion of the Governor General in Council. He, therefore, moved the amendment that six months should be the period prescribed, and it should not be left to the discretion of the Governor General in Council. When that amendment was before the House, I venture to suggest that the House gave its decision on the issue, which my Leader, Sir Abdur Rahim, has now presented to us, namely, whether the period should be a prescribed period, that is to say, a period dependent on the will and the discretion of the Governor General in Council, or whether it should be a definite and ascertained period, namely, six months, which Mr. Maswood Ahmad

wants. The House then decided that it will not leave the question to the discretion of the Governor General in Council, but will put in a definite and ascertained period, namely, six months, and adopted the amendment of Mr. Maswood Ahmad. It was then for the Member in charge and for Sir Lancelot Graham, whose vigilant eye never misses a thing like that, to have brought in a consequential amendment deleting the latter provision to add clause (mm), which was the right thing to do. That was not done. It was passed. It was for the Government spokesman to have brought in an amendment. As that amendment was not brought before the House, my Honourable friend, the Law Member, now seeks to amend the Act. That seems to me to be the position. There is no controversy involved. It is merely re-inforcing a decision which has been already arrived at, as recently as 1933, by this House that the period should be a definite and an ascertained period, namely, six months, and should not depend upon the discretion of the Governor General in Council.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would like to hear from the Law Member what the legal position is. So long as section 206, clause (1) (a), remains on the Statute-book, that is, prescribing the time for six months, can the Governor General exercise the power under section 203 (mm) ?

The Honourable Sir Nripendra Sircar : In my humble view, he cannot.

Mr. President (The Honourable Sir Shanmukham Chetty) : Therefore, the amendment to clause 203 is a consequential amendment.

The Honourable Sir Nripendra Sircar : That is my submission.

Mr. President (The Honourable Sir Shanmukham Chetty) : What has Mr. Maswood Ahmad now got to say ?

Mr. M. Maswood Ahmad : I wanted to say that if these two clauses do not agree with each other, and, in the presence of clause 206 (1) (a), the Governor General cannot exercise his power under clause (mm), then my community want that that should be deleted and not this.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can oppose that.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, there is some sort of ambiguity, and it may be that the explanations given by the Government or by my friends here may stand the test of being true. But, I am sure, that in the form in which the amendment has been brought, it seems to me that it might be referred to the Select Committee for their decision. If, however, you give it as your ruling that it is all right, then my submission is that it will satisfy perhaps this side of the House more than if it is decided arbitrarily.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is no question of a ruling on this point.

Mr. Muhammad Azhar Ali : Then, I move that it should be sent to the Select Committee. I may mention the names of the members of the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is no amendment on the Order Paper for reference to the Select Committee.

Mr. Muhammad Azhar Ali : It is only with the permission of the Chair that I wish to move that motion.

Mr. Lalchand Navalrai : I believe the Honourable Member was in the middle of his argument and he has not yet replied to the question that I put to him. I do not know if the Honourable Member followed me in the heat of the other question. If not, I will repeat my question.

The Honourable Sir Nripendra Sircar : If you please.

Mr. Lalchand Navalrai : My question is that an amendment is going to be made on account of the enactment of the Dangerous Drugs Act of 1930. You will find that on page 3 of the Bill, it is said that "In sub-section (1) of section 32 (which means the Abkari Act) the proviso shall be omitted". Then in the Statement of Objects and Reasons under clause (8) it is said that "the amendments are designed to correct a mistake made in the latter Act". That means that there is a mistake in the Dangerous Drugs Act which is going to be corrected by eliminating the proviso from the Abkari Act. I would request the Honourable the Law Member to enlighten me as to where is the necessity for it and what is the underlying object of the amendment.

The Honourable Sir Nripendra Sircar : Will my Honourable friend kindly repeat what is the portion which he read just now?

Mr. Lalchand Navalrai : I read from the Statement of Objects and Reasons. It is clause 8 and its heading is "The Bombay Abkari Act, 1878, and the Dangerous Drugs Act, 1930. What I want to know is whether it is a real mistake and how is it that it is interfering with the law that has been made under the Dangerous Drugs Act, or was there a mistake in the Dangerous Drugs Act itself?

The Honourable Sir Nripendra Sircar : The answer to my Honourable friend, Mr. Lalchand Navalrai, is this, in the Dangerous Drugs Act, II of 1930, a large number of amendments were made. They, in fact, covered one full page in close print, but I do not propose to read them out. That is Schedule II. The note which my Honourable friend read out is this :

"In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words, brackets and figures 'in sub-section (1) of section 32, the proviso shall be omitted' shall be omitted."

That is to be found as one of the amendments here. If my Honourable friend will turn to the Bombay Abkari Act, 1878, my Honourable friend will then find that this is a mistake, because there was no intention to change the Bombay Abkari Act, 1878. Therefore, if the question is in which Act the error has been committed, the answer is that the note is correct, namely, the amendments are designed to correct a mistake made in the latter Act, namely, in Schedule II. This is a very long Schedule of the Act of 1930. It does not involve any change in the law as it now exists.

Mr. Lalchand Navalrai : I am not satisfied with the reply at all. The point is that there is some mistake in the provisions of the Bombay Abkari Act, and I want to know what is the mistake.

The Honourable Sir Nripendra Sircar : The mistake is indicated by the words which are quoted.

Mr. Lalchand Navalrai : But the proviso is going to be removed.

The Honourable Sir Nripendra Sircar : The mistake is indicated in the words which are quoted. If my Honourable friend will turn to the Schedule, it says :

"In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words, brackets and figures 'in sub-section (1) of section 32, the proviso shall be omitted' shall be omitted."

That is what appeared to be a mistake. It ought not to appear there at all. It makes no sense. That is a clear error. Our amendment will not change either the Bombay Act or the Indian Act.

Mr. Lalchand Navalrai : Then a certain proviso is not actually going to be removed.

The Honourable Sir Nripendra Sircar : The words which are appearing here by mistake will be removed, and the mistake will be corrected.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

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

The motion was adopted.

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

The First Schedule was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Second Schedule stand part of the Bill."

Mr. M. Maswood Ahmad : Sir, it now appears that all the entries are for consequential amendments. I want to move an amendment to the effect that a portion from the Second Schedule should be deleted. Unless you allow me to move my amendment, I have no right to do so. The Honourable the Law Member also said that no controversial measure would be brought before the House, and I hoped he would agree to delete that controversial portion, but he did not accept my suggestion and now I have no alternative but to move an amendment, and, I think, the Government will raise no objection to my moving the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the item that the Honourable Member wants to delete?

Mr. M. Maswood Ahmad : I want to delete the item relating to the Indian Merchant Shipping Act, 1923.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does any Honourable Member object?

The Honourable Sir Nripendra Sircar : When the amendment is moved, I shall oppose it. I shall not adduce any further argument, because I have already adduced my arguments.

Mr. M. Maswood Ahmad : Sir, I beg to move :

"That from the Second Schedule the following item shall be deleted :

1923.	XXI	The Indian Merchant	In sub-section (1) of
		Shipping Act, 1923.	section 213 clause
			(mm) '."

I only want to add a few words in this connection. When I quoted from the different Acts of the Straits Settlements, on which the Indian

[Mr. M. Maswood Ahmad.]

Merchant Shipping Act was based, I pointed out that in some cases it was one year and in some other cases it was two years. As far as I remember, it was then said—I am sorry I have not got a copy of that Act at present in my hands—that this power would be in the hands of the Governor General. At that time I moved for a longer period, but this House decided that the period should only be six months. At that time we thought that the power to increase the period will remain in the hands of the Governor General and that he will be in a position to extend that period. If you will see that section, there was this possibility. The section reads :

“No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, showing that such pilgrim—

(a) has been inoculated against cholera within six months before the inspection, and

(b) has been vaccinated against small-pox within five years before the inspection :

Provided that the officer making the inspection may dispense with the certificate of vaccination, if in his opinion the pilgrim has marks showing that he has had small-pox.”

It was admitted at that time that six months time should be given, and, at the same time, the power was given to the Governor General who may extend the period. My opinion up till now is the same. But if the House thinks that both portions cannot remain on the Statute-book, I will appeal to the Government at least to omit this item at present and to refer the matter to the Select Committee who may decide whether to omit this portion or that portion. No doubt at present we are not in a position in this House to carry any amendment by a majority of votes, because the Government have sufficient votes to defeat us. I, however, appeal to the Honourable the Law Member, in view of the fact that the Leader of the Opposition has also supported the plea that this is a controversial measure, I appeal to the Government that this Bill should be referred to the Select Committee, so that the Select Committee may decide whether they want to give this power to the Governor General or they want to restrict the period to six months only. This is a very important point, and, if the Select Committee agrees to the suggestion that the period should be only six months, in that case no one will object. This question has not been decided and many Members, both in this House and outside, thought that this power should be given to the Governor General and the period of six months was not sufficient. I, therefore, suggest that this measure cannot be passed without sending it to the Select Committee, or at least this provision should be deleted from the Second Schedule at present.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“That from the Second Schedule the following item shall be deleted :

1923.	XXI	The Indian Merchant	In sub-section (1) of
		Shipping Act, 1923.	section 213, clause
			(mm) .”

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I confess that my Honourable friend has taken us all somewhat at a disadvantage, because he did not give us timely notice of the point which he has now raised. As far as I can make out, he wants now that power shall be retained by the Governor General in Council to prescribe any period that he likes as the period which must elapse before a certificate for inoculation against cholera can be given. May I, Sir, on this occasion, take the opportunity of reminding him of his own words when he was moving the amendment to the relevant clause of the Indian Merchant Shipping (Amendment) Bill, i.e., the Haj Bill ? He moved,—and I am reading from page 3362 of the Proceedings of the Legislative Assembly for 8th April, 1933 :

“That in clause 9 of the Bill, for part (a) of the proposed sub-section (1A) the following be substituted :

“(a) has been inoculated against cholera within six months before the inspection ; and .”

Then, Sir, he proceeded to read from the Straits Settlements Ordinance on the subject and finally he made this remark :

“Sir, the suggestion that it should be for six months is in the Ordinance of the Straits Settlements and in the International Sanitary Convention. Government have said ‘such period not being less than one month as may be prescribed’. This is not satisfactory. I say, there should be a definite mention of six months.” (Laughter.)

Then, Sir, I would, in all humility, quote my own words also. I said :

“The reason why I have risen is to save the time of the House. This morning, my Honourable friend thought that the Straits Settlements Ordinance was the most retrograde measure in existence, but now he is drawing upon that measure in order to support his argument. However, animated as I am by great goodwill towards my Honourable friend, I am prepared to accept this retrograde amendment, though I would explain that it would not stop short at the word which he has mentioned.”

And then I went on to suggest something else. It appears to me that, if a controversy has arisen, it is because my Honourable friend has had a controversy with himself. For the rest, this is really carrying out, as my Honourable friend, Diwan Bahadur Mudaliar, pointed out, the verdict of the House on an amendment which was moved by my Honourable friend himself who has now conveniently forgotten what he said in 1933 and wants something else done now.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That from the Second Schedule the following item shall be deleted :

1923.	XXI	The Indian Merchant	In sub-section (1) of
		Shipping Act, 1923.	section 213, clause
			(mm) .”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That the Second Schedule stand part of the Bill.”

The motion was adopted.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar : Sir, I beg to move :

"That the Bill be passed."

I really have nothing to add, and I do not think I should take up the time of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill be passed."

The motion was adopted.

THE SEA CUSTOMS (AMENDMENT) BILL.

Mr. A. J. Raisman (Government of India : Nominated Official) : Sir, I beg to move :

"That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration."

Honourable Members will perhaps recall that this Bill was introduced in this House during the course of last Session by Sir George Schuster on the 29th January. It has, therefore, been in the hands of Honourable Members for several months now. It is, as will be seen from the Statement of Objects and Reasons, a measure of a very simple nature, and in view of the time that has elapsed and the fact that nothing has occurred during that period to suggest that the Bill raises any difficult or controversial points, I make this motion for consideration. I should perhaps first explain what the real object of the drawback provisions of any sea customs Act is. The object is to facilitate *entrepôt* trade; that is to say, when merchandise has been imported for sale into the country, but, for any reason, has remained unsold for a reasonable time, it is obviously desirable that the goods should be able to be re-exported to another market without the merchant incurring the loss of the whole of the import duties originally paid on them. This is a facility which trade may naturally expect from the administration; and I want to make it quite clear that there is nothing in the present Bill which will detract in any way from those facilities. Goods imported into this country and not taken into use will be entitled to the full benefit of the drawback provisions in the same way as hitherto.

There is, however, another class of goods which at the present moment qualifies equally for the benefit of the drawback provisions of the Act, and that is, goods which, after importation, are taken into use. Those goods in many cases spend quite a considerable part of their useful life in India. Now, it is a generally recognised principle that customs duties are a tax on consumption. These goods having been in India for two, and in some cases three, years, can nevertheless be tendered at a custom house for export, and provided they are identified and provided they are worth the amount of money which the exporter claims back from the custom house, they may be exported and the owner may obtain a refund of 7/8ths of the duty originally paid. I might perhaps exemplify this anomalous provision by taking one or two instances.

Take, for instance, a motor car imported at Bombay. Suppose it is valued on import at Rs. 4,000 and it is dutiable at 30 per cent. It pays Rs. 1,200 as import duty, and it is now worth Rs. 5,200. It is taken into use and run for three years during which time it may do 50 or 60 thousand

miles. The average life of a car, I would suggest, is not more than (say) five years. Nevertheless, before the expiry of three years, this car may be tendered at a custom house, and, on proof that it is the identical car, the owner may ship it and claim Rs. 1,050 back of the Rs. 1,200 which was paid on importation. So that, for three years' use in the country of a car worth Rs. 5,200, the consumption tax paid is Rs. 150 on an article on which the customs duty is 30 per cent. I will take another instance, that of cinematograph films. Now in the case of cinematograph films, the value at the time of import includes the charge which is made for royalty, that is, the charge for the use of the film. This is important in connection with films, because, for two or three years the films may be exhibited up and down the country, and, of course, that part of the value which is represented by royalty is fully consumed. Nevertheless, the owner may come back with the film, and,—I admit it will be difficult to prove that the film so used was worth 7/8ths of the import duty originally paid,—but if he can prove that, he would be entitled to get 7/8ths of the import duty back. The situation, I would submit, is plainly anomalous, and the object of this Bill is to rectify that anomaly by taking powers to restrict the facilities for the grant of drawback. The method would be that the Governor General in Council would make rules which would be published in the Gazette of India. It will be seen from the wording of the Bill that we do not contemplate that a single body of rules will necessarily cover the different classes of cases which have to be dealt with. Naturally, a good deal depends on the nature of the goods, especially on the length of their useful life. I would further like to make it clear that there is no intention of acting in a precipitate manner. The Government are quite prepared to consult the interests affected before they actually enforce rules which will introduce a modification in the position, and in particular they are quite prepared to allow such time to elapse as will enable persons who have imported goods in the expectation that drawback facilities would be available to export those goods and obtain the drawback. Such a period would also enable persons, who had placed orders for goods in the expectation that drawback facilities would be available, to take action and possibly cancel their orders if they thought necessary.

There is only one small point which I think I might add, and that is that almost the only objection we have received to this

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Bill is from automobile associations, who have represented that the present drawback provisions do make it possible for the tourist or temporary visitor to the country to bring his car with him and use it in the country and when leaving the country to obtain the greater part or 7/8ths of the duty back. In regard to that, I am glad to be able to say that we now have under consideration the introduction of the system which is now in vogue in most countries in the world, namely, the *trip-tique* or the international *carney* which enables the owner of a motor car to import his car free into any country on a guarantee furnished by an automobile association that he will re-export it within a prescribed time and that failing that the association will pay to the Government the amount of customs duty involved. We are at the present moment working out the details of that system, and I hope that in a short time now it will be made applicable to India. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration."

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this motion. I had on more than one occasion to bring to the notice of this House the condition of the film industry and the indifference with which it was treated by Government. I need not go into the same matter over again, but I should like to refer to it in a few words.

In other countries, the Government are anxious to encourage the film industry. In England, for instance, there is the quota system, under which the English made films are to be exhibited for a certain period of time in every theatre. The Government of India have not seen the necessity of introducing any such measure. But, in spite of Government's indifference, the film industry is making some progress, but it is handicapped in a number of ways. The raw material of that industry is very heavily taxed, and, not only the raw film is taxed, but the mechanism of exhibition, such as producers, projectors, amplifiers, loud-speakers, etc., which are required for wiring the theatre to change it from a silent theatre to a talkie theatre, is also very heavily taxed. Formerly, these parts of machinery were treated by the customs officer as machinery and they were taxed only at 10 per cent. Latterly, the Government appear to have made changes in their rules, and, instead of 10 per cent., they are charged at 20 per cent. for British made goods and at 30 per cent. for foreign made goods. In this way the tax is levied upon the instruments that are used in this industry.

I may bring to the notice of the Government that the Film Group of India has made certain representations to Government and their grievances were ventilated in this House by my humble self and by my friends. It was brought to the notice of the Government that the rebate system on exposed films acted as an impetus or encouragement to foreign films, and, therefore, foreign films competed severely with Indian made films. I am very glad that Government have come to appreciate that view, and this Bill is the result. In the same way, we pointed out that the duty on foreign made films was not adequate—it was very light—and that helped the foreign made films to compete with the Indian made films. Government have also reconsidered their decision and they have increased the duty on imported exposed films. But, then, I am very sorry to repeat on the floor of this House that the Government at that time could not carry out the promises they had held out. Government had stated that any income derived from such sources will be utilised first in reducing the duty on raw films, and so on. I am very sorry that the Finance Member saw that it was not possible for him to make any reduction in that duty. There is a well-known saying in Sanskrit that a hungry man will commit any crime, and a man reduced to the lowest straits is merciless. So I do not blame the Finance Member for being merciless and for having committed the sin of having gone back on his words. I hope his successor, who is not here today in this House, will help the industry by reducing the heavy duty on raw films and also by bringing the projectors, amplifiers and loudspeakers, which are used for wiring talkie theatres, under the category of implements or machinery. Sir, it is a fact that these things are used for other purposes as well ; and, therefore, an objection might be brought forward that it will be very difficult for the customs officer to distinguish the instruments that are used for the cinema trade, and those which are not used for the cinema trade. Sir, I think, there need be no insuperable difficulty, because a system of rebates can

be instituted by which a certificate from a District Magistrate to the effect that certain machinery is used in wiring a particular house in a particular village or town should be sufficient to grant a rebate to the owner of that theatre. In that way, the heavy burden put upon the cinema industry can be removed.

The question of the use of motor cars stands on a different footing. In the case of exposed films of foreign manufacture, it was clear that the long period of two years was made use of by the importers of foreign films in exhibiting those films at various places, and they contrived to send back almost worthless films and draw the rebate, and ultimately they were destroyed at the ports where they were received. So Government were deprived of a part of their revenue. Now, Government have realised the position, and I welcome this measure.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I have very great pleasure in supporting this motion. The operative part of this Bill relates to section 43 of the Sea Customs Act which runs as follows :

"When any goods, having been charged with import duty at one Customs-port and thence exported to another, are re-exported by sea as aforesaid, drawback shall be allowed on such goods as if they had been so re-exported from the former Port :

Provided that, in every such case, the goods be identified to the satisfaction of the officer, in charge of the Customs-house at the port of final exportation and that such final exportation be made within three years from the date on which they were first imported into British India."

Now, I am glad that the Government have brought forward a Bill for the purpose of doing away with this drawback system. This drawback system has many disadvantages. It was, in the first place, doing a damage to the customs duties of the Government. In the second place, it was sometimes difficult to identify the exact goods which, on its import, had once paid duty and then was subject to drawback at the time of its re-export abroad. In the Statement of Objects and Reasons, two classes of goods have been mentioned, I mean motor cars and cinematograph films. Both these two classes of goods have been mentioned by my Honourable friend, Mr. Jadhav, in his speech. So, I do not want to repeat the same arguments over again. The film industry is in its infant stage in this country and it is the duty of both the Government, and those of us who sit on this side of the House, to give an impetus to the film industry. The import duty on raw films puts the indigenous industry at a disadvantage, and so it is advisable that that point should be taken into consideration. I am very pleased that Government have at last thought it proper to bring in this Bill. There is only one point which I should like to bring to your notice in this connection and it is this. I should like to be satisfied that the rule-making powers which are being given to the Governor General in Council are not of too wide an extent. I should have thought that some of the important points which are to be embodied in the rules might perhaps have been embodied in the text of the Bill itself, but I hope that the Government

[Mr. Gaya Prasad Singh.]

will give an opportunity before framing these rules, to the public and the individuals concerned, to submit whatever objections or suggestions they may have to make in the rules. With these few words, I support the motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 2 stand part of the Bill.”

Sir Leslie Hudson (Bombay : European) : Sir, I beg to move :

“ That in clause 2 of the Bill, in sub-section (2) of the proposed section 43A, after the words ‘ The Governor General in Council may ’ the words ‘ subject to the condition of previous publication ’ be inserted.”

Sir, on the whole, there is very general agreement about this Bill. I am quite sure that there will be wide satisfaction at the statement made by my Honourable friend, Mr. Raisman, in moving the consideration of the Bill that the Government have under consideration measures legalising the “ Triptyque ” system which is in force in most of the world and which is badly in need of enforcement here.

There are certain instances where the withdrawal of the drawback concession would be a definite hardship on persons and firms and commercial bodies of which I propose to give one or two instances later, and it is for that reason that I move this amendment, which I hope, from what has fallen from the lips of Mr. Raisman, will be accepted by Government. Instances that occur to one are, firstly, the component parts of machinery which may be found unsuitable for the purpose for which they have been imported or which may be defective. In cases like that, it seems to me right and just that the importer should have the benefit of the drawback concession. Similarly, containers which are used in the carriage of compressed liquids and compressed gases and acids, which are imported into this country for manufacturing purposes, are sent back to the country of origin for being re-filled and brought out to this country again. Under the present concession, whereby 7/8ths of the duty is refunded on re-export, it is obvious that it only requires eight movements to and fro for the Government to realise the 100 per cent. duty after which time there will be a steady revenue coming in. If the concession with regard to these containers is withdrawn, I maintain that it would entail a distinct increase in the cost of manufacture and distribution of the goods for which the containers are required. The same thing applies to component parts of machinery which I have already mentioned. The Honourable Member has already spoken about motor cars, but there are other articles on which, under certain conditions, I think the drawback should be retained, — articles, such as cameras and radio sets, scientific instruments and firearms which may be brought out to this country for a purely temporary period. I hope the Honourable Member will accept this amendment. He has already given us an assurance that the rules will be sufficiently

wide to exempt articles and goods where it can be shown that real hardship does exist and where definite hindrance to trade and industry may be caused.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 2 of the Bill, in sub-section (2) of the proposed section 43A, after the words ‘ The Governor General in Council may ’ the words ‘ subject to the condition of previous publication ’ be inserted.”

Mr. A. J. Raisman : Sir, I have no objection to accepting my Honourable friend, Sir Leslie Hudson's amendment. On the contrary, I welcome it. I ought perhaps to explain why the words were not inserted in the first instance. The clause in question will form part of the Sea Customs Act, and, for reasons which are obvious, it is not usual in the case of legislation or rules relating to customs to provide for previous publication, because there is a possibility of “ forestalling ”. In the case of drawbacks, there is, of course, no serious objection on this score, and so I am quite prepared to accept the amendment. With regard to the few remarks which fell from my Honourable friend, they do illustrate the point I was making, which is that we cannot at this stage indicate precisely what rules will be made to cover the different cases, because each class of goods will have to be carefully considered, and, when we publish our rules for criticism, we shall then come up against various kinds of difficulties and hard cases, such as Sir Leslie Hudson has pointed out, and I hope we shall be able to make the necessary modifications to cover cases of the type which have been mentioned.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 2 of the Bill, in sub-section (2) of the proposed section 43A, after the words ‘ The Governor General in Council may ’ the words ‘ subject to the condition of previous publication ’ be inserted.”

The motion was adopted.

Sir Leslie Hudson : I do not wish to move the second amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

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

The motion was adopted.

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

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A. J. Raisman : Sir, I beg to move :

“ That the Bill, as amended, be passed.”

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

Mr. K. Sanjiva Row (Government of India : Nominated Official) :
Sir, I beg to move :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be taken into consideration."

The Bill is a short one, but it has a long history behind it. In 1924, the Bombay High Court gave a ruling with reference to a *hundi* which was on the face of it payable to a particular person or bearer, but which had an endorsement on the back authorising payment to a third party. The Bombay High Court held that the endorsement changed the character of the *hundi* and was no longer payable to bearer, but to the person whose name was mentioned in the endorsement or in accordance with his directions. This ruling of the High Court caused some consternation among the commercial and banking circles who had previously assumed that so long as a negotiable instrument was on the face of it payable to bearer, the drawee need not trouble about anything that was written on the back and could safely pay its value to the person who might present it. Government were, therefore, urged to introduce legislation which would restore to the bankers the security which they had previously imagined themselves to possess. After consultation with Local Governments and commercial bodies, a Bill was introduced in this House which provided that negotiable instruments which, on the face, were payable to bearer, should, in no circumstances, change their character as bearer instruments, in spite of anything written on the back. This Bill was, however, rejected by this Assembly in September, 1929, partly because it was considered that the application of the legislation to *hundis* might involve undesirable interference with the traditional methods and practice of indigenous bankers and partly because it was considered that the question should be first examined by the Indian Central Banking Inquiry Committee. That Committee duly examined the question and recommended that cheques, which were originally drawn payable to bearer, should not lose their bearer character on account of any endorsements written on the back. They considered, however, that the proposed legislation should not apply to negotiable instruments other than those which were drawn in the form of cheques. The simple measure now before the House is the result of this recommendation. The House will observe that, in accordance with that recommendation, the proposed amendment refers only to cheques and not to negotiable instruments in general. The main objection raised in connection with the previous Bill regarding its application to *hundis* and possible interference with the traditional methods and practice of indigenous bankers is, therefore, no longer applicable to the present measure. Sir, this is the immediate purpose of the Bill, but it has a wider object than the protection of the banks. In the interests of the financial development of the country as a whole, it is essential that we should encourage the use of cheques by the general public much more freely than at present. It is possible that the growth of the cheque habit may be retarded if the purport of a cheque can be changed by an endorsement written in a script or language which may be unintelligible to the party to whom it may be subsequently transferred. If, on the other hand, a cheque payable to bearer is always payable to bearer, unless the word "bearer" on the face of the cheque is altered to "order", the necessary confidence is more likely to be acquired. Sir, the Bill is the result of long and careful con-

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THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

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sideration, and the Select Committee has unanimously recommended that it be passed. I have, therefore, no hesitation in commending it to the acceptance of this House. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. K. Sanjiva Row : Sir, I move :

"That the Bill be passed." (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be passed."

The motion was adopted.

THE INDIAN TRUSTS (AMENDMENT) BILL.

Mr. K. Sanjiva Row (Government of India : Nominated Official) :
Sir, I beg to move :

"That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration."

Sir, the purpose of this Bill is to enable trustees to invest trust funds in securities which, under the present sub-section (a) of section 20 of the Indian Trusts Act, are not Government securities, but which are fully guaranteed by the Government of India or a Local Government. For some years the Government of Madras have been trying to secure trustee status to the debentures of the Central Land Mortgage Bank of Madras. But, so long as those debentures were not fully guaranteed, the Government of India could not accept the proposal. This attitude of the Government of India was not due to any lack of sympathy with the object which the Government of Madras desired to achieve. The distinction between trustee securities and other securities is mainly intended to protect beneficiaries who are not able to look after their own interests, and it is, therefore, the duty of the Government of India to see that the protection is as complete as possible. If trustee status were accorded to any securities, which were not fully guaranteed, it would be very difficult to resist claims on behalf of other securities which were of a less reliable type and this might lead to an undesirable relaxation of the standards which Government feel bound to maintain. The question was, however, reconsidered in connection with the Resolution moved in this House by my Honourable friend, Mr. Thampan, and it was decided that it would be justifiable to introduce legislation on the lines proposed if the Government of Madras were prepared to substitute a complete guarantee of both principal and interest for the limited guarantee which had previously been given. The Government of Madras accepted this condition and agreed to extend the guarantee. The next question was, whether the

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[Mr. K. Sanjiva Row.]

trustee status should be given only to the debentures of the Madras Central Land Mortgage Bank or whether legislation should be undertaken covering all securities which were similarly guaranteed by a Local Government. We preferred the second alternative, as there appeared to be no reason why the debentures of other Provincial Banks, which had been similarly guaranteed, should not acquire trustee status. In deciding the form of the amendment which is now before the House, we were also influenced by the fact that, in accordance with the recommendation of the Joint Select Committee on the Reserve Bank Bill, a proviso has been added to sub-section (8) of section 17 of the Reserve Bank Act to enable the Bank to purchase and sell securities which are fully guaranteed by a Local Government. Sir, I do not think I need elaborate the justification for this Bill. Government have frequently been urged to take more active measures to encourage the development of Land Mortgage Banks. The measure now before the House will materially assist the Land Mortgage Bank of Madras and may also benefit Land Mortgage Banks in other Provinces. I am sure, the House will share my satisfaction that the Government of India have now found it possible to offer this assistance. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration."

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, I certainly for my part share the satisfaction of my Honourable friend, Mr. Sanjiva Row, that at long last even the Government of India have moved in a matter on which agitation has been so strenuous and consistent, not merely from the public and from a known agitator, if I may say so, even like myself, but also from a well-established, orderly and sacrosanct Government like the Government of Madras. Sir, it took several years to convince the Government of India and the Finance Department in particular that nothing revolutionary was intended by the proposal which we put forward that debentures of Land Mortgage Banks should be treated as trustee securities, so that the investing public may invest in these securities with greater confidence. It is not exactly correct, as my Honourable friend, Mr. Sanjiva Row, tried to convey that Land Mortgage Banks must always have been guaranteed by the Local Government if their debentures were to secure trustee status. So far as the Land Mortgage Bank of Bombay is concerned.....

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : There is no Land Mortgage Bank in Bombay.

Diwan Bahadur A. Ramaswami Mudaliar : At any rate, there was legislation as early as 1914 giving Land Mortgage Bank debentures of Bombay.....

Mr. B. V. Jadhav : Bombay Provincial Co-operative Banks.

Diwan Bahadur A. Ramaswami Mudaliar : Well, I stand corrected to that extent. Giving them the status of a trustee security without any backing of the Local Government,—and that was the point I was on—it does not matter whether it was Land Mortgage Banks or other Banks. My

friend says it is not so ; I certainly was under the impression that the legislation in 1914 did not require, as a pre-requisite, the backing up of the Provincial Government, so far as principal and interest were concerned. I, however, have no quarrel with that suggestion ; and, in fact, at the informal conferences, that some of us had with the Honourable Sir George Schuster, we accepted the condition that the Provincial Government should back up these securities, and that then and then alone should the status of trustee security be secured for them.

Mr. K. Sanjiva Row : The debentures of the Bombay Provincial Co-operative Bank are included in trustee securities on the condition that the interest thereon is guaranteed by the Secretary of State for India in Council.

An Honourable Member : What about the principal ?

Diwan Bahadur A. Ramaswami Mudaliar : Now, Sir, as I stated, I have no quarrel with this condition that the Provincial Government should guarantee both the principal and the interest, in case the trustee status was given to these securities. In fact, in our informal conferences, we accepted that condition, and we are glad that the Finance Department has at last moved in this matter. But, while I am on this subject, I should like to refer to another condition which the Finance Department has insisted upon and is now insisting upon and which does not find a place in the Bill. They told us that the amount of guarantee which the Provincial Government can extend is of a limited character, that it cannot be beyond, for instance, fifty lakhs of rupees, and that the Provincial Government, which is under the control of the Government of India with reference to its loan policy, will not be permitted to back up these securities beyond a sum of fifty lakhs of rupees ; at any rate, that was what I was given to understand at the informal conference we had, and, I believe, in the letter which the Government of India have addressed to the Local Government on the subject, whether it is exactly the amount of fifty lakhs or not, certainly a certain amount of maximum is prescribed, beyond which the Local Government cannot go, in backing up these trustee securities. I speak subject to correction, but that is the recollection I have of the negotiations that took place with the Minister in charge of this Department of my Presidency who was in Delhi, and, if I am correct, that is also the content of the letter which the Government of India have addressed to the Local Government. Now, it is about that condition I should like to say a word.

The object of this Land Mortgage Bank is to redeem the indebtedness of the landholders in my Presidency—in fact in any
3 P. M. Presidency. We have heard recently an official conference on the subject, and a great deal of talk has been indulged in about Debt Conciliation Boards, about the methods by which rural indebtedness could be relieved, and so forth, but from newspaper reports and even from the communiqué of the Government of India, there is no indication of a solution of the problem, and the impression left is that the Conference broke up, if I may say so, "as usual" without anybody being the wiser for the Conference having been held. They were wiser certainly in that they knew each other's deficiencies, but so far as any project to redeem the rural indebtedness of the peasant or to mitigate the aggravated circumstances in which the landowner finds himself today was concerned, the Conference does not seem to have produced any result whatsoever. Here

[Diwan Bahadur A. Ramaswami Mudaliar.]

is a practical proposition, whereby the operations of the Land Mortgage Bank may seriously tend to minimise the indebtedness of the landowner. Now, the total indebtedness of the whole of India, so far as the landed proprietors are concerned, is estimated somewhere between 200 and 225 crores of rupees. Any suggestion of raising a large loan, which can be utilised to buy up this indebtedness and to transfer it to lower rates of interest is looked upon as an extremely heterodox proposition by the orthodox Finance Department of the Government of India. They talk of Sanatanists and their orthodoxy, but I venture to think that the most confirmed Sanatanists are those who adorn the Finance Department of the Government of India. (Hear, hear.) Other countries have made this experiment and have been benefited by it. In our country, one Indian State—and Indian States are so often held up to ridicule and obloquy in this House, that I should like to refer, with appreciation, to one State—a State which can be held as a model for the Government of India to copy in this respect—the State over whose fortunes my esteemed friend, Sir Prabha Shankar Pattani, presides with so much of credit, has solved this problem. The State itself has bought up all the indebtedness. It has compelled many people to have their indebtedness settled at lower rates than would have been possible in Courts of law, and, if the reports are correct, it has done what the Government of India have not even dreamt of doing, namely, it has conciliated many of these debts and made it more possible for them to bear the burden of their indebtedness. As I was saying, in the absence of the Government of India and of the Local Governments moving in this matter—and it is a vicious circle in which the Government of India expect the Local Governments to move, because it is their primary concern, and the Local Governments say that they cannot raise a loan, because it is the primary concern of the Government of India,—the rural indebtedness problem is just where it was, and the peasant is expected to remain in the same position as he is or rather he is gradually getting into a worse and worse position. So far as the Government of India are concerned, we, in the South, unfortunately know that it is so far off that it does not even understand our problems. The problem of rice, over which we have been agitating for months past, is exactly where it has been. What do we find? Paddy is being dumped from Siam and Indo-China. We made representation after representation without any avail. If I were to be returned on the Congress ticket, I know exactly the language I shall use much of which would hardly be parliamentary and little of which will be taken note of by the Treasury Benches owing to its very extravagance; but as I hope to be returned on the ticket on which I have fought every election during the last 15 years, I shall use the language which I have been accustomed to use and say that it is a scandal that this Government should be impervious to all our arguments on the subject and that unless they wake up at least now, they will be faced with a fearful agrarian crisis, with disastrous consequences to the stability, financial and otherwise, of the Local Government. The Commerce Member has heard us so often, the Member in charge of Lands has also heard our representations and the Finance Member has been even compelled to hear at odd moments what we had to say, and yet none of them has awakened to a realisation of their responsibilities. That is what we call responsive Government in this country as opposed to responsible Government. As I was saying, if the indebtedness, which has become more

and more acute, of the peasant and of the landowner is to be redeemed in any sense at all and to any extent, then the Land Mortgage Bank is the last resort of the rural peasant today. The Land Mortgage Bank is making slow progress. Its funds are very limited, and it is to augment those funds that its debentures may be treated as securities. As this Bill is going to be passed, I hope that the Land Mortgage Bank's beneficent activities will expand and the non-official agency at least will put to shame the Government of India as well as the Local Governments by coming to the relief of the indebted peasant. I welcome this proposal, and I must express my gratitude that the Finance Department and the Government of India as a whole have at long last come to our help and accepted our suggestion.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I do not want to take up the time of the House by making a long speech on this motion. The Honourable the Mover of the Bill referred to the Resolution that was moved by me with a view to giving the debentures of the Madras Land Mortgage Bank the status of a trustee security. The Honourable the Finance Member promised to comply with that request if the Local Government were to guarantee, not only the principal, but the interest of the debentures as well. Since then, the Madras Government has guaranteed the interest also, and the conditions that were required by the Honourable the Finance Member have now been complied with. Coming as I do from Madras, I am grateful to the Government for the promptness with which they have come forward to give our debentures the legal status of trustee securities. I have great pleasure in supporting the motion that is now before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. K. Sanjiva Row : Sir, I move :

“That the Bill, as passed by the Council of State, be passed.”

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That the Bill, as passed by the Council of State, be passed.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 31st July, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 31st July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

The Honourable Sir Henry Duffield Craik, Bart., K.C.S.I. (Home Member).

QUESTIONS AND ANSWERS.

ABOLITION OF OCTROI LEVIED IN SOME PLACES UNDER THE GOVERNMENT OF INDIA.

309. *Pandit Satyendra Nath Sen : (a) Is it a fact that octroi is levied in some places under the Central Government ?

(b) Are Government aware that octroi is regarded by the people as a very vexatious item ?

(c) Are Government aware that octroi has been abolished in many countries on the continent ?

(d) Do Government propose to abolish it in the near future ?

The Honourable Sir James Grigg : (a) Yes.

(b) No. Such evidence as is available indicates that octroi is less unpopular than any form of direct taxation which can be imposed by local bodies.

(c) Government have no information.

(d) No. It is open to municipal committees, if they see fit, to initiate proposals for the revision of their schemes of municipal taxation.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

310. *Pandit Satyendra Nath Sen : (a) How many prosecutions have been made under the Sarda Act since the passing of the said Act ?

(b) How many of them have ended in conviction ? What has been the maximum punishment and in which case ?

(c) What is the total amount of fine realised under the said Act ?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the statement laid on the table on the 8th February, 1933, in answer to question No. 356 asked by him on the 16th September,

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1932, showing the number of prosecutions, the number of cases in which imprisonment was awarded, the number in which fines were imposed and giving certain other information in regard to cases under the Child Marriage Restraint Act, 1929, in the various Provinces from the 1st April, 1930, to the 31st August, 1932. No more recent information is readily available.

COWS SHOT BY MR. WAUGH, HONORARY MAGISTRATE AND PRESIDENT OF THE SHAHDARA NOTIFIED AREA COMMITTEE.

311. *Pandit Satyendra Nath Sen : (a) Have Government received any representation relating to a case of cow-shooting by Mr. Waugh, Honorary Magistrate and President of the Notified Area Committee at Shahdara, Delhi ?

(b) If the reply to part (a) be in the affirmative, will Government please give details of the case ?

(c) What action, if any, has been, or is proposed to be taken in the matter ?

The Honourable Sir Henry Craik : (a) and (b). On hearing of this incident the Chief Commissioner, Delhi, made enquiry and learnt that the animals belonged to a herd of wild cattle which had been damaging the fields round Shahdara for a long time past. Mr. Waugh had made previous efforts to have the animals caught, but without success.

(c) Mr. Waugh, at the suggestion of the Chief Commissioner, has resigned the posts of Honorary Magistrate and President of the Shahdara Notified Area Committee and Government do not think that any further action is necessary.

RULES REGULATING DISCHARGE AND DISMISSAL ON THE EASTERN BENGAL RAILWAY.

312. *Pandit Satyendra Nath Sen : (a) Are Government aware that the rules regulating discharge and dismissal are sometime not adhered to by the Eastern Bengal Railway ?

(b) If the answer to part (a) be in the negative, will Government please state if the Eastern Bengal Railway followed those rules in discharging one Mr. J. J. Stalkey, Travelling Ticket Inspector, in May, 1932 ?

(c) What were the charges in his case ?

(d) Was there any formal enquiry in his case ? If not, why not ? If there was any enquiry, when and by whom ?

(e) Is it a fact that Mr. Stalkey gave evidence on behalf of Travelling Ticket Inspectors before the Court of Enquiry in connection with the Railwaymen's Federation in 1931 ?

(f) Is it a fact that in 1923 Mr. Stalkey was prosecuted at the instance of Mr. Van Sameron, the then District Traffic Superintendent, Eastern Bengal Railway ?

(g) Is it also a fact that Mr. Stalkey was honourably acquitted by the Sessions Judge and received costs and damages from the Eastern

Bengal Railway, and shortly after that Mr. Van Sameron had to go home on long leave ?

(h) Is it a fact that in 1932 the said Mr. Van Sameron became the Deputy Traffic Manager, Commercial, by whom the order of discharge of Mr. Stalkey was signed ?

(i) Is it a fact that the said Mr. Van Sameron has now become the Traffic Manager, to whom an appeal was preferred by Mr. Stalkey in May, 1932, but from whom no intimation has been received yet ?

(j) Are Government aware that Mr. Stalkey has been paid his gratuity ? If so, on what grounds ? Will Government kindly quote the rule which made him eligible for gratuity ?

Mr. P. R. Rau : (a) No.

(b) to (j). I have called for certain information and will lay a reply on the table in due course.

FACILITIES FOR THE CARRIAGE OF CHILKA FISH TO CALCUTTA MARKET.

313. *Mr. Sitakanta Mahapatra : (a) Is it a fact that refrigerating vans have been provided over the North Western Railway and the East Indian Railway for the carriage of fresh, perishable articles from Northern India to Calcutta and vice versa ?

(b) Is it a fact that no refrigerating vans are provided by the Bengal Nagpur Railway for the easy movement of Chilka fish to Calcutta ?

(c) Are Government aware that the trade in the export by railway of Chilka fish is one of the most important trades in Orissa ?

(d) Are Government aware that the absence of refrigerating vans on the Bengal Nagpur Railway is handicapping one of the flourishing trades of Orissa ?

(e) Is it a fact that for the easy movement of fresh fruits from Northern India to Calcutta, comparatively lower railway freight is charged by the North Western Railway and the East Indian Railway ? If so, will Government be pleased to state the reasons why for giving impetus to the Chilka fish trade of Orissa, they have not introduced the system of lower freight over the Bengal Nagpur Railway ?

(f) Do Government propose to introduce a lower railway freight for the carriage of Chilka fish to Calcutta market and other important places in Northern India ? If not, why not ?

Mr. P. R. Rau : (a) Cold storage vans, provided by the North Western Railway, are used principally for the carriage of fruit, some of which is booked to Calcutta. The East Indian Railway provide similar vans for the carriage to Delhi and certain intermediate stations en route, of perishables kept in cold storage at Calcutta.

(b), (c) and (d). I am asking the Agent, Bengal Nagpur Railway, for a report and will communicate the information to the House in due course.

(e) and (f). I understand that half parcels rates are generally charged for fresh fruit as well as fresh fish on most railways. Some railways have recently introduced special reduced rates for fresh fruit in wagon loads. I am communicating the Honourable Member's suggestion to the Agents, Bengal Nagpur and East Indian Railways, for consideration.

Mr. M. Maswood Ahmad : Will Government state whether these vans pass *via* the chord line or *via* the main line ?

Mr. P. R. Rau : I want notice.

Mr. Lalchand Navalrai : May I know if the vans are refrigerated for the convenience of the passengers also ?

Mr. P. R. Rau : I think the railways will make themselves liable to prosecution in a Criminal Court if they put passengers in cold storage. (Laughter.)

Mr. Lalchand Navalrai : What I meant was whether the carriages are being cooled just as the saloons are cooled.

Mr. P. R. Rau : I am not aware whether saloons are cooled in any particular manner separately from carriages.

EXPORT OF CHILKA FISH OF ORISSA.

314. ***Mr. Sitakanta Mahapatra :** Will Government be pleased to state the number of Income-tax assessee, whose sole business is the export of Chilka fish of Orissa ?

The Honourable Sir James Grigg : With your permission, Sir, I propose to answer questions Nos. 314, 315, 316, 318 and 319 together. The information is being obtained and will be laid on the table in due course.

ACCOMMODATION PROVIDED FOR THE ASSESSEES IN THE INCOME-TAX OFFICES AT CUTTACK, CHAIBASA AND PATNA.

†315. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state the exact nature of the waiting accommodation provided for the assessee and their representatives in the Income-tax Offices at Cuttack, Chaibasa and Patna ?

(b) Are Government aware that the waiting accommodation that is provided can never be utilised by respectable people who are expected to pay income-tax ? If not, do they propose to enquire into the matter ? If not, why not ?

(c) Are Government aware that the practice of holding back of demand notices and appellate and revisional orders *sine die* or indefinitely for months and in cases even for years without even intimating the time it is expected, keeps the assessee concerned in terrible suspense and greatly hampers and affects adversely the regular and free conduct of their business ? Are Government also aware that it does not permit the business-men to go out of station, even if required to do so on their business ?

SERVING OF DEMAND NOTICES OF INCOME-TAX IN BIHAR AND ORISSA.

†316. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to lay on the table a statement showing the number of cases :

(i) in which the demand notices, the appellate and revisional orders were served on the date of hearing in each of the districts of the Province of Bihar and Orissa,

(For answer to this question, see answer to question No. 314.)

(ii) those in which they were served within one month from the date of hearing fixed, and

(iii) those in which they were served more than a month after the date of hearing,

separately under each category in the year 1933-34, excluding lower grade cases in which incomes assessed are below Rs. 2,000 and cases assessed summarily under section 23, sub-section 4, in default ?

(b) Is it a fact that in several instances demand notices for cases heard even some six or eight months before, are served at the far end of the year, scarcely allowing the assessee two days' time to collect and deposit the money ?

(c) Are Government aware of the hardships and inconveniences such procedure entails on the assessee, and if so, do Government propose to redress the grievances aforesaid ?

(d) Will Government be pleased to lay on the table a statement showing the number of demand notices served in each of the districts after 1st March, 1934, in the province of Bihar and Orissa ?

(e) Are Government aware that in the matter of fixing the time and place for examination of accounts or hearing of appeals or reviews, the convenience and facility of the tax-payers or their representatives are the last considerations with Income-tax authorities in Bihar and Orissa, and such requests from assessee are ignored and rejected ? If not, do they propose to enquire into the matter and remove those grievances ? If not, why not ?

INSPECTION OF ASSESSMENT FILES BY THE INCOME-TAX ASSESSEES.

317. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state the definite provision in the Income-tax Act XI of 1932, which denies the assessee, as in every other judicial proceedings, to inspect his assessment file either personally or through his representative ?

(b) Is not the assessee, as a matter of right in every judicial proceeding, entitled to be apprised of all informations and materials collected against him, and allowed an opportunity to meet the same before the final orders of assessment are passed in his case ?

(c) Is the assessee denied the right to inspect his assessment file, even when such files are sent to High Court in connection with references under section 66 of the Income-tax Act ?

(d) When is this discretion to permit assessee or their representatives to inspect their assessment file to be exercised by the Income-tax authorities, and what are the principles which regulate it ?

(e) Do Government propose to consider the advisability of permitting the assessee, or their authorised representatives, to inspect their own assessment files in the presence of an Income-tax official after such indenting as might be deemed necessary and payment of such costs as might be laid down, on the lines of the procedure followed in civil courts ?

The Honourable Sir James Grigg : (a) The Income-tax Act does not confer any right upon an assessee to inspect his assessment files.

(b) Yes.

(c) Does not arise as assessment files are not sent to High Courts in connection with references under section 66 of the Income-tax Act.

(d) and (e). As stated in answer to part (a), the Income-tax Act is silent on this question. The Income-tax authorities, however, in their discretion, do in fact permit an inspection whenever that course appears to them to be advisable for the proper administration of justice to an assessee.

Mr. Lalchand Navalrai : May I know if these are not public documents which shall be open to inspection ?

The Honourable Sir James Grigg : Certainly not. They relate to individual assessments and they are certainly not public documents. The Income-tax authorities are debarred from disclosing these documents to the public under the secrecy provisions of the Act.

Mr. Lalchand Navalrai : The documents pertain to the public and they would come under the Evidence Act and so they can be inspected by the public. Does the Honourable Member know that ?

The Honourable Sir James Grigg : There is a secrecy section in the Income-tax Act.

Mr. Lalchand Navalrai : But is the Honourable Member going to issue an order or notification that they should be done according to the Evidence Act which applies everywhere ?

The Honourable Sir James Grigg : No, Sir.

Mr. Lalchand Navalrai : Why not ? That would be in the interest of the public.

Mr. President. (The Honourable Sir Shanmukham Chetty) : Next question.

AVOIDANCE OF ASSESSMENT OF INCOME-TAX BY THE TRANSFER OF PRINCIPAL PLACE OF BUSINESS FROM BIHAR AND ORISSA.

†318. *Mr. Sitakanta Mahapatra : Are Government aware of the fact that transfer of principal place of business from Bihar and Orissa to other Provinces is invariably sought for to avoid the heavy arbitrary assessments in Bihar and Orissa, and if so, what steps do Government propose to take to stop this increasing tendency ?

AVOIDANCE OF ASSESSMENT OF INCOME-TAX BY THE TRANSFER OF PRINCIPAL PLACE OF BUSINESS FROM BIHAR AND ORISSA.

†319. *Mr. Sitakanta Mahapatra : (a) Will Government please lay on the table a statement showing (i) the total number of applications filed for transfer of principal place of business out of Bihar and Orissa, district by district, during the period of the last five years and how many of them were successful and (ii) the total number of cases transferred into Bihar and Orissa from other provinces, within the same period excluding the cases of salary holders and house property and Government security owners ?

†For answer to this question, see answer to question No. 314.

(b) Is it a fact that in almost all such cases as have succeeded in getting their principal place of business transferred out of Bihar and Orissa, there has invariably been considerable reduction in the average of tax charged in such other provinces, subsequent to the transfer from that charged in Bihar and Orissa prior to such transfer ? If so, will Government please state the measures adopted to stop transfers from the Provinces ?

ABOLITION OF SURCHARGE ON RAILWAY FREIGHT ON COAL.

320. *Mr. G. Morgan : (a) Will Government be pleased to state whether the arrangements (foreshadowed in the speech by the Chief Commissioner of Railways in presenting the Railway Budget for 1934-35 in the Council of State) to collect further and more detailed statistics to enable Government to make a more comprehensive review of the position in regard to the 15 per cent. surcharge on railway freight on coal, were actually made ?

(b) If the reply to part (a) be in the affirmative, what was the result of this further and more detailed examination of this question ?

(c) If the reply to part (a) be in the negative, what steps do Government propose to take to obtain the further information required ?

(d) Do Government propose to abolish the whole, or any part, of the 15 per cent. surcharge on railway freight on coal in the immediate or near future ?

Mr. P. R. Rau : As mentioned by the Chief Commissioner of Railways in his speech presenting the Railway Budget, the Railway Board made arrangements to collect detailed statistics to enable them to ascertain whether the surcharge had a serious effect on long distance traffic. Railways were instructed to collect figures of tonnage and earnings in respect of public coal by zones. These statistics have been received only recently and are at present under examination by the Railway Board.

PROCEEDINGS OF THE ECONOMIC CONFERENCE.

321. *Dr. Ziauddin Ahmad : Will Government be pleased to circulate among Members of this House the proceedings of the Economic Conference held in April, 1934 ?

The Honourable Sir James Grigg : I regret that it is not possible to circulate the proceedings of the Economic Conference. The discussions were of an informal character, and were conducted on the understanding that the views expressed by individual members of the conference would not be published.

Dr. Ziauddin Ahmad : Will it be possible to circulate their recommendations if not the speeches delivered by individual members ?

The Honourable Sir James Grigg : I was under the impression that the recommendations had been published in the form of a Government of India Resolution.

PROTEST AGAINST THE TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

322. *Mr. Gaya Prasad Singh : Has the attention of Government been drawn to the following telegram received by me today from the Chhateerane Gramrakshnie Sabha, Delhi (which I have forwarded in original to Mr. Bajpai) ?

"Jats of Delhi and Rohtak Districts who sacrificed their money men in Great War deady against transfer proposal of Pusa Institute in Delhi villages hundred villages meeting next week sensation prevails."

If so, what steps do they propose to take ?

Mr. G. S. Bajpai : Yes.

The attention of the Honourable Member is drawn to the answer I gave yesterday to part (c) of his question No. 305.

Mr. Gaya Prasad Singh : Are Government aware that protest meetings are being held in the vicinity in which the land is being acquired protesting against it, and that recently a meeting was held in which Chaudhuri Chhotu Ram, an ex-Minister of the Punjab, and other influential gentlemen attended ?

Mr. G. S. Bajpai : I have read about one such meeting, but my information is that these gatherings are due more to the inspiration of the Press than to any serious dissatisfaction among those concerned.

Mr. Gaya Prasad Singh : Are Government aware that these villagers have sent a formal petition to the Deputy Commissioner of Delhi in which they have set forth their views against the proposed acquisition of lands ?

Mr. G. S. Bajpai : My information is that a copy of the petition had appeared in the newspapers, but it has not yet reached the Deputy Commissioner of Delhi.

Mr. Gaya Prasad Singh : Are Government aware that I have received a petition in which the name of an Advocate appears, and it is stated therein that the petition was filed in the Court of the Deputy Commissioner of Delhi ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member himself is in a better position to answer that question.

Mr. Gaya Prasad Singh : Are Government aware, as it appeared in the newspapers, that a long memorandum over the signature of about 200 persons belonging to the villages to be acquired for the location of the Research Institute, has been sent to the Secretary of State for India requesting him not to dispossess them of their lands in view of the services rendered by them during the Great War and in view of the present economic condition ?

Mr. G. S. Bajpai : I have read a statement to that effect in the Press, but I regret to say that the memorandum or a copy thereof has not yet reached the Government.

Mr. Gaya Prasad Singh : Will Government please lay on the table the note or report or any memorandum submitted by Sir T. Vijayaraghavachariar in connection with this question ?

Mr. G. S. Bajpai : I submit that that does not arise on this particular question. But I may inform the House that I am not in possession of any note submitted by Sir T. Vijayaraghavachariar.

Mr. M. Maswood Ahmad : Will Government please state whether these lands, which are to be acquired, are part of the Punjab or the Delhi Province ?

Mr. G. S. Bajpai : They are a part of the Delhi Province.

Dr. Ziauddin Ahmad : Will Government give up any project of railways or any other project if objection is taken by the land owners in case the Government are thinking of acquiring them ?

Mr. G. S. Bajpai : Not necessarily, Sir. The question will depend upon the balance of advantage to the public.

RETIREMENT OF THE DIRECTOR GENERAL OF ARCHÆOLOGY.

323. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Is it a fact that the present incumbent of the post of Director General of Archæology is to retire on attaining the age of 55 years in December next ?

(b) Do Government intend to put him on special duty after his retirement for writing archæological books ?

Mr. G. S. Bajpai : (a) Yes.

(b) The question of re-employing him after retirement is under consideration.

ANNUAL REPORT OF THE ARCHÆOLOGICAL DEPARTMENT.

324. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Will Government please state if the publication of the Annual Report of the Archæological Department, has been abolished ?

(b) If the answer to part (a) be in the negative, will Government kindly state how many reports were published during the present Director General of Archæology's tenure of office ?

Mr. G. S. Bajpai : (a) No.

(b) One, namely the report for 1928-29. The report for 1929-30 is expected to issue before the end of the year.

RECRUITMENT OF ASSISTANT ENGINEERS IN DELHI.

325. *Bhai Parma Nand : (a) Is it a fact that the Delhi Administration and the Central Public Works Department propose to recruit some Assistant Engineers very shortly ?

(b) Is it a fact that recruitment of Assistant Engineers in other Provinces is confined to the persons domiciled in those Provinces ?

(c) Is it a fact that the said recruitment is to be made through the Public Service Commission ?

(d) Do the Delhi Administration propose to confine the recruitment to the persons domiciled in Delhi and Ajmer-Merwara ?

(e) Are Government aware that properly qualified Engineers from Delhi Province are not even allowed to take up apprenticeship in other Provinces?

(f) Are Government aware that such duly qualified persons are not held eligible for any job in the Provincial service of other Provinces?

(g) Do Government therefore propose to restrict the choice to the properly qualified persons domiciled in Delhi?

(h) Do the Delhi Administration propose to give preference to their nominees at the Thomason Civil Engineering College, Roorki?

The Honourable Sir Frank Noyce : (a) No. The Government of India, and not the Delhi Administration, propose to recruit three Assistant Executive Engineers for the Central Public Works Department.

(c) Yes.

(b), (d), (f) and (g). The attention of the Honourable Member is invited to the reply given by me to parts (c), (d) and (e) of starred question No. 123 asked by Diwan Bahadur Harbilas Sarda on the 13th February, 1934.

(e) Government have no information.

(h) No.

PROMOTIONS IN THE ENGINEER-IN-CHIEF'S BRANCH, ARMY HEADQUARTERS.

326 ***Maulvi Muhammad Shafee Daoodi :** (a) Will Government please state how many vacancies occurred in the first and second divisions of the clerical establishment of the Engineer-in-Chief's Branch at Army Headquarters since the 1st April, 1930, and how they were filled, i.e., either by departmental promotion or by external recruitment?

(b) Will Government please state whether in making the promotions and appointments, the rules (promulgated by the Home Department and the Public Service Commission) on the subject were duly given effect to?

(c) Is it a fact that recently certain departmental promotions have been made in the Engineer-in-Chief's Office, which included the promotion of a second division clerk (Bhagat Ram) to the first division? Is it a fact that this clerk is the cashier of that office?

(d) Is it a fact that in making the above promotions the rules on the subject, issued by the Home Department and the Public Service Commission, were not observed? If so, was the concurrence of the Home Department and the Public Service Commission obtained to a departure from those rules?

(e) Is it a fact that the cashier of the Engineer-in-Chief's Office has failed to qualify for the first division at examinations held by the Staff Selection Board and the Public Service Commission on two occasions?

(f) What is the reason for promoting him now? How many clerks are senior to him, and how many have duly qualified for promotion to a high grade?

Lieut. Colonel A. F. R. Lumby : Enquiries are being made in the matter, and the result will be communicated to the House in due course.

DETENTION OF ONE GURUMUKH SINGH IN THE KABUL JAIL.

327. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that Gurumukh Singh, a British Indian subject, has been detained in the Kabul Jail for over a year without trial?

(b) Has any representation been made by Government in this connection?

(c) What are the facts of the case, and has the charge of ill-treatment in jail been enquired into?

Mr. G. S. Bajpai : (a) and (b). Government are aware that Gurumukh Singh was detained in jail in Kabul. It is understood however that he has recently been released. No representation was made by Government in the matter.

(c) Government have no precise information. The matter is one which concerns the internal administration of a foreign State.

Mr. Gaya Prasad Singh : Are not the Government of India in a position to give protection to British Indian subjects if they are in a foreign territory?

Mr. G. S. Bajpai : It depends upon (a) whether the individual concerned makes any representation to Government on the matter, and (b) the character of the offence for which the individual is detained by the foreign Government.

Mr. Gaya Prasad Singh : Do I understand that, without any representation from a resident of British India in a foreign territory, the Government of India are unwilling to take any suitable steps in such matters?

Mr. G. S. Bajpai : The question is not susceptible of what might be called a general answer, but I should say that if a person offends against the laws of a foreign State and is detained there, Government would not, of their own initiative, inquire unless there were very good reasons for doing so.

Mr. Gaya Prasad Singh : As the Honourable Member assumes that he has violated the laws of the State, it seems he knows the facts of the case. In view of that, is he now in a position to answer part (c) of the question?

Mr. G. S. Bajpai : I have already given the answer that Government have no precise information as to the nature of the offence that he committed, but they have general information of the fact that he entered the country after having been deported and that that is looked upon as a grave offence by the Government of Afghanistan.

Mr. Lalchand Navalrai : Does not the criminal law require that, if a British subject is detained outside in a foreign territory, the approval of the Government of India or the British Consul or Resident there has to be obtained?

Mr. G. S. Bajpai : So far as the criminal law of India is concerned, my Honourable friend is a greater authority than I am.

PUNISHMENT FOR ENTERING AFGHANISTAN WITHOUT A PASSPORT.

328. *Mr. Bhuput Sing : What is the maximum punishment for entering Afghanistan without a passport ?

Mr. G. S. Bajpai : Government have no information. The matter is one pertaining to the law in Afghanistan.

UNSTARRED QUESTIONS AND ANSWERS.

TENDERS IN THE REMOUNT DEPARTMENT.

22. Bhagat Chandi Mal Gola : (a) Will Government please state why this year the tenders in the Remount Department were called by the Officers Commanding of Depôts and kept secret at the opening time, and why they were not opened before the contractors as usual ?

(b) Has the Director of Remounts accepted the highest tender of Rs. 3,000 this year in Sargodha Remount Depôt when there were three more lower tenders of old and approved contractors of the Department, who are working in the Department most satisfactorily since a long time ? If so, why ?

(c) Do Government propose to take action to cancel such orders, if any, and to give instructions to those concerned to open the tenders in the presence of the contractors so as to give a clear chance to each approved contractor to appeal for his rights to the higher sanctioning authorities against the injustice, if any, that might have been done to him by the Officer Commanding ?

(d) Do Government propose to try to do justice and give a clear chance to each lowest possible tenderer of the approved contractors by accepting his tender, if his rates are favourable and he gives enough security to Government ?

Lieut. Colonel A. F. R. Lumby : (a) In order to conform to the normal practice in the Army, tenders this year were not opened in the presence of tenderers. The regulations on the subject do not require this.

(b) Neither the highest nor the lowest tender was accepted. The one accepted by the Director of Remounts was deemed to be the most advantageous to Government.

(c) No. All contracts made on behalf of the Army Remount Department are sanctioned, not by Officers Commanding, Army Remount Depôts, but by the Director of Remounts at Army Headquarters. That officer safeguards the interests of Government and of the tenderers. The latter have in addition a right of appeal.

(d) There is no question of injustice. The lowest tender is accepted, provided it is considered the most advantageous to Government in every respect.

TRANSFER OF THE HEAD CLERKS OF THE REMOUNT DEPÔTS.

23. Bhagat Chandi Mal Gola : (a) Do Government propose to transfer the Head Clerks of Remount Depôts from one Depôt to another

after such time as the Officers are generally transferred, i.e., within a reasonable period of five years ?

(b) Is it not a fact that many Head Clerks in the Remount Department are working at one place for a very long time ?

Lieut. Colonel A. F. R. Lumby : (a) No. Transfers of Head Clerks, from one remount formation to another, are made in the interests of the service ; no period can be laid down for their stay in any one place.

(b) No. Out of 13 Head Clerks only one has remained in the same formation as Head Clerk for more than five years.

BALANCE STOCKS OF COAL AND COLLIERIES CLOSED.

24. Mr. K. C. Neogy : Will Government be pleased to lay on the table of this House a statement showing :

(a) the Balance Stocks of coal on the 31st December, 1933, at collieries working within British India ;

(b) the Balance Stocks of coal on the 31st May, 1934, at collieries working within British India ;

(c) the number of collieries closed during the year 1933 ;

(d) the number of collieries closed from January 1934, to June 1934 ;

(e) the number of collieries closed each year, which were under the management of (i) European Firms, and (ii) Indian Firms, since 1930 ; and

(f) the total quantity of soft coke despatched from collieries in 1933, as per Chief Inspector of Mines' Report ?

The Honourable Sir Frank Noyce : (a) 1,143,891 tons.

(b) to (e). Information has been called for and a reply will be placed on the table of the House in due course.

(f) 823,073 tons.

CESS ON SOFT COKE.

25. Mr. K. C. Neogy : (a) Is it a fact that the Soft Coke Cess Committee got cess on more quantities than reported by the Chief Inspector of Mines ?

(b) Are Government aware that this is due to the fact that large quantities of second class hard coke are being despatched as soft coke to avoid paying surcharge ?

(c) Are Government aware that this is being done by some of the coke plants located in the coal fields ? If so, what are the names of those firms and their managing agents ?

(d) If the reply to part (c) be in the affirmative, were steps taken against any party for doing this, under the Railway Act ?

The Honourable Sir Joseph Bhore : Inquiries are being made in the matter and the result will be communicated to the House in due course.

STEAM COAL AND SLACK COAL DESPATCHED FROM CERTAIN COLLIERIES.

26. **Mr. K. C. Neogy** : What were the quantities of steam coal and slack coal, respectively, despatched during the year 1933, from the collieries under the management of (i) Messrs. Bird and Company, (ii) Messrs. Heilgers and Company, (iii) Messrs. Macneill and Company, Limited, and (iv) Messrs. Andrew Yule and Company, Limited ?

The Honourable Sir Frank Noyce : The annual production of each coal mine is given every year in 'Indian Coal Statistics'. The Government of India have consistently refused to anticipate and elaborate this publication by giving earlier and more detailed public information of the raisings and despatches of individual collieries, because they consider that such action would be regarded by the industry as prejudicial to its interests.

GAZETTED AND NON-GAZETTED STAFF IN THE GOVERNMENT OF INDIA OFFICES.

27. **Sir Muhammad Yakub** : Do Government propose to prepare and put on the table of this House a statement showing the present strength of permanent members of different communities among the gazetted and non-gazetted staff in each grade of every Department of the Government of India and its subordinate offices ?

The Honourable Sir Henry Craik : Statements are placed in the Library of the House, every year, showing the communal composition of the All-India Services and Central Services, Class I, and of the clerical staff employed in the Departments of the Government of India and their Attached and Subordinate Offices. The statements relating to the year 1933 are in preparation and will be made available to the House in due course. Government are considering what statements will be required in order to watch the observance of the rules laid down in the recent Home Department Resolution about recruitment to the services.

INCOME FROM ONE-ANNA ENVELOPES, ETC.

28. **Mr. Bhuput Singh** : Will Government be pleased to lay on the table of this House a statement showing :

- (a) the total amount of income from April till June, 1934, derived from one-anna envelopes, and the comparative figures of five-pice envelopes for the same period last year ; and
- (b) the total number of one-anna envelopes from April till June, 1934, which exceeded the weight limit and became due as compared with the total number of five-pice envelopes which became due in the same period last year ?

The Honourable Sir Frank Noyce : (a) I presume that by envelopes, the Honourable Member means stamps. No separate account of the monthly sale proceeds of one anna or one and a quarter anna stamps is maintained. The information required by the Honourable Member is, therefore, not available.

(b) No separate statistics of letters bearing one anna or one and a quarter anna stamps which exceed the weight limit are kept in the post offices and it is not, therefore, possible to furnish the information required by the Honourable Member.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 108 asked by **Bhai Parma Nand** on the 13th February, 1934.

RATES OF INTEREST CHARGED BY AFGHAN MONEY-LENDERS IN INDIA.

Province.	Rates.	Remarks.
Madras Presidency ..	75% to 300% per annum	Interest invariably deducted at outset from principal amount lent. The number of Afghan money-lenders is however very small.
Bombay Presidency ..	75% to 300% per annum	In some cases interest is deducted from the amount before it is paid.
Bengal Presidency ..	37½% to 150% per annum.	
United Provinces..	23-1/3% to 450% per annum	Average rate is between 100% and 150% per annum.
Punjab	75 % per annum	This is the lowest rate and the actual rate may be twice as much.
Burma	24% to 240% per annum.	
Bihar and Orissa ..	25% to 300% per annum and even higher.	
Central Provinces ..	37½% to 325% per annum	Generally the rate of interest on small loans is between 150 and 300% per annum.
Assam	37½% to 225% per annum.	
N. W. F. Province ..	75% to 225% per annum	The usual rate is about 150% per annum.
Baluchistan	No money lending business is carried on by Afghan subjects in Baluchistan.	
Ajmer-Merwara	75% to 225% per annum.	
Coorg	There are no Afghan money lenders in Coorg.	
Delhi	75% to 300% per annum	The usual rate is 75% and 150% per annum.

Information promised in reply to unstarred question No. 62 asked by Mr. N. M. Joshi on the 16th February, 1934.

RAILWAY LINES OUTSIDE THE OPERATION OF THE INDIAN RAILWAYS ACT.

According to the information available with Government, the following is a list of the Railways which do not come within the operation of the Indian Railways Act, 1890 ; as jurisdiction over them has not been ceded to the British Government :

- (a) Sirhind Rupar Railway (portion lying in Patiala State Territory).
- (b) Khanpur-Chachran Railway.
- (c) Bahawalnagar-Fort Abbas-Kut-ul-Amara Railway.
- (d) Karepalli-Kothagudiam Railway.
- (e) Parbhani-Purli Railway.
- (f) Vikarabad-Bidar Railway and extension.
- (g) Mysore-Arsikere Railway.
- (h) Bangalore-Mysore-Nanjangud Section.
- (i) Birur-Shimoga Section.
- (j) Shimoga-Arasalu Anandapuram Railway.
- (k) Kolar District and Bangalore-Chickballapur Light Railway.
- (l) Chickajur-Chitaldrug Railway.
- (m) Kolar Gold Fields Railway.

Information promised in reply to starred question No. 26 asked by Mr. M. Maswood Ahmad on the 16th July, 1934.

STRIKES OF THE TEXTILE WORKERS OF BOMBAY.

(a) The textile mill strike in Bombay, which had been advocated by the All-India Textile Workers' Conference in January last, and in favour of which propaganda had since been carried on by the Joint General Strike Committee and other bodies, began on the 23rd April, 1934. On the first day four mills were affected ; on the second day fifteen and on the third day thirty-one. The peak was reached on the 17th May when 49 textile mills in the City and Island of Bombay were affected and the total number of work people involved amounted to about 90,700.

Peace was disturbed on several occasions and cases of assault and intimidation were of frequent occurrence. The Government of Bombay, in accordance with their general policy of allowing the utmost possible freedom to labour movements, consistently with the requirements of the public safety and peace, placed no obstacles in the way of the proposed strike and used its opening stages to test the bona fides of the organisers and the wishes of the workers. After watching the course of events for about a week, the Government of Bombay considered that, owing to the manner in which the strike was being conducted, an emergency involving grave likelihood of disorder had arisen and that it was necessary to use the powers conferred by the Bombay Special (Emergency) Powers Act to remove the ringleaders mainly responsible for the situation. Fourteen prominent strike leaders were therefore arrested on the 30th April, 1934. The persons arrested were all professed Communists and had been conducting the strike not with a view to settlement but with the apparent object of spreading and intensifying the disturbed conditions. On the 25th May, the Government of Bombay again found it necessary in the interest of public safety and peace to arrest and detain under section 3 of the Bombay Special (Emergency) Powers Act, fourteen persons who were professed Communists connected with the leadership of the strike. It had for several days been evident that these persons and others acting under their direction had been abusing the liberty of speech allowed to them by delivering to the millhands speeches of an inflammatory nature which had small reference to any dispute in the textile industry and the main object of which was to incite the strikers, to attack the police and to defy all lawful authorities. It is significant that in an

anonymous letter issued in the name of the Communist Party of India, workers of all industries were urged to join the strike, collect arms and ammunition and fight the police and the military.

There was no attempt at negotiation made by either party in the earlier stages of the dispute. On the 9th May, the Joint Strike Committee forwarded a list of 20 demands to the Millowners' Association and sent a copy to Government.

Towards the end of May, 1934, the Indian Merchants' Chamber, Bombay, endeavoured to bring about a settlement but to no purpose. The strike continued with unabated vigour for some time in spite of the counter-propaganda carried on by the millowners. Towards the end of May, however, the situation began to show signs of improvement and the workers began gradually to return to work. The strike practically terminated on the 20th June.

(b) (i) Yes.

(b) (ii) The strike was called ostensibly as a protest against wage-cuts and the introduction of rationalized methods of work. The demands put forward by the strikers [see under (b) (iv) below] were, however, concerned with other matters also. In all, 49 textile mills employing about 90,700 workers were involved in the strike which lasted for nearly eight weeks.

(b) (iii) Having regard to the fact that reductions in wages had either been effected or were in contemplation in several centres of the cotton mill industry in the Presidency, the Government of Bombay thought it desirable that the fullest possible information should be obtained and made available to the public on the subject. They therefore instructed the Labour Office to make a special investigation into this question in order to ascertain the facts. The enquiry was announced in the Bombay Legislative Council on the 26th February, 1934, and began immediately, that is, before the strike took place on the 23rd April. The report of the enquiry was published on the 21st June, 1934, and the Local Government are now considering in the light of this enquiry what further action should be taken by them. The matter was primarily the concern of the Local Government, and no occasion for intervention by the Government of India arose.

(b) (iv) The following were the demands of the workers as put forward by the Strike Committee :

- (1) No wage-cut and restoration of all cuts effected since January, 1933 ;
- (2) No rationalization ;
- (3) Unemployment benefit and maternity insurance at the expense of Government and owners ;
- (4) No retrenchment ;
- (5) Eight hours' duty for day-shift and seven hours for night-shift ;
- (6) Equal wages for equal work ;
- (7) One month's leave with full pay every year ;
- (8) Minimum living wage of Rs. 45 per month ;
- (9) Recruitment of labour through Workers' Committees to be set up in each Mill.
- (10) Full liberty for union work within the mills and right of mill committee to supervise the condition of work in the mills ;
- (11) No victimization of active trade union workers and reinstatement of a victimized workers ;
- (12) 50 per cent. reduction in house-rent ;
- (13) Well-defined regulations and fair treatment with regard to leave, abolition of fines, etc. ;
- (14) No recruitment of boys up to the age of ten ;
- (15) Recognition of the unions ;
- (16) Consolidated wages ;
- (17) Right of organization, speech, assembly, etc. ;
- (18) Right of strike and picketing ;

(19) Trade union legislation and right of trade union organization within Native States ;

(20) Withdrawal of all repressive laws and anti-working class legislation and release of all political prisoners.

(b) (v) Seven.

(b) (vi) While the Labour Office enquiry was in progress, the Millowners' Association, Bombay, gave an assurance to the Government of Bombay that the mill-owners had no intention of making any further alterations in wages and conditions of labour until the report of the departmental enquiry was published and considered. Since the publication of that report, the Association have evolved a scheme for standardization of wages with a view to removing the disparities in wages between mill and mill.

(b) (vii) The Bombay Millowners' Association have granted general recognition to registered trade unions of textile workers in Bombay, but the recognition of the Bombay Girni Kamgar Union was withdrawn in 1929 after the publication of the Report of the Pearson Court of Enquiry.

Information promised in reply to starred question No. 149, asked by Mr. Gaya Prasad Singh on the 19th July, 1934.

FORCIBLE ABDUCTION OF ONE SRIMATI GORI FROM DHAN JOLENGRA IN MALKAND AGENCY.

Musammat Gori, aged 17, wife of Dina Nath of Mardan, was abducted while on a visit to her parents' house at Dheri in the Malkand Agency on the 21st May, 1934, by one Said Khan, and taken to Agra, in Shamoza territory. As a result of strong political pressure on the tribe, she was handed over on the 30th June, and restored to her relations in Mardan on the 1st July. The efforts of the political authorities were greatly handicapped by exaggerated propaganda in the Press and elsewhere, which exacerbated local feeling and engendered resistance to the demand for surrender of the girl.

As long as human nature remains unaltered no guarantees against a recurrence of such an incident can be given ; but the local authorities may as in this case be entrusted to do all that is possible in the matter.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Sir, I beg to present the Report of the Committee on Petitions on the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples.

THE UNTOUCHABILITY ABOLITION BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Sir, I beg to present the Report of the Committee on Petitions on the Bill to provide for the abolition of untouchability among the Hindus.

THE INDIAN IRON AND STEEL DUTIES BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I beg to move :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise

duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sabib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce, and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Once again, Sir, it has fallen to my lot to place before this Assembly a protective measure of major importance designed to extend the period of shelter given to one of the key industries of this country. The consideration of the case of the Indian iron and steel industry presents a somewhat simpler task than did, for instance, that of the cotton textile industry.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Mr. Mody is interested in both.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I hope so.

The Honourable Sir Joseph Bhore : Iron and steel production is more localised ; it is for the most part concentrated in a few centres ; its products do not vary very greatly in character and quality, and comparisons of price are generally more easily and more reliably made. I will endeavour, Sir, to the best of my ability, to present the problem which we have to examine as simply and as free of technicalities as I possibly can. Here, as in the case of the cotton textile industry, we are faced with four principal questions, and when we have answered those questions, we will have covered the entire ground necessary to enable us to come to conclusions in regard to the problem before us. The first of these questions is, has the industry utilised the period of protection during the past seven years to improve its efficiency ? If that question is answered in the affirmative, the second question is, has that improvement been purchased at an unduly or disproportionately high cost to the consumer ? Thirdly, if the price paid has not been excessive, should protection be continued ? And, lastly, if protection is to continue, what should be the extent of that protection ?

Now, Sir, I will attempt to answer the first of these questions,—has the industry under the shelter of protection done what lay in its power to improve its organisation and its methods of production ? Has the improvement, secured during the past seven years, been such as to justify the anticipation that it will, in a reasonable measure of time, be able to hold its own without protection against outside competitors ? In the first place, Sir, it must be remembered that the wave of depression which passed over this, as over other industries, has imposed a severe handicap. The demand has fallen, and output has had to be curtailed with a consequential increase in costs of production. But apart from this uncontrollable factor, the Board has pointed out in an interesting Chapter, Chapter VII, entitled "Technical Equipment and Efficiency", certain directions in which the abandonment of obsolete plant and the adoption of revised methods would lead to enhanced efficiency and to a reduction in costs. Nevertheless, the Board has found that no general charge of inefficiency can be brought against Tatas despite the fact that improvement is possible along certain lines suggested by itself. Its final conclusions are summarised in the following terms at page 81—paragraph 139 :

"Although mention has been made of several cases in which the equipment of the Tata Company's works falls short of the best attainable efficiency, it should not

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be thought that the works are inefficient as compared with other works abroad of similar age. Doubtless a few works on the continent and in America which have been entirely planned and built since the war are better equipped, but it would probably be difficult to find a works dating back to the pre-war period with which the Tata Company's works does not compare favourably. The steel smelting section is its weakest point, but with this put right and with the proposed improvements in other departments there should be very little which could be criticised seven years hence.

No complaints have reached us as regards the quality of the steel supplied by the Tata Company, whether made by the duplex or open hearth process. All the information we have obtained indicates that the railways, the engineering works and others using the company's products find them satisfactory and fully up to the standard they require."

But the proof of the pudding is after all in the eating, and we must turn to the actual results if we want to apply the real test. Those results strongly endorse the finding that a high standard of efficiency has been pursued and has been achieved. If you ask what those results are, I would point to the striking reduction in works costs in all the products of the Tata Iron and Steel Company. I would like to give the House just four typical instances. In the case of rails, the works costs in May, 1927, was Rs. 82.41 a ton. The Tariff Board of 1926 estimated that this would fall to Rs. 61.6 in 1933-34. In May, 1934, the actual cost was Rs. 58.03. In the case of plates, the figures are Rs. 103.45 a ton, Rs. 80.3, and in May, 1934, Rs. 66.23 a ton. The figures for bars are Rs. 87.51, Rs. 77, and Rs. 56.33. The figures for galvanised sheets are Rs. 254.95, Rs. 200, and Rs. 119.01. These, I am sure, the House will agree, are very satisfactory results, and their achievement is an indication of the success which has attended our policy of discriminating protection. It must, I think, so far as the first question is concerned, be definitely found that material improvement has taken place in the efficiency of the industry.

That brings me to the second question. Has this improvement been secured at an unduly high cost to the consumer? Obviously the reply to that question must be largely coloured by the predilections, the prepossessions, and the interests of the person answering that question. The confirmed free-trader or the outside competitor, who sees in the development of Indian industry a contraction of his market or a challenge to his own production, would certainly not pronounce the same verdict as the rabid protectionist. I have no doubt that some sort of a case could be made by the exponents of both these extreme views. Our standpoint must be that of the discriminating protectionist who realises that protection involves the payment of a price and who judges the worthwhileness of the price by considering the nature of the industry in question, the facilities for its establishment, its value to the country and the part it is likely to play in the economy of the nation. As far as I am aware, I do not know of any other major industry which can compare with the Indian iron and steel industry in the abundance and quality of the raw materials necessary for its products which are available in India. To my mind, however, the consideration of crucial importance is the value of the establishment, on sound foundations, of an Indian iron and steel industry to the country at large. It must, I think, be admitted that it is a key industry of national importance. Memories are proverbially short, but I think it must be within the recollection of many of us here what part the then comparatively young Indian iron and steel industry played during the fateful years of the Great War. The value and the importance of this

industry to the country must be prominently borne in mind when we consider the cost to the country of its establishment. What that cost has been it is almost impossible to calculate with any degree of accuracy. The reasons for that have been stated by the Board, namely, the existence of many factors in regard to which it is impossible to do anything except indulge in the wildest possible guesses. When it comes to a question of trying to make up some sort of balance sheet of gains and losses, of trying to estimate what the net advantage or disadvantage is to the country, then we are faced with a problem which, I think, is almost impossible of accurate solution. The utilisation of vast natural resources, which would otherwise have been wasted, the employment of a large labour population, the stimulation of subsidiary industries are all benefits which must be taken into account, but on which it is almost impossible accurately to place a money value. For these reasons, I for my part think that it would be a barren pursuit to attempt to frame any sort of balance sheet.

The answer to the question which I have put can only be satisfactorily given on other and much wider lines. If we are satisfied that it is a matter of vital importance to the country, that the iron and steel industry of this country should be established on sound foundations, if we are satisfied that the industry has used the protection given in the past to achieve substantial improvements, both in efficiency and in organisation if we are satisfied that within a definitely measurable distance of time it will be possible for that industry unaided to withstand the competitive challenge of its outside rivals, then I say that we are justified in finding that the decision to give protection in the past has been fully justified and that it has been in the public interest. That, Sir, is the conclusion to which we have been led, and that is the conclusion which I would ask the House to accept.

I now come, Sir, to consider the two remaining questions: should the period of protection be extended, and, if so, what that protection should be. In regard to the first of these questions, I do not think the answer can possibly be in doubt. Obviously, Sir, if we have come so far along the road to our objective, if we have already made substantial sacrifices in order to secure the advances made until now, if the end which we have in view has been definitely brought nearer to complete attainment, then, Sir, it would obviously be a wholly false economy if we now throw away the sacrifices that we have made in the past, abandon protection, and allow our objective to slip away from us when it is almost within sight. But, Sir, we have the right to ask for incontrovertible proof that such improvement and progress has taken place in the industry during the past seven years as to justify the extension of protection for a further period of a similar duration. I gave to the House, Sir, typical instances of reductions in works costs during the period of protection. I think I am right in saying that that reduction has taken place over the whole range of production. It ranges from something like 27½ per cent. in the case of rails to something like 55½ per cent. in the case of galvanised sheets, and this, Sir, notwithstanding the fact that increased wages have been paid. That is a point, Sir, I think of more than passing interest, and I hope the House will bear with me if I read the relevant passage from the Report itself. It is from paragraph 59:

"The Board's opinion in 1926 was that the total cost of labour for producing 600,000 tons of steel in 1933-34 should not exceed Rs. 148.4 lakhs which would give

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a cost of Rs. 24.7 per ton. The total cost of labour over the first six months of 1933 gives a figure of Rs. 27.2 per ton. It will be seen that while the output per employee is greater than was anticipated (due to a substantial reduction in numbers) and therefore a lower labour cost per ton should be expected, this cost has actually increased by Rs. 2.5 per ton which shows that higher rates of wages are being paid than were anticipated."

That, Sir, is, I think, not a negligible achievement. It is a result which, I venture to think, justifies the protection given in the past and its extension for a period in the future. If the further reduction in works costs anticipated by the Board eventuated by the year 1940-41, provided always that our competitors sell at economic prices, we may then, Sir, look forward to the prospect of protection coming to an end. We may reasonably hope, Sir, that these anticipations will be fulfilled, for, as I have pointed out, the anticipations in regard to reductions made in 1926 by the Board, as likely to be achieved in the year 1933-34, have in every case been exceeded. In other words, the industry has done much better than it was thought that it could or would be able to do.

I come, Sir, finally to the last question, namely, the extent of protection required. In arriving at the actual figures of the import duties which are necessary in each case to secure the degree of protection which is required, we must, I submit, be very largely guided by the Tariff Board whose recommendations are based on the most careful and detailed calculations made with the assistance of highly skilled technical advice. Nevertheless, there are certain general considerations which must influence our attitude towards those individual recommendations. One of the most important of these is the question, how does the level of duties, now recommended by the Board, compare with the duties recommended by the Board in 1926 and with the actually existing duties. The reply to that is very instructive indeed. It is given in Table XXIV at page 54 of the Tariff Board's Report. In the case of no less than five articles of rolled steel, many of them are of considerable importance, namely, Rails, Fishplates, Structural, Tested plates and Sleepers, the Board finds that the Indian product needs no protection whatsoever, and this, Sir, as against the existing specific duties of Rs. 16½, Rs. 7½, Rs. 23½, Rs. 25 and Rs. 12½ a ton respectively. In the case of seven other articles, the proposals show very large reductions below the rates now prevailing. The most noteworthy reductions are in the case of the following :

Tested Bars from	Rs. 32½ to Rs. 10 a ton.
Untested plates from	Rs. 45 to Rs. 25 a ton.
Tested Black sheets from	Rs. 43½ to Rs. 11 a ton.
Untested Black sheets from	Rs. 73½ to Rs. 32 a ton.
United Kingdom Galvanised sheets	Rs. 53 to Rs. 10 a ton.
Continental sheets from	Rs. 83 to Rs. 40 a ton.

Only in one solitary case is a slight increase recommended, namely, in the case of untested structurals from Rs. 37½ to Rs. 43 a ton, and, in this case, the Board is satisfied that sales are being effected in this country at wholly uneconomic rates. This, Sir, I venture to submit, is a very satisfactory result from the point of view of the consuming public.

Another important consideration is how the fair selling prices for the various Indian products now proposed by the Tariff Board compare with the duty-paid prices on similar articles imported from outside. That information is given in Table XXV at page 55 of the Report, and is again of very great interest,—such great interest indeed, Sir, that it will bear re-statement. The actual duty-paid prices noted by the Board, I may say, are averaged for the period January to June, 1933. In only one case, again, that of untested structurals, is the fair selling price now proposed a little higher than the duty-paid price, namely, Rs. 107 as against Rs. 98.6. In every one of the remaining 12 cases, the fair selling price now proposed is lower, and in some a very great deal lower, than the duty-paid price. A few striking instances will bear this out. In the case of rails, the duty-paid price given by the Board is Rs. 110 as against a fair selling price for the future of Rs. 95 ; in the case of tested structurals, it is Rs. 135.7 as against Rs. 111 ; in the case of tested plates, Rs. 138.6 as against Rs. 110 ; semi-finished steel Rs. 83 as against Rs. 53, untested black sheets Rs. 168.9 as against Rs. 129 ; galvanised sheets Rs. 219.6 as against only Rs. 170. The figures, to which I have ventured to draw attention, serve to show that the scheme of protection as proposed for the future will result in a very considerable lightening of the burden on the consumer, and, at the same time, holds forth, as I have said, the prospect of the industry being able to stand on its own feet within a definitely measurable distance of time.

Sir, we consider that the Board's recommendation should be accepted as a whole. I would point out that its acceptance involves, among other things, the acceptance of the proposal that tested structurals and tested plates should come in free and that the duty on United Kingdom galvanised sheets should be Rs. 10 a ton or the revenue duty, whichever is higher. The recommendation of the Tariff Board in respect of tested structurals and tested plates is founded on its finding, firstly, that the Indian article does not need any protection against its outside competitors, and, secondly, on its finding that, in the interests of those Indian industries and public utility works which use these materials, it is essential that the price should be kept down as low as possible. The Board's recommendation in regard to United Kingdom galvanised sheets depends upon its finding that Rs. 10 is a sufficient margin of shelter for the Indian product. I may say, Sir, that this latter duty is partly of a preferential character. We asked His Majesty's Government in return for accepting these proposals to allow Indian pig iron to enter the United Kingdom free of duty and to give us certain preferential treatment in regard to our manganese. I am glad to be able to say that His Majesty's Government have agreed to allow our pig iron to enter the United Kingdom free of duty. (Applause.) I understand that the duty on foreign pig iron is 33 1/3 per cent. *ad valorem*.....

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadian Urban) : Is there any rebate given to any foreign country by England ?

The Honourable Sir Joseph Bhore : I am not aware that any such rebate is given.

Diwan Bahadur A. Ramaswami Mudaliar : Argentine in particular.

The Honourable Sir Joseph Bhole : In regard to pig iron ?

Diwan Bahadur A. Ramaswami Mudaliar : Not Argentine, but foreign countries.

The Honourable Sir Joseph Bhole : Not that I am aware of. His Majesty's Government have also agreed to consider our other request, in respect of manganese very carefully and sympathetically. I may here say that the admission of tested structurals and tested plates free of any revenue duty, and the levy of an excise duty are matters which fall within the purview of the Finance Department and will be dealt with by my Honourable colleague, the Finance Member, at a later stage if it is found to be necessary.

I would commend the scheme of protection as a whole for the acceptance of the House. It involves a further term of protection for seven years beyond the past term. In regard to the term of further protection, I have nothing to add to the reasons which have been given by the Tariff Board for its recommendation. I would only say that we are now proposing a substantial all round reduction of duties and that it would serve no useful purpose if we reduced the period of protection below what the Tariff Board considered essential, to enable the industry to dispense entirely with protection.

There remain a few matters to which I should make a reference, though perhaps it is unnecessary that I should comment on them at any length at this stage. The House will have noticed that we propose to take powers to impose offsetting duties to prevent our intentions in regard to protection being defeated by unforeseen contingencies. This is in accordance with the recommendations of the Tariff Board. We have also taken power to lower the duties if unforeseen contingencies make the present level of duties unnecessarily high. Such a contingency would arise in respect of the suggestion made by the Tariff Board in paragraph 166 of their report in connection with fabricated steel, the produce of the United Kingdom. I do not think that it is necessary for me to deal specifically with the cases of fabricated steel, wire and wire nails and iron products. But I cannot omit reference to two matters which form the subject of special comment by the Tariff Board, namely, the supply of billets to the re-rolling industry and the supply of tin bar to the Tinsplate Company. The importance of the re-rolling industry to the country has been stressed by the Tariff Board and the Tariff Board has found that some, at any rate, of the complaints of the monopolistic attitude of Tatas towards small subsidiary companies are not without foundation. We propose to levy a revenue duty on billets for re-rolling with, however, a proviso. The Board has found that normally the fair price for imported billets is Rs. 64 a ton at port without duty. If Tatas are able to sell their billets at this price, they would be making a very good profit indeed. If, therefore, the Government are satisfied that Tatas are refusing without good reason to sell billets to the re-rolling industry, or if they are demanding a price which is higher than the price which I have mentioned, namely, Rs. 64 plus, of course, the excise duty, or if they are unable to meet the demand, then the Government will reduce the revenue duty to the extent that may be necessary to enable the re-rolling mills to obtain their billets at the price which I have mentioned, namely, Rs. 64 plus the excise duty. There remains

fair selling price of Tatas' tin-bar is the same as the price of semis at port, namely, Rs. 64, without duty. Under the agreement, however, which subsists between the Tata Iron and Steel Company and the Tinsplate Company, the latter have to pay a price of Rs. 83 a ton for their tin-bar until the end of 1936, and, after that, it will drop to a figure somewhere in the neighbourhood of Rs. 70, giving an average of Rs. 74 a ton over the whole period of protection. This is excessive having regard to the estimated fair selling price of Tatas tin-bar and entails an unnecessarily high protection for tinsplate. If the average price of tin-bar to the Tinsplate Company could be reduced to Rs. 64 a ton, it would be possible, the Board points out, to reduce the duty on tinsplate by something like Rs. 13.3 a ton. The Tariff Board, therefore, suggest that the agreement between the two companies should be revised so as to allow for the purchase of tin-bar at the fairer rate of Rs. 64 a ton. We, Sir, endorse that suggestion, though, of course, the excise duty would have to be added on to Rs. 64. I would point out that if, by the end of March, 1935, Tatas have not been able to modify their arrangements with the Tinsplate Company more in accordance with the fair selling price of their tin-bar, Government will have to consider what steps they should take to prevent an excessive profit being made upon this item and the users of tinsplate being unnecessarily penalised. I must not be understood as indulging in threats or menaces. The Board's finding, however, is that in some cases the Tata Iron and Steel Company have not realised their obligation to the smaller subsidiary industries which look to them, and rightly so, for some measure of help and assistance. If the Tata Iron and Steel Company desire to be regarded as a great national industry and a great national asset, if they desire this country to make substantial sacrifices over a substantial period of time to set them securely on their feet, then I say that it is up to them to realise and to implement their obligations to the smaller ancillary industries of the country. I, Sir, for one, am quite prepared to believe that what is necessary to induce them to do so is not threat or coercion, but an appeal to the lofty aims and ideals of their own founder, that truly great Indian, Jamshedji Nusserwanji Tata. (Applause.)

Sir, I must now refer very briefly on the excise duty which, as I have said, will, no doubt, at a later stage, be dealt with by my Honourable colleague, the Finance Member. In this case, as in other similar cases, we have to face the ultimate consequences of a policy of protection upon our customs revenue. I would commend, for the careful consideration of this House, paragraphs 119 and 120 of the Tariff Board's Report. I am not now raising any question of general policy or principle. We are faced with certain inexorable facts, namely, heavy losses to our customs revenue and we have to make good those losses. The Board estimates a loss of revenue of roughly 60 lakhs of rupees as the result of the lowering of the duties now proposed. Estimates of losses must inevitably be uncertain, but even if we regard this as an over-estimate, it is absolutely certain that we shall have to face serious diminution in our customs revenue. In these circumstances, we have no option whatsoever but to accept the suggestion of the Tariff Board in paragraph 120 of its report and to levy an excise duty with a countervailing addition to the import duty so as not to impair the protection in any particular case. We have allowed for an increased import of galvanised sheet as the result

[Sir Joseph Bhore.]

deration, we estimate that the loss of revenue will not be less than Rs. 30 lakhs. We propose to make good that loss by the imposition of an excise duty of four rupees a ton on ingot steel manufactured in this country. Such steel is, I understand, manufactured commercially only by Tatas at the present moment, so that the collection of duty will be easy, and it will be spread over the whole range of steel products, thus preventing an unduly heavy incidence on any one class of production. The corresponding addition to the import duty has been calculated on the assumption that it takes four units of ingot steel to make three units of rolled steel and that the further loss on fabricated steel is approximately 10 per cent. more. I need only emphasize that there is no intention that this excise duty should form a permanent feature of our fiscal system. Its removal or reduction, however, must largely depend upon our general financial position. In conclusion, I need only say that the recommendations of the Board appear to me to balance very fairly the interests of the industry and the interests of the consumer. It cannot, I think, be possibly argued that they do not afford sufficient protection to the industry and the industry cannot complain if the interests of the consumer are allowed to prevail against any demand for excessive profits. Sir, I commend my motion for the consideration of the House. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir (Applause), at this stage, when the Bill is being referred to the Select Committee, the question that this House has got to consider is this,—whether the iron and steel industry deserves and requires protection for another period of seven years as recommended by the Tariff Board,—and, I think, Sir, that having regard to all the relevant considerations, there is one answer possible to that question and that answer is in emphatic affirmative.

Sir, the Tata Iron and Steel Company of Jamshedpur occupies such a predominant position in the iron and steel industry of this country that protection to this industry has come to be regarded as synonymous with protection to the Tatas, and, therefore, the question of this protection will have to be discussed mainly with reference to the protection to the Tata Iron and Steel Works at Jamshedpur. Now, the importance of the Tatas in the national economy of India hardly needs any emphasis. The iron and steel industry is a basic industry ; and if India is to be economically independent, then the growth and development of this basic industry will have to be fostered and promoted, and every possible assistance must be given to the pioneers of this industry till they are in a position to withstand foreign competition. Now, the phenomenal rise of Japan as a great

industrial power, within the last fifty years, shows what State assistance can do in the matter of the development of a national industry. (Hear, hear.) Our economic helplessness was never revealed in a more depressing and in a more naked form than during the Great War. At that time, the foreign supply was practically cut off, and prices soared to unprecedented heights, to the delight of the profiteers and to the distress of the consumers. Now, under this policy of protection, the Tatas are able to produce 72 per cent. of the requirements of India. Our economic dependence has dwindled to a very great extent, so far as the iron and steel industry is concerned, and, with proper assistance, I think that the day is not far distant when the Tatas will be able enough not only to supply the entire requirements of India, but to compete on an increasing scale with foreign markets. Sir, the economic Swaraj which nationalist India is preaching today, the Tatas are actually achieving, and I think this House may take some credit for that achievement, having given the Tatas the protection that they have deserved.

There is another aspect of this question. Owing to the pressure of the population on the land, there is a steady migration of the unemployed agricultural population towards the industrial areas. It is, Sir, in the industrialization of the country that lies the solution of this menacing unemployment in this country. Every factory and every mill started means the absorption of a large number of the unemployed in those workshops, and to the unemployed it means food for their family, education for their children and sustenance for their lives : and in this industrialization of the country the Tatas occupy a very pre-eminent position. I consider, Sir, that Mr. Jamshedji Nusserwanji Tata was one of the greatest benefactors of India. (Hear, hear.) The Tata Iron Works at Jamshedpur I do not consider merely as an industrial undertaking : I consider they are a great national institution in whose success every patriotic Indian takes a legitimate pride and whose interest is dear to his heart ; and, I am sure, Sir, that any proposal for protection to the Tatas will receive sympathetic consideration from the Members of this House.

Now, in the general remarks I have been making, probably Honourable Members will think that I have been emphasizing the obvious. But there are occasions when it is necessary to emphasize the obvious also. Honourable Members may ask me,—“We gave protection to the Tatas seven years ago in the expectation that at the end of the period they will be able to dispense with it. Why has not that expectation been realized ?” They may also ask,—“Are we going to give protection to the Tatas for an interminable number of years, at the heavy cost of the consumers that it involves ?” These, Sir, are very pertinent questions, but not very difficult to answer. Honourable Members, who have glanced through the Report of the Tariff Board and the memoranda supplied by the Tata Company, will find that the breakdown of the scheme of protection in 1926 was due to causes which were beyond the control of the company. My Honourable friend, Sir Joseph Bhore, has referred to the great trade depression, the severest on record, which was responsible for the failure to achieve the results which were anticipated by the Tariff Board. The fall of prices was tremendous and the demand for the Tata products in their customary markets shrank to such an extent that they had to seek for fresh fields, for new areas, in parts of India distant from their workshops. That meant heavy expenditure on the part of their Sales Department and additional railway freight. The most important of those factors responsible for this

[Mr. Abdul Matin Chaudhury.] The failure to achieve the result anticipated was that, owing to the curtailment of the railway construction programme, the demand for the Tata products from the railways fell considerably. To give one instance, the Tariff Board calculated that during the last four years' protection it has received, the Tatas received orders for rails to the extent of 253,000 tons while the Tariff Board had calculated that they would receive orders to the extent of 780,000 tons. This difference meant that the demand for Tata products from the railways fell by two crores of rupees, and added to this, there was the disastrous strike of 1928 which crippled the productive capacity of the company to a very considerable extent. And yet, Sir, in spite of all those handicaps, the Tatas attained such a degree of efficiency in their management that they were actually able to reduce their costs and at the same time to maintain their output. My friend, the Honourable Sir Joseph Bhowe, has read out to the House a passage from the Report of the Tariff Board where they say that from the point of view of efficiency the Tatas can compare favourably with any pre-war iron works either in Europe or America.

Now, there is one criticism that is generally urged against the policy of protection. It is said that the policy of protection towards an industry is at the expense of the consumer. This element of heavy cost to the consumer is, I think, inherent in any scheme of protection whether it is given to the iron and steel industry or to any other industry. When India adopted the policy of discriminating protection, they counted the cost that will have to be paid, and the sacrifice that will have to be made, to make India industrially self-sufficient. I think this argument of heavy cost to the consumer applies with less force and validity in the case of the Tata Iron Works than in the case of any other works. Let me examine how much extra amount the consumer pays to the Tatas and what he gets back from the Tatas in return? The Tariff Board calculated that during the period of protection the Tatas got Rs. 4,46,00,000 as a benefit of protection and Rs. 2,08,00,000 as a benefit from bounty, total Rs. 6,54,00,000. I may remind the House that during the period of the war the Tatas surrendered profit to the Government to the extent of over 6 crores of rupees. I shall explain how. During the period of the war, the Tatas supplied three hundred thousand tons of steel material to the Government at the average rate of Rs. 150 per ton and the prevailing market price was Rs. 350 per ton. Had the goods been supplied at the prevailing market rate, Government would have to pay six crores of rupees more to the Tatas than they actually did pay, and by this self-denying action of the Tatas the Indian Exchequer benefited to the extent of over six crores of rupees. That is from the point of view of the tax-payer. From the point of view of the consumer you may consider...

prices and the consumers would have to pay far more exorbitantly than they are doing at present. The income from our railways would have been less by a crore of rupees if there were not in existence a company like the Tata Iron and Steel Works at Jamshedpur. The Tatas pay about a crore and a half as wages to their labourers and if a balance-sheet were made of what the Tatas contribute to the well-being of the country and what they get in return, I think the balance will be in favour of the Tatas.

Now, Sir, what turned me into an admirer of the Tatas is the keen solicitude that is shown by the Tatas for the welfare of the labour in their workshops. The Tatas are a very good pay master. (Ironical Cheers.) Perhaps the House has not appreciated that sentiment, and I will, therefore, repeat again that the Tatas are a very good pay master.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : In what direction please?

Mr. Abdul Matin Chaudhury : I am going to tell you that. In the Tatas workshops, there are, from my own district of Sylhet, 2,000 workmen working in Jamshedpur. They get far better wages there than they could get anywhere else in India. The daily rate of wages for these illiterate workers varies from 12 annas to three rupees a day, and, even during this period of depression, the Tatas have not thought it fit to reduce the wages. The pet theory of my friend, Mr. B. Das, that, with the fall of prices, there should be a fall in the wages of labourers, also has not found favour with the Tatas management. I think it is correct to say that they believe that, in the contentment of the labour, lies the prosperity of the Company and contented labour is the Company's greatest asset. With regard to the housing accommodation, everyone knows that, before the Tatas started their works at Jamshedpur, it was a mere wilderness. There now has sprung up the nice little modern town of Jamshedpur and the Tatas have spent over a crore of rupees over house accommodation of their employees. As regards medical assistance, the Tatas give free medical attendance to their workmen and they have spent over four lakhs of rupees on hospital and building equipment alone. They have adopted the scheme of maternity benefit in their workshop though the Government of India have not yet thought fit to introduce an All-India legislation for maternity benefit in this country. They provide rest houses for their women workers where they can change their dress and have their meals.

Mr. B. R. Puri : Are they doing it out of charity?

Mr. Abdul Matin Chaudhury : They are doing it for the welfare of the workers. They did it even in anticipation of the report of the Royal Commission on Labour. Then, Sir, the Workmen's Compensation Act is administered more liberally in Jamshedpur than anywhere else. When the Workmen's Compensation Act was under discussion, we reduced the waiting period for a temporary disablement from ten days to seven days and our amendment which sought to reduce it to three days was rejected by this House. Now, the Tatas have abolished the waiting period altogether and they pay compensation to their workmen from the very day on which they receive the injury. Evidently, they do not believe with my Honourable friend, Mr. Mody, that malingering is a standing vice of the Indian workman, and, now that Mr. Mody has gone to Tatas, I hope, he will not infect the company with his pernicious theories. As regards the compensation paid to the workmen for injuries received, the Tatas pay at a much

[Mr. Abdul Matin Chaudhury.]

more liberal scale than what is provided even in the Workmen's Compensation Act. During the year ending 1933, the Tatas paid Rs. 50,000 as compensation to workmen who received injuries, though according to the standard laid down by the Workmen's Compensation Act, they were entitled to Rs. 30,000 only. Then, Sir, besides the wages, the Tatas pay bonus to their workers. They have provided amenities in the form of free supply of ice and soda water to their workmen who work in the scalding heat of the blast furnace. The Company pays also liberally towards the Provident Fund. Sir, this is a record of welfare work for which the institution will deserve a credit.

Now, Sir, I have said that the Tatas because of their importance in the national economy of India, because of their efficient management, because of their contribution to the well-being of the country and because of their sympathetic attitude towards labour, have earned the right to protection for another period. Now, Sir, the question is, whether the protection is adequate. The Tatas are now producing 72 per cent. of the requirement of India. The question is, does the protection ensure that they should be able to produce 100 per cent. of the requirements of India. My own impression is that this Bill instead of promoting the growth of iron and steel industry will hamper and deter the growth and expansion of the Tatas. This Bill gives effect to the recommendation mainly of the Tariff Board. Now, this particular Tariff Board has devised a very peculiar scheme of Imperial Preference of the most objectionable kind. (Hear, hear.)

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you expect anything better ?

Mr. Abdul Matin Chaudhury : Not many years ago, this House was very strongly opposed to the policy of Imperial Preference on general and on political grounds.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Also on economic grounds.

Mr. Abdul Matin Chaudhury : The second stage was reached when we accepted the principle of Imperial Preference when it was in the mutual interest of India and England. That was the Ottawa spirit, the spirit of Mody-Lees pact. (Hear, hear.)

Now, Sir, we are asked to go a step further and to accept Imperial Preference even when it is detrimental to the interest of India. During the last four years, we have swallowed many an ancient prejudice, we have swallowed many a bitter pill, but the Honourable Sir Joseph Bhore will find it difficult to make us gulp this particular pill down our throat. (Hear, hear.) We welcome Indo-British co-operation in trade, but never at the expense of India.

This Tariff Board has recommended the abolition of revenue duty on rails, fishplates, United Kingdom structurals and tested plates. As regards structurals, the landed price without duty of United Kingdom structurals is Rs. 113 per ton and the fair selling Tata price of the same is Rs. 111 f.o.r. port. The margin is so small that, with a slight manipulation of prices, the British manufacturer will be able to undersell the Tatas even in the Indian market. The same is also true of the case of British tested plates. The import price is Rs. 114 per ton and the price of Tatas

is Rs. 110. Still, the Government refuses to give the Tatas the usual advantages that are afforded by the revenue duty on the British imported structurals and plates.

I should like to address my remarks to the Honourable the Finance Member. I do not think the Government of India have got a superfluity of funds in their treasury. Government have not been able to restore the five per cent. cut in the salary of their employees. The Government have also imposed a duty on matches to replenish their depleted exchequer, and yet the Government go out of their way to make a gift of the revenue duty to the British manufacturers. That, Sir, is a direct encouragement and an open invitation to the British manufacturers to come to India and capture the Indian market. I hope, Sir, the Government will still reconsider this position, and, when the Bill comes out of the Select Committee, impose the revenue duty and abolish this excise which is unnecessary. (Applause.)

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, we are here to consider a very important question of giving further protection to the Tata Iron and Steel Company. There is no separate steel industry, and practically the whole of the iron and steel industry in this country is in their hands. If there are any other concerns, they are practically closely connected with them and a sort of combination exists with the result that, whatever concession is given, it practically reaches only the Tata concerns. I am not opposed to giving protection to the steel industry, but the main question is in what form and to what extent it should be given and we must closely examine the Tariff Board report and at the same time carefully consider what are the principles laid down in the Fiscal Commission report and to what extent the Tariff Board has taken into consideration those principles laid down in that connection and to what extent they have deviated. But before I proceed to do so, let me express my thanks to the Tariff Board for their very valuable report and for the trouble and care they have taken in presenting the case in favour of the steel industry or rather the Tatas. Though I do not agree with the methods and the conclusions of the Tariff Board, I do not wish to keep back my appreciation of the trouble they have taken in preparing the report and for my present purpose I need not enter into all the details of omission and commission as displayed in their voluminous report. Next, Sir, let me thank also the Tatas for their nicely got-up volume. But before I proceed with that, I may mention about this Tariff Board report. It is dated the 19th April but it was released on the 12th July. While I realise that it requires careful consideration by the Government, before it could be released, the Government has as usual taken too long a time to consider the matter, forgetting that Members of the Assembly also required time to study this voluminous literature put before them. Anyhow the report could have been released much earlier than the Government order on it. The Government took three months while they have given barely two weeks for us to consider the same.

Now, I come to that well got-up volume of the Tatas, which is a representation of the Company, to the Tariff Board. Along with that there is a very beautifully illustrated pamphlet of the welfare report which speaks of the housing, medical relief, education, technical training, welfare activities and Indianisation of staff and speaks of various amenities which are provided including a baby show or rather a

[Mr. Vidya Sagar Pandya.]—It is well known, as has been represented by a theatrical performance at Simla recently, that advertising pays. I need not speak of their activities in that behalf as the Honourable the Deputy President has already dealt with that point. It is well known that advertising pays. We should not be misled by this advertising propaganda of the company but must look to the facts justifying the protection which they ask for and the Tariff Board recommends. Though we have got this representation of the Tata Company the 66 other representations received by the Tariff Board have not seen the light of day. Nor has the evidence of about 30 bodies which gave oral evidence before the Board been made available to the Members of the Central Legislature. Will Government at least now place that evidence in the hands of the Members before they call upon the Assembly to renew the protection?

The Honourable Sir Joseph Bhore : I may inform my Honourable friend that copies are available to the House and, I believe, I saw my Honourable friend, Mr. Das, with those copies in his hand.

Mr. B. Das : A copy has been placed in the Library and I borrowed it. But it contains just a portion, and not the whole. I do not find the evidence of the British steel section.

The Honourable Sir Joseph Bhore : We ourselves are not in possession of the whole evidence.

Mr. Vidya Sagar Pandya : Next, Sir, I will add a supplementary question to that. Why has not the balance-sheet of the Tata Company for 31st March, 1934, been made available to the public? It is rumoured that there are certain secret agreements between the Tata Company and other iron and steel firms. I should like to know whether those agreements will also be available to the Members of the House for their perusal. I wait for a reply. (After a pause.) Sir, my question remains unanswered. Now, I come to the third pamphlet which has been placed at our disposal and that is that, the Muslim missionary representing the Muslim interests has issued a pamphlet, not only championing the cause of the Muslims, but running down the Company for not giving Muslims 33 1/3rd per cent. employment in all departments, with or without any qualifications. (Laughter.) I hope, in coming to their conclusions, my Muslim brethren here will not be swayed by this thoughtless and suicidal propaganda as contained in this representation. This will not tend to the efficiency of the Company, nor will it result in any benefit to the country.

Now, Sir, coming to the report, the Tariff Board should have been guided by certain rules prescribed by the Fiscal Commission's report. I am sorry to observe, that in some of the most important respects, the Tariff Board has not followed the sound principles laid down by the Fiscal Commission. For instance, in paragraph 97 of the report of the Fiscal Commission, it has been laid down that in cases like this, very wide publicity should be given to invite criticism of any scheme of protection, but in the present case not only no adequate publicity has been given but even the Local Governments have not been consulted or called upon to collect information as to the effect of protection on the consumers or asked to give an opinion on the matter. The Government of the Punjab, if I am not

mistaken, are said to have gathered some useful information but it has not been submitted to the Government of India. Even the consuming departments of Government did not take any interest and were not invited to express their views although their vital interests were affected. The Indian States were equally interested but are conspicuous by their absence from among those who should be heard in the matter. I do not know why no opinion was collected from the Local Governments nor why the Indian States were not asked to say what they had to say in the matter, and, as such, the proper publicity which should have been given to the matter has not been given.

Not only the Tariff Board, but even Government have not strictly followed the principles laid down in the Fiscal Commission's report. For instance, in paragraph 86 of the Fiscal Commission's report, it was contemplated that in case of combinations or monopolistic production, tariff should be lowered or even withdrawn or special legislation introduced; but we all know that, during the continuation of the protection under the Act, no steps were taken to review the position, although the Tata Company and three other concerns manufacturing iron had combined themselves and fixed the prices. Healthy competition, which should have been expected to lower the prices, has not operated at all. Not only that, but also another Company, called the Kumardhobi Steel Rolling Mill, when it began to compete, was taken over into the combine, and the healthy rivalry stopped. I understand that, although this aspect was brought to the notice of the Board, it did not receive their consideration.

Cheapness of the steel is necessary to foster and create subsidiary and other industries, and it is, therefore, necessary that the protection which necessarily inflates the prices should not be used to the detriment of other industries. It is, therefore, necessary that the selling price of iron and steel by the Tata Company must be regulated and fixed by Government and should not vary with the rate of foreign importing prices including the duty. It has been found in the past that when the prices have gone up, and the price of the imported article including the duty has become higher, Tatas have also raised their prices instead of keeping at the proper level of their own manufacture. As such, when we are giving the protection in the interests of the country, it is necessary that Government should fix the prices for the sale of their goods, so that they do not make any inordinate profits on account of the rise in foreign prices.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : What about their losses?

Mr. Vidya Sagar Pandya : They have to thank themselves for it.

Though, under clause 2, Government have now proposed to take power to increase or decrease the amount of protection, they have not yet taken powers to regulate the selling price of the produce of the Tata Company. No doubt it should be a fair selling price, having regard to the cost of production. In paragraph 104 of the Fiscal Commission's report, the Tariff Board was not only expected to examine carefully the cost of manufacture of any article under examination in India, but also in foreign countries as well. The cost of manufacture to be taken into account and consideration should be the reasonable cost at which an article can and should be manu-

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factured, and not the cost at which a certain concern pleases to manufacture it. A competent association, which knows what it says, has said as under :

"The cost of manufacture has not been critically examined at all and not compared with the works in India, even nor any attempt made to examine costs in other countries. Many large works of foreign countries and foreign trade commissioners and import houses stationed in India would have been glad to supply the cost figures in their own interests. Re-rolling costs of sections in Kumardhubi Mills, cost of rolling black sheets and manufacturing galvanized sheets and their respective overhead charges in the Tin-Plate Company situated next door, production costs of bars of the Indian Steel and Wire Products Company were available in India. Persons who had claimed lower costs may have proved their assertion if an opportunity had been offered.

We are led to assert that no comparison or proper investigation in this behalf has been attempted.

It is admitted that raw material in India is cheap and rich in its contents, that labour is cheap and overhead charges have been considerably reduced, the technical equipment and efficiency has been discussed in details in Chapter VII by the Tariff Board, and yet the conclusions are that cost of manufacture is such that Tatas require heavy protection. Comparison with the overheads, etc., allow in the recommendations on the previous occasion (7 years ago) have not been made in details.

American and continental technical papers very often give details of manufacturing costs, but no attempt has been made to refer to any of these documents for purposes of comparison.

The technical adviser (Mr. C. G. Atha) has not mentioned anywhere that he is satisfied that costs in Tatas are as low as they can be and compare favourably with works abroad.

It would seem that the Tariff Board (para. 139), would want it to be believed that Tatas Works are of pre-war period, whereas a major portion of the works have been built and equipped since the war.

Under the circumstances, we again beg to repeat that costs want a more close examination and they should be accepted with due caution and reserve.

Considering that production is on a very large scale, the efficiency obtained should be the highest and Tatas should have established beyond doubt that their cost of production, administration, overhead charges and recovery from waste and by-products is the highest and their method and practice of purchase and sale was most efficient and above suspicion."

They further say :

"Comparison of cost of manufacture of Iron and Steel : The Tariff Board has discussed the works cost of manufacture of Iron and Steel, in Chapter III of their Report (paras. 38 to 64), and have contented themselves by concluding the chapter with the following remarks :

"As the Tata Company is the only producer of rolled steel from raw material (iron ore and coal) in India, our estimates are based entirely on what has been accomplished and what we believe can be accomplished by the company in future."

Iron is manufactured in Kulti and Burnpur under very similar conditions and on an equally large scale. The Tariff Board have closed their eyes altogether probably. A comparison of cost of manufacture of Iron with the Bengal Iron Company and the Indian Iron and Steel Company would have revealed the cost of manufacture of Iron and the wastage and recovery from the most important by-products such as coal-tar, ammonia, etc., and also given an idea of comparative overhead charges under a different control.

Complaints levelled against Tatas, and referred to in paragraph 65, are definite that production cost is too high, wastage is excessive and sufficient credit is not obtained for waste and by-products, and that the Managing Agency charges and overheads are too excessive."

The raw materials, viz., ore, coal, dolomite, manganese, power, firebricks, rail rights and many preliminary charges mainly come into consideration up to the manufacture of iron. The conversion of iron into steel is simpler so far as checking costs is concerned."

Under these circumstances, I would ask the Government to take power under the Bill itself to fix and control the fair selling price from time to time and not to allow the Company to vary its prices according to the import prices with the duty on foreign articles. Tatas must sell at a fair selling price to be fixed by Government after comparing the costs of manufacture of other concerns, both in India and outside. The Honourable the Commerce Member has referred to table No. 25 at page 55, and it will be clear that there is room for reducing the price of their products. I need not dilate in detail about certain other details, as I think they will be for consideration by the Select Committee.

In paragraph 83 of the Fiscal Commission's report are discussed the disadvantages of protection, and it was feared that protection might lead to political corruption and combines and monopolies and inefficiency. In that connection, I may again read the following :

"Incident of freight disadvantage : In para. 105 of their report, the Fiscal Commission writes :

"It would not be right to endeavour to secure for an industry such protection as will enable it to compete in every possible market in India if this involves giving protection appreciably higher than is required for the success of the industry in the greater part of the country."

That is a quotation from the report. In the face of this, the Tariff Board having allowed an incident of freight disadvantage is unfair and uncalled for, and it is but just and right that protection to this extent should be reduced,—paragraphs 86 to 88 of the Tariff Board Report. If this allowance for freight disadvantage is struck off, the economical possibility of another works in a suitable part of the country can be imagined with hopes of success and the position of the re-rolling mills also becomes secure. Now, Sir, I hope the Select Committee will go carefully into all these matters. I would here draw their attention to one or two other points, and that is, they must put a limit to the profits of the concern. We have not got the balance sheet, as I have mentioned, to show what are the profits made by this concern, but the value of the shares is jumping up slowly.....

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhamadan Rural) : How could it be ?

Mr. Vidya Sagar Pandya : That is where they specialise in.

Then, Sir, the Committee should take into consideration the profits of the managing agents as well as of the shareholders. As I have said before, they are, of course, entitled to fair earnings, but when they seek protection for the industry, they should also see that their demands are not unduly high. Then, there is also a very great necessity to check inefficient, wasteful methods in working, and the heavy overhead charges also require attention and consideration. No doubt, as I have said twice before, the company should earn fair profits, but the excessive protection duty should not be a gift from the taxpayers with a view to checking and stunting the growth of other industries.

Then, Sir, the incident of surcharge of import duty has added undue profits in the past, and we must take that point into consideration now,

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Because, when protection was granted, it was not thought that there would be a surcharge of 25 per cent. on these various items, and, therefore, the company has automatically made a profit in that direction. Therefore, it is very necessary that powers should be reserved in the bill to cover it by excise duty by an executive order, and such excise duty should be utilised in giving rebates on the sale prices or in giving bounties to deserving smaller industries of steel in proportion to their consumption of steel, so that the prices of materials to them may be such as are available to manufacturers of similar articles in other countries and the burden of protection is minimised because this will go to encourage and foster local subsidiary industries. Sir, the protection has been given, not only against foreign competition, but also against internal competition with the smaller industries which have grown or are growing. As such, a surcharge must be returned as an excise duty which should be utilised to assist deserving consumers of steel. In this connection, Sir, I may also add that the case of other industries, which depend on steel products, must be taken into consideration in the matter of granting them rebates. For instance, some of the oil companies and other concerns, which use steel materials, are not able to compete on account of the high cost of the products.

Then, Sir, there is another matter that I should like to advert to, and that is the question of depreciation which is treated as an investment. The return on depreciation as investment (paragraph 74 of the report) does not come into the calculation of costs but gives an additional income to the Company and the assumption of the Tariff Board is decidedly wrong, and therefore I should like that point to be carefully considered by experts.

I do not wish to tire the patience of the House.....

Honourable Members : Go on, please.

Mr. Vidya Sagar Pandya : For the present I shall content myself with reading a telegram which I have received....

Several Honourable Members : Many of us have also received telegrams.

Mr. Vidya Sagar Pandya : Yes, others also may have received telegrams, but I have got the priority of reading the telegram that I have got, and so I shall proceed to read it.

"Committee Bombay Shareholders' Association submit iron and steel duties bill embodies three undesirable principles. Firstly it confuses question of Government revenue with the issue of protection to indigenous industry. Secondly it seeks to impose excise duty on Indian manufactured steel while certain classes of British steel are to be admitted free of revenue duty. Thirdly, it seeks to impose burden on consumers for Government revenue in the name of protection in the middle of the year and that too for a period of seven years in advance. Committee strongly opposes proposed excise; it being tax on production. Committee would point out that Tariff Board's suggestion for excise for revenue purposes was outside the scope of their reference. Committee strongly opposes exemption of British structurals, plates and sheets from revenue duties. Committee further submits countervailing duties are imperative in case of certain articles such as British galvanized sheets where proposed revenue duty is more than protective and countervailing duties combined. Committee therefore urges levy of revenue duty on British structurals, plates and sheets on all articles. Committee further submits that landed price of galvanized sheets calculated by Tariff Board at Rupees 160 in para. 96 of their Report is unduly high and reasons given therefore in para. 107 are unconvincing. Committee

strongly urges correction of landed price and consequent adjustment of duties. So-called preferential treatment to Indian pig iron shipped to United Kingdom is infinitesimal compared to substantial preference given to British galvanized sheets. Prices of both semis and continental structurals are given as Rupees 64 in para. 96 of the Report which appears to Committee to be an obvious error as price of the latter which is a finished product invariably commands higher market rate. Committee therefore urges that this price should be corrected and duty increased accordingly. Committee also urges that duties on imports of British untested steel should be higher than those on tested steel, otherwise fair selling prices might not be realised by the Indian industry and British producers might dump untested steel on Indian markets. In this connection Committee invites Government's attention to memoranda submitted by National Federation of Iron and Steel manufacturers to the Tariff Board. Committee further submits that the Act as amended on the lines suggested above should not be brought into force before 1st November as existing protection expires on thirty-first October and it is only fair that *status quo* should be preserved till then. Representation follows."

That is from Bombay, and here is another telegram from Madras.

1 P.M.

The Southern India Chamber of Commerce, through their President, have sent the following telegram :

"Southern India Chamber strongly protests against imposition of any excise duty on iron steel products as consumers already long overburdened with high prices following protective policy and as recovery of other trades industries will be further retarded. Chamber strongly opposes system of preference to British goods being extended to new items except by fresh reciprocal agreement. Chamber alarmed at prospect of new lower duties coming into force before 31st October as heavy stocks in market and due for delivery in interval are bound to cause immense losses all over country."

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : What about Karachi ? Have they not sent a wire to you ?

Mr. Vidya Sagar Pandya : I do not think they had enough time to go through these matters. Now, Sir, there are other matters such as the Indianisation of this Tata Company. But I do not think I should monopolise all the points, and I shall leave it to other Members to press those points, and, with your permission, I will now sit down.

Mr. N. N. Anklesaria : The Centre Party has unanimously resolved to support this motion for referring the Bill to a Select Committee. I hold no brief, either for or against the Tatas, but I should on this occasion like to warn the House against the propaganda which is going on in some of the Indian newspapers. An Indian newspaper, whose impudence, in offering gratuitous advice to the Government and to Honourable Members of this House is surpassed only by its ignorance, has taken upon itself to champion the cause of the Tatas, I am quite sure, unwanted and unsolicited by the Tata firm themselves. That newspaper ought to be now by this time well-known to the Government. It has been carrying on in a covert and cowardly manner a seditious and anti-British propaganda and the sins of that newspaper should not be visited upon the Tatas, who, as the Honourable the Leader of the House has shown, have well deserved of the country.

The ten clauses of the Bill seek to provide that protection shall be continued to the Tatas, secondly, that the cost of protection should be provided against, and thirdly, that the policy of the Ottawa Agreement should be implemented so far as that implementing is consistent with the interests of our country. So far as I can see, if these three are the objects of the Bill, as I take them to be, no Honourable Member, no

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Bill. (Mr. B. Das : "Question.") As regards the first object, I think every Honourable Member will agree that the Tatas have deserved the continuance of the protection granted to them under the Bill. I will not expatiate on the services which the Tatas have rendered to the country. They are very well-known, and do not need repetition from me. The Tatas have, at a tremendous sacrifice, carried on a key industry on which the safety of the nation depends, and it was, on the ground of protecting a key industry, that the first inroad on the free trade doctrine in England was made. And if India follows suit, I think there is nothing to cavil at India following England in this connection.

As regards the second object, namely, recouping the losses which the revenue is bound to suffer on account of protection being granted to the industry, it is a question which has been before the minds of this House and of this country for some time, and it was very gratifying that the ex-Finance Member at last listened to the justice of the demand of the free-traders in the interests of the nation at large. He pointed out in his last Budget speech the tremendous cost which this country was paying in carrying on the policy of protection. He pointed this out in the interests of the agricultural classes of this country (*Diwan Bahadur A. Ramaswami Mudaliar* : "Question"), and stated that the agricultural classes ought to have the paramount attention of the Government, and he pre-visualised a policy which we are today by this Bill implementing in part. Opinions may, of course, differ as to the extent and amount of the protection to be granted. That is, however, a matter for the Select Committee.

As regards the method of recouping the losses, consequent upon this policy of protection, opinions may differ. The Tariff Board has stated that the obvious method by which these losses could be recouped would be to put an excise duty on the home product. Sir, the eligibility of this method has also been pointed out by the majority report of the Fiscal Commission. They point out that taxation by means of excise duty is a form of taxation which has got the least objectionable character about it, and they give an instance to illustrate their point. Suppose Government want one crore of revenue from taxing the product of a certain industry. If they put five per cent. duty on the imports of the commodity into this country and five per cent. countervailing duty on the home product, the Government would get one crore of rupees. On the contrary, if they impose a protective duty only, then they must make it ten per cent. for then alone they would get one crore of rupees as revenue of the 2 crores taken from the tax-payer, the other crore being shared by the home producer and the foreign producer, thus mulcting unnecessarily the tax-payer to the extent of one crore of rupees. Sir, the superiority of taxation by means of excise duty in the present connection is, therefore, clear from this illustration. No doubt, as I said, there is room for very honest difference as regards eligibility of excise as a form of taxation in the present connection, but both the Tariff Board as well as the Government, after due consideration, have advocated excise taxation as the best means for recouping the revenue losses. If Honourable Members criticise the proposal of the Government in this connection, they should be prepared to offer an alternative proposal by which the losses due to following the protective policy could be recouped.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can resume his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. N. Anklesaria : Sir, when the House rose for recess, I was telling the House that those who criticized this excise duty must be prepared to suggest a better alternative to the excise duty if their criticism is to be of any value. My Honourable friend, Mr. Das, interrupted me and he said, he was going to suggest a better alternative. Sir, during the recess I took the opportunity of talking to Mr. Das and asking him whether he was prepared to tell me what that better alternative was. My Honourable friend, however, simply refused and said he was not going to tell me what that better alternative was till his turn came, and then it would be for the Honourable the Finance Member to answer him.

Mr. Gaya Prasad Singh : Sir, can private conversations be referred to on the floor of the House ?

Mr. N. N. Anklesaria : Sir, I, therefore, take it that no such better alternative, as promised by Mr. Das, exists.

Mr. B. Das : What logic !

Mr. N. N. Anklesaria : Now, as regards the third object of this Bill, namely, that of implementing the policy of the Ottawa Agreement, I should like to offer a few remarks. Sir, the Ottawa Agreement was endorsed by this House by an overwhelming majority.

Mr. B. Das : Thanks to you !

Mr. N. N. Anklesaria : Thanks to you also ; you also voted in favour of it.

Mr. B. Das : I voted for it ? I was quite against it !

Mr. N. N. Anklesaria : Your Party or your Leader did.

Mr. B. Das : No, no. That is why the Democratic Party has been formed.

Mr. N. N. Anklesaria : Any way, it was a very wise course which this Assembly adopted in supporting the Government proposal for the Ottawa Agreement. I personally welcomed it as a substantial measure towards free trade. Sir, I am a convinced and a confirmed free trader, and I believe the economic salvation of the world lies not in tariff wars, but in tariff agreements. Of course the ideal of world free trade cannot be had, but the world is now realizing the folly of tariff wars. The other day, Sir, reading the report of the Geneva Economic Conference of 1927, I was surprised to find that the President, Mr. Theums, propounded the doctrine of free trade and advocated it in almost the very same words as the French statesman Condillac did somewhere about 1782. The other day, my Honourable friend, *Diwan Bahadur Ramaswami Mudaliar* said,—in face of the world-wide enunciation of economic nationalism and in face of the emphatic remarks regarding the cost of protection which this country

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was paying made by the Honourable the Finance Member in this House—that free trade was as “dead as Queen Anne”. Now, Sir, as I said on a previous occasion, a greater man than my Honourable friend, Diwan Bahadur Mudaliar, stated (*An Honourable Member*: “Who is he?”)—he was Disraeli—he stated as far back as 1862 that protection was “dead and damned”. There is no doubt that free trade is coming by its own, and this measure is in some way implementing the doctrines of free trade and is a move towards free trade. I, therefore, welcome it. Sir, as I said, if we cannot have the ideal, we must aim at the practical. We cannot have free trade all over the world, because unfortunately of the weaknesses to which human nature is subject all throughout the world, but, as a *pis aller*—as something in place of the better thing—men have propounded the doctrine of inter-Imperial free trade so far as the British Empire is concerned, and I think the economic salvation of India as well as of Great Britain lies in acceding to that doctrine of inter-Imperial free trade. Sir, I take this occasion of telling the British Government and the British people, that agreements can be worked, not by one side only, but they must be worked by both sides. It is impossible that one party to the agreement should take everything and give nothing in return. We have given very substantial preferences to the British manufacturers and traders in several respects. The present Bill continues the existing preferences and gives the British manufacturers increased preferences and the Honourable the Leader of the House has stated that in return we do get preferences as regards pig iron and manganese and something else. How far that is a *quid pro quo*, I am not competent to pronounce. I am sure, my Honourable friend, Mr. Mody, who knows the technical side of the whole question, will be able to tell the House how far what the British Government have given us is compensatory for what we have given to them. Sir, the French have a saying:

“L'Anglais est un mauvais coucheur. Il tire toute la couverture à lui-même”,

meaning that the Englishman is a very bad bed-fellow, because he draws all the bed covering to himself. (Laughter.) I trust, Sir, this is not true, and I hope the remarks of the Frenchman were due more to his inherent suspicion of the perfidious Albion than based on reasonable grounds. Sir, I support the motion.

Dr. Ziauddin Ahmad: Sir, a few years ago, a person, more a politician than a physician, advertised cholera pills (Laughter), and persons having some humour asked him what those pills were intended for—whether they were intended to check cholera or to develop it. Now, after investigation, it was found that it served both purposes—that it checked cholera if it was due to local conditions, and developed cholera if it was due to the invasion of foreign bacilli. Sir, the same is the case with our Commerce Department. (Laughter.) Here I have got in my hand the cholera pills of the Commerce Department and it is still a sporting question to ask and answer whether our Commerce Department is intended to check commerce or to develop it. The cholera pills of the Commerce Department is the Tariff Board. Sir, the measures that we have passed this year may or may not develop the industries, but certainly they do not develop the commerce.

In fact, it is one of the great mistakes in the division of the Departments of the Government of India that we have divested commerce from industry. Both of them, in fact, go hand in hand, and the measures which the Commerce Member has adopted and is still going to adopt will help his neighbour (I mean the Honourable Sir Frank Noyce), more than himself, and I think he has got a dictum that charity does not begin at home, but it begins with neighbours. My Honourable friend, Mr. Mody, is unfortunately a much maligned person in this House, but in this case I have great sympathy for him. I will just tell a story before I apply it in his case.

A person lost a camel and he could not find it. Then he made a vow that he would sell it for nothing if he could find it. Fortunately he found his camel, but he adopted the ruse that he fastened a cat to the neck of the camel and said that the price of the cat was Rs. 100. So, to any one who came to purchase the camel, he said: “You can have the camel for nothing, but the price that you will have to pay is only for the cat which is Rs. 100 and you cannot have one without the other”.

So, my friend, Mr. Mody, can have his Protection Bill all right. He can have it for nothing, provided he pays the price of this cat in the shape of the excise duty. Sir, I said three years ago that the wrong theories of political economy have contributed more to the miseries of the world in recent years than anything else, with the possible exception of the Great War. Similarly, I say that the theories of taxation, ill-digested, badly thought out and incorrectly calculated are more responsible for the general depression in the country than all the other factors put together. In the year 1931, we put up the duties by 25 per cent. irrespective of the fact whether they were protective duties or revenue duties. We did not have the time to consider whether the duty will bear this additional taxation and the results have proved that it was a false move. Now, two notable examples of the mistake committed in 1931 are in regard to sugar and steel. The sugar had a protective duty which was very well calculated by the Tariff Board, and this House passed it after great deliberation. We suddenly increased this protection by 25 per cent. to the great detriment of the consumer. Now, we found an array of vested interests in favour of it, and experience showed that it was exceedingly difficult to take it off, and we could succeed in doing it only by levying a kind of excise duty on sugar. The second example, now before us, is that of steel. In 1927, on the recommendation of the Tariff Board, we minutely calculated the exact amount of the protection which we ought to give to this particular industry. Then, may I ask, what right had the Government got in 1931 suddenly to increase this duty by 25 per cent.? Was it not a great injustice to the consumer of this country that a well-planned taxation made in 1927, in which every aspect of the case was calculated, was suddenly increased by 25 per cent. in 1931 without any calculation and without any reference to any person, and the result is what we are facing today. The Government no doubt recognised their mistake in the case of sugar, and now they are feeling the pinch with regard to steel, because of the mistakes which they committed in 1931 by suddenly increasing the duty by 25 per cent. It is not easy now to remove these duties. Sir Charles Innes in 1924 pointed out:

“The experience in other protectionist countries shows that it is easier to put on these protective duties than to take them off. One of the disadvantages of the protective duties is that they tend to create vested interests and these vested interests

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very naturally oppose tooth and nail any reduction of the protective duties even though the apparent need for them may have disappeared."

This was the opinion expressed by Sir Charles Innes. The same opinion was expressed by the Fiscal Commission. They said :

"But we cannot shut our eyes to the fact that in protectionist countries considerable difficulty is experienced in reducing and removing duties even when they are not required and it is probably that such a thing will impose on the whole a greater burden on the consumer than its conditions really required."

Sir, these are the warnings which Sir Charles Innes gave when he first introduced the Bill in 1924, and the Fiscal Commission pointed out that we should be on our guard that, whatever burden we put on the consumers, we should not overburden them, but we should be very careful about the quantum of protection and should have no hesitation to remove it if the circumstances warrant it. Sir, as I said, this wrong policy of the taxation has created enormous difficulties with the policy pursued during the last five years. In the year 1930-31, the income of India under customs was 46.81 crores, to which we added the customs duties to the extent of 30 crores. Last year the income was only 46.87 crores and the estimate for the current year is 46.48 crores, and, I am sure, the total income will never exceed 46½ crores. Our income, as well as the purchasing power of the people of India, has enormously gone down. I made a calculation and mentioned it in the Assembly during the last Session that the income of the people of British India alone has gone down by 800 crores per annum, of which 500 crores represents the agricultural income, 100 crores represents the income of those persons who pay income-tax, and their number is 6 lakhs, and 200 crores represents the income of other persons who are neither agriculturists nor income-tax payers.

Now, I appeal to the Honourable the Finance Member, Sir James Grigg, to evolve some theory of taxation and put us on the right track. We have been imposing all kinds of taxes and have evolved absolutely novel theories on the floor of this House. The first theory that we evolved is that we should raise the price level of the manufactured articles or restore the same competitive conditions that existed a few years ago. Now, this is a theory which is not supported by any economical consideration. Then we have got another theory that we can increase, without consideration, the taxes by 25 per cent. all round.

This will also look quite strange in the eyes of any person who has got any knowledge of political economy. The next thing is about protection. No doubt we all agree that protection should be given, but the point is about the quantum of protection. That is an exceedingly important thing. I think we have been paying no attention to it. We have never demanded year after year the budget or the balance sheet of those concerns to whom protection has been given. We have never demanded from them as to how much profit they were making. From this side of the House we have been demanding, since 1924, that the Government should place before this House or a Committee of this House an account of the profit and loss together with the balance sheets of the companies to whom protection is given, but no action has been taken. This is really very important for determining the quantum of protection that we might give to an industry.

Whatever theory of taxation we may evolve, it is essential that we should know the exact income that would accrue from any measure of taxation and we should get the whole amount. Sir Charles Innes, in connection with a previous debate said that the ideal tax is the tax which brings to the coffers of the Treasury precisely the same amount of burden placed on the consumer. That is, whatever burden you put on the consumer, the whole profit must come to the exchequer. Whatever income you anticipate, unless very unforeseen circumstances happen, such as floods and earthquakes, the same amount must come to the exchequer. This is really the ideal of taxation, and I hope that in every taxation this principle should be kept in mind. I am not opposed to protection as such, but I would suggest for the consideration of the House that we should have some sound theory about taxation and not come forward from time to time with all kinds of taxation. Sometime ago, we had only one Finance Bill on the 28th February of every year. But now the merchants of India are staggered, and they do not know what would happen to them any day. Now, for the merchants, every day is the 28th February, because they do not know what would happen to them tomorrow. By such action we have really paralysed trade and commerce in this country, we have made the minds of merchants in this country unsettled, and they have become nervous. It is really one of the reasons why trade and commerce are so much depressed in this country. If the Government want taxes, I may mention for the consideration of the Honourable the Commerce Member a few points, and, if these are followed, the Government might get all the money they want. I suggest that they should take up, first of all, a few commodities of inelastic nature and the Government should get from these commodities all the revenue they want. The Government of the day must be carried, and they should have sufficient revenue. So let them pick up a few commodities.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is evidently imagining that he is on the 28th February and discussing the Finance Bill. We are discussing the Indian Iron and Steel Duties Bill.

Dr. Ziauddin Ahmad : I am just coming to that, and it is my second point. I was saying that the first principle is that we should select inelastic commodities and get the whole revenue from them. Secondly, we may have protective duties. But before we impose any protective duties, we must first be satisfied that the three conditions, which the Fiscal Commission laid down before the imposition of protective duties, are fulfilled. These are well-known conditions which I need not repeat. In addition to those conditions, which the Fiscal Commission mentioned, there are two more conditions which must be satisfied, and unless these two additional conditions are satisfied, protection duties are not justified. These two conditions are that this money, which the consumers are giving in the shape of a loan year after year, should be paid back to them. This is not a free gift to the industry. The consumers have no interest to give this free loan to the capitalists. This is really in the shape of a loan which ought to be paid back after a certain number of years by those concerns in the shape of supplying those goods at cheaper rates. When the industry, which is receiving the protection, is able to stand on its own legs, at the foreign countries do.

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The next condition to be satisfied is that before we agree to the principle of protection, this House, as has been pointed out by Mr. Vidya Sagar Pandya, should have an opportunity to examine, year after year, the balance sheet of all the factories which come under protection. We should know the profits they have been making. For instance, in the case of sugar, which was given protection, we were told that some sugar concerns were making 50 per cent. profit and that others were making 100 per cent. profit. This may have been correct, but there is no authoritative information, either for or against this assertion. We do not know, in the case of the steel industry, what profits the Tatas are making. Even the balance sheet is not before us. Nothing has been given to us. We do not know whether they are making a profit, and what is the amount. Is it a fabulous figure or a reasonable figure? Others say that they are running at a loss. We ought to know the real position of the Tata Company. I, therefore, suggest that, unless these two additional conditions are satisfied we should refuse to accept any taxation of the nature of protection. These conditions are that the balance sheet must be produced and examined by the Government and also examined either by the whole House or by a Committee of the House. The next condition is that this protection should be considered as a loan, and every year the House should know what is the amount given as a loan by way of protection to this industry. We should know its amount year after year.

I now come to the Tariff Board Report. I have got a great grievance against this Tariff Board. Certain allegations were made on the floor of the House by my Honourable friend, Sirdar Harbans Singh Brar, but no answer was given by the Government. If we appoint any Tariff Board, it must be above suspicion and we should not be able to quote anything against any Member of the Tariff Board. If we want to accept the findings of the Tariff Board, the Government should take care in appointing the personnel of the Tariff Board and remarks of the nature which Sirdar Harbans Singh Brar made on the floor of the House should never be made in the case of these Members. In addition to this, there are certain duties which Sir Charles Innes laid down in 1924 when the previous Tariff Bill was under discussion. I will just mention his own words. He said:

"The Tariff Board is charged with the most responsible function. It is the duty of the Board to advise the Government of India not merely whether a particular industry requires protection but whether on the whole the balance of advantage lies in giving it protection. It is their business to weigh all the interests not merely of the particular industry claiming protection but also of all other industries which may be affected. Above all it is their duty to consider the effect of any proposals which they may have made upon the general consumer and upon the general taxpayer."

One of the most important duties of the Tariff Board is to give us exactly the amount of burden which will fall on the consumer and the amount of burden which will fall on the tax-payer, which is the same thing as Government. When we first introduced this Tariff Bill in 1924, Sir Charles Innes gave in his speech greater details of the question of protection and how the burden of protection would be divided. He said clearly that the protection was about 1½ crores per annum out of which one-third would be on the consumer, one-third on the industry and one-third would be on the Government. He did not stop here. He quoted Sir Alan Parsons who was then the Financial Commissioner who went so far as to

calculate that the exact burden on railways would be 29 lakhs, of which 15 lakhs would fall on capital and 14 lakhs on revenue. These were the details which were calculated when the first Protection Bill in 1924 was laid before the Assembly. May I ask, what are the figures for this particular Bill? What is the exact amount of burden which we are going to put on the consumers of India? How this burden will be shared between the Government, the Tatas, and the other industries in India and outside. You should have accurate figures. We should know where we are. At present the Bill, that is presented to us, says that Government have reduced the amount of taxation, but we forget all the time that we had quietly increased the taxation in 1931 by 25 per cent. without any justification, and that thing has altogether been ignored all the time. Therefore, this is one of the disadvantages in this report, and I think the Tariff Board have not carried out their duties properly and they failed to give the exact financial effect of their proposals and visualise the effect of increasing 25 per cent. protective duties all round. I was rather disappointed in this respect in the speech of the Commerce Member also, because I thought that this gap would probably be filled up by him, and he would be able to give us the exact amount of the burden. I did not have the time to calculate it myself, because it requires a number of data which are not exactly before me. But, on one very small item, I calculated these figures, and that small item is iron bars. We know that iron bar is a very trifling item in the steel industry, and I will give the conclusions that I arrived at in connection with the iron bar industry, that is, our total consumption of iron bars in this country, and I got the figures of import from Seaborne Trade, which is given here on page 78, and it is equivalent to 65,000 tons. Tata's figures are given in the report supplied by Tata's themselves as 80,000 tons making the total consumption to be 146,000 tons. Now, here we are given the figures of the sale price of British goods, continental goods and Tata Iron Works as well. I find that if protection duty is removed and all the customs duties are abolished, naturally every consumer will buy the cheapest, and the cheapest price is the continental price which is Rs. 65 per ton. So it really means that if protection is removed, then the consumers in India will have to pay 94 lakhs and 90 thousand rupees altogether, that is, 146,000 tons at Rs. 65 per ton. Now, if we accept the recommendations in the Bill and put on all the duties that are proposed in the Bill which is now before us, I find that the duty on Tata's will be Rs. 4, that is, the excise duty, and the selling price will be Rs. 101. The duties on English goods will be ten per cent., that is, it will rise from 96.1 to 105.62. The duties on continental goods will be 44 1/3 per cent., that is, 1 1/3 of the excise duty plus Rs. 39 per ton, that is, Rs. 109 1/3. Therefore, if the same amount be purchased at the prices which are really mentioned in this particular Bill, then the total burden on the consumers will come to 155 lakhs and 34 thousand; or, in other words, the burden on the consumers by one item alone, that is, iron bars which is a very trifling part of the whole scheme, is 60 lakhs per annum. That is on one item alone. Now, let us see how this 60 lakhs will be divided among the three important parties, that is, Government, Tata's and the British manufacturers. And I find by the same method that out of this Government will get 24 lakhs, Tata's will get 32 1/2 lakhs, and the British manufacturers will be profited by 4 1/2 lakhs. This is the distribution of the 60 lakhs out of this one item. In the same way, I would very much like that our Select Committee should calculate the exact amount of the burden on the consu-

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mers if their proposals are accepted, and in what way the income which will accrue from this burden on the consumers will be divided between the three important interests, that is, Tata's, Government and other manufacturers. This is really a very important aspect, and unless we know very definitely the exact amount of the protection that we are going to give to Tata, you are really asking us to swallow what I call cholera pills without understanding what they are. And these pills have now become so big that I think you will have to force them down our throats before we can swallow them. I calculated for one or two more items in the same manner, but I think I will tire the House if I give too many details at this stage. But there is one thing which I think the Committee might consider, and that is the question of the discounts or the reverse of the premium which we are giving to the foreign countries.

Now, we have no doubt, this House accepted the Ottawa Agreement.

3 P.M. We have already accepted the ten per cent. preference.

But, in this particular case, the preference goes to any figure from 10 to 47 per cent., and I think this is beyond what this House has been committed to, and it is very desirable that we should seriously consider this question from the point of view which I am just going to advance. As regards foreign countries, we know very well that some of the important countries of Europe are still on the gold standard, and we have already given them a discount of 34 per cent.,—that is due to exchange,—and if, in addition to that, we give them another preference about 40 to 45 per cent., then their discount, compared with the United Kingdom, will be something like 80 per cent. in some cases. I doubt very much whether, with this 80 per cent. discount, it will be possible for countries like Belgium and other countries to send these articles at all to India. I accidentally met one of the dealers in steel and iron, who import articles both from the United Kingdom and from other foreign countries; and he said that, after this Bill is through, it is nearly certain that all the import from foreign countries in iron and steel will stop, because the duties are so prohibitive that it will be impossible for them to compete under the conditions laid down in this Bill. Of course, I had no opportunity to examine the accuracy of this statement and I cannot mention it authoritatively; but if it is correct, it will become a very serious matter, because if we impose some very high duty, so as to stop their import altogether, then it is certain that they in their turn will put similar duties on our goods, and our export to these foreign countries will also stop. Of course we have not before us the Ottawa Agreement by means of which we can judge what has been the effect of the agreement on foreign trade. But we know definitely that our trade with the United Kingdom has increased although we cannot say yet, until our Committee reports, whether this increase has been only a diversion from foreign countries to England or whether it is a real increase. But we are waiting for the opinion of this Committee, and I am not in a position to make any authoritative statement on this particular point. But the point which I should like to emphasise is this that if we, by this high tariff, stop our import from foreign countries, then they are bound to retaliate; and what would be the result? The result would be that there will be some kind of separate trade agreement with every country. I read in the papers today that Italy is thinking of entering into a separate trade agreement with India, and probably it may be absolutely necessary on account

of the high tariff policy that we are adopting. Then tomorrow we may have another trade agreement with Belgium, and, probably, if we develop this policy, we will have trade agreements with all the remaining 56 countries that are members of the League of Nations, because they are all countries that demand reciprocal treatment. If the Tariff Board is really punctuated by 56 trade agreements with 56 different countries, I do not know what the position will be. The position will be the same as was described by King Alphonso of Spain about the solar system. Of course we know that whenever the astronomers, believing the earth to be the centre of the solar system, were in trouble about the exact position, they added one more circle and they called that the epicycle, and thus they went on adding more circles one after another. When these things were explained to Alphonso, he said: "Had I been God, I would have devised a better solar system that exists at present". Of course the fault did not lie with God: it lay in the human understanding, because he did not know the simplicity and beauty of the arrangement. So, instead of having a simple tariff, we will be having epicycles of a very complicated Tariff Act for the country.

I should, therefore, like to request the members of the Select Committee to go thoroughly into the details and give us clear figures. I shall come now to the sale policy adopted by Tatas. This requires very serious consideration. I am told that these sale houses are entitled to get any discount from zero to five per cent. or so. My information is that by various methods they get more than five per cent. I understand that each of them has invested a capital of Rs. 15 lakhs, and no merchant will be satisfied unless he gets an income of about ten per cent. at least (six per cent. interest plus four per cent. profit). Therefore, if the present sale policy is changed and the Tatas begin to sell directly to these merchants and avoid the middlemen's profits, it will bring in more than the excise duty which we are imposing on the Tatas: this one change will bring in the amount of the excise duty. I have not got the figures, but, speaking subject to correction, it would amount to Rs. 7½ lakhs a year if we calculate it at ten per cent. on the money invested in these agencies—five merchant houses each investing Rs. 15 lakhs each. In addition to this financial loss to the consumer, there are two other disadvantages to which attention has been drawn by the Tariff Board at page 16 of their report where they say:

"The complaint of the Calcutta merchants that they have been converted from independent merchants into mere shopkeepers, we are afraid, is an inevitable consequence of the introduction of protection which has enabled the Indian industry to capture so large a proportion of the market hitherto open to the foreign dealer."

They say previously:

"We would not have it thought that we accept at their face value all of the complaints made by the re-rolling mills and dealers against the sales policy of the Company and the methods the Company has followed in the efforts to introduce its products into new markets, such as the agreement which binds Tata dealers to deal only in Tata products."

I am told that these merchants go to very small places where there are local small industries, and they practically destroy them by under-selling the Tata articles in those localities. This probably is done against the intention of the Tata Company. All these troubles will be avoided if the Tatas change their selling policy and adopt the policy which every manufacturer adopts. Any merchant in Upper India can purchase from the biggest manufacturers in England or Europe or America direct, but

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he cannot purchase directly from Tatas unless he gives a commission which may be anything up to five per cent. to a middleman. Why should there be this additional taxation on the consumer on account of the want of managing capacity in the sale department attached to this particular firm?

I say clearly that I and others on this side are not opposed to protection being given to Tatas. We consider it a national industry, and I think it is the duty of every one, interested in the well being of India, to support the development of the industry; but what we should like is that we should clearly know what we are doing. We should not act like Yacoub Al Kandi, who got a solution without knowing what he was doing. Yacoub Al Kandi, a great mathematician, wanted to find out the value of one degree: he calculated the value of $15/16$, because one degree cannot be obtained without the trisection of an angle which he could not do: and he then added $1/15$, in order to get the value of one degree: and Alberuni said that although his results be right to two places of decimals, yet he did not know what he was doing. So, even if all the recommendations made in this Bill are right, we will not know what we are doing unless we know what the financial effects of these proposals are. We will be acting without knowing what the effects of these proposals will be on the purse of the Finance Member or on my own individual purse as representing the consumer.

Another point is that while we are not against giving protection, we have every right to demand through the Government that the balance sheet of the Company should be laid year after year before us, so that we may know what profits exactly the Company is making.

Before I sit down, I would like to refer to what Mr. Vidya Sagar Pandya said: he spoke about the memorandum *re* Muhammadan representation. I also saw the memorandum and the summary. I quite agree with him, and there can be no difference of opinion that the first thing we should look to is the efficiency of this institution. Communal considerations and the like should not find a place compared with efficiency. But what I actually find is that in all posts, where technical knowledge is required, the Muhammadans have comparatively not much to complain about: their complaint lies in the posts where technical knowledge is not required, and I can show the facts and figures to Mr. Pandya. I do not know what his object was in mentioning this matter, whether he meant that the Muslims were going to strike a bargain about these posts with the Tatas: I can assure him that there is nothing of the kind, and I can produce Mr. Pandya himself as my witness that, as far as we are concerned, nothing of this kind will happen. But what we want is that Muslims or other minorities should have fair opportunities along with others: and the opportunities should be of equivalent value. My friend, Bhai Parma Nand, is not here—I shall develop this point later on—but he always refers to the League of Nations, whenever the question of minorities comes up: I would also refer to the League of Nations, and I say we do not want anything except fair opportunities and opportunities of equivalent value. I shall not waste the time of the House now in explaining what I mean by opportunities of equivalent value, unless the question is taken up directly. We do not want any kind of inefficiency in Tatas: we want to have the best men there, but we want opportunities of equivalent value to be extended to minorities. With these words, I support the motion.

Dr. R. D. Dalal (Nominated : Non-Official) : Mr. President, coming as I do of a distinguished mercantile family in Gujarat, Western India, I have all my life taken a deep interest in commercial matters, in fact, my leanings are more towards commerce and finance. So I should be failing in my duty if I did not make a few general observations on this important Bill, which seeks to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel. At the outset, I would say that the Report of the Indian Tariff Board is a document of outstanding importance, setting out, as it does, the considered views of the Board on the present position of the iron and steel industry in India, and what makes it the more important is that it endeavours with manifest sincerity to discuss the whole question from a national point of view. But, Sir, I fear this measure will create considerable criticism and consternation throughout the length and breadth of India. I have made a careful study of the Tariff Board's Report, the representation of the Tata Iron and Steel Company, and also this Bill, and, to my mind, three important points stand out most prominently, namely a reduction in the level of import duties, the price of untested steel and tested steel, and the imposition of an excise duty on steel ingots. So far as I understand the amendments in the Schedule, I think there will be keen competition between Tata Steel and British steel, but I hope the Select Committee will go thoroughly into this point and will eventually set the matter right. Sir, during the last few years, several re-rolling mills have sprung up in various parts of the country. These mills are keenly competing with the Tata Company. They import their raw material; they cannot be considered as an Indian industry. So in my opinion the free entry of steel billets for re-rolling should not be allowed.

Then, Sir, there is another matter of considerable importance, and it is this. Untested steel cannot possibly sell at the same price in competition with tested steel. If the untested steel and tested steel are sold at the same price, the whole bazar trade throughout India in untested steel will be ruined. So, in my opinion, there must be a difference of twelve annas per one cwt. or at least Rs. 10 per ton between the selling price of untested steel and tested steel.

As regards the excise duty on steel ingots, I would point out that for some time it has been realised that the dwindling revenue from import duties would have to be off-set. Accordingly, this year excise duties were levied on sugar and matches, and at that time it was foreseen that these excise duties were merely the precursors of others....

Diwan Bahadur A. Ramaswami Mudaliar : No, no; never.

Dr. R. D. Dalal : Now, Sir, I shall refer very briefly to the Tata Works at Jamshedpur. The Tata Works are the largest and the best equipped single works for the production of iron and steel, and they own large deposits of iron ore and abundant supplies of coal. As regards their efficiency, management, and equipment of the plant, they are not in any way inferior to iron and steel plants in any other part of the British Empire. During the period 1911—1933, the Company's output was 2½ million tons of pig iron, and 4½ million tons of rolled steel. During the last three years this industry has made substantial progress, impeded though it has been by the effects of the unparalleled economic depression. Much credit is due to my lifelong friend, Mr. A. R. Dalal, I.C.S., who has

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worked his brain and legs off since his retirement from Government service ; and I am sure his extraordinary devotion, his complete mastery of the work, and his assiduous industry have brought about this satisfactory result. The Company manned by experts, both from within the industry and outside it, has made great progress in reducing the cost of production and has thus met the wishes of the consumers. The needs of the consumers are that they shall have the right material at the right price, and the company has done its utmost to supply the needs of the consumers.

During the Great War during the period 1914—1918, the Tata Works supplied to Government three hundred thousand tons of rolled steel. In fact, the Tata Works were the chief source of supply for the Mesopotamian, Egyptian, and Palestine campaigns. These supplies were made at a total price which was several crores less than what would have had to be paid by Government for steel from other countries, and the Government gratefully acknowledged the services rendered by the Tata Works.

Then, Sir, the coal industry is vitally interested in this industry of the manufacture of pig iron and steel. The Tata Works consume annually 1½ million tons of coal, whereas all cotton mills and jute mills of India, put together, consume only two million tons of coal. So, we are very much interested and naturally concerned in the growth of the iron and steel industry.

Sir, the contribution of the Tata Company to the well-being of India should not be measured only by the output of iron and steel. Where 25 years ago there was only a dense jungle infested by wild animals and sparsely inhabited by aborigines, there is now a fine industrial town of a hundred thousand inhabitants, who enjoy the advantages of well-built sanitary houses, wide roads, an abundant and pure water supply, drainage, conservancy, an up-to-date hospital with X-Ray apparatus, and five dispensaries. The Company has an efficient medical and public health service. The town of Jamshedpur is supplied with electricity for lighting purposes. The Company employs very many more work-people than any other industrial concern in the whole of India. The Company has adopted the 8-hour day for its work-people, and pays higher wages than any other industrial concern in the whole of this country. The Company has provided housing accommodation for its employees in accordance with a regular town planning scheme by limiting the incidence of population to 12 families per acre. At the end of March 1933 the number of houses available was 13,200. The Company maintains 40 schools, and provides education for the children of its employees. The Company has achieved a fine record of training Indians at its own Institute at Jamshedpur for filling even highly technical posts with the result that now very few covenanted non-Indians are employed.

Sir, I submit that an industry so vital to India must continue to be encouraged, inasmuch as the maintenance of a prosperous iron and steel industry, in the highest degree of efficiency, is essential to the economic progress of the country ; and having regard to the conspicuous services rendered by the Tata Works to the Government during the Great War, in time of need, I submit that every consideration, every sympathy, every justice should be shown to the Tata Iron and Steel Company. The Government should support this industry by every means at their disposal

and they should do all they possibly can to assist it and to promote its welfare. The share of the available Indian market for steel products supplied by the Tata Company is at present 72 per cent. ; so every endeavour should be made to make India self-supporting in the matter of iron and steel. For the life of me I do not understand why we should pay foreign markets millions of rupees for a manufactured article, which can be made by labour from material in the ground under our own feet. The people of India had great faith in Mr. Jamshedji Tata, the founder of the Tata Iron and Steel Company ; and it so came to pass that thousands of Indian widowed ladies invested their money in this industrial concern. I am sure the Government of India are not too bankrupt of solicitude for the good of these poor Indian widowed ladies that they will be indifferent and apathetic to their welfare.

Now, Sir, in conclusion, I earnestly request and pray the Honourable the Commerce Member and the Honourable the Finance Member to stand by this national industry, and to devise ways and means in the Select Committee, and to make substantial modifications and changes in the Bill, which will enable the existing industry to thrive and to prosper and which will induce new works to come into existence ; and I need hardly add that the sympathetic and favourable treatment of this important question will earn for them the gratitude and commendations of thousands of poor Indian widowed ladies, on whom this Bill, as it is in its present crude form, is likely to bring much suffering, misery, and even ruin.

Mr. B. Das : Sir, much of what fell from the Leader of the House about the sound management of the Tata Iron and Steel Works and about the high percentage of efficiency that they have evolved by the criticism of this House and by a certain amount of control exercised through the Government, I entirely endorse.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I also take this opportunity to congratulate you, Mr. Deputy President, on the fact that you have bridged the gulf between workers and employers and have identified yourself with capitalists. Today, the Deputy President, the representative of the workers on the floor of this House, spoke as an employer. If the gulf has been bridged, if the workers in India do appreciate the difficulties of the employers in India, in future there would be less strikes. The Deputy President had a gibe at me that I still insist that there should be reduction in the wages of the workers. I did not find any argument advanced by the Deputy President, whereby I could have been convinced that the time was not yet ripe when the salaries and wages of industrial workers, whether they are employed in cotton mills or steel works or even the railways, should not be reduced. The index prices have gone very low, and the commodity prices are so low that the cost of living has gone down, particularly of the working classes, who entirely live in the Indian conditions of living. And, if they are guided by the same spirit, the same patriotic spirit, as the Honourable the Deputy President exhibited this morning on the floor of this House, if the workers are anxious that industries must thrive and compete with foreign products, then they must be prepared to accept lower wages.

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I do not know where to begin the criticism of this Bill and where to end. I was surprised that even an astute industrialist like my Honourable friend, Mr. Vidya Sagar Pandya, was praising this Tariff Board's report which is not worth the paper on which it is written. My Honourable friend, Dr. Ziauddin Ahmad, quoted noble sentiments expressed by an ex-Commerce Member, Sir Charles Innes, who was instrumental in granting protection for the first time to the steel industry in 1924. Sir, Commerce Members come and Commerce Members go, but the die-hard policy of the British Government is so undermining the policy of the Government of India that they are nothing but mere handmaids of the British Government and have simply to carry out orders. Today it is not protection to the Indian steel industry; it is protection to the British steel industry. Do we find the spirit of Sir Charles Innes even in the appointment of the personnel of the Tariff Board? I am not concerned with the representative of the Civil Service on the Tariff Board. It is Government's look out. They must have a representative of their own order in that Board, but they have placed a representative of the Indian Legislature in the guise of a Nominated Member of the other House situated somewhere in the distant end of this hill. That Nominated Member has never been elected to any municipality, any council or any Legislature.

Diwan Bahadur A. Ramaswami Mudaliar : He is an elected member of the Madras Corporation.

Mr. B. Das : I stand corrected. I am glad to hear that. His behaviour and attitude has never justified the belief that he has ever been an elected member in his life. However, if Government go behind the spirit with which this Tariff Board was constituted at the outset in 1923, I do not know how far I can blame the Government for it. The whole policy has changed. My Honourable friend, Mr. Anklesaria, said that it was the Ottawa spirit which he wanted. He reciprocated this by a visit to Lancashire also and I believe my Honourable friend, Mr. Mody, also visited Lancashire. It is that Ottawa spirit which has demoralised the Treasury Benches and they cannot visualize what is good for India. Sir, what were the terms of reference to the Tariff Board? These gentlemen entirely misunderstood, and misunderstood the terms of reference to the Tariff Board. What were the terms of reference? Accidentally one sentence was mentioned: "The Board is requested to re-examine... the Indian Tariff (Ottawa Trade Agreement) Amended Act of 1932". This particular sub-sentence inspired the fossilized Tariff Board. I wish the Tariff Board is abolished for ever. If the so-called experts recommend this kind of protection, India seeks no protection. Indian industries do not need any protection. It is better that no protection is given for the steel industry and that the present revenue duty is maintained than to give a system of protection that humiliates the whole nation. What was the policy that guided the Tariff Board? I would refer Honourable Members to para. 107, page 62 of the report. They say:

"We have however decided to adopt the other method which is calculated to give the British manufacturer a definite advantage consistently with the interests of the Indian industry. Our object in doing so is to maintain as far as is now possible the principle of reciprocity underlying the Ottawa Agreement relating to galvanised sheets."

Sir, either these gentlemen do not understand English or they do not understand the Ottawa Agreement or they do not understand that part of the Agreement which affects the question of galvanised sheets. What was the recommendation of the Ottawa Agreement? Mr. Deputy President, the Honourable the President is not in the Chair. He was one of the participants at the Ottawa deliberations. Only this morning I was reading the *Indian Finance* in respect of Sir Padamji Ginwalla, another delegate, a former Director of the Tatas. I do not know if he is still a Director. Perhaps Mr. Mody will be able to say.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : He is not.

Mr. B. Das : Sir Padamji Ginwalla was also a participant at the Ottawa deliberations. These gentlemen were careful to see that protected industries were not touched by the Ottawa Agreement. They were completely kept out of it. I will read one or two lines with reference to the steel industry. It is on page 33 of the Ottawa report :

"To concede a preference by reducing these rates to a lower figure in favour of British steel would impair the protection intended by the Legislature to be afforded to the Indian industry and to raise the duties on foreign steel to a higher point than was required in India's own interest would have been a grave departure from the fundamental principle of the policy of Discriminating Protection."

Sir, the Honourable the Commerce Member has changed his attitude. The attitude of the Government today is not discriminating protection, but indiscriminate protection to British industries. The Tariff Board, having these facts before them, these so-called super-experts, misread this and they want reciprocity with the British Empire and they talk in a subsequent passage about reciprocal benefit to India. I know this House will not agree with me except a few noble friends. If I had my own way, I would oppose this measure tooth and nail. I will throw it out. I will throw a challenge to the Government to introduce this Bill next year in February or March and stand on their legs and make a speech supporting this revolutionary principle and ideal—supporting this idea of British preference which is so shamefacedly and so brazenly brought out by the Tariff Board report and in the body of this Bill. The Government dare not. If they are honest, let them give protection for one year to the Tata steel with a proviso that this Bill should be extended for another six years when the new Legislature comes in. This House is not representative.

We hear of the talk of free trade. Free trade is as dead as Queen Anne. My friend, Mr. Anklesaria, if he wants to follow his policy of free trade, ought to go to one of the islands in the Pacific Ocean, I believe it is called the Sandwich Islands. Does not my Honourable friend, Mr. Anklesaria, know that the Liberal Party in England, that big party which was controlling the British Government, crashed, because it used to advocate free trade? We will hear of free trade when the Honourable the Finance Member rises; I have not read "Who's Who", but I have seen it in the papers that my Honourable friend was Private Secretary to three or four Liberal Chancellors of the Exchequer and British Ministers. Whether my Honourable friend himself holds that view personally, that the world should be free thinkers or free traders or free booters, I do not know, but this Bill anyway is giving nothing but a free-booter's licence to Great Britain. (Laughter.) My friend, after taking the oath of allegiance to the Government of India, will have to adopt a policy of protection, a high tariff wall; but whether he supports the vicious principles

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embodied in this Bill, that is a different question—he is nothing but a part of the machinery. Sir, not only that, but what have these super-pedagogues of the Tariff Board done? Sir, they have gone out of their way and they have advised the Government of India, and they have advised the nation, because they were paid from the tax-payer's money—I believe this advice is not only to the Treasury Benches, but also to the representatives of the nation that sit on this side of the House and also to the world at large—Sir, they have advised that there should be no revenue duty. Sir, who asked them to pass those unwanted remarks? Sir, I am grateful to the Honourable the Commerce Member for placing in the Library some pieces of evidence, but only the pieces of evidence of the Tata Iron and Steel Company, both oral and written, are found—the other pieces of evidence, particularly those in which I was interested have not yet been placed in the Library table. If you ask me what pieces of evidence I am particularly interested in, I will say I am interested in the evidence of the National Federation of Iron and Steel Manufacturers of the United Kingdom, London, the Sheet-Makers Association of the United Kingdom, London, and the Welsh Sheet-Manufacturers' Association, London. I hope the Honourable the Commerce Member, when he receives these from Calcutta, will place them in the Library or on the Select Committee table, so that Members may take advantage of knowing all about the written and oral evidence of these sections of the British thought. Sir, I had no time—this was placed only this morning in the Library, but I was just glancing them through, and I said to myself: “Who was that super-genius of the Tariff Board experts who conceived the idea that the task had been imposed upon them, so that they could make a recommendation that there should be no revenue duty”? I find it is the President.

An Honourable Member: Who was the President?

Mr. B. Das: The President was Dr. Mathai who is supposed to be a great economist. He was questioning one Mr. Mather, thus:

“President: What I am trying to do is to arrive at some kind of principle with regard to the Government policy in the matter of the purchase of rails on which we could base our proposals.”

and then he goes on and discusses the question whether there should be no revenue duty; but, Sir, that leads me to ask a question of the Honourable the Commerce Member. Besides the terms of reference, did the Government of India at any time ask the Tariff Board to make an inquiry about the principle of taxation—whether there should or should not be any revenue duty or whether the revenue duty can be reduced. Sir, I pause for a reply.

The Honourable Sir Joseph Bhoré: Not that I know of.

Mr. B. Das: I am very glad to hear that. But here these theorists—we know what they are—take upon themselves a self-assumed responsibility and the President assumes to himself the responsibility of thinking that the Government of India have asked him that he should inquire whether there should be a revenue duty or not; and we find the recommendations; of course it is all based on false calculations.

Now, my Honourable friend, the Commerce Member, asks us to look into Tables 24 and 25; but although in Table 24 the Tariff Board reaches the conclusion that certain items should not have any duty at all, because

the Tatas' steel gets its proper price without any protective duty, at the end of the book in the table of tariff that is given, they make no mention that the revenue duty should be taken off, because it was beyond their power, and if this Tariff Board recommended this, I say they went beyond their jurisdiction. If, of course, the Honourable the Finance Member appoints at any future date a Committee or a Commission to consider what should be the proper tariff policy, the proper fiscal policy for India, and if such a Committee recommends that such and such a revenue duty should be removed, this House will give due consideration to it. Then, I shall also respectfully go through that Committee's Report and see whether I could accept those recommendations or whether I should suggest any alterations,—but for these experts, the so-called experts who were asked to modify the scheme of protection, to come and suggest methods of reduction of revenue duty is absurd.

And, Sir, this Government stands pilloried, they cannot reduce any revenue duty without fulfilling the pledge which Sir George Schuster gave on the floor of this House in September or October, 1931. When the surcharges of 25 per cent. were levied, as my Honourable friend, Dr. Ziauddin, has already referred to the fact that the protected industries got a benefit thereby of 25 per cent. surcharge, but that is another issue. We were given an assurance that if at any time there should be any reduction of revenue duty, it should be first in the direction of taking off the surcharges and abolishing the low level of income-tax—that is, the limit from Rs. 1,000 to Rs. 1,999 should be taken off first, and also simultaneously the restoration of the salary cuts. Already my friends in the services have received the restoration of five per cent. of their salaries. An assurance was also given that the salary cuts should be restored and the low level of income-tax should be raised to Rs. 2,000. That Finance Member is not present here. But today or tomorrow, when the present Finance Member will rise, he will, I suppose, justify his position whether the pledges or assurances of his predecessors have any moral value before the Government of India and before the country, because the Finance Member holds a very peculiar position in India and in fact in every country in the world. His words on financial questions are taken as gospel truth, and, if he likes, one word of his will completely upset the money-markets—whether it is the Stock Exchange of Calcutta or Bombay. Sir George Schuster, who was nicknamed “Surcharge” Schuster, because of introducing those 25 per cent. surcharges in 1931, gave us those assurances, and if he gave those assurances, let the Government cogitate over them, let them read over the speeches of Sir George Schuster. Sir, how is it that in the disguise of a protective Bill, the Government have introduced a system of fiscal tariff policy by which they are reducing the revenue duties? Sir, Government had no right to reduce revenue duties in the autumn Session. This Bill incorporates the principle and the policy of taxation which my Honourable friend, the Leader of the House, recognises and he asked his colleague, the Finance Member, to explain the present policy of levying an excise duty of Rs. 4 a ton on the steel ingot as has been incorporated in the Bill. I say, it is against the financial and fiscal policy and against the budgetary system of any Government to introduce, under the guise of a protected measure to an industry, new principles of taxation. New principles of taxation require discussion and the consideration of the whole nation. The principle is so disguised that even the country at large have not found time to express its opinion. My Honourable friend,

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Mr. Vidya Sagar Pandya, has already quoted the considered opinion of the Secretary of the Shareholders Association, Bombay. I wholeheartedly endorse their financial recommendations, and I believe these endorse the views of every nationalist all over India, and I do hope they do not upset in any way my Honourable friend, Mr. Mody, however he may disagree with the oft-expressed views of the Secretary of the Shareholders Association, Bombay. So, I think the Government are taking advantage today. They are depriving the country of the right of criticism and are introducing principles of taxation which they have no business to introduce.

They have also no business to introduce that vicious taxation called the excise duty. It is true that I supported the former Finance Member's taxation policy last Budget Session by agreeing to the excise duty on matches and sugar. Not that I was enamoured of it, but I knew that the Government of India were in such a bankrupt position that they could not carry on unless they stole a march on the new Federal Constitution and on the resources that were meant for the new Provincial Governments. I had to support it reluctantly, and I also know that I have earned a bad name amongst my colleagues in the Indian mercantile community because of that support. But I gave that support, because I felt the Government of India were bankrupt. If the Government of India have not received as much money as they expected, then it is for the Finance Member to bring out a new Bill next Session on the 28th or the 29th of February, whatever it may be next year. Before that, they have no right to smuggle an excise duty by means of this Bill. And what does this mean? The Tariff Board, like my Honourable friend, Mr. Anklesaria, have inculcated a new spirit of reciprocity. They wanted that certain items of steel will have no revenue duty. The Government of India have magnified that issue and they have levied this excise duty, so that the Indian steel will have always a certain handicap. It will not be able to compete with British steel. Sir, that pregnant passage, which I quoted from the Ottawa Report, says that the consumers will not be handicapped. My friend, the representative of the free trader, Mr. Anklesaria, talked a little on behalf of the consumers and he wholeheartedly blessed the vicious principle of this Bill which reduces the duty on British steel to nil or to a few rupees and levies a heavy duty of Rs. 39 and more in the case of certain items of continental steel. I am not going to discuss here the question of tested and untested steel, but it is well-known that the continental steel was untested and it was coming at a low price. The consumers and the masses, who are not as bureaucrat as my friend, Mr. Mody, is, did not mind to buy this untested steel, because they could purchase it at a low price. So, the consumer is affected, because he cannot get the steel at a low price. Again, I test the knowledge of the super-experts of the Tariff Board. They have evaluated the tested and the untested steel at the same price, so that they may put a further handicap on the Indian steel industry, with the result that the Tata Iron and Steel Company will be able to sell only tested steel and shall have to compete with the British tested steel.

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

Sir, the Honourable the Leader of the House very aptly compared the principle of the present Bill, which he has introduced, with the principle of the Indian Cotton Textile Act passed last Session. Sir, I need not

repeat the history of the Cotton Textile Bill. I believe it was the Deputy President who referred to the Mody-Lees Pact. I did point out last Session that if Mr. Mody gave an extra five per cent. at some future date to the British textile manufacturers, it was the leaders of the mercantile community of India who acquiesced to the Indo-Japanese Agreement and gave 25 per cent. preference to England. So, in one way, the Honourable the Leader of the House was right that this Bill is similar to the Indian Cotton Textile Bill which gave 25 per cent. preference to the British textiles, and, in certain cases, even a preference of 30 per cent.

Now, Sir, there is one point to which I would like to refer. Even the Ottawa Agreement gave only 10 per cent. preference to British goods. There were certain iron and steel articles which were assessed to 20 per cent. if they were continental, and 10 per cent. if they were British. Now, what was the occasion for the Tariff Board or the Government to include all those items as protected articles? Did the Tatas ask for it? I do not think the Tatas asked for it. I have gone through their memoranda, and I do not find any such thing. When Government have brought out a measure to modify a system of protection, they have no business to include new items. I find from item 2 (35) of the Tariff Act of 1890, as modified on the 15th of May, 1933....

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam : Non-Muhammadan Rural) : Modified or Mody-fied?

Mr. B. Das : As my Honourable friend, Mr. Mody, is everywhere, so I will say "Mody-fied" it.

I find that some of the articles of the British steel industry have been put on the protected tariff, and the continental steel will have to bear a heavy duty of Rs. 39 or Rs. 43. This is simply absurd. Not only is this absurdity perpetrated by the Tariff Board, but also by this Government. If this Government feel that the Tata Steel works deserve adequate protection, let them continue the same protection as it is today. But this is not their policy. Their policy is to give enlarged protection to the British steel industry. As I stated elsewhere, this Bill and the Tariff Board have out-Ottawaed the Ottawa Agreement. At the time of the Ottawa discussions, I heard the talks of those who have been to Ottawa.

The British steel industry never put forward such an absurd proposition and even Mr. Baldwin, who was a signatory to this Pact, could not propound such a proposal, however greedy the mercantile community of England might be. Today the Tariff Board, consisting of two Indians, belonging to my own race, have gone out of their way, and they have introduced the system of differentiation in Tariff by which a high tariff wall has been put against continental goods and a very low rate is put on British goods. Who asked the Tariff Board experts to follow the spirit of reciprocity and thereby evolve a scheme by which British steel should come into India at favourable rates? They themselves recognise that, and this is evident from what I have already quoted. If that be so, then this Tariff Board report is not an expert report, and we cannot place any reliance on this report. It is anti-national and revolutionary in spirit.

My Honourable friend, the Commerce Member, said that he was very anxious that subsidiary industries should find certain relief from the steel industry, and then he paid a high compliment to the late Jamshedji Tata. I also reciprocate the compliment that he conveyed to the spirit of Jamshedji Tata, and I take the opportunity to say that had the successors

[Mr. B. Das.] of Jamshedji Tata followed the spirit of Jamshedji, then they would not have come with a beggar's bowl to Simla and Delhi for protection. They would not have been instrumental in 1927 for the introduction of the principle of Imperial Preference in the fiscal policy of India, and that too, for the first time in the history of India. We then swallowed that bitter pill for the descendants of Jamshedji Tata. Although I join wholeheartedly in the high compliment that is paid to the spirit of Jamshedji Tata today, I am not going even for the sake of the spirit of Jamshedji Tata to swallow this bitter pill that has been incorporated in spite of the persuasion of Mr. Mody which will come tomorrow, and we will see how Mr. Mody supports this vicious principle of Imperial Preference, preference to British steel. Surely the soul of Jamshedji Tata will writhe in anguish in heaven that his descendants have fallen to such low depths. (Laughter.)

Sir, I was talking of subsidiary industries. My Honourable friend, the Leader of the House, appealed to the generosity of feeling of the management of Tatas that they will give steel at a fair selling price to these nascent industries and other subsidiary industries. I have often laid my charge against the Tatas on this issue specially for their selling pig iron to England and Japan at a low price and selling pig iron at a high price in India whereby, six or eight years ago, the Indian Applied Engineering industries were ruined. Today I do not like that the Leader of the House should indulge in such platitudes. If that is the intention of the Government, if that forms part of the recommendations of the Tariff Board, and I know in one of the passages they say that the representative of the Tatas assured them that they will do their very best to sell to subsidiary industries at a reasonable price, I say let it be incorporated in the body of the Bill. This is not a taxation measure that we cannot introduce beneficent clauses in this measure. Steel and pig iron form the raw material of various other industries, and we are here not protecting one particular industrial firm, but we have to protect all the allied industries, and I do hope that in the Select Committee the Government will see their way to accept such a proposal.

I do not find the Honourable the Finance Member present in the House just now. I have made a certain amount of criticism about the vicious principle of introducing in this protective measure principles of taxation in the shape of reduction of revenue duty and of levying excise duty. I do advise the Honourable the Finance Member to discuss with his colleagues and to withdraw this Bill. Let the Government bring forward a pure protective Bill. Let them forget that they have to protect the British steel industry, let them only remember that they are here to protect an Indian industry. If they do not want to modify the Bill, then, for any representative of the Treasury Benches to talk of granting protection to Indian industry, is mere sop. The whole country has understood the game. We are too weak-kneed here, and we cannot register our protest and we cannot make the real view of the nation prevail here in this House. As I said a few minutes ago, in spite of the handicap, I have thrown out a challenge. Let the Government withdraw the whole Bill and bring forward the measure next March, and they will see the result. Sir, I am not a shareholder in the Tatas. Others are here who are shareholders or Directors. I am an Indian, and I am a well-wisher of that huge Indian industry. I want to give honourable protection to the Tatas, and, as I said before, if this scheme of protection comes out, as it is, from the Select

Committee, I will oppose it tooth and nail. We do not want any protection to an industry, however much it needs it, by humiliating that industry and those who control that industry and thereby humiliating the whole nation. (Applause.)

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, before I proceed to submit for the consideration of the House certain observations in connection with this Bill, I state that I entirely agree with what the Honourable the Deputy President said regarding the services rendered by Jamshedji Tata to the country. I do endorse the statement that he was a great benefactor to the country, and I do endorse that he did a good many things, in order to show us the way how to stand on our own legs and how to keep our self-respect in the matter of trade improvement. Sir, as a matter of abstract proposition, I agree that a national key industry should be protected, even that I agree to. But having agreed to all these things, it is quite a different thing to agree to a scheme of protection which takes the money from some other person and professes generosity in the name of what they call a national and a key industry. But, Sir, before I go to that, there is one other point, the usual hardy annual that I always bring forward in this House and which my Honourable friend, Mr. Vidya Sagar Pandya, also alluded to, and that is that we have been supplied with these papers only a few days ago. Of course I was not here, but those of the Members who are here got the papers about the 14th or 15th of this month, and today we are supposed to be so much conversant with all the details that we should be able to criticise the most elaborate speech of my Honourable friend, the Leader of the House, who has been enabled to make that speech aided by his Secretary and all the official notes *et hoc genus omni*, and I think it is rather hard lines that we should be treated in this manner.

Another matter that I should like to bring forward is that the papers to which the Tariff Board had access must be placed before this House, so that we may be in a position to see whether their conclusions are justified by the premises that they had at their disposal. I quite agree that the report itself will not give sufficient materials to us in order to come to a conclusion. As the Privy Council said in a famous case from Bengal, where a judge makes up his mind, he, of course, lays stress upon points that go to support his view, but it does not follow therefrom that he has not considered the opposite view. That may be all right where you have got access to a superior Court which has got a chance of reviewing the evidence upon which one Court came to one conclusion. But here the Tariff Board makes a report, and, my Honourable friend, the Commerce Member, says that in these matters we have got to be guided by the Tariff Board's report. I quite admit that. The Tariff Board was appointed on the ground that they are experts. I suppose the Members are paid handsomely, and they take a great deal of trouble over their deliberations. I have no objection to admit that they have taken a great deal of trouble in collecting materials. Only I do not know what opposing materials they had before them. I do not say we will disagree with them but my complaint is that we have not got the whole of the materials. And as I assert that it is the privilege of this House to judge whether the Tariff Board is correct or not, I submit that it is a somewhat tall order from the Commerce Member to tell us that in all these matters we must accept the verdict of the experts. Sir, today I have not got that book with me called "The

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New Despotism", written by the present Lord Chief Justice of England, in which he states that where an expert is installed in a certain place he does not believe that anybody else has any right to say as to what conclusion he will come to ; and he says that after all an expert knows everything. That is the position of the experts and although we have got the highest regard for the experts I must say that as laymen we can come to a better judgment than experts who are obsessed with their own ideas. I, therefore, say that in order to enable us to come to a conclusion as to the correctness or otherwise of the report or the decision of the Tariff Board we ought to have been supplied with materials which we have not been. Such of the materials as were supplied were not supplied to us in time. Considering the fact that we are not assisted by a secretariat, considering the fact that we do not profess to be experts, I say that Government have not been dealing with us fairly.

While I admit that the Tariff Board did devote a lot of trouble and took advantage of the extra time granted to them by the Act, for the temporary extension of the protection till October next, I submit, Sir, that they have entirely failed in their duty because they have started this inquiry upon an untenable basis and upon a ground which, I beg to submit, so far as this House is concerned, will not be admitted at all as correct. They say at page 20 of the report, paragraph 33 :

"We have examined in some detail the effects of protection on the industry. It remains to consider whether any estimate is possible of the cost of protection to the country. It is desirable at the outset to draw a distinction—

—and that is the point upon which I make my complaint—

"between the cost of protection and its burden on the country. The Tariff Board is assisting in the administration of a settled policy, which was determined by the Legislature on consideration of general benefits to be ultimately purchased at a certain cost. It is not for us to compute the sum of these general benefits which are to be set against the cost, and to attempt to draw up as it were a balance sheet of the assets and liabilities of the scheme."

I say, Sir, that they have entirely misconceived their duty. I admit that the Legislature, so long ago as seven years back, did accept the principle of protection for the Tata Company. It is perfectly true that these gentlemen were asked to say whether that protection should continue or should be modified or should be completely annulled. But at the same time there is a very important thing and as regards that also I have my complaint against the Honourable the Commerce Member. The whole scheme of protection, everything that you want to give to these gentlemen, depends upon your resources. What the Legislature has decided is that you must give protection. But supposing there is no money out of which to give protection, what is the point in flourishing before us the decision of the Legislature? The Legislature did not say that you must give protection at any cost, even if you become bankrupt by giving it. That was certainly not the decision of the Legislature. The Legislature took up the question of protection to a national and a key industry and they came to the conclusion that that industry ought to be protected. But, Sir, the question of the cost to the country also comes in ; whether that cost can be afforded by the country, is the most important question and, unless you can come

definitely to the conclusion that there are resources out of which you can give this protection to this company, what is the use of your inquiry? Of course, two *plus* two makes four ; we do not want you to make that calculation. Consequently I submit that they have proceeded upon an entirely wrong basis and have shirked,—I do not say wilfully but out of an error of judgment,—the most important portion of the inquiry by enunciating for themselves a proposition which, so far as this report is concerned, goes against the real position which the Tariff Board had to reckon with. Therefore, Sir, I submit that this matter should be made clear as to what benefit the country has reaped and what the burden on the country has been in consequence of this protection, what is the benefit of the whole thing. It will not do to simply say that, as these gentlemen have had protection for seven years, it will be a pity after having spent so much to leave them in the lurch. But at the same time you must say what is it that we have benefited by. The Commerce Member asked, have they or have they not taken advantage of the protection and have they not improved their situation? He expressed his satisfaction that they have improved their situation. Sir, in the olden days when we were at school, those of us who were fortunate enough to win prizes used to get a chit attached to the book that was given to us as a present where it was stated, "As reward of merit and an incentive to further improvement". Is that the principle upon which this protection is being granted? I respectfully submit that that is an entirely wrong principle. It has been admitted and stated over and over again that expenses, which are perfectly reasonable and probably a necessary item, would be absolutely undesirable if resources are not at your disposal. Now, what is the position? They put up a scheme of protection where they find that there will be a huge deficit : and how are you going to make up this deficit? By putting on an excise duty. I ask : "Why do you put forward a scheme when you have no money and why do you try and knock it out of somebody else, the consumer, who is the milch cattle in India?" I say the Government has absolutely no money in order to give this protection. I say it on their own statement. Time after time we have approached the Government all over the country for some grant, for some improvement in the condition of the wretched agricultural community of India. We were always told that there is no money : we are told : "All your complaints are perfectly right : we entirely admit the justice of your complaint ; but where is the money?" Now, what is the cost to the country on account of this protection? If the Tariff Board had told me exactly what the country has to pay for the protection of this steel industry, then I should be in a better position to lay my complaint against the Government of India and say : "I came to you time after time for money in order to improve the condition of the agricultural classes, in order to remove their rural indebtedness, in order to remove so many of their other troubles from which they are suffering. I have been told that you had no money. Will you kindly tell me where you get this money from? Why do you want to put your hands deep in our pockets in order to help this industry?" Theoretically, as an abstract proposition, it is a very good thing, just as so many other things are good, and yet you are not able to meet them in consequence of want of resources. I submit, therefore, that when the Government has no money for anything else, when, in order to get this scheme of protection through, they have to put their hands in the pockets of other persons like myself, that is to say, the consumer, it

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ought not to do this. What did the Tariff Board say in paragraph 120 ? They say :

"In all cases where you give protection or in all cases where you impose an excise duty the consumer must suffer."

Thanks. But what about all of you gentlemen who resent even this five per cent. cut in your salaries ? But of course it is the consumer here ; what does it matter ? He has got to pay for an eventual benefit : and what this benefit is going to be I do not know : you do not know : nobody else knows. Seven years ago they made a calculation and they thought at the end of seven years this protection will cease. We have seen the end of seven years and we have passed an extra six months and what is the result ? The Tariff Board says : "Give them another chance for seven years." Does anybody know that at the end of seven years this protection is going to cease ? I do not know. He would be a bold man who can prophesy that they will not claim protection again. Upon what ? Upon the most extraordinary ground that because there was a strike among the workers of that institution, it cost them 2 crores. Ergo, the people of India must pay. What is there to prevent these gentlemen coming again after the end of seven years asking for protection again ? What is the standard which you have laid down to be reached before you withdraw this protection and say to them : "Look here, we have given you sufficient protection : we set this standard before you as the goal which you have got to reach ; and as you have just reached or not reached it, we will not give you any more protection." What is the goal at which we are driving ? Absolutely none. Nobody knows. It is perfectly true that they have done a great deal since the time protection was first given in 1926, and I have absolutely no doubt that if this protection is granted for another seven years there will be a better report regarding what they did. But how long is this to go on and how long am I to suffer under this agony ? The Government of India must be consistent. If they have money to throw away like this, then they have no business to say that they have no resources for other matters ; and without knowing where you are going, without knowing to what extent you will be mulcted in money from the pocket of the poor Indian public, I submit it is not fair, it is not just, it is extremely undesirable, that the Government should take money from the poorest population in the world, simply because they, (the Board), want this protection to continue. These gentlemen of the Tariff Board say the cost of protection is shared by all or any of the following four parties—the foreign manufacturer, the Indian merchant, the consumers in India and the taxpayers in India. These last two items I am concerned with—consumers in India and taxpayers in India. After writing a whole page of, if I may respectfully say so, platitudes which are entirely irrelevant, they come to the conclusion that you cannot exactly say what the cost to the country was or what the burden imposed on the country was. But they give some sort of figure here. "We might, therefore, put down the gross cost of protection to the country,—(it almost takes my breath away),—at Rs. 1,428 lakhs." That means, I suppose, 14½ crores. I should be very glad if I was given three crores to improve the agricultural community. I do not claim all the 14½ crores : I do not want even 10 crores—I want only three crores to be allotted, for instance, to the Madras Government and then we should have had a remission in land revenue to the extent

of 25 per cent. that the Council, the country and everybody who had suffered from this agricultural depression, wanted ; and yet Government will not give it. They say that 14½ crores is the gross cost : and what is the net ? They lay down certain propositions and come to the conclusion that they cannot say what exactly the net cost is. I do not know where I am. I launch upon a scheme of protection which has so far landed me in Rs. 14½ crores gross : I do not know where it is going to lead me to. There is no money. You put your hands deep into the pockets of the poor consumer and put down an excise duty and make up the money : for what ? To protect a national industry of course. If you have the money I shall have no objection : I shall be the first to say, there is the money, you may go and take it. We have been told, and the Honourable the Deputy President was very eloquent over the way in which these gentlemen looked after their labourers and all that sort of thing. I will first take the war. During the war it seems they did forego a portion of their profit, and the benefit to the exchequer was two crores or something like that. Will the Honourable the Deputy President and the other Honourable Members calculate the cost in men and money contributed by the agricultural population of India for the resources of the war ? How many members of the agricultural community were recruited for the war and how many laid down their lives in the service of their country ? What did the Tatas do then ? What did the Jamshedpur people do ? They say : "We abandoned two crores of our profits." But may I know whose money it was ? It is my money. Why do I say that it is my money ? Because I gave the protection to these people, and these gentlemen claim that they have foregone these two crores, but they do not take into account the contribution that the entire agricultural community made for the war in men and money and in so many other ways to enable the war to be conducted in a successful manner, and it would take me many hours to recapitulate all those things before the House. That is so far as the war is concerned. And as for the welfare of their population, it is a very good thing that they have improved the amenities of life for their workmen and so forth. I have not had the honour of receiving one of those books that my friend, Mr. Pandya, referred to, but I know from whose money all those improvements that are referred to in that book are made. They have attended to the welfare of their labouring population partly because of self-interest, because if you don't give them the necessary conveniences they will run away and the work of the factory will be stopped,—and partly out of the money that I put into the pockets of Tatas in order to enable to do certain things. Sir, therefore I say it is not fair, it is not just that those of us who have to consume their materials should be called upon to pay higher prices for those materials. Consequently, though I agree in theory with the question of protection I do not agree to grant protection in this particular case simply because that the Tariff Board has stated that Tatas are entitled to protection. I say no protection of any kind should be given to these people. Of course, I am fighting a losing cause, I know, because I know that Government has brought forward this Bill, and throughout the history of this Legislature no measure which has been brought forward by Government has been defeated in this House. Sir, in the absence of the necessary material before the House, I say that no protection should be granted simply because the Tariff Board have recommended it. It is not

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just, it is not fair to the country to saddle us with this liability. And, talking of this welfare business, it reminds me of the old proverb "*Halwai ka dukan men dada jan ka fatiha*". But I ask whose money is it with which you grant these people protection? Therefore, on principle this protection which these gentlemen of the Tariff Board have recommended, and which the Government of India have agreed to pay, should not be given, especially because the Government have not been treating fairly the agricultural population of this country which forms the largest proportion, which contributes the greatest amount of revenue, and which is really the pillar and strength of the Government and upon which Government stands. I admit I am not sufficiently conversant with the figures and details to say whether 3.8 or 8.9 per cent. should or should not be given.

Then, Sir, the only last thing which I would like to refer to is the paragraph in the Tariff Board Report relating to the manner in which the Tata Company, the parent Company as it is called, treats the poor children, I mean the subsidiary industries. Those children are still minors. It must be remembered that the Tata Company were given protection not for themselves; they were given protection upon the distinct understanding, that they were going to encourage the other industries, the bye-product industries and such other things. Did they do it? I am glad the Honourable the Commerce Member has stated strongly his opinion regarding the methods adopted by the company in dealing with these subsidiary industries. When the extension of the old Act was first brought before the House, I remember to have quoted a conversation that took place between the President of the Tariff Board and the representatives of the Tatas where they went from point to point in order to justify their position, and the President of the Tariff Board said it was an extremely unjustifiable position. Therefore, as I have already said, this protection that is now asked should not be given. I say there is absolutely no point in this Bill going to the Select Committee unless the members of the Select Committee can devise some means by which the Tatas and the consumers will be satisfied, in which case I should be the first to stand up before this House to congratulate the members of the Select Committee and apologise to them for opposing the scheme. But remember you want to put your hand into the treasury which you have filled by the sweat of the peasantry, and from that you want to give this money, and therefore I object, and object very strongly to the proposal.

Mr. B. Sitaramaraju : Sir, I rise to congratulate not my friend, the Commerce Member, although the three parts of his speech which he delivered this morning could very well have been delivered by any one of us on this side of the House. He put himself four questions, and, in answer to the first 3 of his 4 questions, he spoke in a way which we expected the first Indian Commerce Member to speak. Sir, we are glad that, so far as that portion of his speech was concerned, it was in accordance with our own views on the subject, but on the fourth part of his speech, which I consider by far the most important part, I am afraid, I cannot congratulate him. But, in rising now, it is my intention first to congratulate my friend who was sitting next to me,—unfortunately I do not find him now in his seat,—I hope Honourable Members in this House

will convey my congratulations to him,—(At this stage, Mr. Mody who was away from his seat, entered the Chamber amidst applause of the Nationalist Benches),—my friend, Mr. Mody, had all along been an enthusiastic advocate of Imperial Preference. He is now given a good dose of it, and, I daresay, he is given a deal more than even he would be able to swallow. He cursed us that day, but today those curses have come home to roost. Needless of our protests and unmindful of our warnings, he thought it good fun to ride a Lion, and that the British Lion :

"Master Mody of Jamshedpore
Smiled as on a Lion he rode
They returned from the ride
With Master Mody inside
And the smile on the face of the Lion."

Ever since my Honourable friend entered this House in 1930, the House, by a majority, had been committing itself to the policy of preferential tariffs. Therefore, no useful purpose will be served in raising a controversy on that question beyond the fact of recording, on the principle, "Let us agree to differ".

The Government of India, in introducing this measure, stated in their Statement of Objects and Reasons that the Bill seeks to give effect to the protective measures recommended by the Tariff Board. Before I deal with those recommendations and the way in which the Government propose to give effect to them, let me at the outset observe that, if the Government were to believe that the very name of the Tariff Board would impress us, they are very much mistaken. We have been losing our faith in the Tariff Board, of late, not because we do not want a Tariff Board, but because we could not have it composed of men who can command the confidence of the country. The reports of the Tariff Board, and in particular, the one now under discussion, has convinced us more than ever that if this Board is to render useful service, it should be composed of a Chairman of the status of a High Court Judge and two members selected on the principles adopted by the American and Australian Governments. I am not making this observation without cause, but I do not want to cast any reflection on the motives of the personnel of the present Tariff Board. On the last occasion, when we were discussing the reports of two Tariff Boards simultaneously, I came across two sets of important recommendations on one and the same subject, but diametrically opposite to each other. Then I drew the attention of this House to that and some other matters and promised myself that I would come before you and suggest even the abolition of the Board itself. If it cannot be mended, it must be ended. While I do not question the abilities of Dr. Mathai and his expert knowledge of economic problems, it is surprising, to say the least about it, that a person who wrote the cotton textile report is the same person who wrote this report and who today advocates preferential duties, and even no duties, in favour of Great Britain in a manner which has not helped to create any confidence in his judgment. As for the other Indian Member, to use the language of Sir Hari Singh Gour, the less said about it the better. (Laughter.) If the Government desire that we should have confidence in the Tariff Board, the Government should adopt the recommendations of the Indian Members.

[Mr. B. Sitaramaraju.]

who were in a minority on the Fiscal Commission. The Indian Members of the Fiscal Commission observed in their minority report as follows :

"In our view, the Board should consist of three members and the Chairman should be a trained lawyer occupying the status of a High Court Judge. A Judge of a High Court has to adjudicate on important and complicated problems of litigation and his impartiality cannot be questioned.....

As regards the two other members we must examine the principles adopted by America and Australia in constituting their respective Boards. 'The members of the United States Tariff Commission appeared to be for the most part men of wide general attainments.' Members other than the Chairman 'appear to be for the most part men who have distinguished themselves in law or in politics'. We may quote from the Act creating a Tariff Commission in the United States of America, Section 700 :

'That a Commission is hereby created, and established to be known as the United States Tariff Commission (hereafter in the title referred to as the Commission) which shall be composed of six members who shall be appointed by the President, by and with the advice of the Senate.'

We think it is desirable to adopt the same principle for selecting the two other members. They should be elected by the non-official members of the Legislative Assembly, who represent wide electorates throughout the country and may well be relied upon to choose 'men of ability, of integrity and of impartiality'. The principle recommended by us is similar to the one adopted by the United States of America. The best way of making appointments 'by and with the advice' of the Legislature is to allow them to elect such members. We have recommended that the Chairman should be a trained lawyer. The two other members, if our recommendation is adopted, will be distinguished men who may be expected, while representing the interests of the consumers, to be capable of taking broad views in the larger interests of the country."

I draw particular attention to these recommendations of the Indian Members of the Fiscal Commission, men in whose judgment the country had great confidence and who had established their reputation for sound judgment. Unless the Tariff Board is so constituted as to give general satisfaction to the people of India and command for their decisions the general support of the country, their recommendations will not carry any more weight than the recommendations of any Department of the Government of India. Therefore, I propose to deal with these recommendations and the proposals made thereon with caution.

The steel industry of this country, to use the words of the *Indian Finance*, is a national industry. It is a key industry, it is an industry essential for defence purposes. It is an industry which utilises the indigenous raw materials to the fullest extent and caters to the home market in the largest degree. It is an industry which employs in a single unit the largest number of labourers, pays them adequately and provides them with various amenities. It is an industry which in less than a decade has brought down the number of foreign technical experts from 229 to about 60 and replaced every one of the retired non-Indian officials by Indians for whose training it has spent all the money and taken all the trouble. That is the industry. Are these recommendations of the Board or the proposals of the Government calculated to promote the prosperity of that industry? That is the question we should ask ourselves. A perusal of both has given me the uncomfortable feeling that the industry is to be deprived of such advantages as it may have a right to expect in order to facilitate the exploitation of the Indian market by the British industry. We do not stand in the way—let me assure you that we do not stand in the way—of

the prosperity of the British industry. But we do not want that prosperity to be built on the ruin of our industry or at the sacrifice of our economic interests. We are not enamoured of reciprocal arrangements between British manufacturers and ourselves. I am not yet in a position to speak generally on the Ottawa arrangements and their effects as the matter is still *sub judice*. But I can refer to the Ottawa arrangement with regard to this industry. The Tariff Board, in referring to it, have not disclosed some material facts which, if known, would put a totally different construction to the indications sought to be conveyed by the Board that it had worked well.

It was said that our industry was threatened on the eve of the Ottawa and the Steel Agreement, that if we did not enter into this agreement the Import Duties Act of the United Kingdom would be applied and our iron and steel would be very seriously affected, that the exports of Indian pig iron which were so necessary to India were already losing the Japanese market; that the United Kingdom market was growing in importance in recent years, and therefore, if free entry was not secured under this arrangement, dire consequences would follow. In return for this enormous gain, under that agreement we were asked to accord preference in the matter of galvanised sheet. But we said in our Minority Report that neither this Legislature nor the country would feel happy over this arrangement, and strongly disapproved of the arrangement of sending bars for the manufacture of sheets and the sharing of the profits system. Without going into further details, since the Commerce Member has said that we would continue to have the same benefits with regard to pig iron and that His Majesty's Government have favourably considered the proposal of the Government of India with regard to manganese, let me proceed to an examination of the figures. Let me examine the gain and losses account. The most important part of it is our pig iron exports. During the year 1932-33, we exported to the United Kingdom 75,000 tons and, in 1933-34, we exported 93,000 tons, whereas in 1932-33, when our exports to foreign countries was 138,000, in 1933-34, it was 280,000. On a percentage basis, during the period of preference, our exports decreased from 35 per cent. to 25 per cent. in the case of the United Kingdom, whereas our percentage rose from 63 per cent. to 74 per cent. in the case of foreign countries. In value, exports to the United Kingdom decreased from 26 lakhs to 21 lakhs, while they increased from 46 lakhs to 62 lakhs. Thus you will find that our foreign export trade prospered, and Japan, whose market we were said to be losing, actually remained our best customer. It was said that the United Kingdom market was growing. The total imports of pig iron into the United Kingdom during the years 1931, 1932 and 1933, have been 284, 135 and 93 in thousands of tons, respectively. These figures would show that the United Kingdom imports instead of increasing are diminishing; although the Indian share during the preference period rose from 61 to 86 per cent. This only shows the fact that the United Kingdom was able to increase her home production under protection of their duties and the time is coming when even the little market we have there is replaced by their home production. Before I turn to the other side of the picture, I would like to say that I have just been trying to get some figures with regard to manganese in a hurry. They are liable to correction. I find from the statis-

[Mr. B. Sitaramaraju.]

tical records that the exports of manganese from India are as follows : In 1931 and 1932 figures, United Kingdom 53,843, Germany 1,820, Netherlands 2,500, Belgium 35,400, France 80,221, Japan 6,129, United States of America 28,120, other countries 36,000. The total was 211,000 tons of which 53 is the share of the United Kingdom. That is about roughly one fourth. Then again take the next year's figures for 1932-33. These figures would show that in the case of the United Kingdom they were 55,377, in the case of Germany 1,311, in the case of the Netherlands 2,000, in the case of Belgium, 32,452, France 7,459, Japan 30,599 and other countries 1,900, total is about 197,730. These are for the years 1931-32 and 1932-33. With regard to the imports of England, I find from the statistical records of the United Kingdom, which are given for calendar years, that the imports in the year 1928, were 205,965, in the year 1929, 289,353, in 1930, 216,443 and in 1931, 78,265. In 1932, it was 78,578. Further there is one important circumstance which I find it very difficult to pick out and I hope some Honourable Member will be able to do so and that is with regard to the re-exports from the United Kingdom. Unless we are furnished with accurate figures of the exports of these materials from the United Kingdom, unless we are furnished with statistics as to the quantity sent under orders, it is not possible for us to come to any accurate conclusion in regard to the United Kingdom market figures. Now, I shall turn to the other side of the picture. From the review of main items of foreign trade for the year 1933, I find on page 20, that the United Kingdom increased from 52,000 tons to 54,000 tons in galvanised sheets and plates and that Belgium fell from 23,000 to 6,000 tons, while the absurd and crude arrangement of sending our bars, turning them into British sheets, Tatas paying the transit charges about which we commented, has now been found to be a wash out.

Now, it is said that as that scheme has fallen through, we need not bother about it. On the contrary, we find there is cause for apprehension. Although this crude arrangement of transfer arrangements have been abandoned, the study of British industrial interests was not lost sight of. Under the provisions of this Bill, the British industry is given the same advantage and preference over Belgium and other customers of ours, but without being obliged to take our bars and roll them into sheets. If Honourable Members will turn to the Bill, you will find a preference of Rs. 30 is provided for the United Kingdom in the matter of these galvanised sheets with an excise on us. So much for the antecedents of the reciprocal arrangements we had and the prospects of prejudicing our foreign customers and handicapping the indigenous ones.

Sir, there can be no reasonable reciprocal arrangement between the lion and the lamb and the only prospect for the lamb will have is the chance of being devoured at any time. Reciprocal arrangements are virtues between equals. Such arrangements between a master and a slave are called by another name.

like to know by whose permission and under what authority the Board was authorised to receive the representation from British industries. They say they received representation in response to the Board's Press Communiqué. Sir, the Press Communiqué was given in the Tariff Board Report itself. It is difficult to understand how a communiqué which specifically asked for representation from industries claiming protection, which must necessarily be Indian, could have been read as an invitation to the British industries to make a representation. The directions of the Government as published in this Report do not give scope for such a construction. There must be something behind it. What is it? Further, I would like to ask how the Board, which has evidently scrutinised the Indian industry without having the same opportunity and privilege, can come to the conclusion that they know all about it. Sir, will mere price quotations enable them to judge properly? Notwithstanding the denial of my Honourable friend, the Commerce Member, in answer to my friend, Mr. Bhuput Singh, and his assurance of the *bona fides* of the British industries, I feel that the real picture of the other side is not before us to judge them as our industry is being judged. If Honourable Members will turn to paragraph 165 at page 100 of the Tariff Board Report, they will find a reference to the export refund arrangements designed to assist the British as against us,—and it was admitted by the British Federation in this passage, along with a promise to behave better : Tariff Report, paragraph 165, runs as follows :

" 165. When the representatives of the National Federation of Iron and Steel Manufacturers, of which Messrs. Dorman, Long and Co., are members, appeared to give evidence before us, we took the opportunity of discussing this question with them so that if possible a satisfactory settlement by agreement might be arrived at. In response to this suggestion, Mr. Elliott on behalf of the National Federation has reported to us as follows :

" It is clear to the Federation that the British Steel Makers have, although without any such deliberate intention, contributed to the difficulties of the structural engineering industry in India through their export refund arrangements, designed for the assistance of the British Structural Engineers'....."

—and, then, further on, it says—

" the British industry undertakes not to grant refunds for fabricated steel work exported to India, beyond what is necessary to bridge the gap between the home price current at the time and the established export price for plain material for India."

Although this passage by itself does not take us much and gives much to go on with, it is enough to give us an indication of the unreality of the situation on the other side.

Mr. President (The Honourable Sir Shanmukham Chetty) : How long is the Honourable Member likely to take ?

Mr. B. Sitaramaraju : I will take some time more.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 1st August, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 1st August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

Mr. President (The Honourable Sir Shanmukham Chetty) : Questions relating to the Home Department that were left over day before yesterday may now be asked. Mr. Lalchand Navalrai. Question No. 244.

HOME DEPARTMENT RESOLUTION REGARDING COMMUNAL REPRESENTATION IN SERVICES.

244. ***Mr. Lalchand Navalrai** : (a) Has the attention of Government been drawn to the editorial comment published in the *Tribune*, dated the 9th July, 1934, in the editorial, on the Resolution recently issued by the Home Department of the Government of India in respect of communal representation in the services ?

(b) How do Government justify their action in issuing the Resolution ? Is it not a fact that the Joint Parliamentary Committee is seized of the subject and their report is not yet out ?

(c) Why have the Government of India issued at this stage such a Resolution ? Are Government aware that the majority community is not satisfied with the Communal Award ?

(d) Do Government recognize that efficiency is the only sound principle for recruitment and promotion in the services ? If so, why do they depart from this principle and not leave the recruitment question to be met with only by open public service competition, free from any communal tinge ?

(e) What minimum qualifications do Government propose to fix for admission into the public services, as indicated in the Resolution, for giving services in the proposed ratio on the communal basis ?

(f) Will the qualifications be uniform for both the majority and minority entrants ? If not, why not ?

The Honourable Sir Henry Craik : (a) Yes.

(b) and (c). As explained in the Resolution itself, a review of the results of the policy followed since 1925, in regard to recruitment, was made in accordance with undertakings given in the Assembly. The question is one of administration and the rules were issued by the Government of India with the approval of the Secretary of State as soon

as a decision was reached. With reference to the last part of question (c) Government have observed that some members of the majority community are not satisfied with the Communal Award.

(d) It has long been established policy to prevent the preponderance of any particular community in the public services. The adoption of the Honourable Member's suggestion would not be consistent with this policy. Nor can I accept the implication that efficiency must suffer if recruitment is not made by competitive examination alone. I would also mention that the recent orders apply only to direct recruitment and not to promotions, which will continue to be made on merits as at present.

(e) The same minimum qualification cannot be prescribed for all services. The minimum is fixed in view of the requirements of each case, but there is no intention of revising it so as to endanger efficiency in any case.

(f) The minimum qualifications prescribed for admission to the services will be the same for all the communities.

Mr. Lalchand Navalrai : May I ask the Honourable Member who will fix these minimum qualifications—the Public Service Commission or the Government?

The Honourable Sir Henry Craik : I imagine that they will be fixed by the Department which is recruiting in each case probably with the advice of the Public Service Commission.

Mr. Lalchand Navalrai : May I also know from the Honourable Member how is this reserved percentage for Muhammadans going to be divided amongst the Muhammadans of the different Provinces, *e.g.*, Bengal, Punjab, Madras, Bombay and others?

The Honourable Sir Henry Craik : I am answering a question later on today which deals with that point.

Mr. Lalchand Navalrai : May I know which is that question?

The Honourable Sir Henry Craik : It comes later on today.

Mr. Lalchand Navalrai : May I ask another question,—and if the Honourable Member is not prepared to give a reply now, he may give it hereafter. May I know if the same rule will apply in the case of the Hindus of the different Provinces for the residue services left for them to be divided amongst them?

The Honourable Sir Henry Craik : I did not quite follow the Honourable Member. But it has never been the policy of the Government, so far as I am aware, to lay down that each Province shall receive a certain percentage of appointments in the Central Services. The percentages have always been fixed by communities and not by Provinces.

Mr. Lalchand Navalrai : May I, therefore, know from the Honourable Member if he knows that now there is a competition amongst the Muhammadans also, because they too have got graduates, and will the Honourable Member say if there will be a division amongst the various Provinces according to the ratio of population, or will the Muhammadans of any Province be taken up?

The Honourable Sir Henry Craik : That point is dealt with in a question that is coming up later on today.

Maulvi Muhammad Shafee Daoodi : Are Government aware that instead of there being a division amongst the Mussalmans of India, they are united in expressing their dissatisfaction at the ratio of 25 per cent. that is proposed in the Resolution?

The Honourable Sir Henry Craik : I myself arrived in India too late to see the Press comments, but I understand that the comments in the Muslim papers were generally favourable.

Mr. Gaya Prasad Singh : Is it not very ungrateful on the part of Muhammadans not to be satisfied with this?

Mr. Lalchand Navalrai : May I know from the Honourable Member that, as this is a division of services, will it form part of the new Constitution or not? And, if it is so, was the Secretary of State or the Joint Parliamentary Committee consulted on this point, and if there is any correspondence, will it be laid on the table?

The Honourable Sir Henry Craik : As I stated in my reply to part (b) of the question, the rules were issued by the Government of India with the approval of the Secretary of State, and I think I noticed in the newspapers yesterday that the Secretary of State stated in the House of Commons that this matter had been brought to the notice of the Joint Select Committee.

Mr. Lalchand Navalrai : Am I, then, right in understanding that after the Government of India made their determination to issue this Resolution, the Joint Parliamentary Committee and the Secretary of State were informed of it and their approval obtained? That is what I want to know.

The Honourable Sir Henry Craik : The Secretary of State was informed before the Resolution was published. As regards the Joint Select Committee, I am not in a position to reply, but, as I said, I think I saw in the newspapers yesterday that the Secretary of State had stated in his reply to a question in the House of Commons that he had kept the Joint Select Committee acquainted with what was being done. At what stage exactly he informed them, I am not clear.

Mr. M. Maswood Ahmad : Will Government be pleased to state what will be the test for efficiency for the officers at the time of promotion? The Honourable Member has just now said that only efficiency will be the criterion for promotion.

Mr. Gaya Prasad Singh : Sycophancy will be the criterion in a case like that.

The Honourable Sir Henry Craik : The minimum qualification will necessarily vary for different services, and I cannot give one comprehensive answer to that question. But I presume that in most cases it would either be a University degree or a technical qualification of some kind.

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

ALLOCATION OF SEATS IN THE LEGISLATIVE ASSEMBLY FOR THE NORTH-WEST FRONTIER PROVINCE.

245. *Mr. M. Maswood Ahmad : (a) Is it a fact that every Governor's province, except the North-West Frontier Province, is entitled to send elected representatives to this House ?

(b) If so, will Government please state why the North-West Frontier Province is deprived of the privilege of sending any representative to this House ?

(c) Do Government propose to take early steps for the allocation of seats in this House for the North-West Frontier Province in the general elections to be held this year ? If not, what are their reasons for doing so ?

The Honourable Sir Henry Craik : (a) Yes.

(b) and (c). The North-West Frontier Province, at the time of its conversion into a Governor's province, was represented in this House by a nominated seat. It has now been decided to convert that seat into an elected seat at the forthcoming election and the necessary amendment to the Electoral Rules was published in the Gazette of India Extraordinary, dated the 31st July, 1934.

Mr. M. Maswood Ahmad : How many seats will be given to the North-West Frontier Province ?

The Honourable Sir Henry Craik : One, as at present.

Mr. M. Maswood Ahmad : Is it a fact that it was recommended by some Committee that three seats would be given to the North-West Frontier Province ?

The Honourable Sir Henry Craik : Unless the Honourable Member can specify the Committee which made that recommendation, I cannot either affirm or deny that statement.

Mr. Lalchand Navalrai : Will that seat be a joint seat both for the Hindus and the Muhammadans of the North-West Frontier Province, or will it be only for Muhammadans ?

The Honourable Sir Henry Craik : It will be a joint seat.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether the seat will be filled by joint electorate or by separate electorate ?

The Honourable Sir Henry Craik : By joint electorate.

Mr. Gaya Prasad Singh : As it is a fact that the Hindus are in a microscopic minority in the North-West Frontier Province, may I ask what steps are being taken by the Government to ensure that they get an adequate share of representation in the electorate ?

The Honourable Sir Henry Craik : I really cannot see what steps are possible to have a proper representation of a microscopic minority in an electorate for a single seat.

Mr. Gaya Prasad Singh : In view of the fact that other minorities have been given weightage and special representation, do Government propose to take any steps to redress the grievances of the Hindus in the North-West Frontier Province who happen to be in a minority ?

The Honourable Sir Henry Craik : I think that hardly arises out of the original question.

Mr. Lalchand Navalrai : Would not a separate seat be reserved for Hindus ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

USE MADE OF THE HARIJAN FUND AND OF THE CENTRAL RELIEF COMMITTEE'S EARTHQUAKE FUND.

247. *Sir Muhammad Yakub : (a) Will Government be pleased to state what information they have of the use that is being made of the so-called Harijan fund, and of the Central Relief Committee's Earthquake Fund ?

(b) Are Government prepared to take steps to ensure that these funds are not collected under false pretences but are employed for the purposes for which they have been subscribed by their contributors ?

(c) Are Government aware of any instances of the notorious misappropriation of similar funds in the past, and are Government prepared to consider the possibility of legislation providing for the compulsory public auditing of all funds collected from the general public for supposedly charitable objects ?

The Honourable Sir Henry Craik : (a) Government have no information other than what has appeared in the Press regarding these funds.

(b) Government have not at present any such proposal under consideration.

(c) As regards the first part of the question, Government are aware that there have been allegations in the past that funds collected from the public have been devoted to purposes other than those for which they were subscribed. As regards the second part of the question, as I have said in answering clause (b), the Government have not considered the possibility of legislation.

RELEASE OF MR. SARAT CHANDRA BOSE.

261. *Mr. Bhuput Singh : (a) Is it a fact that Mr. Sarat Chandra Bose, the well-renowned lawyer of the Calcutta Bar, was imprisoned under Regulation III, and is it a fact that Sardar Vallabhbhai Patel was also imprisoned under the same Regulation ?

(b) Is it a fact that Sardar Vallabhbhai Patel has been released owing to the Congress having rescinded the Civil Disobedience Movement and for adopting the policy of running candidates for the ensuing Assembly election ?

(c) Is it a fact that Mr. Sarat Chandra Bose is still being detained ? Do Government propose to release him forthwith for the same reasons for which Sardar Vallabhbhai Patel has now been released ?

The Honourable Sir Henry Craik : (a) The answer to the first part of the question is in the affirmative. Mr. Patel was detained under the provisions of the Bombay Regulation XXV of 1827.

(b) Mr. Patel was released because the Government of Bombay and the Government of India were satisfied that his detention was no longer necessary in the public interest.

(c) Mr. Sarat Chandra Bose is detained as a State Prisoner, for reasons not connected with the civil disobedience movement, and the restrictions on him will be maintained so long as this is necessary in the public interest.

Mr. Bhuput Singh : May I know what are the reasons other than the Civil Disobedience Movement for detaining Mr. Bose ?

The Honourable Sir Henry Craik : Because there were strong grounds for considering that he was deeply involved in the terrorist movement.

Mr. K. C. Neogy : Is it a fact that Mr. Bose made repeated representations to the Government of India to be allowed to know the ground on which the Government had determined to detain him under Regulation III ?

The Honourable Sir Henry Craik : Yes, Sir. That was the subject of question and answer in this House some little time ago. The Honourable Sir Harry Haig answered a number of questions on that point. Mr. Bose did make representations.

Mr. K. C. Neogy : With what results ?

The Honourable Sir Henry Craik : The result was negative.

Mr. K. C. Neogy : Is it also a fact that Mr. Bose expressed a desire to be placed before a regular Court of law for trial if there were any specific charges against him ?

The Honourable Sir Henry Craik : I must have notice.

Mr. K. C. Neogy : Is it a fact that the materials under which Government took action against Mr. Bose were at a particular time placed before the Advocate General of Bengal for his opinion as to whether there were sufficient grounds for any action ?

The Honourable Sir Henry Craik : I cannot say whether they were placed before the Advocate General of Bengal. But certainly they were placed before two Judges, who came to the conclusion that, in the interests of internal order, the internment of Mr. Bose was justified.

Mr. K. C. Neogy : Will the Honourable Member make inquiries and find out whether it is not a fact that the Advocate General of Bengal was consulted in the matter and that his opinion was that there was no evidence against Mr. Bose to justify the action of Government ?

The Honourable Sir Henry Craik : I will look that up. I cannot say off-hand.

Mr. S. C. Mitra : Is the Honourable Member in a position to give this House some idea about the charges that were brought against Mr. Bose and that were placed before two Judges ?

The Honourable Sir Henry Craik : No, Sir. I am not in a position to do that.

The Honourable Sir Henry Craik : District and Sessions Judges.

Mr. K. C. Neogy : Are Government prepared to place on the table the periodical reports about Mr. Bose which are required to be submitted under Regulation III ?

The Honourable Sir Henry Craik : No, Sir. These reports are not published.

Mr. K. C. Neogy : Are Government at any rate prepared to make a statement giving the substance of these reports in so far as they relate to the conduct of Mr. Bose while in detention ?

The Honourable Sir Henry Craik : If the Honourable Member will put down a question on that point, I will see.

Mr. K. C. Neogy : Will the Honourable Member take this as notice ?

The Honourable Sir Henry Craik : I think you had better give me formal notice.

Mr. S. C. Mitra : Will the Honourable Member tell this House if there is any truth in the statement that has been published in the Press today that the only evidence against Mr. Bose is that some of the money he gave freely for charitable and political objects found its way in other hands and was used for purposes other than pure charity ?

The Honourable Sir Henry Craik : No, Sir. There was certainly a great deal more evidence than that.

Mr. Gaya Prasad Singh : What objection there is in informing Mr. Bose of the charges which are against him ?

The Honourable Sir Henry Craik : That point was gone into at some length by way of question and answer in the time of my predecessor, and he made it clear that it was not usual to give persons whom it is proposed to intern a statement of the charges against them and he said that that was an essential part of the procedure.

Mr. Gaya Prasad Singh : Is it fair on the part of Government to imprison a man without trial and then to malign him before the world by asserting that he has got complicity in terrorist activities without informing him of the charges and giving him an opportunity to rebut them if possible ?

The Honourable Sir Henry Craik : The Honourable Member is asking me for an expression of opinion as to whether that procedure is fair. I do not think I can very well pronounce an opinion or am called upon to answer that. That is the ordinary procedure inherent in the use of the internment method of dealing with these people.

Mr. K. C. Neogy : Have any of the restrictive conditions imposed on Mr. Bose in connection with his detention been relaxed since his transfer to Kurseong ?

The Honourable Sir Henry Craik : He is living, I understand, in his own house and he is allowed to move within certain limits.

Mr. K. C. Neogy : Do I take it then that, in the opinion of the Government, a relaxation has been justified in the restrictive conditions ?

The Honourable Sir Henry Craik : I understand that he was allowed to move to Kurseong to his own house largely on grounds of health.

Mr. K. C. Neogy : But the Honourable Member just now stated that with regard to his movements he enjoys certain enlarged liberty.

The Honourable Sir Henry Craik : He is allowed to move about within certain specified limits.

Mr. K. C. Neogy : In that case, am I justified in drawing the conclusion that, in the opinion of Government, this relaxation was justified?

The Honourable Sir Henry Craik : I do not really quite understand what the Honourable Member means. So far as I know, we have no complaints that the greater relaxation has been abused in any way.

Mr. K. C. Neogy : May I take it then that whatever relaxations may have been given, the Government are satisfied that there is no danger in granting those relaxations.

The Honourable Sir Henry Craik : If Government thought that there was any danger in granting these relaxations, they would remove them. As I say, I see no reason to think that the relaxations have been abused in any way.

Mr. S. C. Mitra : Will Government now reconsider his case in view of the fact that Mr. Subhas Chandra Bose is now in Europe and is not likely to come back soon to associate with his brother, the main charge against Mr. Sarat Chandra Bose is, perhaps, that he is an associate of his brother?

The Honourable Sir Henry Craik : The case of Mr. Sarat Chandra Bose was very recently most fully considered in consultation with the Government of Bengal. I am afraid, I cannot promise any further reconsideration at present. The Bengal Government's considered opinion was received only a few days ago.

Mr. K. C. Neogy : Do I take it that the Bengal Government have anything to do in this particular matter?

The Honourable Sir Henry Craik : Certainly.

Mr. K. C. Neogy : The Honourable Member must, I am afraid, read Regulation III before he gives this answer.

The Honourable Sir Henry Craik : The responsibility is the Government of India's.

Mr. Gaya Prasad Singh : Under Regulation III?

The Honourable Sir Henry Craik : Naturally we consulted the Bengal Government.

Mr. K. C. Neogy : In what matter does the Government of Bengal come in at all in connection with this question?

The Honourable Sir Henry Craik : It is obvious that Mr. Bose is an inhabitant of Bengal, and the terrorist movement, with which he is alleged to be connected, is prevalent in Bengal, and surely the Government of Bengal is most deeply interested.

Mr. K. C. Neogy : May I infer from the answer of the Honourable Member that the Government of India have not applied their mind to this particular case, but that they blindly followed what the Government of Bengal decided?

The Honourable Sir Henry Craik : Certainly not.

Mr. Gaya Prasad Singh : Will Government please state the section in Regulation III of 1818 which gives to the Local Government a hand in the matter of determination of this question of detention or release?

The Honourable Sir Henry Craik : Will the Honourable Member show me any section in Regulation III which prohibits the Government of India from consulting the Local Government or any other agency of its own?

Mr. Gaya Prasad Singh : The Honourable Member says that Mr. Bose has been detained under Regulation III. Will Government kindly state under what section of that Regulation the Local Government has a hand in the matter of the determination of the question of detention of the person?

The Honourable Sir Henry Craik : As I have said, the Government of India are perfectly entitled to consult, and, in fact, they would be failing in this duty if they did not consult the Local Government.

Mr. Gaya Prasad Singh : Under what section?

The Honourable Sir Henry Craik : Under the section of common sense.

TIME LIMIT FOR A GAZETTED OFFICER TO REMAIN AT ONE STATION.

268. ***Kumar Gupteshwar Prasad Singh :** Will the Honourable the Home Member be pleased to state whether there is any time limit for a gazetted officer to remain at one station?

The Honourable Sir Henry Craik : I have no information whether any time limit is in force in the various provinces, other than that which was given in reply to Mr. Jagan Nath Aggarwal's question No. 648 (b), on the 5th September, 1933.

CONCESSIONS GIVEN TO THE ARMY HEADQUARTERS STAFF.

269. ***Kumar Gupteshwar Prasad Singh :** (a) Will Government please state whether there is any difference between a Government servant working in the Army Headquarters and one working in the Government of India Secretariat? If so, what is the difference?

(b) If there is no difference, will Government kindly state why Government servants in the Army Headquarters are entitled to—

- (i) free train service between Simla and Summer Hill;
- (ii) free medical service for the staff and family;
- (iii) free services of an eye specialist; and
- (iv) free dental services?

(c) Are Government prepared to consider and allow the same concessions of their staff in the Civil Secretariat? If not, why not?

The Honourable Sir Henry Craik : (a) Yes, there are differences in pay, leave terms and location of headquarters.

(b) and (c). Do not arise. I may however point out as regards item (iii) in clause (b) that all Government servants at Army Headquarters are not entitled to the free services of an eye specialist as a

matter of right but only when the services of such a specialist are available in Simla and no extra expenditure is caused to Government. As regards item (iv), the civilian staff of Army Headquarters is not entitled to free dental treatment.

RELEASE OF CIVIL DISOBEDIENCE PRISONERS.

273. *Mr. Bhuput Singh : (a) Will Government be pleased to state the reasons why Civil Disobedience prisoners have not yet been released in spite of the withdrawal of civil disobedience ?

(b) What was the total number of such prisoners on the 1st July, 1934, in each province of India ?

(c) What are the reasons for the delay ? When are all the prisoners expected to be released ?

(d) Will Government be pleased to state the reasons for examining the individual cases of Civil Disobedience prisoners in detail when they have been convicted of Civil Disobedience by the trying magistrates ?

(e) What time was taken by Government in releasing the prisoners after the Irwin-Gandhi Pact ?

The Honourable Sir Henry Craik : (a), (c) and (d). I would refer the Honourable Member to the last part of the communiqué issued by the Government of India on the 6th June, which states the policy which is being followed in this matter, and to which I have nothing to add.

(b) I lay a statement on the table.

(e) This does not arise, as the circumstances were wholly different.

Mr. Lalchand Navalrai : May I know if the communiqué shows that all the persons have been released ?

The Honourable Sir Henry Craik : No, Sir, it does not say so.

Mr. Lalchand Navalrai : Will the Honourable Member say how many have been released and how many not released ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That is given in the answer to part (b). The Honourable Member cannot repeat questions which have been already answered.

Mr. Lalchand Navalrai : I put the question as no definite reply was made.

HOME DEPARTMENT RESOLUTION REGARDING COMMUNAL REPRESENTATION IN SERVICES.

282. *Rai Bahadur Sukhraj Roy : (a) Will Government be pleased to state what the immediate necessity, if any, was of issuing the Home Department Resolution regarding the representation in public services of minorities and of Muslims in particular ?

(b) Why was not this House consulted before issuing the Resolution ?

(c) What was the necessity of introducing other minorities when the question was of improving the position of Muslims only ?

(d) Why has not the Sikh community been mentioned among the minorities in the Resolution ?

(e) What is the present percentage of Hindus in Railways, Posts and Telegraphs and Indian Civil Service as compared with their population ?

The Honourable Sir Henry Craik : (a) I invite attention to the terms of the Resolution itself and to the reply given by me to Mr. Lalchand Navalrai's starred question No. 244.

(b) The House has been aware, for some considerable time, that the Government had this matter under consideration and were endeavouring to reach conclusions as early as possible.

(c) I would refer the Honourable Member to paragraphs 1 and 2 of the Resolution.

(d) As stated in paragraph 4 of the Resolution, Government considered the position of minorities, other than those to which special reference is made, and were satisfied that the new rules would provide for them, as at present, a reasonable degree of representation in the services.

(e) According to the last census, the population of Hindus in British India is about 65 per cent. Their percentage in the Indian Civil Service to the total number of Indians, excluding those who hold listed posts, is 68 and to the total cadre about 23.

On the Railways to which the new rules apply, i.e., all Class I Railways except the Burma Railway, the Jodhpur Railway and the Nizam's State Railway, the percentage of Hindus to the total subordinate Indian staff,

(excluding inferior servants and labourers), was on the 31st December, 1932, 67.9. In the gazetted ranks the percentage of Hindus to the total number of Indians, is 60.8.

In the Posts and Telegraphs Department, the percentage of Hindus to the total Indian staff, excluding inferior servants, is 69.5.

RECRUITMENT OF ORIYAS IN THE GOVERNMENT OF INDIA OFFICES.

284 ***Mr. Sitakanta Mahapatra** : (a) Are Government aware that in the whole of the Government of India Secretariat there is no Oriya in service ?

(b) Is it a fact that in all the Attached and the Subordinate Offices of the Government of India located in the Headquarters at Delhi and Simla, there are no Oriyas in service ? If so, do Government propose to issue instructions to the Public Service Commission to recruit Oriyas for the offices of the Government of India Headquarters, including the Secretariat Departments ? If not, why not ?

The Honourable Sir Henry Craik : (a) and (b). As has been explained on several occasions in this House, the Government of India have not undertaken to secure representation for provinces, either generally or in terms of particular communities. Candidates from Orissa have equal opportunities with those from other provinces and it is not proposed to take any special action in the matter. I have no information whether there are any Oriyas in the Government of India offices at the headquarters and I do not think any useful purpose would be served by collecting the information in view of what I have just stated.

EMPLOYMENT OF THE SONS AND WARDS OF THE EMPLOYEES OF THE GOVERNMENT OF INDIA IN THE PROVINCES.

288. ***Mr. M. Maswood Ahmad** : (a) Are Government aware that the sons and wards of the employees of the Central Government at headquarters find it very difficult to get employment in the provinces from which they come, and also experience similar difficulties in securing admissions to medical, engineering and other technical institutions ?

(b) Do Government propose to address the Local Governments and Administrations to look after the interests of the sons and wards of the employees of the Central Government properly by reservation of a certain number of seats for them in educational institutions and vacancies in all services under the control of the Local Governments ?

The Honourable Sir Henry Craik : (a) and (b). (i) A representation, as regards the difficulties of securing employment in the provinces, was made by the Imperial Secretariat Association in 1933 and formed the basis of a request that a percentage of ministerial appointments, in the Government of India Secretariat, should be reserved for the children and dependents of the members of that Association. The Government of India were unable to accede to this request and, as recruitment to the provincial services is entirely a matter for the Local Governments, they are not in a position to interfere with their discretion and are not prepared to suggest to them that any special reservation should be made.

(ii) The Government of India are not aware of any special difficulties in securing admission to Medical and Engineering institutions. But any difficulties that may arise are not confined to the sons and dependents of Government servants but are felt by all classes resident in a province or minor administration which does not itself provide these special educational facilities. Arrangements have been made for the admission of a few selected students, from centrally administered areas, into the King Edward Medical College, Lahore, and the Thomason Civil Engineering College, Roorkee, and the sons of Government servants are eligible together with other students for these vacancies. Such selected students are required to pay only the ordinary fee payable by local students in these colleges, and the balance of the cost of training charged by the provincial Government is met from central revenues.

COWS SHOT BY MR. WAUGH, HONORARY MAGISTRATE AND CHAIRMAN OF THE SHAHDARA NOTIFIED AREA COMMITTEE.

289. ***Mr. Bhuput Singh** : (a) Will Government be pleased to state whether they are aware that Mr. Waugh, the Honorary Magistrate and Chairman of the Shahdara Notified Area Committee, shot 12 cows and bullocks recently near Shahdara ? If so, are Government prepared to make an enquiry as to why this was done ?

(b) Are Government aware of the strong feeling of Hindus of Delhi, as voiced at a public meeting held in the Azad Park under the auspices of the Hindu Youngmen's Association on the 14th July, 1934 ?

(c) Do Government propose to ask the Commissioner of Delhi to take disciplinary action against the offender for offending the religious susceptibilities of the Hindus ? If not, why not ?

The Honourable Sir Henry Craik : (a) and (c). I would refer the Honourable Member to the reply given on the 31st July, to Pandit Satyendra Nath Sen's question No. 311, on this subject.

(b) Yes.

APPOINTMENT OF BENGAL MUSLIMS TO POSTS UNDER THE GOVERNMENT OF INDIA OUTSIDE BENGAL.

291. ***Haji Chaudhury Muhammad Ismail Khan** : (a) Are Government aware that there is a strong feeling amongst the Bengal Muslims that, in the matter of recruitment to the vacant posts under the Government of India outside Bengal, due publicity is never given by means of advertisement of such vacancies in newspapers ? If not, do they propose to enquire into the matter and remedy the grievances of the Bengal Muslims ?

(b) Are Government aware that there is a strong feeling amongst the Bengal educated Muslims that Government of India Headquarters being far away from Bengal, all vacancies under the Government of India are filled by the Muslims of those provinces contiguous to the Government of India Headquarters ?

(c) Do Government propose to remove the aforesaid grievances of the Bengal Muslims by fixing a quota or percentage for the recruitment of educated Bengal Muslims ? If not, why not ?

(d) Are Government aware that amongst the educated Muslims of Bengal there is a greater percentage of unemployment than amongst the educated Muslims of other provinces? If not, do they propose to enquire into the matter through the Heads of Universities in Bengal? If not, why not?

(e) Do Government propose to take steps to give publicity to the vacancies reserved for Muslims under the Government of India, according to the recent Home Department Resolution, through the Heads of Universities in Bengal so that Bengal Muslims may also apply for such vacancies? If not, why not?

The Honourable Sir Henry Craik : (a) A list of newspapers, in which advertisements regarding competitive examinations and the posts to which recruitment is made by selection are issued from time to time by the Public Service Commission, was laid on the table of the House in reply to Mr. Jagan Nath Aggarwal's starred question No. 362, on the 16th September, 1931. The list includes a leading Bengal paper, *the Statesman*. In addition to advertising in the leading newspapers, publicity is given to all recruitment by open selection through the Public Service Commission by forwarding a copy of the advertisement in each case to all Universities as well as to the leading Libraries and Y.M.C.A.'s in India. Full information regarding examinations held by the Commission is also published in the Gazette of India and a copy of the notice relating to each examination is forwarded to the Associated Press of India and the Free Press of India. Further, copies of rules, regulations, etc., relating to each examination are forwarded to the Registrars of all Universities and to the leading Libraries. Government do not consider that anything more is required.

(b) and (c). Government have not undertaken to secure representation for Provinces, either generally or in terms of particular communities. Muslim candidates from Bengal have equal chances, with those from other provinces, of securing employment in the services, and it would be contrary to Government policy to take any special action in regard to them.

(d) In view of the position as stated in reply to parts (a) to (c), Government see no need to take the action suggested.

(e) Does not arise in view of the reply given to part (a).

Mr. Lalchand Navalrai : Are these posts reserved for Muslims to be secured through the Public Service Commission or only by selection or by favour?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the terms of the Resolution.

Mr. S. C. Mitra : Is it not a fact that the Muslims of Bengal, who form more than 40 per cent. of the total Muslim population, do not get even a moiety of the percentage which is reserved for Muslim representation in the services?

The Honourable Sir Henry Craik : I cannot say off-hand.

Sir Abdur Rahim : Will the Honourable Member be able to inform us as to how many Muslims from Bengal are employed in the Secretariat here? Will there be even half a dozen?

The Honourable Sir Henry Craik : I am afraid, I must have notice.

Sir Abdur Rahim : There is only one.

Mr. S. C. Mitra : Will the Honourable Member explain what is the purpose of reserving seats for Muslims if 40 per cent. of the Muslims are deprived of their due share or of any reasonable share in the reserved seats for Muslims?

The Honourable Sir Henry Craik : They are not deprived of their share. They have exactly the same opportunities of competing for that share as the Muslims of any other Province.

Mr. S. C. Mitra : But is it not a fact that they are not getting it?

The Honourable Sir Henry Craik : I can not say whether they are getting a share in proportion to their population strength, but the opportunities are there, and, as I have stated, it is not the policy of Government, and never has been the policy, to reserve any particular percentage of places in the services for any particular Province, either by communities or otherwise.

Mr. S. C. Mitra : Will the Honourable Member then explain, if there are opportunities for Muslims and Anglo-Indians to compete for any service in India, what is the purpose of reserving a particular percentage for these minorities? And will he kindly say, following that principle of reserving a certain percentage, why the Muslims of Bengal are deprived of their share, from the reserved posts in services?

The Honourable Sir Henry Craik : The object of reserving for particular minorities is to carry out what I stated as the policy of Government, to ensure that there should not be an undue preponderance of any one community in any service.

Sir Abdur Rahim : Is the Honourable Member aware that the number of Muslim graduates in Bengal is at least as large as in any other Province?

The Honourable Sir Henry Craik : I will take the Honourable Member's word for it.

Sir Abdur Rahim : Will the Honourable Member kindly look into the matter and ascertain if the Muslims of Bengal do get a fair chance of entering the Secretariat and the Central services of the Government of India?

The Honourable Sir Henry Craik : That is covered by the reply, I have already given, that full publicity is given to these vacancies in the Government of India, and that the Muslims of Bengal have the same opportunities to compete for them as the Muslims of other Provinces. I will, however, ascertain, if the Honourable Member would like me to, how many Bengali Muslims are actually employed in the Government of India Secretariat.

Sir Abdur Rahim : If the Honourable Member finds that there is a very serious disparity, will he make particular inquiries as to the reason which has brought it about?

The Honourable Sir Henry Craik : If I can see any possible remedy, I shall certainly examine it.

Mr. Gaya Prasad Singh : Is it not a fact that the Hindus of Bihar and Orissa are also deprived of their share in the Government services in the Secretariat and elsewhere ?

Mr. Lalchand Navalrai : I want a definite reply to the question I put. The Honourable Member refers me to the Resolution itself. I have read the Resolution, and I do not find any light thrown on this question from it. Therefore, I am going to repeat my question, and I want a direct reply. The question is : whether these reserved seats have to be given to the Muhammadans, for whom they are reserved, by competitive examination through the Public Service Commission or not.

The Honourable Sir Henry Craik : I really do not exactly understand the question. I am not prepared to pronounce here in this Assembly anything that will amplify, still less modify, the terms of the Resolution.

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

329. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that a Committee was appointed towards the end of 1933, by the Honourable the Chief Commissioner, Ajmer-Merwara, to enquire into the administration of the Ajmer Municipal Committee ?

(b) Is it a fact that this Committee examined witnesses in the open Court as well as *in camera* ?

(c) Is it a fact that this Committee recorded evidence against the conduct of some of the members of the Municipal Committee but gave no opportunity to these members to explain the allegations made against them ?

(d) Has the attention of Government been invited to the report of this Enquiry Committee published in the *Statesman* of the 16th May, 1934 ?

(e) Is it a fact that this report was submitted to the Local Government without the Municipality or its individual members being called upon to explain the allegations against them ?

(f) Is it a fact that, after submission of the Report to the Local Government, the Honourable the Chief Commissioner called upon the Municipal Committee to furnish their explanation in regard to the allegations contained in the Enquiry Committee's Report ?

(g) Has the attention of Government been drawn to the explanation given by the Municipal Committee published in the *Statesman* of the 16th June, 1934 ?

Mr. H. A. F. Metcalfe : With your permission, Sir, I will answer questions Nos. 329, 330, 331, 332 and 333 together. The information asked for on certain points has been called for and replies will be given to the House in due course.

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

†330. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that the chief defects found by the Committee appointed by the Chief Commissioner of Ajmer-Merwara in the administration of the Ajmer

†For answer to this question, see answer to question No. 329.

Municipal Committee relate to the Public Works, Water Works and Public Health Departments and that these Departments had always been placed by the Municipal Committee under the direct supervision of Government experts, viz., the Civil Surgeon or Additional Civil Surgeon as Convener of Public Health Department and the Executive Engineer, Government Public Works Department as Convener of Municipal Public Works Department ?

(b) Is it a fact that no warning, advice, direction or *guidance* was given to the Municipal Committee with regard to general maladministration, etc., prior to the appointment of the Enquiry Committee ?

(c) Is it a fact that the Municipality submitted to Government several years ago a Sanitation Scheme prepared by well-known Lucknow Engineers for the improvement of Public Health and Water Supply, and also applied for the requisite loan from Government to carry out the scheme, and that the scheme and the question of loan are still under the consideration of Government ?

(d) Is it a fact that Ajmer Municipality have maintained financial stability and produced a substantially surplus budget and have also effected several improvements, e.g., the introduction of electricity, extension of primary education, increase in grants-in-aid to hospitals and dispensaries ?

(e) Is it not a fact that almost all the defects pointed out by the Enquiry Committee had been in existence for a very long time and that the present Committee during their term of office made earnest efforts by taking action themselves wherever possible, or drawing the attention of the Local Government through submission of schemes ?

(f) Is it a fact that some of these defects have been more or less removed by the present Committee, particularly those relating to objections by Government Auditors who now certify substantial improvement ?

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

†331. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that at a public meeting held in September, 1933, a request was made to Government to make enquiries into the Municipal administration and give advice and directions and not to punish the Municipality and the public ?

(b) Has the attention of Government been drawn to the proceedings of a public meeting published in the *Statesman* of the 26th June, 1934, requesting Government not to supersede the Ajmer Municipal Committee ?

(c) Are Government aware that the triennial general election to the Ajmer Municipality will take place early in December, 1934, and that the public will thus soon have a chance of voicing their real feelings in the matter ?

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

†332. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that the reply of the Municipal Committee to the reference made by the

†For answer to this question, see answer to question No. 329.

Chief Commissioner of Ajmer-Merwara in connection with the Report of the Enquiry Committee appointed by him, was referred to the Chairman of the Enquiry Committee, who, in consultation with the members of the Enquiry Committee, submitted a rejoinder to the Municipal Committee's reply?

(b) Is it a fact that this procedure is not provided for in section 243 of the Ajmer Municipal Regulation, VI of 1925, under which the Enquiry Committee was appointed and further action is contemplated?

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

† 333. *Mr. Muhammad Muazzam Sahib Bahadur : Are Government prepared to place on the table of this House all papers regarding the affairs of the Ajmer Municipality, including the Enquiry Committee's Report and the reply of the Ajmer Municipality?

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

334. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Are Government aware of the fact that the F. Sc. Medical Group students of the Delhi University are not given admission to any Medical Colleges in India, except two candidates from Delhi to the King Edward Medical College, Lahore?

(b) If the admission is not open for the Delhi students, do Government propose to take any steps to ensure admission of the Delhi F. Sc. Medical Group students to other colleges in India?

(c) If admission to the Medical Colleges in India is not made open to the Delhi students, do Government propose to abolish the Medical Group of the Delhi University?

(d) Are Government aware of the fact that the Selection Board held at Delhi for interviewing these students, have not interviewed all?

(e) Will Government please state the reasons why the students, who passed the F. Sc. (Medical Group) examination of the Delhi University, are not permitted to appear at the test examination for admission to the Lucknow Medical College?

Mr. G. S. Bajpai : I would invite the Honourable Member's attention to the answer given to Mr. Gaya Prasad Singh's question No. 248 on the 30th July.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

335. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Do Government propose to take steps to open admission for Delhi University students, who passed F.Sc. (Medical Group) to other Medical Colleges in India, such as at Bombay, Calcutta, Madras, Patna, Lucknow, etc.? If so, when?

(b) Do Government propose opening one Medical College at Delhi?

† For answer to this question, see answer to question No. 329.

Mr. G. S. Bajpai : (a) The Honourable Member is referred to the answer given to Mr. Gaya Prasad Singh's question No. 248 on the 30th July, 1934. The matter is under consideration.

(b) No.

CONSTRUCTION OF A CINEMA HALL ADJACENT TO THE CENTRAL BAPTIST CHURCH, CHANDNI CHOWK, DELHI.

336. *Kunwar Hajee Ismail Ali Khan : (a) Is it a fact that the Delhi Municipal Committee sanctioned the construction of a Cinema Hall adjacent to the Central Baptist Church, Chandni Chowk, Delhi?

(b) Is it a fact that the Christians of Delhi approached the Deputy Commissioner and prayed that a license to this Cinema may kindly not be granted, as it will hurt the feelings of all the Christians of Delhi as well as of those outside Delhi?

(c) Is it a fact that a license has been granted to the said Cinema?

(d) Is it a fact that after the above deputation, the Indian Christians of Delhi approached the Chief Commissioner of Delhi Province and prayed that the said license may not be granted?

(e) What action has been taken in the matter by the authorities?

(f) Are Government aware that the existence of a cinema in close proximity of a worshipping place is considered highly objectionable by the public and there is a danger of the breach of peace?

(g) Are cinemas permissible to be made side by side with the places of worship?

The Honourable Sir Henry Craik : (a) and (c). Yes.

(b) A deputation, composed of a section of the Baptist community in Delhi, asked the Deputy Commissioner to refuse a license to the cinema.

(d) There is no record of such a petition having been made.

(e) and (f). No action has been taken in the matter. The Church in question is situated in the Chandni Chowk, which is a congested area, where all kinds of buildings are quite close to one another. Government do not consider that there is any danger of a breach of the peace.

(g) The Delhi Municipal Committee have power, under section 123 of the Punjab Municipal Act, 1911, to stop the use of a building as a cinema, if it is a nuisance to the neighbourhood.

Mr. B. Das : Is it not a fact that the Secretary of the Delhi Municipality is a Christian, and that he ought to look after the interests of Indian Christians?

The Honourable Sir Henry Craik : I am not aware whether he is a Christian or not.

EXPORT OF SKINS OF NEWLY BORN LAMBS AND KIDS.

337. *Khan Bahadur Haji Wajihuddin : (a) Are Government aware that there is a great demand in foreign countries of skins of newly born lambs and kids?

(b) Are Government aware that with a view to get much higher prices from foreign countries, the previous practice of slaughtering newly born lambs and kids has recently been started in India? If so, do Government propose to consider the advisability of stopping the practice?

(c) Will Government be pleased to state the name of the country and the quantity, respectively, which imported such skins from India each year during the last five years?

The Honourable Sir Joseph Bhore : (a) to (c). Information has been called for and will be laid on the table in due course.

COMMERCIAL BULLETIN BROADCASTED FROM BOMBAY.

338. ***Rao Bahadur B. L. Patil :** (a) Is it a fact that the broadcast of market reports from the Bombay Radio Station are stopped from the 1st July, 1934? If so, what are the reasons for this action?

(b) Are Government aware that the Morning Commercial Bulletin broadcasted from Bombay was greatly appreciated by the commercial community in India and that the number of radio sets has been increasing day by day for this reason?

(c) If the reply to part (b) be in the affirmative, do Government propose to restore the commercial bulletin on the programme?

The Honourable Sir Frank Noyce : (a) No. The special early morning transmission of commercial news has been discontinued and the transmission at 8 P.M. has been combined with the news bulletin at 9 P.M. in accordance with the orders of the Government of India, who decided that this activity of the broadcasting stations should be reduced by gradual stages.

(b) Government understand that a small proportion of the owners of wireless receiving sets, who belonged to the commercial community, appreciated this service but they have no precise information as to whether the number of sets in use increased on this account.

(c) The commercial bulletin is being actually broadcast with the evening programme. Government do not propose to restore the morning bulletin.

Mr. Lalchand Navalrai : Do Government propose to extend this broadcasting to Karachi?

The Honourable Sir Frank Noyce : I hardly think that arises out of this question, Sir.

Mr. Gaya Prasad Singh : With reference to part (a) of the question, do I understand the Honourable Member to say that broadcasting of market reports has not been discontinued?

The Honourable Sir Frank Noyce : Yes : I did say that.

RULES FOR COMMISSIONS IN THE ARMY IN INDIA RESERVE OF OFFICERS.

339. ***Sirdar Harbans Singh Brar :** Will Government please state if the rules for commissions in the Army in India Reserve of Officers have been framed? If so, when are they likely to be published?

Lieut.-Colonel A. F. R. Lumby : Yes. The draft rules are under examination by the Secretary of State and will be published, as soon as possible, after the receipt of his approval to them.

RULES REGARDING THE GRANT OF HONORARY RANKS IN THE ARMY IN INDIA.

340. ***Sirdar Harbans Singh Brar :** Will Government please state the rules regarding the grant of honorary ranks in the Army in India, whether to soldiers or to civilians?

Lieut.-Colonel A. F. R. Lumby : The information is being collected and will be laid on the table at an early date.

INDIAN MEDICAL SERVICE OFFICERS SERVING IN THE ARMY AND IN THE CIVIL DEPARTMENTS.

341. ***Sirdar Harbans Singh Brar :** Will Government please state the number of Indian Medical Service officers serving in the Army and the number of those deputed to the civil departments?

Lieut.-Colonel A. F. R. Lumby : On the 1st July, 1934, there were 357 Indian Medical Service officers in military, and 294 in civil, employ.

EUROPEANS AND INDIANS IN THE INDIAN MEDICAL SERVICE.

342. ***Sirdar Harbans Singh Brar :** Will Government please state the number of Europeans and Indians in the Indian Medical Service? How many of them are permanent and how many are temporary among each of these?

Lieut.-Colonel A. F. R. Lumby : On the 1st July, 1934, the number of British and Indian officers in the Indian Medical Service was :

British ..	.. 389	all permanent.
Indian ..	.. 262	including 48 temporary.

EUROPEANS AND INDIANS IN THE INDIAN MEDICAL SERVICE.

343. ***Sirdar Harbans Singh Brar :** Will Government please state the number of Europeans and Indians among the Indian Medical Service officers serving in the civil departments? How many among them are permanent and how many temporary?

Mr. G. S. Bajpai : There were 294 officers of the Indian Medical Service in civil employ on the 1st July, 1934, of whom 195 were British and 99 Indians. All these officers hold permanent commissions.

TEMPORARY INDIAN MEDICAL SERVICE OFFICERS WHOSE SERVICES HAVE BEEN DISPENSED WITH.

344. ***Sirdar Harbans Singh Brar :** Will Government please state the number of temporary Indian Medical Service officers whose services have been dispensed with during the last five years before the expiry of their term of contract? How many new temporary officers were recruited during the same period?

Lieut.-Colonel A. F. R. Lumby : Strictly speaking the reply to the first part of the question is *nil*, since the period of engagement of these officers was for one year or for such less period as their services might be required. I presume, however, that the Honourable Member desires information as to the number of officers dispensed with before completing

the maximum period for which their temporary engagements could be renewed, i.e., five years, or in the case of those in service on the 23rd October, 1927, nine years. If so, the answer is that, three were dispensed with, for inefficiency, and six were retrenched, on financial grounds. In the period in question, 27 resigned the service of their own accord and 42 were recruited.

APPOINTMENT OF TRADE COMMISSIONERS, DEPUTY TRADE COMMISSIONERS AND TRADE AGENTS.

345. *Sirdar Harbans Singh Brar : (a) Will Government please state the names, qualifications, etc., of the persons who have been appointed Trade Commissioners, Deputy Trade Commissioners and trade agents of India in different countries ?

(b) How many new appointments are likely to be made during the present or the next year, and for which countries ?

The Honourable Sir Joseph Bhore : (a) Sir Harry Lindsay, K.C.I.E., C.B.E., I.C.S., is the Indian Trade Commissioner in London and Mr. S. N. Gupta, I.C.S., is the Indian Trade Commissioner at Hamburg. There is one post of Deputy Indian Trade Commissioner in London only and the present incumbent is Mr. Y. N. Sukthankar, I.C.S.

Information with regard to Trade Agents is being collected and will be furnished to the House in due course.

(b) So far as can be seen at present, one new appointment will be made early next year, namely, to the post of Indian Trade Commissioner in Italy, for which a non-official Mr. Ahuja was selected on the recommendation of the Public Service Commission in 1931. He has hitherto been undergoing training in the Commercial Intelligence and Statistics Department, Calcutta, and is now required to undergo further training for four months in the Trade Department of the High Commissioner's office before proceeding to Italy.

INDIANS SERVING IN THE OFFICES OF THE LEAGUE OF NATIONS.

346. *Sirdar Harbans Singh Brar : (a) Will Government please state the number of Indians serving in the offices of the League of Nations or its affiliated organisations at Geneva and how many of them are (i) Hindus, (ii) Muslims, (iii) Europeans domiciled in India, (iv) Indian Christians, (v) Sikhs, and (vi) Anglo-Indians ?

(b) Do Government propose to press for more appointments for Indians ?

for effective action in this matter is extremely limited. Government are at pains to take such action as is possible by causing India's delegates to the Assembly to ventilate the matter as often and as strenuously as is consistent with tactical considerations.

INDIANS AND EUROPEANS SERVING IN THE OFFICES OF THE TRADE COMMISSIONERS AND DEPUTY TRADE COMMISSIONERS.

347. *Sirdar Harbans Singh Brar : Will Government please state the number of Indians and Europeans serving in the offices of the Trade Commissioners and Deputy Trade Commissioners ?

The Honourable Sir Joseph Bhore : A statement giving the information asked for is laid on the table of the House. There is no separate office of Deputy Trade Commissioner, but there is one such post under the Indian Trade Commissioner, London, which is held by an Indian.

Statement showing the number of Indians and Europeans serving in the Offices of the Indian Trade Commissioners.

Office of	Number of Indians and Anglo- Indians.	Number of Europeans.
Indian Trade Commissioner, London	18	3
Indian Trade Commissioner, Hamburg	1	3

ELECTION OF A MEMBER ON THE FUEL OIL COMMITTEE.

[Mr. President.]

to the Fuel Oil Committee the Assembly Office will be open to receive nominations upto 11 A.M. on Monday, the 6th August, and that the election, if necessary, will be held as usual in the Secretary's Room on Wednesday, the 8th August, 1934. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN IRON AND STEEL DUTIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by the Honourable Sir Joseph Bhore on the 31st July, 1934 :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Joseph Bhore (Member for Commerce and Railway) : Sir, if the debate on my motion in regard to the Iron and Steel Bill is not finished today, I would ask you to be good enough to direct that the House shall sit on Friday, the 3rd August.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair directs that the House shall sit on Friday for the transaction of official business if this motion is not finished today.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam : Non-Muhammadan Rural) : Sir, I was saying yesterday that the preferential treatment to our pig iron exports in the United Kingdom market was a mere eyewash. I also pointed out that we have very little knowledge of the refunds and rebates given in the United Kingdom. While we do not wish to stand in the way of the prosperity of British industries, we wish to convey that that prosperity shall not be achieved at the sacrifice of our own.

Sir, I now propose to turn to the Government proposals regarding the revenue and excise duties. In doing so, I do not propose to repeat some of the remarks already made by some of my Honourable friends on this side of the House, but I wish, however, to observe that it is remarkable that the Tariff Board should mix up the question of Government revenue with the issue of protection to an Indian industry. It does appear to me to be clearly outside the scope of the reference to them. Even the Honourable the Finance Member cannot agree to commit himself to years in advance and anticipate the approval of this Legislature. Ordinarily even the Honourable the Commerce Member would not consider it is within his province to suggest the removal of revenue duties, but this Board thought it right to do so. Sir, this is the first time that a Tariff Board has gone to this length, and I trust that this will not be taken as a precedent. The suggestion that duties should be removed on British structurals and plates would appear to have found favour with the Com-

merce Member. Assuming for the purpose of argument that in this way public utility services would be benefited, may I respectfully ask the Commerce Member why similar considerations did not prevail with the Government when they taxed the machinery. The Fiscal Commission strongly urged that even for revenue purposes machinery should not be taxed and this Assembly by a majority rejected the Government proposal to tax it for revenue purposes. Yet by resorting to certification, machinery was subjected to taxation. What became of these revenue considerations now? Since removal of duties benefit importers, I hope he will permit us to draw our own conclusions.

It is in keeping with the rest of it that the Government should propose excise duties. Sir Joseph Bhore observed that these excise duties would have to become a permanent feature of our fiscal system...

The Honourable Sir Joseph Bhore : I never said so at all.

Mr. B. Sitaramaraju : Then, I stand corrected, Sir. I thought that he said so. Anyhow, if he did not say so, I withdraw my statement. We have yet to hear the Finance Member educate us on the virtues of that policy. In the meantime, may I respectfully ask both the Finance Member as well as the Commerce Member, whether there is a precedent in any country in this wide world where a key industry is subjected to an excise duty? In many countries such duties are restricted to alcohol and tobacco, while a few countries levied such duties on matches, sugar and the like. But I have not known a key industry, with foreign competition threatening it, is ever subjected to an excise duty. The Honourable Member was pleased to acknowledge that this is a key industry. Would the Honourable Member be impressed if I were to state that the Round Table Conference treated with greater consideration than the Government of India themselves this question of subjecting key industries.

Sir, to turn to another point, the Honourable the Commerce Member deprecated the attitude of the Tatas towards these re-rolling mills and expressed his concern for the subsidiary industries. If these subsidiary industries were to satisfy the conditions laid down by the Fiscal Commission, particularly with regard to the use of the raw material, I would be glad to join issue with him. Will the Honourable Member be pleased to satisfy himself whether they satisfy those two tests laid down by the Fiscal Commission? I am informed, they do not. Several of them, if not all, import their raw material from foreign countries and re-roll them with a view to compete with indigenous manufactures. If that were an accurate statement of a fact, any encouragement given to these mushroom enterprises at the expense of a genuine national industry is bound to encourage non-Indian firms being set up with a view to encourage foreign raw material and compete with the indigenous industry.

I would like to make one final observation on this point. We have to take good care that the major industry does not unduly suffer. It is observed that coal is the raw material for coke and coke is the raw material for pig iron which in turn is the raw material for steel. Steel ingots are raw material for blooms, billets and slabs which in turn are raw material for rails, sheets, etc. Either you protect the steel industry at each stage or you do not protect it at all. If you leave a loophole the whole scheme is bound to fail.

[Mr. B. Sitaramaraju.]

Another instance of the Board's utter lack of appreciation of their responsibility is illustrated by the want of realisation on their part that there must be a difference between tested and untested steel. The Press interview given by Messrs. Balmer Lawrie and Co. on this point is referred to by the *Indian Finance*.

Mr. Le Salter of Messrs. Balmer Lawrie & Co., has stated the British point of view in a Press interview. He draws attention to the Tariff Board's error in not realising that there must be a difference of at least Rs. ten per ton between the selling price of tested and untested steel. Even to one who is not initiated in the intricacies of the steel trade, there should be no difficulty in understanding that the tested steel must sell at a higher price than untested steel. The Tariff Board are not prepared to recognise so simple a truth."

Another important point made out by Mr. Salter is that :

"a revenue duty of 10 per cent. on British steel would, in my opinion, result in no reduction to the tonnage British makers are likely to ship to India."

But he adds :

"it would allow the Tata Iron and Steel Company to obtain a fair selling price, and, at the same time, would enable them to continue to distribute their products through the same channels as at present and would obviate any upheaval or disorganization or loss of business to metal merchants in India."

Sir, as we do not possess that hall-mark of expert knowledge said to have been possessed by this Board, we think from the common sense point of view that untested steel must necessarily sell at a lower price than tested steel. If no difference is shown, the Indian industry would be bound to sell all its steel as tested steel in competition with the British tested steel. The result would be that the Indian consumer of untested steel would be invited to pay more for tested steel.

Sir, I will try to avoid going into details. May I ask whether my Honourable friend, Dr. Ziauddin Ahmad, furnished the Government of India with a balance sheet of the losses and gains to the steel industry of this country under these proposals? Someone has calculated such a profit and loss account and furnished me with a copy of it. According to this statement the value of protection given to the industry would come to 48 lakhs, and the increased payments are estimated to come to 69 ; thus leaving a minus balance of 19 lakhs. I wonder whether this is really an accurate statement of account. If that were so, it would be a travesty of truth to call this measure a measure of protection.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Are you quoting these figures from the *Indian Finance*?

Mr. B. Sitaramaraju : No. If they are correct, there can be no question at all.

iron and steel. Was that object achieved? No. Is the country made self-supporting? No; on the contrary they do not even expect to be so. Are these present proposals calculated to encourage the growth of the industry to that end? I am afraid not. Will the consuming public be relieved to any appreciable extent by these proposals? I submit not. The interests of the consuming public weigh with several of us more than the interests of the industrial concerns. Among them the agriculturalists are an important and deserving section. They are poor and helpless while the industrialists are rich and influential. It is human nature that it should sympathise with the poor against the rich, the helpless against the powerful. My Honourable friend, Raja Bahadur Krishnamachariar, whom I do not find in his seat, waxed eloquent yesterday in advocating the interests of the consumers and the agriculturists in particular. That shows how even the rich can shed tears for the poor even more than the poor themselves. (Laughter.)

If we were to study the provisions of this measure purely from the standpoint of consumers' interests, the very best and excellent way of promoting and serving them is to throw this Bill out. The provisions of the Bill are designed with a view to eliminate foreign countries' imports, which probably are inferior in quality but certainly cheaper. The Indian market is expected under this measure to be catered to by the Tatas and the British. The prices are determined by them, and, therefore, the consumer is bound to pay still higher prices since the duties are prohibitive on cheap foreign imports. But it is these foreign countries who are our best customers of agricultural produce. Therefore, if we want to take only the immediate interests of the consumer and ignore wider national interests, proposals which seek to eliminate cheap foreign imports are antagonistic to consumers' interests. But in considering the claims of the consumer even, as has been pointed out by Sir Joseph, we have to take a broad view. No accurate balance sheet of the consumers' losses and gains can be drawn from that wider point of view. The value to a country of a key industry of this importance being established cannot be calculated in rupees, annas and pies. The country has accepted the policy of discriminating protection. Protection for the steel industry was advocated by every shade of political opinion in this country. It was advocated by Pandit Motilal Nehru, the then Leader of the Swarajist Party, when this question of protection was discussed on the floor of this House on the last occasion. It was advocated by Mr. Jinnah, the then Leader of this Group; it was advocated by every man of public importance in this country. No encouragement can be found from the country for a contrary view and that at a time when the nations of the world have been endeavouring to be self-supporting and to sell more and more and buy less and less. You accept protection or you do not. If you accept protection, the consumer is necessarily invited to suffer. All that we can do is to see that the suffering is temporary and that during the period of protection the industry has been able rapidly to develop so as to dispense with that shelter. The Indian industry has been able to prove even to the satisfaction of the Board and the Government that they did more than was expected of them. Under exceptionally trying conditions, in spite of falling demand, it maintained its output and reduced its costs; it has been able to capture three-fourths of the available home market. I say available market because the Railway Board do not appear to have placed their orders even to the extent of 25 per cent. of the estimates. However,

[Mr. B. Sitaramaraju.]

the Indian industry appears to submit that it will be able to dispense with protection in the near future and will be satisfied with lesser protection now than even they were accustomed to. Because they themselves asked for less, should they get next to nothing and that for whose benefit? The Tatas ought to have realised the simple truth, "Importunity in begging has its advantages". They would have done so, had they secured the services of Mr. Mody a little earlier than they did. (Laughter). My Honourable friend, as the representative of the textile industry, studied that art to perfection and learnt the value of crying loudly for more than he deserved and found how excellently paying it was. (Laughter.)

I do not propose to detain the House any longer. If this industry is benefited and is prosperous and able to stand on its own legs, the primary consideration should be that relief must be given to the consumer, not by exposing to serious competition and reducing the competing strength of the industry, but by fixing from time to time a fair selling price and compelling the industry to sell at those prices. Any attempt of the Government in that direction will be acceptable. But, under no circumstances, will we consent to reduce its competitive strength against its non-Indian rivals. (Applause.)

Sir Leslie Hudson (Bombay : European) : Sir, I wish to pay a tribute to the Tariff Board for their very clear and concise report which is evidence of its members having given their closest consideration to every aspect of the steel trade. The country has no reason to be dissatisfied with that report, although its recommendations may not find universal acceptance. And I think that Messrs. Tatas themselves should be grateful to the Board for having shed the bright light of publicity on the successful re-organisation of their works at Jamshedpur during the past ten years. The following figures will show that, during an unprecedented period of depression, the Tatas have increased their output, have reduced their overheads and the average cost of manufacture in a manner which must cause the admiration of every one in India, and not only in India but outside India. Their output in 1923 was 163,000 tons, in 1924 it was 380,000 tons, and in 1933 it was 500,000 tons. In 1923 their overheads and depreciation were Rs. 57 a ton, in 1927 they were Rs. 39 a ton, and in 1934 they are reported to be Rs. 37½ a ton. The average cost of manufacture has similarly declined from Rs. 106 in 1923, to Rs. 98 in 1926, and Rs. 69 in 1933. These admirable results are no doubt largely due to the protection which has been afforded to the industry, but they are also due to the increased efficiency in the works themselves for which Tatas are entitled to take full credit. I now come to the principle of the Bill, which is a continuation, in a modified form, of protection for seven more years to the steel industry. On the general scheme of protection, as recommended by the Tariff Board, I have little to say, but there are two or three features of the Bill concerning which I wish to make certain observations. I first take the question of tested and untested steel. The Tariff Board have used the expression "British steel" as synonymous with tested steel and "Continental steel" as synonymous with untested steel. I would, however, draw attention to a memorandum issued by the National Federation of Iron and Steel Manufacturers, dated the 12th December, 1933, in which the Federation assures the Tariff Board that the British industry is able and willing to

hole of the requirements of India in untested as well as tested steel. It therefore does seem as if the contention of Tatas, that the differentiation contained in the Bill is not synonymous with the differentiation of tested and untested steel, may have some foundation. A letter which appeared in the *Statesman* of the 19th July, signed "A. S. S. S.", supports this contention. It is a very long letter and I propose to ask your permission to quote it to the House but I think it would be a real foundation for the criticisms which have been raised. The Government may see their way to reconsider this point. I think that in their note to Government, dated the 19th July, they stated that a condition of the admission of British steel, free of duty, should be its compliance with the standard specification, and to the best of my knowledge no British steel importer could take exception.

Das (Orissa Division Non-Mohammadan) : Is that a public statement of the Honourable Member is quoting from?

Mr. Hudson : I believe it is to be found in many quarters.

feature of the Bill, which I desire to touch upon, is the abolition of revenue duties in respect of certain items. Sir, the European Group have always taken the line that there should be a thorough examination of all revenue duties, with a view to their reduction where the law of diminishing returns operates and where they have a protective value and we believe this to be part of a sound fiscal policy. It may, however, be questioned whether such a policy is justifiable to effect this in regard to one particular item in a Bill and that at a time when an emergency budget and salary advance are in operation. I quite realise that the amount in this particular case is small but it is a matter of principle rather than the amount of revenue affected.

On the matter of excise. The Bill contemplates excise on steel ingots, to make up for loss of revenue, and this is referred to in paragraph 120 of the Tariff Board's report and also briefly referred to by the Honourable the Commerce Member in his speech yesterday. It does not, at present, appear to us to be sufficient reason for the imposition of an excise duty on a basic industry in a Bill, the object of which is continued protection. The Honourable the Commerce Member stated that the Honourable the Finance Member would deal with this point later on, so that the Government's case has not yet been fully presented to us, and this somewhat piecemeal presentation of the Government's position on an important measure, places the House at a disadvantage in dealing with their arguments. Surely, it might be possible for the Honourable the Commerce Member, as Leader of the House, to have presented a complete picture to the House, leaving it to deal at a later stage, with the arguments advanced during which his department is more intimately concerned. I will content myself now by stating that we are apprehensive of this proposal for an excise on steel ingots. Does this mean that in the future any industry which may have obtained protection may, at the end of that period, when it has been enabled to stand on its own legs, be saddled with an excise on its production? The Government regard income accruing from a protective tariff, the nature of a permanent revenue, which must be replaced if it is no longer necessary for the purpose for which it was

[Sir Leslie Hudson.] originally imposed? If so, both the industry and the consumer may be in a worse plight than they were before the protection was granted, and any industry applying for protection in the future would have to take into their calculations the possibility of an eventual excise being imposed on their production. Our view is that excises should be imposed as part of a general financial policy and as national necessity arises. We hope therefore that the Honourable the Finance Member will explain to us later the particular justification for linking an essentially revenue measure with a Bill to extend a modified form of protection to a particular industry for a further period of years, and, also, that he will endeavour to give the House some indication as to the policy which Government is likely to follow in the future.

Another matter to which I should like to make a passing reference is paragraph 159 of the Tariff Board's report in which they write as follows:

"We attach great importance, from the point of view of developing the steel industry, to the adoption of suitable measures calculated to increase the market for fabricated steel. No other form of protection can have the influence on this development that would be exercised by a definite scheme spread over a period of years for capital replacements and construction of railways and other productive public works. The credit of the Government of India in the capital market is exceptionally high and money is both plentiful and cheap. A bold policy of public loans for capital expenditure would at this juncture afford enormous assistance in stimulating the market for capital goods like structural steel. We believe, that the effect of such a policy would not be confined to the steel industry but would be felt in every aspect of the country's economic life."

Sir, the European Group, as we have done on previous occasions, urge Government to extend their capital works programme, while credit is good and money is cheap, and we wholeheartedly endorse the recommendation of the Tariff Board that Government should take this into consideration when planning their capital works programme for the coming year.

I would refer briefly to the fact that there is some apprehension,—I think it has already been referred to by certain speakers who have preceded me,—that there may be a tendency for Tatas to become a monopolistic concern. I am referring particularly to the proposed erection of brick-making and coke-making plant which are referred to, I think, in the Tariff Board Report, and which will, if carried out, injure long-established concerns producing the same articles. This matter is dealt with by the Board in paragraph 78 in which they conclude by saying:

"Every reasonable effort should be made to avoid the prospect of the disappearance or weakening of an already established industry as the result of protection granted to another industry."

I hope the House may have some assurance, possibly by Mr. Mody, that the Tatas policy will not be directed to the elimination of such concerns which employ a large number of Indians and which contribute largely in freight to the railway receipts and which are perfectly ready, I understand, to come to an arrangement to supply the Tatas at reasonable rates. (Hear, hear.)

Sir, it was with considerable satisfaction that I heard the Honourable the Commerce Member say yesterday that the Government of India are in close negotiation with His Majesty's Government with a view to

encouraging the export of manganese ore from India to the United Kingdom and I trust that the Honourable Member and the Government of India will spare no effort to assist an industry which of recent years has suffered from severe competition from Russian and other sources.

Finally, Sir, I may say that, I and my Group support the reference of the Bill to a Select Committee. The industry deserves the further meed of protection proposed. The question of tested and untested steel can be dealt with by the Select Committee; and with regard to the proposed excise duty, we reserve to ourselves the right to take this up in the Select Committee after hearing what the Honourable the Finance Member has to say on this subject. (Loud Applause.)

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): Mr. President, my object in addressing the House is to place it in possession of the point of view of the steel industry towards the proposals embodied in the Tariff Board Report and the Bill before the House. I shall try to imitate the excellent tone and manner of the speech which my Honourable friend, the Commerce Member, made in asking for reference of the Bill to a Select Committee, and I would like to take this opportunity of congratulating him heartily on the most admirable presentation of the case that he has made, even though with portions of it, I am entirely in disagreement. (Laughter.)

Sir, the Bill before the House raises some interesting speculations. When is a Tariff Board report to be regarded as sacrosanct, and when is it to be put on the scrap heap?

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadian): When it suits the Government.

Mr. H. P. Mody: That question has been answered in various ways by the Government of India during the last few months. Sir, a couple of days ago, I was told a story about the Commissioner of a Punjab Division who, whenever he got a number of appeals, told one of his chapparasis to arrange them in two rows on either side of the seat of judgment. When he went to Court and had the pleaders before him, he used to lay his hands on one pile and say "Manzoor", and then he would lay his hands on the other pile, and say "Na-Manzoor": that is, "admitted" and "rejected".

An Honourable Member: Does that sort of thing go on also in Bombay and with the Bombay mills?

Mr. H. P. Mody: My Honourable friend asks if this sort of thing happens in Bombay also. No, Sir, this is only possible in benighted parts of the country. (Laughter.) Sir, what I was going to say was that I earnestly hope the Government of India do not dispose of Tariff Board Reports in some such primitive fashion.

Now, Sir, I would like to contend that the iron and steel industry is the most outstanding vindication of the policy of discriminating protection which this country adopted a few years ago, and which has been endorsed on numerous occasions. That policy has very recently found some doubters among people, wise and otherwise, who are shaking their heads over its soundness, but, Sir, that policy has enabled India to be put on the industrial map, and I want to know whether there is any man here or outside who can challenge the fact that India would still be

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industrially, and in every other way, a very backward country if this policy had not been acted upon by the Government of India and the Legislature. It has, for instance, enabled the textile industry to survive. It has enabled, through that circumstance, hundreds of thousands of cultivators of cotton to find a livelihood. That policy has helped hundreds of thousands of sugar-cane growers to earn a living. It has made it possible for a basic national industry like the iron and steel industry to be established in this country and to be subserving a national purpose.

Mr. Gaya Prasad Singh : What about salt ?

Mr. H. P. Mody : And I do not feel called upon to offer any justification for it. But since doubts are occasionally expressed, I would like to say that in the steel industry you have a most convincing example of the soundness of the policy of discriminating protection. Sir, the protection which this industry got a few years ago has, according to my Honourable friend, the Commerce Member, been fully justified. That opinion has been emphatically given in the Tariff Board report itself. Costs have gone down, efficiency has increased, and the figures are to be found in the Tariff Board report. The industry has been Indianized ; it must not be forgotten, however, that it involves highly technical processes and you cannot do without British and foreign experts, but it has been Indianized as quickly as it is possible for Indians to acquire the necessary experience and technical knowledge which are essential to the running of an industry of this character. That Indianization has proceeded in strict accord with the necessities and the demands of the works. Then, Sir, take another item which is also material. This industry, because it has received protection, because it has been able to establish itself securely, can afford to pay labour a higher scale of wages than labour could possibly find in any other industry ; and apart from higher wages, it has set up a town with amenities such as even some of the Presidency towns cannot claim so far as the labouring population is concerned. I would only refer my Honourable friends, in this connection, to a statement to be found in the Tariff Board report. In that they say :

" Our inspection of both the works and the town of Jamshedpur has convinced us that the arrangements made by the Company for the welfare of labour are adequate. In the opinion of some, too much attention and too much expenditure have been devoted to labour welfare, but we are definitely of opinion that the attention and expenditure bestowed on these activities are well repaid."

Sir, from all these points of view, I do not think that I would be claiming too much if I said that the protection, which the Government and the Legislature accorded to this industry a few years ago, has been amply justified. A great many criticisms have been heard of the Tariff Board, in respect of the report before us, during the last few weeks. I am not going to indulge in any harsh criticism. Even when I violently disagree with some of the recommendations and conclusions, I shall charitably assume that the Board were suffering from a sort of mental aberration in respect of certain important matters, and I shall leave it at that.

Mr. B. Das : That is not charity.

Mr. H. P. Mody : It is charity, because the best of us occasionally suffer from mental aberrations. (Laughter.) And even when we are

not suffering from mental aberrations, our critical faculties very often go to sleep. Has not my Honourable friend noticed very respected and weighty Members of Government peacefully slumbering what time we are throwing out challenge after challenge in respect of their administration and their policies ? Are not their critical faculties asleep on these occasions ? Sir, what I was saying was that, one of the most unsatisfactory features of the Tariff Board report is its recommendation that in respect of certain articles it is essential that even the revenue duty should be removed. I was very gratified when my Honourable friend, Sir Leslie Hudson, emphatically dissociated himself and his Group from any endorsement of such a policy. I can understand the Tariff Board making a recommendation which is really outside their province, but I cannot understand the Government of India embodying this recommendation in a measure which they are placing before a popular Legislature. What are revenue duties for ? They are for revenue and must be guided by revenue considerations.

The Honourable Sir James Grigg (Finance Member) : Hear, hear.

Mr. H. P. Mody : I am glad that my Honourable friend, the Finance Member, says : "Hear, hear". I hope that it only means that he is going to take an extremely reasonable view when he follows me. I am glad that at this initial stage I have managed to convince him. Sir, what I was going to say was that the over-riding consideration must be one of revenue, and as my friend, Sir Leslie Hudson, just now pointed out, if the law of diminishing returns has started operating, then obviously it is foolish to retain the revenue duty at a particular level because by doing that you are defeating the very object of the duty. There is another consideration. If it is a national object which is to be subserved by the removal or reduction of a revenue duty, then, too, the Government would be justified in adopting that course.

The Honourable Sir James Grigg : Hear, hear.

Mr. H. P. Mody : I will now remind you, Sir, of your past sins. I mean the Ottawa Delegation Report, which lays down certain principles which I am very glad to be able to quote here. The Report indicates in what manner tariffs are to be adjusted, and the House will forgive me if I quote at some length :

" The Indian import tariff is primarily a revenue tariff which imposes a moderate uniform rate of duties on all commodities, subject however first to the levy of a much higher duty on particular articles, second to exemption from duty or admission at low rates of other articles where national interests require such concessions, and finally to the imposition of protective duties when it is established that the encouragement of these industries is justified in the national interest. The higher rates of duty call for no comment ; the exemption from duty and the low rates fall into one or the other of the following categories :

- (1) Commodities of importance to the cultivator, such as agricultural implements and manures.
- (2) Particular medicines such as quinine, the side distribution of which is important from the point of view of health.
- (3) Commodities a duty on which might operate as a tax on knowledge, such as printing machinery and appliances.
- (4) Commodities a duty on which might retard a desirable development still in its infancy, such as aircraft and radio appliances.
- (5) Commodities a duty on which would impede the development of industries such as power machinery, raw materials and dyes.

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(6) Commodities a duty on which might appreciably increase the cost of railway transport, such as locomotives and many other classes of railway material.

In each case the exceptional treatment of the articles concerned was based on broad grounds of national policy deliberately adopted which, it was held, must outweigh purely revenue considerations."

I repeat, therefore, that the reduction or the removal of a revenue duty should form no part of the recommendations of a Tariff Board report. The matter must be decided in strict accord with budgetary considerations. I should have found no complaint with my Honourable friends on the opposite Benches if they had come forward in March and said: "Well, our budgetary position has improved so materially, our finances are in such a healthy condition and our credit stands so high, that we are going to take the risk of an all-round reduction of duties". If at that moment some such proposal, as the one under discussion, had come forward, I should have found no reason for complaint. But when the revenues of the Government of India are in the condition in which they are, Government cannot come forward with a proposal which I regard as most reactionary. They were so desperately hard up, a couple of years ago, that they actually increased the duties on machinery, which the Fiscal Commission had said should be free. They increased the duties on dyes and on a great many other commodities which are essential to industrial development. How can they now come forward and say that it is in the national interest that the revenue duty should be entirely done away with in respect of certain articles of British manufacture? Sir, even in respect of yarn, in spite of the interests of the handloom industry, the revenue duty on counts above 50's was retained. There is, thus, not the slightest justification for the proposal which has been put before us and I want to ask my Honourable friend, for whose benefit it is made? Does the fabricating industry want it? So far as one can understand their position, they do not want this remission of revenue.

In connection with this issue, somebody remarked in the course of yesterday's debate that, I have been hoisted with my own petard. Nothing of the sort. I take the same stand today as I have taken all along. I stand for preferential arrangements so long as they are in the interest of India, which must be our first consideration. And if the occasion arose again when it became necessary to subscribe to the same principle or to endorse similar arrangements which I made a few months ago, and which evoked such bitter criticism from a section of the Press and the public in India, I am prepared to take again the risk of public condemnation and obloquy. My position has been consistent. The interests of India must be served first, and I claim that in spite of all the criticisms of the Indo-Lancashire Paet, it was that consideration which was uppermost with me, and I repeat that if the occasion.....

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : What has happened to it now?

Mr. H. P. Mody : That agreement is going on very wonderfully. (Laughter.) My Honourable friend, Mr. Raju, yesterday, strung up a sort of a limerick which was quite humorous but which lacked a bit in rhyme. It said that the British lion had swallowed me up and that the laugh was on the side of the lion. Well, Sir, I do not mind the lion

laughing so long as I am in the happy position of being able to grin. So long as the lion does not feed off me, I do not mind how happy he is. I repeat that the position I am taking up today with regard to the exemption from revenue duties is entirely consistent with the attitude I have all along adopted.

I shall get on to the next objectionable feature of this report; and that is the burden of excise which has been laid upon the shoulders of the industry. It seems to me, Sir, in a general sort of way, that the consumer gets hit both ways. First of all, protective measures are imposed which naturally result in an increase of the burden on the consumer. A certain amount of revenue is, however, derived by the State and the general taxpayer benefits to that extent. Then when the protection is decreased, and the revenue drops, the consumer again is made to pay by the system of excise and countervailing duty instead of the general taxpayer being asked to bear his share of the burden. (Hear, hear.) While I myself have advocated the mulcting of the consumer for national interests, I cannot really justify the mulcting of him when there is no such consideration. My Honourable friend, Sir Leslie Hudson, there again, took up a sound attitude for which he deserves to be congratulated. I want to go a little further. I say, that in this proposal the industries throughout India must observe a danger signal hoisted up. (Hear, hear.) Every industry which comes forward for protection will have some sort of excise imposed upon it. It will be made to pay for the protection. If it is made to pay fairly we can have nothing to say, but in the present instance the burden is very unfair. Take the instance of the sugar excise. What was the justification of Government for that measure?

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : No justification.

Mr. H. P. Mody : We say no justification, but I am putting the matter from Government's point of view. Even they are entitled to their opinion sometimes. (Laughter.) Well, what I was saying was that the Government justification for the imposition of the excise duty was that the revenue had dropped from something like ten crores to under two crores and was on the point of disappearing altogether. The second point was that the industry had been given an abnormal measure of protection, something in the nature of 200 per cent., including the surcharge, and the Finance Member felt he was justified in getting something back from it. The third argument was that the sugar industry was developing in a most unhealthy way and Government said, "well, this will be a salutary awakening to them. Let us administer the dose". Now, is any one of these considerations applicable to the iron and steel industry in India?

An Honourable Member : No, no.

Mr. H. P. Mody : I want to know what it is that the Government of India are taking their stand upon. Is it a definite recommendation in the Tariff Board report? What does the Tariff Board report say? It is important to remember that the Tariff Board had no business to meddle in questions of revenue. (Hear, hear.) They go out of their way to do it, and append a paragraph which talks of the possibility of the Government of India levying an excise duty. Now, if it was the intention of the Board that this proposal should be taken seriously, it was their bounden duty to discuss it, in the course of the

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evidence which was being led before them, with the representatives of the industry. They do not do anything of the sort. They dismiss the matter in a paragraph, where not even the method of collecting the excise is indicated. I am almost certain that if the Tariff Board had realised that the Government of India would greedily pounce upon this recommendation, and impose an excise on steel ingots, then even the Board might have paused. How will the excise work? It is being levied on the industry both in respect of its protected as well as of its unprotected products. Half the products of the industry are not protected and even in their case the excise duty has got to be paid. Then, Sir, the countervailing duty will not be helpful in respect of a very large part of the production and the result will be an intolerable burden on the industry. Now, I strongly oppose the very idea of the excise duty, but if it had to be levied, surely the Government of India might have considered the desirability of seeing that the countervailing duty was on a higher scale than the excise. How does the excise operate? When you take rupees four per steel ingot on every ton of the products of the Steel Company, you are taking from them something like 30 lakhs of rupees. The Government of India could only justify that, if they were in a position to prove that a countervailing advantage had been conferred upon the industry through the increase in the protective duty. But does it operate in this logical way? The Honourable the Commerce Member knows what happened when the duties against Japanese textiles were raised from 31½ per cent. to 50 per cent. The whole of the increase was absorbed in the price. When we were endeavouring to raise this 50 per cent. duty to 75 per cent., contracts were actually made by the Japanese manufacturers, that if the duty were increased, they would bear the whole of it. Now, what is there to show that when, either on account of a shrinking market in India or because the Continental works must also live, and, therefore, must compete here in this country as against British products, the price level is sharply brought down, the countervailing duty will protect the industry? Let me quote from the Tariff Board report; it is refreshing sometimes to be able to look to it for support.

"To this extent there seems no other conclusion to be drawn than that it has been too readily assumed that the benefit of protection to the industry can be measured directly by the rate of protective duty. Experience has shown that in the circumstances of a growing industry this assumption cannot be made and that there will ordinarily be a lag between the theoretical price and the actual realisation."

It is instructive to recall in this connection that there is something like a duty of 33-1/3rd per cent. on the imports of steel into the United Kingdom. Everyone knows that Great Britain was the pioneer of the steel industry. Everyone knows how strongly it is entrenched. But the British Government found that this industry of national importance had fallen upon evil days, and they did not wait for elaborate and meticulous calculations of a Tariff Board of costs and fair selling prices. After a preliminary and none too elaborate examination by the May Committee, an Order was made in 1932.

This is what was said:

"In our first report presented on the 8th April last, we made a special reference to the position of the iron and steel industry in this country. We there stated that we are satisfied that the maintenance of a prosperous iron and steel industry in the highest degree of efficiency is essential to the economic progress of this country, while from the point of view of national security it must still be regarded as vital."

Let me say a few words with regard to the inadequacy of the protection that has been conceded. I recognise that if the proposals of the Tariff Board, where they lay down what should be allowed for depreciation, overheads and profit, were to be regarded as the essential and inviolable feature of the protection sought to be given to the industry, I may not have much to say. My only point is that the protection, which you think you are conceding to the industry through the adoption of the Tariff Board report, will not be worked up to for reasons which I propose to point out. My Honourable friend, Sir Leslie Hudson, has already referred, as did my Honourable friend, Mr. Raju, to the difference between tested and untested steel. I do not want to elaborate that point; all that I want to do is to give one illustration of the way in which it will work. Take the case of bars. The fair selling price of bars has been fixed at Rs. 106, for the British, Continental and the Indian industry. Now, it is quite impossible that the Continent can sell its bars in this country at Rs. 106, if British manufacturers were able to market them here at Rs. 106. The Continent would have to accept less or be squeezed out of the market. In the same way, if British tested bars are to be sold at Rs. 106 in this country, what happens to the untested bars of the Indian industry? Naturally the Indian industry will be obliged to reduce its prices. As a matter of fact, even during these last few days, complaints have come from all over the country that the quotations which were in operation until the Report was published are no longer operative, and that the stocks in the hands of dealers and small merchants would have to be sold at a difference of 10 to 15 rupees.

Dr. Ziauddin Ahmad: What is your conclusion from that?

Mr. H. P. Mody: Conclusions always come at the end. (Laughter.)

There is another respect in which the protection falls greatly short of what is due to the industry. Today, as everyone knows, there is a continental cartel in existence. That cartel has survived for a considerable time. Who knows how much longer it will be in operation? The British industry is reorganising itself, through the operation of both these causes, it may well be that prices may witness a sharp drop in this country. If that happens, the whole structure of the Tariff Board's recommendation may fall to the ground. My Honourable friend, Mr. Raju, quoted certain figures which did not appear to be clearly understood by the House. He said that the total protection sought to be given was only 48 lakhs. What he probably was referring to was the Tariff Board's conclusion, namely, that if a certain switch-over from untested to tested steel took place, which is bound to happen in future in the new conditions, then the measure of protection to the industry on the products which are protected would be just 68 lakhs of rupees, which works out at something like 12½ per cent, which incidentally, I may say, is lower than the existing revenue duty. What Mr. Raju was trying to point out was that if there was no differentiation made between tested and untested steel, then it was possible that the industry may have to suffer a loss of something like 20 lakhs of rupees, in which case the effective protection would only amount to 48 lakhs. If it is that figure, it comes to something under nine per cent. Now, Sir, I do not wish to appear churlish. But I would like to tell a little story. A friend asked another on the New York Stock Exchange: "Is it true that Isaacson made twenty thousand dollars in rubber last autumn?" The other fellow said: "You are perfectly correct, but you have not got the details right. It was not rubber but it was copper; it was not last

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autumn but the summer previous; it was not twenty thousand dollars but two thousand dollars; and it was not Isaacson, it was me". (Laughter.) So if somebody were to ask my Honourable friend, the Commerce Member, "Is it true that the Tata Iron and Steel Company is going to receive a very considerable measure of protection?", my friend would say, "Certainly, but we just want to make a few alterations in the last measure of protection. We want to do away with the revenue duties on certain articles; we want to reduce the scale of duties all round; we want to impose a little excise which might mean about 30 lakhs of rupees; and we want to tell Tata's that if they have got any remunerative contracts they must at once do away with them and sell at market prices!"

Sir, I can realise that the obvious answer to all this is the provision which relates to off-setting duties. I welcome that proposal. I think it is very sound and it carries a little further the power which already exists in the Statute with regard to iron and steel products. But my only point is that it is very undesirable from every point of view that the continual invocation of this provision should become necessary. If *ab initio* your proposals fall very short of the protection which the Tariff Board concedes as due to the industry, then the provision with regard to the off-setting duties is not an adequate or a complete answer. And again it has got to be remembered that the off-setting duties, even with the utmost celerity with which Government steps in, can only come into operation after the market has been dislocated by abnormal importations or low prices and after losses have been suffered, not only by the industry itself but by all those who are distributors of its products. So, while I admit that in the application of this off-setting duty, there is a provision of immense importance to the industry, I only want to emphasise that it may not operate promptly or efficaciously.

Here, Sir, I shall briefly touch upon the question of the profits made by the industry. The Tariff Board have found that the profits over a course of seven years since protection was given were less than two per cent; if calculated on the block of 12½ crores. I hear whispers as to what our profits are going to be this year, and some of my Honourable friends are wanting to know why we have not come out yet with a balance sheet. We will come out with the balance sheet in good time, but I do not mind saying to this House that we are showing very good results this year. But what I want to know is this however; after seven years of protection, are we not allowed to make a decent profit even in one year of that period? Even if you take these profits into calculation and take them over the whole period of seven years, you will find that we have done nothing very wonderful; and therefore to fling in our face the large profits we have made in one year is unjust and ungenerous. Look at the matter from the point of view of dividends. In the last six years we have altogether distributed just Rs. 137 lakhs on a block of Rs. 12½ crores. For years, our ordinary shareholders, who have invested crores of rupees in the concern, have not obtained a single pie; not a single pie has been paid to our deferred shareholders; we are in arrears even with regard to the second preference dividends. Is it something very wonderful which these results show, that the Government of India should take the earliest opportunity of pouncing down upon the industry and saying "You are making too much money; that will not do"?

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Will you please tell us what are the amounts transferred to the several Reserve Funds and what are the amounts paid to the Managing Agents?

Mr. H. P. Mody : It is getting late : I will give these figures to my Honourable friend and to whoever else wants them : I have got them all here.

Sir, a great deal has been said about the national importance of the Tata Iron and Steel Company. A very handsome tribute has been paid by my Honourable friend, the Commerce Member, and by every single Member who has followed him. I am sure the Tatas very deeply appreciate the generous way in which their efforts in establishing this industry have been recognised. Reference has been made by several speakers to the services which the industry was enabled to perform at the time of the Great War. Lord Chelmsford has put on record his opinion that, without the aid of the Tata Iron and Steel Company, he could not imagine how it would have been possible for India to conduct the campaigns in Mesopotamia, East Africa and Palestine. Some figures have been given to Honourable Members with regard to the sacrifices made by the Company in those days,—they amounted to Rs. six crores. But the Steel Company did not interpret their obligations in terms of what the Government imposed upon it. It did its best to enable Government and also public bodies to obtain their requirements of steel and iron materials at reasonable rates, what time the rest of the world was making abnormal profits. It installed two new open-hearth furnaces when it found that the Government of India wanted more steel, even though it paid the company better to sell pig iron instead. The Tata Steel Company did these things, and I am very glad that its services have been fully acknowledged in the course of this discussion.

I will just say one word about wages and living conditions. The industry pays Rs. 175 lakhs in the shape of wages every year. I am not talking of all the other benefits which labour receives in the way of housing, sanitation, water supply, hospitals, medical relief, and the like; I can only ask my Honourable friends to come and visit Jamshedpur and realise for themselves whether it is not a fact that labour at Jamshedpur is much better housed, much better treated, than is possible in any concern in the whole of India.

There is the question of the Steel Company's importance to other industries. Here again, facts and figures have been given by several Honourable friends and I shall not deal with them. I would only like to say a word with regard to the importance of the industry to the railways of the country. The Bengal Nagpur Railway derives fully a third of its revenues from the Company. In the course of the last few months, increases in railway rates have been imposed upon the company by the Bengal Nagpur Railway and the East Indian Railway, and these amount to an increase of Rs. 40 lakhs. From all these points of view, it can certainly be said that the Steel Company can claim to be regarded as a national industry in every sense of the word.

There is one point which my Honourable friend, the Commerce Member, practically invited me to deal with, and that is the treatment of subsidiaries. It is rather unfortunate that the Tariff Board should have made certain observations in this connection, which the representatives of the industry appearing before it had no opportunity of rebutting. I can only

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say this : that it is quite possible, with an industry of such wide ramifications, that occasionally its competition may have hurt a particular concern. That might have happened, but that is something very different from the suggestion underlying the Tariff Board Report that any conscious injustice has been done to any concern or individual by the operations of the company. The Steel Company provides power, lighting, land and water, at reasonable rates, to a number of subsidiaries. It has aided the tin-plate, the agricultural implements, the enamelled iron ware, the firebricks, the wire products, and a great many other industries. It will be news to many of my Honourable friends that in the course of this spoon-feeding of other industries, the Steel Company has lost enormous sums of money running into eight figures. My Honourable friend, Sir Leslie Hudson, asked for an assurance from me with regard to the treatment of these minor industries. I can only say that the Steel Company has no desire to monopolise the market or to snuff other concerns out of existence. It believes in the great principle of living and letting live, and it hopes to continue to act up to that principle unflinchingly.

There is one final observation, and it is this : the Bill is going before the Select Committee. I want to be assured that the
1 P.M. Committee is really going to apply its mind to every single problem arising out of the Bill and will be allowed to modify the proposals embodied in it. I have for some time been of opinion that it would be extremely desirable, in the interests of industries, that Tariff Board Reports should be released in advance of Government's proposals. That may lead to some sort of speculation, but I do not see why we should worry about that. After all, even speculators know that Tariff Board Reports are sometimes altogether ignored. On the other hand, if Tariff Board Reports were released in time, before Government have made up their minds, the industries concerned would be in a position to make their submissions, to point out in what directions some of the conclusions of the Tariff Board could not be sustained, and generally to put their point of view before Government. What happens now is that Reports are released along with Government's conclusions. And, Sir,—I am not saying it in any offensive spirit,—it is human nature, Government simply dig their toes in and refuse to consider amendments. My anxiety is to ensure that the Select Committee procedure has some meaning. Sir, with these observations and with the reservation that I do not agree with some of the vital features of this Bill, I have pleasure in supporting the motion. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : I think I will adjourn the House just now and call upon the Honourable the Finance Member the first thing after lunch.

The Honourable Sir James Grigg : I shall be quite ready.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House now stands adjourned till a quarter past Two.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

The Honourable Sir James Grigg : Sir, (Applause), this is the first occasion in my life on which I have had to make any considerable debating speech, and I am very grateful to the House for the friendly welcome they have given me, because it will encourage me in a task which must be one of some nervousness, and, obviously following the extremely skilled speech of Mr. Mody, one of some difficulty. Sir, it might be convenient if I took the House through the actual processes which led up to the revenue provisions of the Bill. But before I do so, I should like to make one slight digression and to comment on the tendency, which I have noticed throughout the debate and throughout the propaganda in the Press on the subject of this Bill, to mix up protection and revenue. This confusion between the two considerations is very wide-spread, and if I make a few preliminary remarks it may assist to get the two functions into their proper perspective. The object of a protective duty is, of course, to protect an important Indian industry. The object of a revenue duty is to raise revenue. The two objects should not be confused ; quite often indeed they are mutually destructive. As this confusion is an important point, I shall have to come back to it later but for the moment I content myself with saying that my Honourable friend, Mr. Mody, has extremely skilfully exploited this confusion. He says first, why do the Tariff Board mix themselves up with revenue ? Incidentally, he seems to have forgotten one thing, namely, that paragraph (c) of the terms of reference to the Tariff Board specifically required them to pay attention to revenue considerations. However, that is by the way. Later on, he claimed that the revenue duty is really a protective duty and he protests against absorbing the countervailing duty in the revenue duty ! Mr. Mody wants it both ways ! But, perhaps, after all, he is entitled to have it both ways, seeing that he has had abuse both ways in regard to the Mody-Lees Pact. (Laughter.) He has been abused in England for having sold Lancashire for what is vulgarly called a pup ; he has been abused in India for having sold the pass. (Laughter.) So that he is no stranger to having it both ways.

The Tariff Board estimated that the alterations recommended by them will involve a loss of revenue of about Rs. 67 lakhs a year. Again, I may emphasise the point that,—in accordance with paragraph (c) of the terms of reference, they were required to take into account that very definite fact of the loss of revenue. On the later figures now available, we estimate the actual loss to be expected is from Rs. 25 to 30 lakhs, a figure which is less serious than Rs. 67 lakhs, but one which, in present circumstances, it is quite impossible to view with equanimity. The balance of the Budget is at best precarious, and no one knows at present what the final results of the Match Excise and the Sugar Excise are going to be in the way of revenue. Therefore, it was absolutely necessary for the Government to replace this Rs. 30 lakhs and to replace it at once. The problem was how to replace it. Naturally, we did not fail to consider whether it could be replaced purely by revenue duties on the importation of iron and steel. The ordinary rates of revenue duty on manufactures of iron and steel are, at the present moment, 10 per cent. on British and 20 per cent. on Continental. The report of the Tariff Board recommended that an overriding revenue duty

[Sir James Grigg.] should be maintained on everything except tested structurals and plates, and our calculations of loss of revenue assumed that this overriding duty should be fixed at the present rates. The two possibilities of increasing revenue by way of import duties were, first, to impose revenue duties higher than the present revenue rates, and, secondly, to impose revenue duties on plates and structurals in disregard of the Tariff Board's recommendations. On the first point, that is, on the possibility of higher revenue duties than the normal ones on manufactures of iron and steel, I should like to say that personally I see considerable objection in going beyond what has become the standard revenue duty in the case of iron and steel. But, quite apart from that, our calculations show that, except in the case of sheets, an increase in the duty would result certainly in no increase, and quite probably, in an actual decrease of revenue. Perhaps, at this point I may quote paragraph 119 of the Tariff Board's report, as this question of sheets is a very important one.

"Whatever forecast may be finally arrived at, it is clear that the greater part of the probable loss in revenue will be due to the proposed reduction in the duty on galvanised sheets."

Thus, in order to obtain any substantial contribution towards our Rs. 25 or 30 lakhs, it would be necessary to increase enormously the duties proposed on sheets. My calculations, in fact, show that it will be necessary to put back practically the whole of the all round reduction of Rs. 43 per ton which the Board recommended, and to this Government could not consent. The considerable cheapening of sheets which will result from the Tariff Board's recommendations is, in the Government's view, one of the most valuable features of their report. It was specially recommended by the Board as likely to be of service to the agricultural community, who, as the House knows only too well, have suffered many misfortunes in recent years. (Hear, hear.) And the Government could, under no circumstances, agree to take away from them the benefit of the lower prices of sheets. Perhaps, I might here digress and point out that this reduction should amount, on certain rough calculations which I have made, to about Rs. 2 on each sheet of the size ordinarily used by the agriculturist. That disposes of the possibility of making up for the loss of revenue by what would be in fact, reversing the recommendations of the Tariff Board, at any rate, in the matter of sheets. There remains the possibility of a revenue duty on tested structurals and plates. According to our calculations the yield of ten per cent. duty on the basis of the imports of 1932-33 would be about Rs. 1½ lakhs, and on the figures of the next year would have amounted to a sum very slightly in excess of that figure, certainly well under two lakhs. Here too, therefore, there is no solution of our revenue problem.

Mr. H. P. Mody: May I ask a question? What would happen in the case of a switch-over from continental to British? Would not the revenue loss be greater?

of that was suggested by the Tariff Board itself in paragraph 120 of their Report. And may I here again turn aside to emphasize the fact that the Tariff Board were required, by paragraph (c) of their terms of reference to pay attention to the revenue aspects of their recommendations.

Paragraph 120 of the Report reads:

"The general question of replacing by some other source of taxation the Customs revenue lost to Government by reason of the policy of protection is one which the country must be prepared to face sooner or later. An obvious way of meeting the situation is to levy an excise duty, provided the protective duty is increased at the same time by a corresponding amount so as not to impair the measure of protection granted to the industry. The same principle may be applied to individual articles manufactured by a protected industry on which no protective duty is required by levying the duty on both imports and local production at a uniform rate so calculated that on the total consumption the aggregate amount of revenue desired by Government may be realised. Such a course has the advantage, besides safeguarding the Indian industry and supplying the deficiency in revenue of preventing so high a rise in prices as will follow if the whole duty is levied in the form of an import duty."

Perhaps here, if I have not already disposed of it, I might digress to deal with a point raised by Mr. Sitaramaraju. He said that this business of an excise was a new departure in Indian fiscal procedure. I am inclined to believe that it is not quite so new as he thinks. In paragraph 95 of the report of the Indian Fiscal Commission, I read these words:

"It is possible indeed that the necessities of revenue may force the Government to put a higher import duty on certain protected goods than is required for purposes of protection. We deal with such a contingency in a later chapter, when we recommend that any such excess revenue should be raised by means of an excise duty plus an additional import duty. The additional duties would be purely for revenue purposes and would be dealt with on strictly revenue principles."

Now, Sir, on this question of excise, I do not pretend that in the case of steel it is a very satisfactory device. I personally should have been very glad to be able to dispense with it—I hope the House will agree that I have proved we could not dispense with it, that is, if the balance of the Budget was not to be prejudiced,—and like my Honourable friend, the Commerce Member, I cannot see this excise duty on steel ingots becoming a permanent feature of the Indian fiscal system. I think that answers my friend, the Leader of the European Group. In his further excursus, I should like to be excused from following him. The diminution of customs revenue as a result of protection is a well-known and, to me, terrifying feature of Indian finance and I do not pretend that I can present either to him or to the House a solution of that in the short space of three months. But what I do say, on this excise duty on ingots, is that we have imposed it at the lowest possible rate and in the least burdensome manner and only in response to a necessity which could not be denied. The burden on the consumer is as low as possible. It is certainly very small indeed in comparison with some of the reductions in price which will result from the recommendations of the Tariff Board. Perhaps, I might add here in passing, that the method of calculating or of assessing this steel duty is the same as that adopted in connection with the bounty of Rs. 20 a ton which was previously paid to Tatas.

So far, Sir, I have been dealing with the criticism which has concentrated itself on the excise duty. I now turn to the kind of criticism which has said that the Tariff Board's report and the Bill are unduly

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favourable to the British exporting interests. Two reasons have been urged for this argument. The differentials between British and Continental steel and the absence of a revenue duty on tested structurals and plates. As regards the first point, the position seems to me to be as follows. I may have erred in my inexperience but it seems to present itself to me quite clearly. Continental prices are dumped prices and so long as Indian steel is assured of its proper protection both against British steel and against Continental steel, it is a matter of no moment to the Indian industry what the differential is, for it merely places the Continental and the British manufacturer on an equality. In other words, we first impose the amount of protection, if any, required against the United Kingdom and then we super-impose on that an anti-dumping duty against the continent. On the other hand, if the margin between the two, that is British and Continental, is reduced, as it must be reduced, by the imposition of an over-riding revenue duty, the result may very easily be that the British exporter is cut out of the Indian market altogether, and that the whole surplus over the domestic production goes to the continent and none of it to the British exporter. If a certain margin is required to place the two on a competitive basis, obviously any substantial reduction of that margin will knock the British exporter out completely. So far then from the device of a revenue duty being required merely to preserve the position of India against the British exporter, it may be argued that it is an admirable device for cutting the British exporter out in competition with the continental exporter. I personally cannot see any flaw in that argument, and it seems to me to be quite valid, except on one assumption—and that is that either the differentials or the amount of protection allocated to the Indian indigenous industry or both are based on miscalculations. The question of miscalculations of the Tariff Board is, of course, a matter for the Commerce Member and not for me. So I leave it at that. Incidentally, I might perhaps, in passing, express a personal view that, if at any time the margin between British and continental prices diminish, owing to the Continent beginning to quote economic prices and not dumped prices, there would be a very strong case for a reduction of the differentials. As regards structurals and plates, I hope that the arguments that I have just used have disposed of the contention that there has been undue favouritism to Great Britain. If further argument is needed, I would point out that paragraph 114 of the Tariff Board's report makes it clear that their recommendation of no duty on tested structurals and plates proceed on the basis that no protection was required by Tatas against tested structurals and that a revenue duty would be contrary to the interests of the Indian public and of subsidiary industries—I was going to say, to whom Tatas have been accused of being step-motherly, but it would be ungracious to do so after Mr. Mody's assurances this morning. Perhaps I might read the relevant passage of paragraph 114:

"If revenue duties are imposed on such materials, the duties required on the products of engineering and other subsidiary industries will be substantially higher than we have estimated. Since most of these products are used in public utility works, it will be realized that, any increase in the duties on these products which is not required on protective grounds will create an undesirable burden on the public. The fall in demand for fabricated steel in recent years has been so great that it is essential, in order to encourage the growth of demand, to keep prices at as low a level as is consistent with the interests of the Indian industry."

While I am on this point, I might read a passage from the original Report of the Indian Fiscal Commission which illustrates rather aptly my point of the danger of mixing up revenue and protective duties:

"119. We have already explained that we contemplate a tariff consisting partly of revenue and partly of protective duties; and we have now to consider whether any principles can be laid down for regulating the rates of taxation on articles to which protectionist considerations do not apply. The mere fact of an article not requiring protection will not justify its being taxed without consideration of the effect of such taxation on other industries. We have recommended for instance that there should be as a rule no duties on raw materials. Similar considerations apply to the case of semi-manufactured articles, which do not go straight into consumption but are used in the process of manufacture of any industry in India. Any taxation imposed on such articles reacts on the industries which use them, and consequently will either injure these industries or will necessitate the imposition of some compensatory duty."

That, then, is the position. You have got a recommendation from the Tariff Board that no protection is required by Tatas on these articles; it is very desirable that these articles should be supplied as cheaply as possible to the subsidiary interests. If, then, the revenue obtained from the revenue duty on these articles would be negligible, why, in Heaven's name, why should you not carry out the recommendations of the Tariff Board's Report?

Perhaps I can, at this stage, dispose,—not very satisfactorily, I admit, because it is a weak point in my armour,—the point made by my Honourable friend, Mr. Sitaramaraju, about machinery. Certainly there is a ten per cent. duty on imported machinery—certainly, in my view, as soon as the financial position of the country admits of it and the existing commitments, which are many, have been carried out, that duty ought to be removed (Applause), but do not make any mistake about it: we do not get 1½ lakhs from machinery but 1-1½ crores and it is not so easy to remove the revenue duty! Then there was a somewhat technical point made,—I think by Tatas in their representations to the Government, and it has also appeared in a good many articles in newspapers,—about the essential price difference between tested and untested steel. That, as I say, is a technical point and as to its validity I am not in a position to judge. It obviously is the primary concern of my Honourable friend, the Commerce Member. In my view, it is a matter of protection and not of revenue and, in my view, the two matters should not be mixed up. If protection is to be given, let it be given in accordance with the conditions laid down by the Fiscal Commission: if it is not required, we ought not to give it all the same under the guise of a revenue duty, particularly if the revenue duty is a contradiction in terms and yields no revenue.

There were a few specific points raised in the course of the debate to which I might now turn. The point was twice made, by the Deputy President and by Mr. B. Das, that we have no right to reduce taxation while the pay cut and the surcharges remain. Of course, this argument carries us a bit too far, for it would mean that we are debarred from reducing a revenue duty even when it has passed the point of diminishing returns,—and I assume that neither of the Honourable Members would wish to be quite as logical as that. But anyhow,—if the two Honourable Members will forgive my saying so,—I think, the contention is irrelevant, for the scheme of taxation of iron and steel, at any rate, those items of iron and steel which are covered by the Tariff Board Report and by the present Bill must be treated as taxation of a single

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composite item, and this single composite item, by the scheme of protection and excise duties covered by this Bill, we have treated perfectly properly. We have sought to maintain the yield of the revenue from it as a whole, neither to diminish it nor to reduce it, and, therefore, in my view, we have kept ourselves within the spirit and the letter of the pledges. I must say, that I was a little surprised, and agreeably surprised, to get support for the excise duty, unintentional support, perhaps, from such unexpected quarters. Our scheme is simply that of preserving the revenue yield of a single item—a composite item it is true, but a single item of taxation.

Mr. Sitaramaraju invited the House to throw out this Bill. I wonder what Mr. Mody will think of that! (Laughter.) Perhaps I might very briefly explain to the House what the consequences would be. In October the whole of the present scheme of protection would lapse. There would be left no scheme of protective duties at all. As far as I can make out, the result will be that the whole of the articles previously covered by the iron and steel protective scheme would fall under the uniform, non-differentiated rate of 25 per cent. Now the latter rate would certainly knock out completely the British manufacturer. I do not know what view would be taken in Great Britain of that, but it would certainly have that effect. It would also do Tatas no good, because some of the duties recommended on continental dumped products are very nearly 70 per cent. *ad valorem*, and if you leave Tatas with a margin of 25 per cent. only, they would be 45 per cent. short of their requirements. Do not make any mistake; they would not like that; and Government would not like it either. It is no good making suggestions about throwing out this Bill until you know what the consequences would be,—and, Sir, the consequences in economic disturbance and political complications and every other thing would be quite disastrous.

Then Dr. Dalal made a point about the poor widows who had invested in Tatas' shares. I do not think he need be very troubled about the poor widows. The Tariff Board were very much at pains to provide what, in my view, was a fair scheme of profit-making for Tatas, but perhaps I might read out two quotations from some financial newspapers which will give him some additional re-assurance. The first is:

"The Tariff Board Report has by now been digested"—*I am not quite sure of that*—"and the bulls and the bears are still undecided as to the ultimate advantages or disadvantages of the recommendations. However, it would appear that the industry will get adequate protection, which can only be viewed in the light of a bull point for steel shares."

The other one I shall now go on to. In order to get the context in its proper form, I shall have to read a few slightly prejudicial comments with which I hope the House will not imagine that I necessarily associate myself. I merely read them in order to get the proper context:

"The present attitude of too large a section of the Indian Press on the suggested preference for the United Kingdom steel manufacture provides a case in point. I do not suppose for a moment that the views there expressed will deceive Government as to the extent of public opinion behind them. I hope the Members of the Legislative Assembly will suffer from small delusion from the hysterical expressions of some

newspapers that ought to know better. One would imagine that the Tariff Board's recommendations in respect of preferences, if accepted by Government, would seriously injure the Tata Company or India. This is evidently not the opinion of the holders of Tata's ordinary shares, which at to-day's price of Rs. 72, are actually 12 annas higher than they were before the report was published and Rs. 16 higher than their price at the end of March, 1934."

So, I do not think Dr. Dalal need worry about his poor widows. (Laughter.)

Now, there was another point raised by my friend, Mr. Mody, in which he complained that the countervailing duty to the excise was merged in the revenue duty and was not additional to it. On that I would refer him to my previous argument. If higher protection is required, let it be given as such and subject to the conditions which are customary in connection with the grant of protection. It ought not to be given in the form of an increase of a non-revenue-yielding revenue duty. As I said before, Mr. Mody does really want it both ways. When it suits him to plead revenue considerations, he ignores the protective aspect of a revenue duty and when it suits him to complain about the hard fate of Tata's, he protects against the loss of protection conferred by a revenue duty. I am sure that he would not wish to leave the House in any misunderstanding as to his real attitude in these matters and he will forgive me if I have endeavoured to make it clear to them on his behalf. That, I think, is about all that I need say, except to take up one remark made by the Leader of the European Group, in which he paid a tribute to the Tariff Board and their work. Mr. Mody said in the course of his remarks that the Tariff Board suffered from mental aberrations. Well, the Government incline rather more to the view of Sir Leslie Hudson than to that of Mr. Mody. At any rate, they have shown their appreciation of the Tariff Board's report by adopting practically *in toto* their recommendations. With one final word, Sir, I will close my argument. In the shifting sands which surround the consideration of this question you have only two guides—the recommendations of the Tariff Board and the requirements of the Government as expressed by themselves in the way of revenue. Both the recommendations of the Tariff Board and the needs of the Government point to the course which we have adopted and I hope very much that the House will follow the Government in that course. Sir, I have now finished. I thank the House for listening so kindly and so patiently to my first effort in debate. I hope that I have dealt with all the points of substance which primarily concern revenue. If not, I have no doubt that my Honourable colleague, the Commerce Member, will be prepared to trespass a little and give the answers. (Loud and Continued Applause.)

Mr. Lalchand Navalrai (Sind : Non-Muhammadian Rural) : Sir, I feel very fortunate that I have to speak immediately after the Honourable the Finance Member. Whether I agree with him or not, there is one thing which he has put before the House for which, I must give him a compliment, namely, that he has put his case very sensibly and persuasively. When I come to the question of considering whether this Bill should have contained two matters, one with regard to the protection to the iron and steel industry and the other with regard to the imposition of the excise duty, I submit that I will not use my own reasoning to show that it is a blunder that both should have been joined together,

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but I will rather use the words of the Honourable the Finance Member himself when he said that it was a mistake to mix up both of them. Sir, this Bill is for the protection mainly of the iron and steel industry. So far as the protection is concerned, I will not agree with any of the Members who gets up to say that protection should not be given. But with regard to the second question, which has been mixed up and on which there is a difference of opinion in this House and on which the Honourable the Finance Member has given his conclusive judgment that he would not have liked that these two matters should have been joined, had it not been done from the point of view of the necessity for revenue, I demur to agree. Whether I agree with him or not on this point, I submit, the question should remain absolutely open for the Select Committee to consider. Now, Sir, this raises a constitutional issue. What is the main principle of the Bill before the House? If the principle of this Bill is, as it appears to be, namely, to give protection to the iron and steel industry, then I submit that the question of imposition of excise duty is beside that principle. I hope the Commerce Member will agree with me that we should leave the question of excise, as an open question, for the consideration of the Select Committee. In other words, what I mean to say is that when this Bill goes to the Select Committee, it should not be said there that the question of whether the excise duty should be imposed or not has been accepted by the House by sending this Bill to the Select Committee. I submit this is a very important question.

An Honourable Member : Get a ruling on this point from the Chair.

Mr. Lalchand Navalrai : I would like some other Members, after a reply has been given to this point from the Treasury Benches, to get up and ask for a ruling from the Chair, but if none ask for it, I would get up myself. The point is very clear. As two things are wrongly mixed up, you cannot possibly say that the principle of the Bill covers both the points. I do find that I might be confronted with the preamble of the Bill. I take it that the main principle in that preamble also is to give protection to the industry but they have only added the question of the imposition of an excise duty. I will read the preamble. It runs :

“Provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel.”

I submit the principle of the Bill is to provide for the continuation of the protection afforded to the iron and steel industry in British India. They have, however, added the imposition of excise duty for revenue purposes. I submit that the latter portion of the preamble is only an ancillary one and it cannot be the principle of the Bill. On this question there is great variance in the House and I therefore submit that the question whether excise duty should be imposed at all should be considered by the Select Committee. So far as protection to the steel industry is concerned, I am absolutely in favour of protection being given not only to this industry but also to all the Indian industries in India. We have been clamouring for help to Indian industries. All the old Indian industries have been annihilated or rooted out. In former days, it was not necessary to give protection

to those industries because they were very well conducted in all the places, in villages and towns and the industries in those days were self-contained and self-sufficient. But now those days are gone. We cannot speak of those ancient days now. Now it is being said that we are in progressive days and it is the machinery that is making our industries. But I submit that even though there is the machinery, yet the industries in India are of such a nature that they can only thrive if there is money. So in order to maintain those industries, we want money. Even if we have money, we do require protection in order to compete with those countries which have advanced in industries. So, from that point of view also, I think, it is really necessary that protection should be given to the Tatas. An industry like that of the Tatas is not the business of every one to start. It was the business of a man who had hoarded money and who had also the mind to spend it. Several Honourable Members have paid compliments to Jamshedji Tata from this point of view and I would add that not only had he the money but also he used it wisely being a Parsi who we know are the best commercial community in India. They have the intelligence and the instinct for trade. Therefore, Jamshedji Tata very rightly and very wisely embarked on this undertaking. It is to the credit of the Tatas that they have progressed this industry to this extent. Even though I will not put it in those strong words, as Mr. Mody did in order to whitewash every defect of theirs, I would say something in favour of the Tatas. There is a difference in what Mr. Mody said and what I am saying. The difference lies in this that he is interested in the Tatas whereas I am not. Therefore I submit that what I say would be most disinterested. I have not even seen Jamshedpur and I have no personal knowledge of what is going on there, but some literature has been put into my hands yesterday and I shall make some reference to it. I do not hold any brief for the Tatas. I have every sympathy for the Tatas because they have improved their industry to a great extent. This industry has taken deep root in India and I am glad to learn, as Mr. Mody has said today, that they have made some profit this year. But I do not say that because they have made some profit they should not be given protection. To refuse protection in their case is a suicidal policy. I do not think that the Government also will deny protection to the Tatas. I am glad that Government have carefully considered all these things and have come to the conclusion that protection must be continued to the Tatas. It was in 1924, that the Tatas first asked for protection and for three years they were given that protection. After three years the circumstances were such that they could not take advantage of the protection and carry on their concern with profit. It was therefore considered necessary in this House to extend that protection for a period of seven years. They have now got protection till 1934. Now there is another application for protection for seven years more. Apart from what Mr. Mody might say, and apart from what anybody else might say, it is certain that this question has been considered from all points of view and scrutinised very properly by the Tariff Board. The Tariff Board having considered all points of view have come to the right conclusion that seven years protection should be given to that industry. Therefore, I submit, that the question of protection is a very simple one to be decided by the House and even now the consensus of opinion in this House seems to be that the Tatas must have protection.

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Now I will proceed to examine whether the Tatas have done something to deserve this protection. Among those things the first and foremost point is whether the Tatas are carrying on their concern in a manner beneficial to India and whether this industry is doing good to India. Some years ago I used to complain that the Tatas were doing good only to the European community. I used to say in those days that the Tatas were no good for Indians because their object did not seem to be to give an impetus to other industries and to employ Indians. However, there is improvement, but I must say that their view should be to make India stand on her own legs so far as these industries are concerned. It should not be that when the Europeans withdraw their help from us, with regard to our industries or in machine making, we should become defunct. That is not the Indian point of view at all. We should advance in all industries in such a manner as to stand on our own legs without any foreign help. With that aim in view I have enquired whether Tatas were going on those lines. It is said that the Tatas employ European officers on high salaries and that the Indians were not given proper encouragement. They were given only subordinate posts in that factory. I am glad now to see two pamphlets with regard to the welfare of labour and with regard to the technical institutes that they have started.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Rao Bahadur M. C. Rajah, one of the Panel of Chairmen.]

Sir, I am very much pleased with what they are now doing, and I must express the hope that they should not stop here but progress further. With regard to the welfare of labour, I find that many amenities are given, but, of course, I am not taken in by their advertisement. They may be blowing their own trumpet and exaggerating, but it cannot be said that they have not progressed in that direction. I must, however, warn them that their own welfare lies only in helping the workers and Indianising their concern.

Then, coming to the question of Indianisation, I will say that they must give technical education in their Institute so as to prepare Indians who will be able to replace these foreigners and carry on the industry themselves. In that direction I find they now have the apprentice system. They are taking Indian graduates as apprentices in the various sections. But I hope they will take Indians from all over India instead of confining their recruitment to certain parts which are near to their factory, and train them for the purpose of running this industry.

In regard to protection, Sir, I hope I have sufficiently put my case before the House. Now I will come to the second question as regards the excise duty. This, Sir, would mean giving with one hand and taking away with the other. I find from the speech of Mr. Mody that Tata's are against this excise duty but that is not my concern. Of course on behalf of Tata's, facts must have been represented to the Tariff Board, and it must have been made clear to the Commerce Member, that this excise duty will do a certain harm to them. But I am more concerned with the consumer. Sir, naturally when a certain duty is imposed on

a certain material the person who deals in it will take that tax into account and also the cost of production, and then fix the price for that article. Therefore, if, as a result of this duty, Tata's go on to increase their prices, I will certainly most strongly object to this duty. But I am told that there are two or three safeguards with regard to it, and I will place these safeguards before the House and criticise them also. But I must say that this excise duty and the safeguards should be fully considered by the Select Committee. I had a discussion with some of my colleagues about these safeguards, and they told me that Tata's will not be able to increase their prices because in that case continental material will be imported to such an extent that there will be keen competition and people will go in for continental materials and Tata's will suffer. This is considered as one of the safeguards. This is a point which the Select Committee should carefully consider. The second safeguard is given by the Commerce Member and that is that there will be a keen watch kept on Tata's to see whether they increase the prices and thereby affect the consumer. With regard to one or two materials like tin plates the Commerce Member by way of illustration said that they are going to fix Rs. 64 plus the excise duty and that the price to be made will be consistently with that price. Then there was a suggestion from some quarters that there ought to be fixed prices for all their materials. But that will be very hard and there will be a demand from them to fix prices for other industries also. Therefore, I do not see eye to eye with those who say that the price of every article should be fixed. But I must tell the Government of India that when they are imposing an excise duty which the public does not want, there ought to be a great scrutiny by the Government of India over the Tata Company with regard to the price so that the consumer may not be affected. The third safeguard which was suggested to me is that, if Tata's are sensible enough, they will see for themselves that they will suffer because they may not get protection hereafter if they make the consumers suffer in any way. This is a note which I am striking for the benefit of Tata's themselves. I do not see, therefore, any necessity for this excise duty at present. It should have been considered separately; and I do not think the arguments of the Honourable the Law Member were such as to dislodge one from that position that at this moment the excise duty should not have been brought forward.....

The Honourable Sir Nripendra Sircar (Law Member) : My Honourable friend refers to the arguments of the Law Member : I do not think the Law Member opened his mouth today.

Mr. Lalchand Navalrai : I am sorry : I always remember the Law Member being myself a lawyer. (Laughter.)

The Honourable Sir Nripendra Sircar : May I add that unfortunately I am not one of the men who feel competent to speak on all subjects ?

Mr. Lalchand Navalrai : There may come a time when he may have to learn everything—otherwise he might not be considered competent : of course he is new to the House and novices are not competent to speak on all subjects. What I meant to say was the Finance Member ; but as we know our frogs are always jumping on both sides so the Law Member interrupted. It was a slip of the tongue on my part when I said Law Member : I meant no slight to him or anything wrong.

Mr. B. Das : The Law Member will be the Chairman of the Select Committee.

Mr. Lalchand Navalrai : Then the subject also belongs to him and he should have got up and said : " You have mentioned the Law Member and quite rightly so." As I was saying, this question of the excise duty should not have been raised now : the proper time would have been at the time of the Budget ; then we could see what revenue is required and how much can be drawn from this excise duty. That time is not yet come. I submit that, except the assertion of the other side that money is required, no substantial reason has been given in support of the imposition of the excise duty.

As regards the other questions, namely the question of reducing the price as customs duty and also the question of preference, I will content myself with giving the opinions of my constituents. I will not take the time of the House beyond reading one or two telegrams I have received from Karachi. The question of preference and the customs duty on each article is one to be considered in detail in the Select Committee ; here is what I have received—a telegram from the committee of the Buyers and Shippers Chamber, Karachi :

" Committee Buyers Shippers Chamber strongly protest principle lowering protection duty than revenue duty and undue preference by much lowering duties to several iron articles imported from Britain as recommended by Tariff Board for Iron and Steel Industry. They seriously apprehend that recommendations if carried would result in dumping by British manufacturers. Proposed reciprocity through free entry of pig-iron into Britain for low duties on British sheets places British interests at a preponderating advantage. Urge no protective duties be imposed on steel hoops 1½, 1½ inches and Angles of thickness upto ½ inches not manufactured by Tatas and neither in consumers nor Tatas interests. Removal of duties on structurals of United Kingdom and increase on Continental objectionable. Urge remedial measures."

Another telegram which I have received from the same Committee says :

" Committee Buyers Shippers Chamber strongly protest against monopolistic attitude of Tin Plates Company of India in not supplying needs of subsidiary industries such as local two Tin Factories and Oil Concerns and urge remedial measures in Protection Bill."

Finally, Sir, I will also read out the instructions I have received from my constituency on the question whether this Bill, if passed into law, should be applied at once or from next November. They say :

" It was resolved that Government of India be requested that revised duties on Steel materials should not be put into operation before 1st November, 1934, in view of the notification by the Government of India issued on 17th March, 1934."

The present tariff will go on up to October and therefore it is only reasonable that if this Bill is passed into law, it should come into force from November. With these words, I resume my seat.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Mr. Chairman, I think nobody up till now in this House has opposed this motion of referring this Bill to Select Committee, and I am confident, during the next two days, nobody from this side will rise to oppose this motion, because there is this unanimity of opinion that a basic industry like the iron and steel industry in India should be encouraged by all possible means that lies in the hands of the people ;

and from the report of the Tariff Board we know that all the conditions that the Fiscal Commission expected to be satisfied, before the Legislature should extend its helping hand in giving protection, have all been fulfilled completely in this particular case. It is now a fact that India produces pig iron at the lowest cost and one point that I would like to hear from those who are well acquainted with the facts, is why Tatas are not in a position to produce steel also at the cheapest rate. Referring to the Tariff Board's Report, I find that they have given reasons how India can produce pig iron very cheaply. They say, at the top of page 59, this :

" The Indian industry possesses the great advantage of a low cost of pig iron due to the high iron content and low cost of the ore and the low cost of coal. Even in the case of districts such as Alsace and Lorraine and Luxemburg where iron ore is obtained chiefly in open workings and is smelted in furnaces located close to the mines, the low iron content of the ore renders production more expensive on account of the larger quantities of ore handled and the larger consumption of coke necessary to smelt it. We believe that as regards France, Belgium and Luxemburg, which are the continental countries principally competing with India, the advantage possessed by the Indian steel industry in this respect may be taken at not less than Rs. 8 per ton. On the other hand, the employment of the Basic Bessemer process renders the cost of manufacturing steel from pig iron lower on the Continent. By reason of the low phosphorous content of Indian pig iron, the process is inapplicable in India. The principal economy obtained by the Basic Bessemer process on the Continent where high phosphorous iron is available is on account of the credit realised by the sale of ' basic slag ' with a high phosphorus content for agricultural purposes. This, however, according to our information does not in many cases exceed Rs. 5 per ton. The advantage possessed by the Indian industry in the low cost of its pig iron is therefore in our opinion sufficient to offset the economy obtained on the Continent by the use of the Basic Bessemer process."

From the point of view of natural advantages, we see no reason to assume that India is under any handicap as compared with Continental countries in the manufacture of steel."

Sir, I find that the Tariff Board also agree that there is no reason why India should not only produce cheapest pig iron in the whole world but also steel at the cheapest rate. There have been suggestions made by the Tariff Board itself that steps should be taken to adopt the open hearth system, to replace the present combined method, by which it would be possible to manufacture steel at the cheapest rate. But, Sir, so far as I could see, the Tatas have not yet taken it up as a practical proposition. I think if they pay more attention to this aspect of the question, then many of our difficulties and the necessity of their having to ask for protection every time will be obviated. Even the Tariff Board itself says that this measure is more in the nature of an Anti-Dumping Act than as a protective measure. I shall quote a line from paragraph 111 at page 58. This is what they say :

" The protection which we now propose for the Indian steel industry may be regarded as in the nature of an anti-dumping provision rather than as a measure of substantive protection."

Sir, this shows that the fight that this great national industry is now waging, against external competition, is more against the continental importers because they are now selling iron and steel not at an economic price, but at a price which is meant merely to destroy the Indian industry. Therefore, Sir, the Indian industry certainly deserves all the help that we in India can render to it.

Then, Sir, as regards the point raised by the Finance Member, about the revenue duty, I should like to point out that in the case of structural

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plates manufactured in the United Kingdom, the Tariff Board have proposed their admission into India free of even the revenue duty. The steel companies cannot but regard this as an extraordinary proposal which runs contrary to the principle on which the Indian Tariff, which is principally a revenue tariff, is based. Every industry in every other country is entitled to such assistance as the revenue tariff might give it, and the only ground on which exemption from revenue duty can be justified would be that of urgent national interest. It is difficult to see how national interest would be prejudiced by the imposition of a revenue duty on these materials when in the interest of revenue even machinery is now subjected to a revenue duty. In paragraph 114, the Tariff Board argue that most of these products are used in public utility works. Even if that be the case, Government would not be worse off by the imposition of the revenue duty as they would get back in duty what they would pay extra in prices. But as a matter of fact products which are used more exclusively for public works such as rails, sleepers, and fish plates are not proposed to be exempted from revenue duty, while structurals and plates are. One of the possible consequences of exemption of structurals and plates from revenue duty will be that the order for the proposed Howrah Bridge will pass out of the hands of this company, and the old established engineering concerns like Messrs. Dorman, which are manufacturing rolled steel as well as fabricating it under this arrangement, will be entitled to import their own steel duty free and fabricate it at their shops in Calcutta.

Sir, it has been argued by my friend, Mr. Raju, so ably, that I do not want to say much on it. A further point about the excise duty is that in no country in the world is the excise duty put on any basic industry. That was the main point. Even in the Fiscal Commission's Report they have put down certain conditions for the levy of an excise duty. We do not mean to suggest that under no conceivable circumstances an excise should be put on, but our contention is that in a basic industry, like the iron and steel industry, it is most inadvisable to put on an excise duty.

As regards Indianization, I should like to make one point. We all agree that great advance has been made by Tatas in the direction of Indianization, but what I should like to specially emphasise is that Indianization will not be accomplished by merely replacing non-Indians by Indians. What we want is that the high salaries paid to those non-Indians and other emoluments given to them should be curtailed so that they may reflect ultimately on the large overhead charges, which is a great burden on this industry. Sir, we should like to point out to this great institution of Tatas that in considering the question of Indianisation, they should also see that the overhead charges should be reduced by revising the scale of pay, because Indians can certainly be paid on an Indian scale looking to the present conditions in the country. Some of the manufacturing firms in Bengal have put before us some points which they desire to be placed before this House for consideration. They

say :

are compelled to purchase foreign billets, they will get a rebate up to the amount of the duty paid. There should be no countervailing excise duty. There should be at the same time a reasonable price fixed for the Indian billets. This price has been calculated at Rs. 53 per ton f. o. r. Tatanagar by the Tariff Board (page 51 of the Tariff Board's report)."

Sir, I do not understand how some of the industries may be called subsidiary industries at all if they are to depend for their existence on foreign imported things. Even according to the dictionary meaning the expression means that these industries will be required to have all their raw materials from the principal or mother industry, that is, the Tatas. Now, if Government are making a provision that they may go to foreign countries for their raw materials, then what is the meaning of the expression subsidiary industries. We agree that as regards the price the Tatas, which are more or less in a monopolistic position, should not be permitted to charge any excessive price. There were certain allegations,—how far they are correct my Honourable friend, Mr. Mody, is in a better position to say,—that the company sometimes charges, for raw materials or semi-finished articles, rates which are considerably higher than their export rates. If there is any truth in those allegations, I hope the company will in future see, or even the Select Committee may provide by a statutory provision against any such discrimination. As regards pig iron it has been urged that all firms in India consuming pig iron should be encouraged to buy Tata pig iron by all means. For castings, the rate of pig iron has approximately been fixed to be Rs. ten more than the export price. So long as no keen foreign competition in castings is on the horizon, and no better arrangement for internal consumption of Tatas' pig iron is made, this pig iron price for castings may remain. There should, however, be a statutory provision for this. Statutory provision should also be made for selling pig iron at the export price (or at a similar price when the export is absolutely stopped) for the conversion of pig iron into steel ingots and billets in this country.

On scrap they say that there is possibility and room for making steel ingots from scrap and pig iron. The Tariff Board did not visualise this when they found nothing wrong in Tatas exclusively exporting scrap out of India for remelting purposes. Export of scrap in its effects is injurious to this country both ways. It stimulates foreign competition in Indian market, and discourages prospective Indian ingot makers to a detriment of our national interest. Hence there should be provision for making all scrap available when required in this country at export price.

It is a fact that there is a considerable business in scrap with Japan and we do not see why there should not be arrangements by which this scrap, which is not sent out of India, may be re-melted or otherwise used, because what is done in Japan can be done in India. As regards differential and inequitable treatment, it is contended that statutory provision should be made against possible differential or inequitable treatment arising out of monopolistic or such other tendencies in big firms like the Tatas. The Tariff Board seems to have been satisfied with assurance that such things will not happen in the future. That is not enough. It is a fact that smaller firms will always be in an advantageous position to compete with big firms generally. And these smaller firms should be encouraged by the State to do so. Provision therefore should be made for reference to a third person in case of disputes between big firms like Tatas and

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small firms. In the matter of inequitable or differential treatment the referee who should be empowered with all powers of enforcing his decision may be a person or an officer commanding general confidence in the matter. Such a referee may, for instance, be the Chief Controller of Stores, Indian Stores Department.

As regards the main question about semis which are now proposed to be imported free of duty for helping the subsidiary industries, the Bengal manufacturers put the case in this way :

"The Tariff Board recommend some protection against import of structurals, bars, plates and sheets, mostly continental (untested) ; for in many cases of United Kingdom's (tested) materials protection has not been desired or considered necessary. But queer it is that a country where steel making is the main national outlook, finished products are protected and raw materials like semis are to be imported free. If foreign billets are freely introduced....."

The Honourable Sir Joseph Bhore : Excuse me, Sir. It is not proposed to allow semis to come in free.

Mr. S. C. Mitra : I think the Commerce Member is referring to the countervailing duty only.

The Honourable Sir Joseph Bhore : Revenue duty.

Mr. S. C. Mitra : My impression was that, in order to help these subsidiary industries, it has been decided that they may have the chance to get their raw materials, the semis, at a comparatively cheaper rate.

It has been suggested that semis will be free.....

The Honourable Sir Joseph Bhore : No. I tried to explain that we proposed to impose a revenue duty on all semis, subject, however, to a proviso ; and the proviso is this, that if Tatas refused to sell without reasonable cause or refused to sell below a certain price, then we shall have to see what steps we should take to reduce the revenue duty so as to enable the small re-rolling firms to get billets at a price which we considered reasonable.

Mr. S. C. Mitra : I am very much obliged to the Commerce Member.

The Honourable Sir Joseph Bhore : I may explain that to that extent we have departed from the recommendation of the Tariff Board.

the House, are the preferential treatment which is sought to be given to certain goods of British manufacture ; and the imposition of an excise duty on Indian steel goods. With regard to the question of protection, as I said, opinion in this House is almost unanimous. I have heard a dissentient voice raised in some quarters. I would specially refer to my friend, Mr. Anklesaria, who proclaimed himself an out and out free trader, and has denounced the scheme of protection. He must remember that so far back as 1921 and 1922, the Indian Fiscal Commission accepted a scheme of discriminating protection to foster the indigenous industries of this country. All public men have given their support to the scheme. Every country has flourished, firstly under the shadow of protective duties, and at later stages, when the industry was able to stand on its own legs, it discarded this scheme. The superiority of one country over another in the matter of manufacture does not necessarily mean the superiority of skill of one nation over another. It often means that one nation has taken up the manufacture of particular goods at an earlier stage than the other country. I will only refer to the opinion expressed by John Stuart Mill who says :

"The superiority of one country over another in a branch of production often arises only from having begun it sooner. There may be no inherent advantage on one part or disadvantage on the other, but only a present superiority of acquired skill and experience. A country which has this skill and experience yet to acquire may in other respects be better adapted to the production than those which were earlier in the field."

Sir, England also, by passing numerous measures, gave protection to her nascent industries. I would only refer to the Safeguarding of Industries Act, of 1921, and the English Overseas Trade (Credit and Insurance) Act, of 1920, of later times. Professor Bastable says :

"To understand the position taken up by the modern opponents of free trade, it is, above all, essential to recognise that the keynote of their system is nationality. The claims of the nation as a whole are accentuated and regarded as far more important than those of the individual or the world at large. How perfectly this attitude harmonises with the actual policy of the European, and indeed of all protectionist states, is apparent. A particular industry is suffering under the pressure of foreign competition, i.e., a national interest is affected. The State then steps in by imposing additional duties on the foreign product, the loss to individual consumers and to the world as a whole being disregarded as unimportant."

Sir, I will not adduce any further argument on the question of protection beyond recalling the words of Mahatma Gandhi, who said so far back as 1924, as follows when the first Steel Industry Bill was under discussion (*vide Searchlight*, dated the 21st May, 1924) :

"*Apropos* of the contemplated protection for Tata Steel Works, I have been asked to state my own views on protection. Of what use they can possibly be at the present moment I do not know, nor do I know the merits of the proposal regarding the Steel Works. But I take the opportunity of dispelling the illusion that I am inimical to capital, and that I would destroy machinery and their products if I had the power. The fact is that I am a confirmed protectionist. Free trade may be good for England who dump down her manufactures among helpless people, and wishes her wants to be supplied from outside at the cheapest rate. But free trade has ruined India's peasantry in that it has all but destroyed her cottage industry. Moreover no new trade can compete with foreign trade without protection. Natal nursed her sugar industry by both bounty and import duty. Germany developed beet sugar by a system of bounties."

I would, therefore, maintain that the question of protection does not stand in need of any further support in this House. There are only the two subsidiary points to which I referred a few minutes ago. One is the

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preferential treatment which is sought to be given to certain goods of British manufacture. If I remember aright, my Honourable friend, the Finance Member, in the excellent speech which he has made and to which we listened with very great interest, stated that the continental prices are dumped prices. I do not know whether I correctly listened to him, but if so, I should like to know the evidence on which this statement has been made. I should like to know exactly on what evidence my Honourable friend said that continental prices, generally speaking, are dumped prices in comparison with the prices of British manufacture.

The Honourable Sir James Grigg : I should have thought that it was implicit in the references in the Tariff Board Report to uneconomic prices. In fact, both implicit and explicit.

Mr. Gaya Prasad Singh : So far as the explicit thing goes, of course we shall all await to find out the exact reference ; but so far as the implicit part of it goes, we should be at liberty to draw our own conclusions. Sir, this proposed preferential treatment which is sought to be given to certain goods of British manufacture is not in the interest of the indigenous industry of this country but it is merely in the interest of the English manufacturers.

My Honourable friend, Mr. Mody, in the Mody-Lees Pact, which has become famous, was a party to this preferential treatment so far as textile goods were concerned. Now here is the same thing with a vengeance—the further extension of the principle of Imperial Preference. We, on this side of the House, are opposed to this principle, not merely on sentimental or political grounds as it has been alleged, but also on more substantial grounds, that is, on economic grounds. Sir, in order to make up for the loss on revenue, it is proposed to impose an excise duty on certain articles of Indian manufacture irrespective of the consumers' interests. I did not know that the Government of India had come to the verge of bankruptcy. They are wasting the money of this country in various directions. Some of their proposals are grotesque. Take, for instance, the proposal to transfer the Pusa Institute to Delhi which means a loss of 40 lakhs at a stretch,—I am not going to introduce that point in discussing this question, but I just gave it as an offhand illustration to show how very reckless they are of the rate-payers' money in many matters. (Hear, hear.) Sir, I am glad, my Honourable friend, Sir Leslie Hudson, on behalf of the European Group, has voiced the sentiments which prevail on this side of the House with regard to these questions,—I mean the imposition of an excise duty on certain articles of Indian manufacture, and the preferential treatment which is sought to be given to certain British steel goods. But these points, I take it, will be considered more suitably in the Select Committee, and I do not propose to occupy the time of the House any more, but if I give my consent to the reference of this Bill to a Select Committee, it is on the distinct understanding that these two points do not form the main principle of the Bill. I do not think that the Chairman of the Select Committee will rule out any opposition to these points which might be forthcoming from Members of the Opposition on the Select Committee. I think the main principle of the Bill to which we are committed at this stage is to grant protection to a national industry of this country.

The Honourable Sir Nripendra Sircar : What a discovery you have made !

Mr. Gaya Prasad Singh : The fact is, it has been referred to by one Member speaking on this side of the House, my friend, Mr. Lalchand Navalrai, and that is why I thought it right to clear the point. This little interposition of my Honourable friend, the Law Member, has also absolutely dispelled whatever little illusions might be lingering in the minds of some of us. Sir, with these words, I support the motion for reference of this Bill to a Select Committee.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions) : Muhammadan Rural) : Sir, this Bill is, of course, of a very technical nature.

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

....and it is only those people who are either dealing in these materials or who are experts such as engineers, or who have any interest in any of these industries, who can very well examine the contents of this Bill and they can be said to be authorities on the subject. I do not claim today, nor did I ever claim that I have been an economist or that I am an industrialist or that I can very well expatiate on the points concerning an industry. Nevertheless, Sir, I look upon this Bill as one more string to all the repressive and taxation measures that have been introduced into this House during the last Session and the present Session. My point is that this Bill is not only to protect the Tata industries or some other Indian industries, but having a provision for a revenue duty to be imposed on the consumers, it is a sort of indirect taxation on the masses of India. (Hear, hear.) Sir, I do not rise to oppose the reference of the Bill to a Select Committee but what I say is that this Bill ought to have been brought in when the Budget proposals were before the country. To bring this Bill at this stage and to ask the country and this House to pass this into an enactment is rather too hard for this Assembly. Sir, it is said that this Bill will exonerate the British manufacturers from duty and it will impose an excise duty on the masses of India, and to say that it is oppression, is, I submit, a fact. It is a great pity that the representatives of the people, who are here, do not look into this very great and important factor in this Bill, affecting as it does the poor dumb masses of India. Sir, thus I say that this is also one of the many repressive measures that have been passed in the past. I include this Bill also amongst repressive measures because I consider that at this time when the new constitution is about to come to India, it is the most inopportune and the most inadvisable measure to bring in to tax the already over-burdened people of this country. Sir, if such Bills or such actions of the Government of India can be tolerated by the country at this stage when the new constitution is to come, and if such Bills are a prelude to the new constitution, I do not know what will happen when the new constitution comes.

Diwan Bahadur A. Ramaswami Mudaliar : Is it coming at all ?

Mr. Muhammad Azhar Ali : My friend asks if it is coming at all. I doubt that very much myself and that is the reason why I say that such Bills ought not to have been brought now.

Mr. Gaya Prasad Singh : The Round Tablers ought to know.

Diwan Bahadur A. Ramaswami Mudaliar : The Joint Select Committee people ought to know.

Mr. Muhammad Azhar Ali : These questions are beside the point. What I want to say is—I do not care whether the Joint Parliamentary Committee members or the Round Tablers are going to say something in favour or against this Bill but what I want to impress upon the House is—that such measures, if they are a sort of introduction to the constitutional reforms, then India would perhaps not like to have any constitutional reforms at all for this country. Sir, too many safeguards have already been provided in the new Constitution Act which is about to come. If a greater safeguard is now to be put into the Constitution Act, that all the pieces of legislation that have already been passed during these two or three years by the Government of India will not in any way be allowed to be abrogated by the new Assembly which assembles here, after the new constitution, then I think that will be the best and the wisest step and safeguard! Sir, I have read in one of the papers that the question involved is one of technical details. The position is this :

“Iron ore is converted into pig iron and then into steel ingots. An excise duty is to be imposed on all steel ingots. And steel ingots are then converted into semis (billets, slabs, sheets, bars). The first difficulty which the Indian product faces is that while indigenous steel ingots are taxed, semis from abroad come into India without paying even the revenue duty. Out of semis are produced rails, sleepers, structurals, bars, sheets and plates.”

An Honourable Member : That was corrected.

Mr. Muhammad Azhar Ali : Yes, it has been corrected by the Honourable the Leader of the House but this was an objection. Out of the semis are produced bales, sleepers, structures, bars, sheets and plates. The countervailing duty which he has proposed to be imposed on the finished products will give no advantage to the local products and the excise duty will have to be paid out of the price available to local products. Sir, these are the doubts of those who know more of business and of this industry and I think the Government ought to satisfy this House that this duty will not affect very much the Indian industries as they fear at present. Sir, this Bill is going to a Select Committee and I do not oppose its being sent to it. But my experience of the Select Committee is rather very sad. Either our friends who are on the Select Committee shall have to subscribe to the Government views or the Government Members will have to subscribe to the views of those who oppose this Bill in the Select Committee. If the second contingency happens, then this Bill may come out in such form that it may give credit to the Select Committee. But if we find that the Government views remain what they are and if we find that the Government does not care to hear the views of the Opposition according to the wishes of the public, then I think that this Bill and this enactment will also, though passed by this House with the help of the majority of Government votes, remain as a sort of a Black Act on the Statute-book. Sir, I do not oppose the protection which the Government is going to give to the Tata's. I know that the Tata's have been of very great benefit from the very beginning to the Indian public and to the Indian industries. We find that several of our countrymen are finding employment in Tata's. They have not only done that, but they have, according to the report of the Royal Commission, provided housing establishments and different other amenities of life for the Indian employees there. But, Sir, the high emolu-

ments that they are paying to foreigners is a matter which requires due consideration. In this connection, I come to a point to which my Honourable friend, Mr. Vidya Sagar Pandya, who is not in the House now, took objection to a certain extent. There are times when communalism may be run down but there are occasions too when it should be listened to, irrespective of the fact whether the complaint emanates from a Muslim or a Hindu or a Sikh. If we find that there is absolutely no representation of a particular community in the case of a certain business, then it is the duty of every one of us to see that justice is done and the claim of that particular community should be considered. My friend, Mr. Pandya, relied to a great extent on a pamphlet which has been issued by some Mussalmans about the paucity of Muslim representation in the Tata's and I too hold in my hand a list which, if the Honourable the Commerce Member wants it, I can present it to him or I can lay it on the table of the House. In this pamphlet there is a list of the Muslim employees at the Tata Company at Jamshedpur.

Mr. H. P. Mody : Are you sure that it correctly represents the facts?

Mr. Muhammad Azhar Ali : I have not said that you have no right to deny it. Sir, I will read out only a few notes from it. It says that out of 212 Indians whose salary is from Rs. 250 to Rs. 5,000 per mensem, the number of Mussalmans is only 2. Then, Sir, we come to foremen. And here there is not a single Muslim supervising officer. There is a large number of private buildings on the main roads but none of them are for the Muslims because the Line Officer is a Bengali. There are 16 schools for boys and girls but there is none for the Mussalmans. Sir, these may or may not be true facts and I am not here to vouchsafe their accuracy. But this statement has been circulated to all the Members of the Assembly and I am sure it has also reached the Honourable the Commerce Member. Sir, it is not in a spirit of communalism that I have placed these figures before the House. What I say is that if there is truth in this allegation, then I hope Government will see that the Tata's or, for the matter of that, any other industry helped by the Government in India is not a monopoly for any one community whether it be the Muslims or the Hindus.

As I was saying, we do not object to the protection being given to Tata's but we wish that when they get this protection again, for any period that the Select Committee may recommend, they will try to supply the materials which they prepare to the Indian public rather cheap. Sir, these steel sheets and other materials prepared by Tata's are meant not only for the rich people but also for the poor people and if these materials are not sold at a cheap rate, then besides the duty which the Government is going to impose, it will be another blow to the economic condition of the poor people of India. They will have to pay higher prices because of the competition with the continental articles. I know that it is a key industry and as such ought to be helped by the Government of India just as the other Governments of other countries are helping the key industries of their own countries. Sir, we know it for a fact that the present Government is not a national Government and therefore we do not expect that sympathy from it which we would have expected from a national Government. Still we have great hopes in the Indian Commerce Member and we cherish this hope not only because

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he is an Indian but because he has always been sympathetic to his own countrymen. With these remarks I support the motion.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I have heard all the speeches that were made on this motion and I was very pleased to find that not a single Member of the House denied the good conditions that are prevailing at Tata's. On the other hand, there has been a chorus of tribute paid to the manner in which the Tata Iron Works manage their affairs. I have gone to Jamshedpur twice as the guest of two of my friends employed there.

I can, therefore, bear testimony to all that has been said by the Tariff Board and several speakers in regard to the welfare conditions and other things of the industry. The Tata Iron and Steel Works have satisfied all the conditions laid down in the Fiscal Commission report. It is of Indian capital, the raw materials are all taken from the country, it has demonstrated that it can in course of time stand on its legs, and it has also Indianised gradually even the covenanted services. Over and above all these things the House will bear in mind the valuable contribution that the Tatas make to the revenues of this country. It has been said that they pay a large revenue to the Railway Department, the recent increase in the rates alone amounting to 40 lakhs as was said by my Honourable friend, Mr. Mody. Then, Sir, there is the income-tax. I will not be wrong if I say that the amount of income-tax paid by the company and their employees together must be an enormous amount. I should like to know if possible from the Honourable the Finance Member the exact amount of income-tax that the company and their employees together pay to the exchequer of the country. I am sure it will not be an insignificant amount. On the whole I am inclined to think that the annual contribution of the Tatas to the public revenues of the country will be in the neighbourhood of one crore. That is not a small amount. No sane man will therefore deny that the company deserve every help and encouragement at the hands of the State and of the Legislature. The main characteristics of this Bill are the discriminating preference shown to British iron, the excise duty proposed to be levied on iron ingots manufactured in this country and the reduction in the customs revenue. As regards discrimination I believe there is a history behind it. It was in 1926, if I am right, that the Tariff Board recommended a discriminating duty with regard to the British products. The chief reason for recommending a lower rate of duty was that the British steel was more costly and did not compete with the indigenous steel and that the c.i.f. price of British steel as compared with that of the Continental steel was very high. That was the reason why the Tariff Board in 1926 proposed a different scale of duty for the British goods. Since then many things have happened. Under the Ottawa Agreement a scheme of preference for British and imperial products has been adopted. Since then it has been the practice of the Government of India to introduce preferential rates whenever proposals for levying customs were brought before the House. I was surprised the other day to find a statement in the newspapers that in the House of Commons, Lieut.-Colonel Calwell, who I suppose is the Assistant Secretary for trade, in reply to a question said that negotiations were going on with the Government of India to bring the Indian Tariff duties also within the scope of the Ottawa Agreement. I did not know what it

meant. Even this morning I read in the papers the Reuter's news, that Mr. Runciman in the House of Commons stated that negotiations were going on with the Government of India with a view to bring within the scope of the Ottawa Agreement all the Indian Protective duties. I happened to send notice of a short notice question on this subject, but unfortunately the Honourable the Commerce Member, not having all the particulars at his disposal, did not care to accept it. If that was answered, the position would have been made clearer. Anyway this policy of making British preference a fetish is a thing which I, for one, do not like. Sir, I want to invite the attention of the House to the proviso to clause 2 of the Bill. It says :

"Provided that the duty leviable on any such article shall in no case be less than the duty leviable on a like article of British manufacture."

What does that mean? It clearly means that the Government want

The Honourable Sir Joseph Bhowe : That is only a repetition of the existing Act.

Mr. K. P. Thampan : Yes, obviously serving different purposes. It means that even in protective duties the Government want to implement the Ottawa Agreement. I remember, if my memory is right, that at the time the report of the Ottawa Committee was placed in our hands, it was categorically said that the proposals were distinctly subject to the revenue and other fiscal requirements of the country. The report of the Indian Delegation states in page 12 :

"The protective duties also stood in a class apart. The instructions we received from the Government of India precluded the acceptance of any proposal which would have the effect of impairing the protection afforded to an Indian industry by an Act of the Indian Legislature. Two of these Acts, it is true, provide for the imposition of lower rates of duty on cotton piece-goods and on certain classes of iron and steel made in the United Kingdom than on similar goods made elsewhere. But the duties on iron and steel were fixed after a full investigation by the Tariff Board and will come under review in the statutory enquiry of 1933 while the duties on cotton piece-goods had already been referred to the Board before our negotiations commenced. In both cases the lower rates of duty on British goods were adopted not in the interests of the United Kingdom but in the interests of India and in pursuance of the policy of discriminating protection. These rates of duty could not, we were satisfied, become the subject of bargaining between ourselves and the British delegation and any modification in them must, we felt, be postponed until the Government of India had before them the considered recommendations of the Tariff Board."

This is what the Delegation wrote. I request that before this motion is put to vote, the Honourable the Commerce Member will make a full statement in his reply about the position with regard to this matter.

Sir, I do not want to enter into the merits of the proposal in regard to the rates of duty proposed to be fixed upon the several articles mentioned in the report. But I may say that there are one or two things to which the attention of the Select Committee has to be invited. My friend, Sir Leslie Hudson, referred to the uniform rate fixed for tested and untested steel and my friend, Mr. Mody, also laid stress on that point. The untested British material did not hitherto come into competition. It was only the tested material of a high standard that was imported into this country and in fixing the duty on British steel the Tariff Board of 1926 did not take into consideration the importation of untested steel at all. So they levied a unitary rate of duty for

[Mr. K. P. Thampan.]

British steel. Sir, if the present proposals of the Tariff Board are accepted, the result would be that Tata's tested steel will have to be sold in competition with the imported untested cheap material from England. The National Federation of the Iron and Steel Manufacturers have distinctly stated that they are prepared to meet all the requirements of this country, even in respect of untested steel, and, if they begin to import untested steel, the Tata Iron Works will be put to considerable loss. Sir, in this connection, I would invite the attention of the House to page 69 of the Tariff Board's report. Speaking about the representation of the National Federation of Iron and Steel Manufacturers of the United Kingdom they say :

"While the Federation recognise that the Indian industry should have the first claim on the Indian market to the extent of the whole of its output, they propose that the balance of the Indian market for both tested and untested steel should be supplied by the steel industry in the United Kingdom at prices corresponding to the fair selling prices fixed for the Indian industry."

They want that no other country should compete with the British manufacturers ; in other words, reserving whatever can be made in this country to the indigenous industries, they want a monopoly of all imports. I thought that was a very large order and the Board ought not to have recommended proposals to that end. I am sure the Bill, if passed, will have the effect of complying with their request.

Sir, a good deal was said about billets, scraps, semis and other things. I have a copy of a representation made by the Lukshmi Iron and Steel Manufacturing Company at Ghaziabad, in which they protest against the imposition of any duty on the ground that these billets and scraps are raw materials for the manufacture of their articles. Sir, when I went to Jamshedpur I found that every article manufactured there was a raw material for the next process or stage. What is a raw material and what is a finished product with regard to the iron and steel industry is a thing which I am yet to know. These are very complicated questions and I should like the Select Committee to go into them very carefully and do proper justice to the industry. Sir, you will excuse my referring to the interference with the customs duty and the excise duty proposed to be levied in this Bill. So far as my knowledge of finance goes, the customs duty is levied for meeting revenue purposes and whatever customs duty is imposed on imported articles, to that extent the industries of the country are protected. That is not confined to one industry or other and I really cannot understand in what way Tata's do not deserve that shelter. The proposal will interfere with our budgetary position and was unworthy of the Tariff Board to recommend it. As regards the excise duty we know with what justification it was levied in regard to the sugar industry. There was an income of about 10 crores by way of customs duty on the import of sugar into this country which has to be sacrificed for the protection afforded and as the revenue of the country is derived mostly from customs duties and such a reduction was certainly very difficult to make good, Government were justified in levying a duty like that. You give protection to an industry and by that if the customs duty is decreased enormously you will be justified with a view to make good that loss of revenue in imposing an excise duty on the industry concerned. Here,

the Tata Iron Works are not yet in a position to stand on their own legs and to help the foreign importers you are reducing the customs duty and levy a countervailing excise duty. What you give with one hand, you take away with the other. That is the position so far as the excise duty is concerned. Sir, I should like to know either from my Honourable friend, Mr. Mody, or from Government the extent to which Tata's are going to be benefited by this measure every year, the net benefit setting off the one against the other. I should also like to know what amount Tata's will have to pay by way of excise duty. Mr. Mody in his speech said that the excise duty will be somewhere near 30 lakhs. What would be the amount that the company will be getting by way of protection if this Bill is passed into law? That is a matter that I should like to know. I do not think the net result will be what people seem to think. Anyway, it is up to the Select Committee to go into all these aspects of the question and if they think that in the interests of the industry the proposals ought to be accepted *in toto*, we shall then consider what has to be done. I will await the result. Sir, I have done.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 2nd August, 1934.

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LEGISLATIVE ASSEMBLY.

Thursday, the 2nd August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE HEDJAZ PILGRIMS (MUALLIMS) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to present the Report of the Select Committee on the Bill, which was recommitted to Select Committee, to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, may I suggest that you will kindly give precedence to items Nos. 30 to 45 on the agenda ? They are all motions for leave to introduce Bills and they will not take any length of time : if they are not reached in today's Agenda, there is no possibility of their being reached this Session.

Mr. President (The Honourable Sir Shanmukham Chetty) : As a matter of fact, the Honourable Member may remember that this request was once made on a previous occasion, and it was not acceded to by the Chair. Of course, on an occasion previous to that, a request of a similar nature was acceded to by the Chair, but on that occasion the Chair pointed out that, if it was the desire of the House that motions for leave to introduce must take precedence, the House might take steps to amend the Standing Orders accordingly. The House has not shown any interest at all to move in that direction, and the Chair thinks, in the light of all this, it will not be justified in accepting such a procedure.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move :

"That the Bill further to amend the Indian Income-tax Act, 1922, be continued."

Honourable Members will remember that this Bill, countersigned by 52 other Members of the Legislative Assembly, was debated on the 2nd February last year, and it was referred to a Select Committee. The

[Sir Hari Singh Gour.]

Government made it perfectly clear that, even after the reference to Select Committee, they will elicit public opinions with special reference to the speech made by the Honourable the Finance Member. Consequently, on the 28th June, 1933, they issued a circular for eliciting public opinions. During the last Delhi Session, I was anxious to convene a meeting of the Select Committee, and, after strenuous efforts, which I made in that direction, in which I received your assistance, Sir, a meeting of the Select Committee was convened, but it was postponed for further consideration. In the meantime, the Session was prorogued, with the result that the Standing Order precludes me from going on with the Bill unless the House permits me to continue it.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill further to amend the Indian Income-tax Act, 1922, be continued.”

The Honourable Sir James Grigg (Finance Member) : Sir, the Government do not intend to oppose this motion ; but in order to prevent any future misunderstandings, I should like to make clear to the House the circumstances in which and the conditions under which the Government have decided not to oppose it. The Bill to which the motion relates is one to which my predecessor expressed an incurable hostility. I share that hostility. In the course of the circulation for opinions, I think it was the Patna High Court which said that any instrument more likely to result in the collection of no income-tax at all could not be imagined. At the same time, during the course of the circulation for opinions, a certain suggestion was elicited, I think, from one of the Bombay commercial societies which my predecessor thought was worthy of consideration. He, therefore, agreed to a Select Committee, on the understanding that the original Bill would be opposed, but that if general agreement could be reached on this specific suggestion of the Bombay society and it was otherwise found suitable, he would give it sympathetic consideration. Now, as I have just said, the Government are unalterably opposed to the Bill in its original form and that I may say is the Bill before the Select Committee. But at the same time I consider, and the Government consider, that the promise of sympathetic consideration of my predecessor to an alternative scheme does place upon the Government a strong moral obligation to allow further discussion such as might most suitably be undertaken in the Select Committee ; but even on that alternative scheme, I would like to say one word of warning. The Honourable the Law Member and myself have considered this suggestion. We have grave misgivings about it and it is quite clear that it raises important constitutional questions such as the ousting of jurisdiction of the High Courts in certain cases, and we must not be assumed to be committed to more than the commitment entered into by my predecessor, which was sympathetic consideration to any scheme which was workable, which did not result in danger to the revenue, and which was generally acceptable. With that short explanation of the attitude of the Government, I should like to repeat that we are willing, subject to the views of the House, that this motion should be accepted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would point out that the acceptance of Sir Hari Singh Gour's motion

does not commit either the Government or any section of the House either to accept or reject the Bill of Sir Hari Singh Gour. That has to be considered purely on its own merits. This necessity arises because of the difficulty that has been brought to the notice of the Chair by certain Non-Official Members,—a difficulty which they have experienced in having Select Committees on Non-Official Bills convened. According to our present practice, the meetings of Select Committees are convened, the Chair thinks, by the Legislative Department. The pressure of Government business makes it probably extremely difficult for the Legislative Department to find time for meetings of Select Committees on Non-Official Bills. But when the House has agreed to refer a Non-Official Bill to Select Committee, then the Chair would suggest that every effort must be made by the Legislative Department to see that reasonable chance is given. (Opposition Cheers.) It is because the Honourable Sir Hari Singh Gour could not succeed in getting days allotted for the meetings of his Select Committee that he is driven to the necessity of making this motion for the continuance of the measure which, but for this motion, would lapse under the Standing Orders.

The Honourable Sir James Grigg : If I may say so, Sir, that was precisely one of the considerations that were in the mind of the Government in not opposing this motion. As regards the opportunity for further discussion, I understand that a date has actually been arranged for the meeting of the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Indian Income-tax Act, 1922, be continued.”

The motion was adopted.

THE CHILD MARRIAGE RESTRAINT (REPEALING) BILL.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : Sir, I beg to move :

“ That the Bill to repeal the Child Marriage Restraint Act, 1929, be continued.”

Sir, this Bill has been on the anvil for nearly two years, and I had no chance of moving it except on one occasion, but, even then, as all the business on the paper had to be hurried up, the chance of moving my motion came to me at the end of the day. Consequently, nothing could be done further until now, as we had no other non-official day. Therefore, I request that the House may be pleased to order that this Bill may be continued.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to repeal the Child Marriage Restraint Act, 1929, be continued.”

The Honourable Sir Henry Craik (Home Member) : Sir, I have only to say that Government have no objection to the acceptance of this motion if it is acceptable to the House at large.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to repeal the Child Marriage Restraint Act, 1929, be continued."

The motion was adopted.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : I don't move my motion*, Sir.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : Sir, as we are not in possession of the opinions on this Bill, I do not propose to move my motion†.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I don't propose to move my motion‡.

THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration."

Sir, if I have taken upon myself the task of moving this Bill to repeal an obnoxious measure, which finds a place in the Statute-book of this country, after nearly two centuries of British rule, it is because I, along with the people of this country, do think that no civilized administration need be armed with such drastic powers as are contained in this Bill. Honourable Members may remember, that it was more than a decade ago, when you, Sir, were one of us, that I had the honour and the privilege of moving a Resolution in 1924 for the repeal of Regulation III of 1818. The history of this country, before the year 1924, during the last two decades preceding it, was one of repression and tyranny, if I may be permitted to use that word and if it is not unparliamentary, throughout the length and breadth of this country. Following in the wake of that ill-starred measure of that brilliant Viceroy, Lord Curzon,—I refer to the Partition of Bengal,—the rulers and the ruled of this country have been divided by sharp differences of opinion in matters political, which concern not only the welfare of millions of our countrymen but which also lie at the root of the peace of the world, if I may be permitted to say so. Sir, our memory goes back to those historical times when the Moghul Throne of Delhi was fast losing its hold upon the administration of this country. Territories after

*** That the Bill to remove doubts about the application of the doctrine of representation, in case of succession to *stridhan* under the Dayabag, be referred to a Select Committee, etc., etc."

*** That the Bill to provide for the abolition of untouchability among the Hindus, be referred to a Select Committee, etc., etc."

*** That the Bill further to amend the Indian Bar Councils Act, 1926, be referred to a Select Committee, etc., etc."

territories were being taken away, and new rulers were arising not only in Northern India, but also in the South of India. Then we believe that, by Divine Providence, it was ordained that a nation which lived six thousand miles away across the seas, which had come here only for purposes of commerce, should take up the reins of administration of this ill-fated country. Provinces were divided against Provinces. To the Throne of Imperial Delhi, the Nizam of Hyderabad, the Tippoo Sultan in Southern India and others will not owe their allegiance, and we believe that by Divine Dispensation the Englishmen came to this country to give us peace in this land. They did not come here as conquerors. It has often been said that India was conquered by the sword. I say, Sir, that those are the words of false prophets, of people who have no idea of statesmanship. In fact the Englishmen of those days, as soon as they evolved order out of chaos and framed a proper administration for this country, took up the question of educating the people of this country, and that famous Education Despatch of Sir Charles Wood, the grandfather of that great Governor General of India, whose name will for ever be enshrined in our hearts as one of the greatest of peacemakers in this country, I mean Lord Irwin,—that famous Despatch is a Magna Charta of our political liberties, because an alien race, who have not much in common with us, came to us to give us education, to light the lamp of knowledge in the darkness which prevailed in the country, by introducing western science and western philosophy. And, Sir, when they were doing so, a great controversy was raging between Rajah Ram Mohan Roy and Rajah Sir Radha Kanta Deb, as to whether or not the people of India should be given education in oriental languages, in philosophy and literature, or whether they should be educated in western sciences and philosophy, or they should be allowed to combine both. At that time, it is a known fact that this country was not fully under British rule. Still the Britishers of those days thought that they were justified in bringing all the paraphernalia of civilized administration to this country, but at the same time they realised the dangers which existed in the country. There were then in the Punjab, the North-West Frontier and Sind Indian rulers who were making encroachments upon British Indian territories. There was the menace of the Pindaris which is known as the Pindari War in Indian history. There was also trouble along other frontiers and in Nepal ; and last, but not the least, there was another European power which was trying to establish its supremacy here. That was the time when Regulation III of 1818 came into operation. That was a time when every administration was entitled to ask for such drastic powers. In the Preamble to that Regulation we find these words :

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers,...."

I draw respectfully the attention of Honourable Members to the words "of the alliances formed by the British Government with foreign Powers" :

".....the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper."

So, Honourable Members will see that when the country had not settled down, when there was still a disturbance of the peace and law

[Mr. Amar Nath Dutt.] and order due to foreign machinations and international complications both on the frontiers and in other continents which had repercussions upon this country, it was found necessary to arm the executive of those times with powers so drastic that they have no parallel even in the draconian laws which may be found elsewhere. But nobody was against that Regulation at that time. Honourable Members may be pleased to remember that there was no Legislature of the type which we have at present or which we had during the Morley-Minto Reforms days or even Legislature of the type which was given to us prior to that, through that great friend of India Mr. Bradlaugh's efforts,—Lord Cross's Bill which first introduced the elective element in the Legislatures of India. Long, long before that, we had Executive Councils and we had Legislative Councils and we had Nominated Members there. Occasionally, in those Councils, we had men of revered memory, like the late Sir Rash Behari Ghose, but ordinarily we had an array of illiterate Knights and Rajahs who were known by the name of *jo-hukums* and who always bowed to the wishes of the powers that be.

An Honourable Member : They were *āpka-wastēs*.

Mr. Amar Nath Dutt : As my Honourable friend says, *āpka-wastēs*. It was even prior to that that this Regulation was enacted. They were the Councils which were foreshadowed in the Regulating Act of 1774, and these Councillors were no other than the rulers of the country and they had the power to do whatever they liked. They got a Regulation like this embodied in the Statute. Of course, I am not aware of the number of times or the number of persons against whom this Regulation had to be called into requisition in those days. Ordinary history does not show that ; probably a file of old newspapers may enlighten us. But to come to more recent days, we find the first application, which comes to our memory, is during the famous Wahabi case, and that was more than 60 years ago. After that, for a spell of nearly a quarter of a century, this Regulation and its sister Regulations in the Presidencies of Madras and Bombay were not heard of and nobody knew that there was such a Regulation in the Statute-book of India even after the inauguration of the elective system in the Legislative Councils of India, through the efforts of Mr. Bradlaugh, for, I am sure, that if the Members of those days, when the elective system was introduced, knew that this archaic weapon would be availed of and could be availed of for purposes other than those for which it was enacted by a Government which wanted to silence the voice of the people, surely Member after Member would have come forward and taken the trouble of having these monstrous Regulations repealed, as I have been doing for the last 11 years in this House. As I have said, after a spell of nearly a quarter of a century, we come across the deportation of the Natu brothers, which marks a landmark in the annals of our political battle for getting our legitimate freedom in the land of our birth. I am not here at the present moment going to discuss what form of administration this country should have in the near future in order to give its people their legitimate rights and dues. But at the same time, I may be permitted to observe that in any administration, however dictatorial,—it may be ruled by a dictator. It may be ruled by a tyrant, it may be a democracy, or it may be a form of administration where responsible Government exists or the right of

self-determination exists,—I beg to submit that no administration has a right to exist by suppressing the voice of the people or their legitimate freedom. It was in the year 1898 that the Natu brothers were deported and Honourable Members may be pleased to note that there was no reason of State embracing the due maintenance of the alliances formed by the British Government with foreign powers, for at that time the British power was not only supreme in the Indian Continent but also in Burma, Baluchistan and also it had much influence in the border state of Afghanistan. Upper Burma had been conquered at that time and Baluchistan was also almost administered under British administration with the Khan of Kelat, while we know the good relations which existed between Afghanistan and India, from the days of Abdur Rahman. I would not go into the history of Dost Mohamed Khan or any of the Royal Prisoners who were kept in the cool heights of Mussoorie or the history of the conference in Rawalpindi. I would not go into the history of those times, but I am only touching the history of the times to which the subject of the Bill refers, namely, the deportation of the Natu brothers under these Regulations.

What led to the deportation of those two loyal and patriotic sons of India? No charge was framed against them, and afterwards they were released, and, I remember how the news was hailed with delight in the Lucknow Congress in 1889. Once more the Britishers retraced the false step they took and acted like true Englishmen. A decade afterwards came the Viceroyalty of that brilliant Viceroy, that superior person, I mean Lord Curzon. The partition of Bengal attempted to divide a highly cultured race and to put a stop to the self expression of a race which produced a jurist like Rash Bihari Ghose, a poet like Rabindra Nath Tagore and a scientist like J. C. Bose. They attempted to crush the legitimate aspirations of the people by dividing the people into two *viz.*, Eastern Bengal and Western Bengal and driving a wedge into the solidarity of that Bengali race. Then a whirlwind campaign was undertaken by the people and their leaders and the settled fact at the beginning of the present century was unsettled. I mention it only to remind my friends that the Communal Award is not the last word and it can be unsettled. No Napoleon or Alexander can prophesy about any settled fact in connection with any political measure. The partition of Bengal was annulled. Later on, nine leaders of thought, none of whom were guilty of any of the crimes to guard against which this Regulation was intended were deported. Very extraordinary powers were asked for by Lord Minto from Lord Morley. Lord Morley promised to the extent that it was possible for him to do so. The perpetrator of that great administrative blunder, if I may be permitted to use that expression, wrote to Lord Minto in these words :

"I won't follow you into deportation. You state your case with remarkable force. I admit. But then I comfort myself in my disquiet at differing from you by the reflection that perhaps the Spanish Viceroy's in the Netherlands, the Austrian Viceroy in Venice, the Bourbon in the two Sicilies and a Government or two in the old American Colonies, used reasonings not wholly dissimilar and not much less forcible. Forgive this affronting parallel. It is only the sally of a man who is himself occasionally compared to Strafford, King John, King Charles, Nero and Tiberius."

Again, speaking of the Regulation and the Bengal deportations, Lord Morley wrote :

"The question between us two upon this matter may, if we won't take care, become what the Americans call ugly. I won't repeat the general arguments about

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Deportation. I have fought against those here who regarded such a resort to the Regulation of 1818 as indefensible. So, *per contra*, I am ready just as stoutly to fight those who wish to make this arbitrary detention, for indefinite periods, a regular weapon of Government. Now your present position is beginning to approach this. You have nine men locked up a year ago by *lettre de cachet* because you believed them to be criminally connected with criminal plots, and because you expected their arrest to check these plots. For a certain time, it looked as if the coup were effective and were justified by the result. In all this, I think, we were perfectly right. Then you come by and by upon what you regard as a great anarchist conspiracy for sedition and murder and you warn me that you may soon apply to me for sanction of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the nine detenus you have found out a murder plot contrived, not by them but by other people. You say 'We admit that being locked up they can have had no share in these new abominations but their continued detention will frighten evil-doers generally.' That is the Russian argument."

I invite the Honourable the Home Member's attention as also that of the Honourable the Law Member to the words: "that is the Russian argument". We are here not for enacting any provision of law or retaining any law which savours of Russian odour. "By packing off trainloads of suspects to Siberia, we will terrify the anarchists out of their wits, and all will come out right." Probably that was the idea of the predecessor in office of the present Home Member,—to pack off trainloads of detenus from Bengal to Deoli. "That policy did not work out brilliantly in Russia and did not save the lives of the Trepoffs, nor did it save Russian from a Duma, the very thing that the Trepoffs and the rest of the 'offs' deprecated and detested". I may also add that that also brought about the downfall of the Romanoffs and cleared the soil of Russia of a dynasty which had been terrorizing the country for centuries. Sir, who were deported? I will give the names, Babu Aswini Kumar Dutt. Now any one who has had the privilege of ever having talked to him would have been impressed by the saintly character of that man. There are in India born saints, and Aswini Kumar Dutt, a follower of Keshab Chunder Sen, in the *Bhakti Marga*, was a saint. I had the pleasure and the privilege of knowing him for a long time and of even being his guest at the hill recess of Rajgir where I saw his nephew and wife looking into the minutest details of the daily wants of our life,—even from the cup of tea, which he himself did not take, down to milk brought in early in the morning, so that none of his guests might be uncomfortable in any way. He would read in those sequestered places religious books and he found great delight in repeating them to his guests and by collecting them on the verandah of his bungalow, and really men who had not the least religious instinct in them like myself (Laughter) were for the time being spell-bound and were charmed. Sir, such was the man. Even when two Muhammadan brothers were quarrelling with each other and were going to kill each other with the deadly *kodali* in their hand, one of the brothers at once said: "Let us go to Aswini Kumar Dutt", and he at once laid down his *kodali* and both of them went to Aswini Kumar Dutt,—and the quarrel was made up. Then, Sir, you may call it superstition, but my friend over there, who is a Sanatanist, knows also, I do not know how far the Shastras approve of it,—Sir, the first fruit that comes out in our trees is often offered to the gods, and will you believe me, Sir, in Barisal, it was the practice with several people to take the first fruit of the trees to this great saint of Barisal—Aswini Kumar Dutt.

Now, such is the man who was deported along with another gentleman whose memory also is revered throughout Bengal,—who, though

younger in years, was in college with me and was in some way distantly related to me—Raja Subodh Chandra Mullick. I call him "Raja" because he was really a Raja, not like the Rajas whom we see here or elsewhere (Loud Laughter), one who was really the Raja of the hearts of the people of Bengal—Subodh Chandra Mullick, a millionaire, who threw away all his wealth for the uplift of his own countrymen and who, during his last years, lived rather in want. Then, with him was another old veteran journalist who was of the former generation, of the generation of my father as also of the father of the Honourable the Law Member,—I mean Babu Krishna Kumar Mitra,—another saint, so to speak, belonging to the Theistic School, who fortunately for us is still living and who by his wisdom is still trying to help the people in their onward march towards freedom,—not by revolutionary means, not through ways of bloodshed, but through constructive methods. Then there was another gentleman deported—Monoronjon Guha. These, then, were the men deported but against whom no charge was ever brought. And did not the officials afterwards realize their mistake and release all these men? And was not the atmosphere made calmer. Now, Sir, I have given these three instances of the use of this Regulation III of 1818, and afterwards, as the House may remember,—one was long, long after, about half a century from the enactment of this Act and another was a quarter of a century after that, and the third was occasioned by certain ill-conceived administrative measures and that was still a decade after, but what was the history after that? Sir, we find the provisions of this Regulation requisitioned for all and sundry, for every case, for every convenience, in all cases where there may not have been any tangible evidence, but about which some suspicion might lurk in the minds of prejudiced officials; as there was no evidence forthcoming, they would have free recourse to the provisions of this archaic weapon in the armoury of the Government of India, although, if they had taken the slightest care to be honest and fair, they would have found that the provisions of this Regulation did not apply to those cases. The latest one of the cases under this Regulation is the one about which we talked yesterday and about which we were told by the Honourable the Home Member that the Bengal Government had to be consulted in all these matters. They have enough advisers of their own, but they dare not act on their own responsibility nor have they the courage to go against the wishes of the Provincial Governments, although they happen to be the superior government, if I may say so, because I have seen objections to the use of words like 'subordinate government' and so forth. Whatever that may be, this Regulation is to be administered by the Government of India and the Government of India alone and not by any subordinate government. Of course, they cannot delegate the powers under the Act to a subordinate government. I was surprised that that can be so. And why? Because there was not a single occasion which is to be seen in the preamble of the Act. Of course, they could cope with it under the ordinary laws if they had the machinery to concoct the evidence as they say in law courts. Sir, about this concoction of evidence by private parties or by any other parties, the less said the better. I may remind the House of only one instance to show to what length this concoction can go. Honourable Members will remember the Naraingarh train wrecking case. People were *chalanned* and evidence was forthcoming that they were the people who wanted to wreck the train. It was proved that they placed the bomb there and every evidence was complete to convince a very

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obliging judiciary of those days with the result that some people were ordered to be transported for life and were sent to the Andamans. Now, by some misadventure, if I may so put it, when a case was launched against Arabindo Ghosh and his so-called fellow conspirators, evidence came out that the men who were sent to the Andamans, as they were found to be guilty on the evidence which the Judge believed to be true and therefore accepted it, were really not the men who were guilty of having placed the bomb in the Naraingarh train wrecking case. This sudden disclosure was attempted to be suppressed in those days. It is nearly a quarter of a century ago when this happened. But human depravity to whatever length it may go at times does assert itself and these people were got back from the Andamans and were released. That is the way in which evidence can be concocted. We, who practise in law courts, know how they fabricate evidence. It is not the peculiarity of India alone but if we look at the annals of the administration of justice of other countries of Europe, we will find astounding fabrications and concoctions of evidence which will baffle the brains of Indian fabricators. So, Sir, this fabrication and concoction is a thing which has come to this country along with English education and the knowledge of English history and philosophy and science.

The Honourable Sir Nripendra Sircar (Law Member) : Science is responsible for it.

Mr. Amar Nath Dutt : I am told that science is responsible for it. Yes, with due respect to the Honourable the Law Member who says that, I do agree with him. Science is responsible for the manufacture of bombs, and also probably the science of mental and moral aberration is responsible for the fabrication and concoction of evidence. Be that as it may, I submit that if you can have such fabricated and concocted evidence to send men to the Andamans, why should you have a provision of a law brought in for application to a place where there is no fabrication and thereby incur the odium of the intelligent section of the people, I mean, at least the wiser section, who abhor this misapplication of law. Honourable Members may remember that there was an inquiry into the repressive laws by a Committee. The members of that Committee came to the conclusion that the application of this Regulation ought to be confined to its legitimate spheres, but unfortunately the whole Government was within a few months very much disturbed over certain seditious writings and conspiracies. I ask Government to be a little more strict in applying the provisions of this Regulation. They should apply them only in those circumstances in which they are applicable and not apply them by straining the language to those cases in which they are not applicable. As, however, they will not do this, and as past experience shows that they have been mis-applying the whole Regulation to cases in which it is not applicable, I most respectfully submit that it is the bounden duty of every Indian and every Britisher, if they are as much interested in our welfare as we are interested in their welfare, to have this obnoxious measure expunged from the Statute-book of India. Sir, the Repressive Laws Committee observed the following :

"We recognise the force of these arguments, in particular the difficulty of securing evidence or preventing intimidation of witnesses. We also appreciate the fact that the use of the ordinary law may in some circumstances prevent the very thing which a trial is designed to punish, but we consider that in the modern condition of India this must be done."

They say that in the modern condition of India this must be done.

12 Noon. Why? Because the risk will involve less danger to the security and peace of the Government than the application of a measure like this :

"It is undesirable that any Statute should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislature."

This will be proved by looking at the voting list on the Resolution in 1924. The voting was 68 to 44 and if you remember that, out of this 44, forty were Nominated Members we may say that the voting was 68 to 4. In a House consisting of 72 elected Members do you expect that there will not be even four *jo-hukums* to carry on the mandate of the powers that be. I must, therefore, say that it was almost the unanimous voice of this House which represented the voice of the people of India that this Regulation should go. This was the recommendation of the Repressive Laws Committee. They recommended that it should be so amended as :

"to be used only for the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of the Indian Princes entitled to its protection and the security of the British Dominions from foreign hostility and only so far as the inflammable Frontier is concerned from internal commotion."

But the provisions of this Regulation are applied to a Province far off from the North-West Frontier, in the Gangetic delta which has been the abode of peaceful people for centuries and who never cared who ruled over them but who were contented in their village homes never caring for offices either at Delhi or at Murshidabad, for eight long centuries. During this period of so-called foreign rule Bengal non-co-operated with everything foreign except a few who were converted into other faiths by lure of gain either at Delhi or at Murshidabad. Who were the greatest men of those times? The writer of that melodious song : "the Gita Govinda", Jay Deb, greatest among the Vaishnavite poets of Bengal and Shree Chaitanya, the greatest of the modern Bengalees who was the embodiment of all that was good and great in the Bengali race, these were some of the greatest men that lived during that period, and I am sorry that this Regulation III is applied to a peace-loving people like the Bengalis. There is a proverb which says that, if you tread upon an ant it will also try to bite. Probably that is the reason why we find one or two revolutionaries here and there even in Bengal. The true home of revolutions is, among the martial races to which my Honourable friends over there belong, in the Frontier and in the Punjab. We are a non-martial race and we are not allowed to enter the army. We do not care to enter the army. We leave it to our Rajput and Jat friends, like Mr. Gaya Prasad Singh and Captain Lal Chand. We have our own philosophy, our own literature and our own culture by which we live.

An Honourable Member : Your law.

Mr. Amar Nath Dutt : Yes. Law is also philosophy. Sir, I was saying that even in the peaceful homes of Bengal you have disturbed to such an extent that some children of theirs have become revolutionaries. It is a fact which I deplore and I hope the Government also deplore. If the Government also really deplore, then they must be awakened to a sense of justice and they must show their sympathy to the parents of these misguided youths. Be that as it may, I beg to submit, do not

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misapply such Regulations to peaceful people like the Bengalis. Justice requires that you must remove this measure from the Statute-book. Therefore, I move that the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration. If this motion is passed, I shall move later on that the Bill be passed.

An Honourable Member : You do not want it to be sent even to the Select Committee.

Mr. Amar Nath Dutt : I am appealing to all the Members of the House, as they are reasonable men, to weigh fully the pros and cons of this measure and vote for the consideration of this Bill. I hope Honourable Members will not have any other consideration in their mind, either the lure of title or the lure of some office, and withhold their assent to this motion. I do not expect Honourable Members as you all are, Honourable as all of us are, every one of us is an Honourable Member and I expect every Honourable Member to be true to his own self and true to the honour of his country and vote with me for the repeal of this measure. (Applause.) There may be some difficulty with Executive Officers who administer the law, to assent to this measure, because they think that they do need this power at times. I trust that the Executive Officers and the Members of the Treasury Bench who adorn this House at the present moment, at least one of them will kindly remember these two lines which I had the honour of quoting on the last occasion. "Great Executive Officers never like or trust lawyers. I will tell them why, for they never trust or like law". I hope that by assuming the high office and the portfolio of law which my Honourable friend over there has assumed and from whom we expect great things in the near future in moulding the constitution of this country so that he will ever be remembered by future generations, I hope that he will be the one officer of the Crown who brought succour to this ill-fated Province. I expect that he at least will not fall a victim to these two lines that great Executive Officers never like or trust lawyers, for he is nothing if not a lawyer from the very beginning of his life. The eminent lawyer and the eminent jurist that he is I am sure that he will not fall into the trap of other Executive Officers (Hear, hear), who I believe are also too honourable and too good to be misled into giving support for a lawless law like the one which I am asking the House to repeal. Sir Nripendra Nath Sircar is perhaps at present trying to think, being a Government servant, how he can support this obnoxious measure, but in his helplessness he sees no way out of the difficulty, lawyer as he is, patriot as he is, a great administrator as he is going to be whose name is going to be handed down to future generations.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Who pays his fees?

Mr. Amar Nath Dutt : My Honourable friend does not do Sir Nripendra Sircar justice if he thinks that he cares for his fees at all. He cares more for his country and countrymen. His past life is a record of which every Bengali will be proud. He may care for his fees in the law courts but in other spheres of activity, political and social, I must say that there is no greater patriot than Sir Nripendra Sircar.

The Honourable Sir Nripendra Sircar : Sir, I may inform my Honourable friend that even some of my fees in the High Court are in arrears, and there is no chance of recovering them. (Laughter.)

Mr. Amar Nath Dutt : It is a great shame that Government have not yet paid my Honourable friend's fees. But he does not charge any fees for being a patriot or for social work. But I wish with regard to Sir Nripendra Sircar's fees they may not play the same game as they did with Jagat Sett, from whom they borrowed 20 lakhs, promising to repay it year by year, and paid only five lakhs. And when questions were asked here, Sir Basil Blackett said that, it may be that some money is due to him. And that great patriot, Bepin Chandra Pal, said that it is right and proper that these Jagat Setts and Mir Jaffars and Umichands should be served like that. Be that as it may, I think Government cannot back out of their liabilities to Sir Nripendra Sircar.

Sir, it has been said that the deportation of even men of high moral and intellectual attainments was necessary, otherwise they embarrass Government. If that be the attitude of Government I will most respectfully recite a few lines of the great poet wherein it has been said :

"Earth is sick
And Heaven is weary of the hollow words
That States and Kingdoms utter when they talk
Of Truth and Justice."

I hope that will not be the case at the present time and Englishmen and Indians in this House will act with the sole aim of peace on earth and goodwill among men, for I believe that in this ancient land of ours, in this land of sages and philosophers, we are destined to work and live side by side for the common benefit and common salvation of both races. With these words, I appeal to every one in this House, to support me in repealing Regulation III of 1818.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration."

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) : Sir, I am afraid I cannot congratulate the Honourable the Mover, who has so zealously and feelingly moved this motion, on the time he has chosen for this Bill. Honourable Members must have noticed that, during the course of his argument, he has appealed more to sentiment than to reason, and that is another reason, why I will ask Honourable Members not to be led away by sentiments alone.

Sir, I fully realise and agree with the Honourable the Mover that it is one of the fundamental principles of criminal law that nobody should be deprived of his liberty unless he is placed before a court of law, is given a regular trial, charges are framed against him, and is told that he is deprived of his liberty for so long. This is a fundamental principle of law and there can be no disagreement about it. But this principle is applicable to normal times and to ordinary crimes. For abnormal times, Government have to fall back upon another principle, which gets precedence over this fundamental principle. That other principle is, that it is the primary duty of a civilised Government to give an assurance to its subjects, that their property and life will be safe. And in the discharge of that primary duty of Government, without the discharge of which no Government is entitled to be called by that name, they have to make certain sacrifices, sacrifices not of principles but even of persons. There are occasions when there is no trial. In emergent cases, order is given by an

[Captain Rao Bahadur Chaudhri Lal Chand.]

ordinary officer, a subordinate judicial officer, and sometimes by a police officer also, to fire upon a mob. There without any trial, without being brought before any court, the criminals are shot dead and finished there. Why? This is because there is another principle that the part should be sacrificed in order to save the whole. In order to save the whole society from a certain poison the poisonous matter has to be done away with. So with that principle before us, we should consider the necessity of a Regulation of this sort. As a matter of fact, I sincerely believe that this power is inherent with Government, and even if this Regulation had not been there, Government would be entitled to use the powers they had been using under this Act. Some friends of the Opposition say, this Government is a paper Government; they want everything in writing and they do not want that any unwritten law should come in. Therefore, as early as 1818, the administrators of this country very wisely brought this Regulation on record and placed it on the Statute-book.

Mr. Amar Nath Dutt : May I ask my Honourable friend what he means by the expression "paper Government"? Does he use that phrase in the same sense in which we use the phrase "paper transactions"?

Hony. Captain Rao Bahadur Chaudhri Lal Chand : My Honourable friend understands very well what I mean, but I can tell him that what I mean is that they go by the written law, except in exceptional cases. When the written law is not sufficient, Government has to hand the authority to an agency which does not care for written law and who go by their conscience,—I mean martial law or unwritten law. So the choice of my friend is between this Regulation and martial law: such is the condition of Bengal nowadays. It is powers like these that have been instrumental in giving settled government and peace to our country, and we should be thankful to the early administrators who foresaw all these exigencies and placed such power in the hands of the Government. The chief argument that has been used by my friend, in favour of his Bill, is that, great men have been sacrificed, and many have been deprived of their liberty. He has quoted a series of names and has feelingly appealed to Honourable Members to have this Regulation repealed. He did not refer to the fact that each individual case has to come up to Government, and the best brains have to examine the records in each individual case separately and that is a sufficient guarantee that no injustice is being done and that all conditions are complied with. This power has not been misused in the past and there is no reason to fear that this will be so in the future.

Sir, there are two other reasons why this Bill should be thrown out. In the first place, the Bengal Council,—the Council of the Province of my Honourable friend,—has recently given evidence by an overwhelming majority of their intention in respect of the principle underlying this Bill. They have just passed a Bill directing these detenus to be detained for any length of times: they have made a temporary Act permanent; and we here at present are discussing the Bill in the Assembly. So this was not the proper time for my friend to bring in this Bill. The responsible opinion of his own Province was against him. Besides, another and perhaps more weighty reason than this is, that great reforms are in sight. The Provinces are going to get full Provincial Autonomy

and here too we are going to have a great change. Under these circumstances, is it fair for us to ask this Government to leave a legacy of chaos and bloodshed to their successors? For, if they repeal these powers which they have enjoyed during all this period, and which have been responsible for guaranteeing peace to the country and keeping the terrorist movement underground, is it fair, I ask, for us to ask them on the day on which they are giving over charge to give up those powers and leave their successors to face the terrorist movement with all the consequent bloodshed? I think it is highly presumptuous on the part of an Honourable Member coming from Bengal where no less than 500 detenus have been detained and where the Local Council has given by an overwhelming majority proof of their intentions, and where the presence of the terrorist movement was admitted the other day by every Member hailing from Bengal,—I say, is it fair for a Member coming from that Province.....

Mr. Amar Nath Dutt : May I inform the Honourable Member that I am asking for the repeal of a Statute which has nothing to do with terrorism and other matters of internal administration which cannot be dealt with under this Regulation? I shall be obliged if he can point out why this particular Regulation should be retained on the Statute-book.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : If there was ever an occasion for a so-called repressive measure to remain in the hands of the Government, it is now, and I quote those as instances of the presence of abnormal conditions in my friend's own Province. I say, it is presumptuous on his part or on the part of any Member hailing from Bengal, to come forward and ask this Assembly to deprive the executive to give up all those powers by which they have kept the peace in the country. Does my Honourable friend realise what is being done in other civilised countries of the world? He must have been reading papers and I need not repeat instances here to show how justice is being done in other countries in cases where there are abnormal conditions. This is so in Germany, Austria and everywhere. Here in India we enjoy settled government and peace. This is due to the wise handling of these powers by the executive, and, therefore, I would appeal to Honourable Members not to be misled by any craze for popularity, in spite of the coming elections that are in sight.....

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadian Urban) : And in spite of the possibilities of nominations to the next Assembly? (Opposition Laughter.)

Hony. Captain Rao Bahadur Chaudhri Lal Chand : May I also remind Honourable Members that it is powers like these and others that have brought the Congress, from which all of us, whether Oppositionists or Nominated Members, differ, to their senses? They have realised that the real good of the country lies in co-operation. But I will not take this opportunity of recounting the history of the Congress as they are not here, and so I will earnestly appeal to Honourable Members to weigh the reasons, to see that the result of repealing laws like these, would be to hand over the country to terrorists, and chaos and bloodshed will be the result.

Sir, I will not take any more time of this House, but I will only ask the House not to be misled by these sentiments, and to use their own

[Captain Rao Bahadur Chaudhri Lal Chand.] reason for the purpose of maintaining peace in the country rather than gain popularity outside while voting on this motion.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Mr. President, after listening to the speech of my gallant friend, Captain Lal Chand, I am compelled to stand up here and refute some of the arguments he has advanced on this very important issue. Sir, it is a piece of good fortune that my friend, the Mover of this motion, got the chance today to make his motion, and I congratulate him. Sir, we on this side of the House know fully well how this Act has been worked by the executive in this country. My friend, Captain Lal Chand, in the course of his observations in opposing this motion, referred to the events of the martial law days, and I do not know if he has been able to convince even a single Member of this House.....

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Why not ?

Mr. D. K. Lahiri Chaudhury : Perhaps he could convince my friend, Mr. Yamin Khan, but the less said about my friend, Mr. Yamin Khan, the better. And when my friend, Captain Lal Chand, developed his argument, he said that he wanted to throw out this motion on the ground that he did not want to hand over a legacy of chaos and bloodshed to our successors. My friend is perhaps of the opinion that this Regulation, if retained on the Statute-book, will root out terrorism from our country. Sir, not many days ago, we had in this very House a somewhat similar legislation, I mean the Bengal Criminal Law (Amendment) Act, and it is still pending before the House. In the course of the discussion of that measure, my esteemed friend, Mr. S. C. Mitra, made out a very strong case in opposing the motion. He also made it abundantly clear to the House that by measures of this character you cannot prevent terrorism, you cannot prevent young men, who are determined to kill another with a revolver in one hand and potassium cyanide in another, from carrying out their object, however strong measures you may pass in this House or elsewhere. On the other hand, it has been pointed out even by the Treasury Benches that what is wanted to stamp out terrorism from this country is co-operation. Sir, we on this side of the House quite appreciate that spirit, and we are all prepared to co-operate with you in stamping out terrorism from this country. Nobody wants terrorism in our country, but we are prepared to co-operate with the Government on reasonable grounds. This Regulation, which is obnoxious in its nature, should not be allowed to remain on the Statute-book of this country. Under this Regulation you can put under arrest any man without trial for an indefinite period. My friend, the Mover of this motion, cited several instances where the provisions of this Regulation have been grossly abused and misused in the name of law and order. There are thousands of cases which can be cited in which, though this Regulation has strengthened the hands of the executive, it has been administered in a most vindictive manner. Under these circumstances, we have to seriously consider whether the time has not arrived to support the motion for the repeal of this most mischievous measure. Sir, I really feel that if measures of this character are not repealed, they will lead to greater mischief, and there will be more chaos and trouble in the country. I also verily believe that the oppressive methods adopted by Government tend greatly to retard the progress of this country. Nobody will deny that terrorism must be suppressed, but the policy of repression that is now

pursued in the name of law and order will not help to suppress terrorism at all. On the other hand, the oppressive methods pursued by Government are such that they only irritate the public mind, and I can cite instances of repressive methods pursued in the name of law and order, nay in some cases the executive have even usurped the functions of the judiciary. This is certainly most reprehensible. Even the executive have questioned the powers of the High Court in some cases. Do you by these means propose to maintain law and order in this country ? You being the custodian of law and order in the country, is this the way in which Government should administer justice ? Do Government think that by oppressing and terrorising people, in the way they are doing, they will be able to root out terrorism from this country ? Sir, I say it is a wrong dictum that my friend, Captain Lal Chand, enunciated here this morning. I believe he has an assurance,—whether it is a fact or not I do not know,—from his constituency that if he makes such a reactionary speech, it will strengthen his cause.....

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Sir, if personal motives come in, then my community will stand to gain by the repeal of the Regulation in question and other similar laws. If there were no peace in the country, then we could deprive some of our rich friends, like my friend, of their property and riches. It is because of the peace that we enjoy under British rule that we are not able to do this.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Mr. D. K. Lahiri Chaudhury : I did not mean to make any personal reflection. It is a question of principle that is involved here. If Nominated Members are asked to express such views in this House by their constituents, there is little hope for the country. I am sure that in the next Assembly some of the Nominated Members will have better sense.....

Mr. Muhammad Yamin Khan : Nominated by whom ? By the Congress ?

Mr. D. K. Lahiri Chaudhury : Nominated by the Government. What I want to point out is this. Terrorism can never suppress terrorism. Sir, in the course of the discussion on the Bengal Criminal Law (Amendment) Bill, it was pointed out that innocent people were attacked and assaulted in the name of law and order. Even a very highly respected man, a doctor of midwifery, I mean Sir Kedar Nath Das, was not spared by the police on his way to Darjeeling, and he was not only searched, but roughly handled by the police. Was there any sense in dealing with such an old and respected man in that manner ? If a young man visits any place there may be a suspicion against him, whether he be a terrorist or not, and the police can legitimately search him. But what is the meaning of searching a man like Dr. Kedar Nath Das who is an old man of 85 or 90 years ? That merely irritates the mind of the people. It is only by means of the co-operation of the people that terrorism can be suppressed. It is not by oppression but by persuasion that this terrorist movement can be eradicated. The other day, my Honourable friend, Mr. Mitra, threw out a challenge that he was prepared to take up the responsibility if the Government came to us with a reasonable attitude. If the Government are at all anxious to get the co-operation of the people, why do they not call a conference and find out ways and means of stamping out terrorism in India ? There is not a single Member on this side of the House who

[Mr. D. K. Lahiri Chaudhuri.]

supports this principle of terrorism, this principle of sporadic murders. We should look to the root cause of this malady. The Government simply give out that it is economic depression which drives these young people into drastic actions like that. It is not for their personal ends that they leave their homes and their parents, and if I may say so, some of them are jewels of the University. Why should they commit such heinous crimes? The Government have power behind them, they have munitions behind them, and think that they can suppress terrorism by simply legislating enactments like these and oppressing the masses. That is not the way to suppress terrorism. No one in this world can suppress terrorism by terrorising the public. It can only be done by enlisting the co-operation of the public and their goodwill. The Indians are inherently loyal to their Government, and if Government come with a clean slate and consider the matter in a calm and dispassionate manner, certainly some solution can be found. But Government will not care to do that; they never care to listen to the public. May I mention the instance of Hijli? What happened there? Those innocent detenus were dining quietly and they were shot dead like dogs. With what result? An enquiry was made and the man who was guilty of that crime was simply transferred, and nothing else was done. Can it satisfy the public? You have heard how detenus are suffering,—men against whom no charges have been brought in a court of law, they are merely kept under suspicion for an unlimited time. Still my Honourable friend, Captain Lal Chand, comes here and opposes this motion. I do not understand on what sense he has based his attitude, I do not know under what guidance he proposes to throw out this motion at this stage. If my Honourable friend had a little grain of sense in him, if he had a sense of responsibility, he would not have said like that.

Among the detenus there are some who are very respectable. Take the case of Mr. Sarat Chandra Bose who the Home Member said was a terrorist. Can any crime or action of terrorism be proved against him in a court of law? The Government cannot, they dare not. And still Government is keeping that honourable gentleman within the prison bars. He is kept under restrictions, and he cannot earn his living. There are thousands of instances like that, and if the Home Member only took a little care to scrutinise each case personally, he would find that there are a number of detenus who are absolutely free from the taint of terrorism. You keep them merely under suspicion. It may be for a temporary period, but there is no reason why they should be detained for ever and not given a chance of coming out and mixing in social life. I could have understood if these special measures were brought in a time of war; it would have been justified then. There is no such thing now. There is no revolutionary movement, no organised revolutionary movement in this country. There are some sporadic murders, and those people who are addicted to such crimes do not consult each other. They have no regular organisations, but they are merely irritated by the actions of the police. Take the affairs in Chittagong, for instance. When I was coming up to Simla I was travelling with some high official; he was a police officer who was a Muhammadan. I asked him how things were going on in Chittagong. Government have always tried to describe this movement as a Hindu movement. My friend told me that it is nothing of the kind, that it contains both Hindus and Muhammadans. He further told me

that 500 Muslim houses were searched in Chittagong and that they were very irritated over that. I do not understand why the Government should simply impose punitive taxes on one particular community. This principle is absolutely wrong—not that I say that the taxes should be levied on other communities also. For one single soul who committed a crime the whole nation is blamed. The higher officials do not spare any opportunity to praise the police, and still the police cannot detect the criminal and for one single action like this the whole nation is branded as terrorist. No soul in Chittagong can sleep soundly at night. Is it administration? Do you call it administration? I think the executive have lost their brains and also their sense of responsibility and their statesmanship at the present moment. We have got strong belief in the British justice. But where is that British justice? Can it happen in England that men are detained without giving them a proper opportunity of facing the charges against them? No. There is no war now, there is no revolution, and still you persist in these Regulations. My Honourable friend, Captain Lal Chand, referred to the fact that the Bengal Criminal Law Amendment Act was passed by a majority. That sufficiently shows that the public are for eradicating terrorism. Why should not Government join hands with the public and have an enquiry into matters? Let there be a non-official enquiry. The other day the Home Member had the courage to say that even a man like Khan Abdul Ghaffar Khan is a terrorist. But I am sure if Government would have cared to see even the cartoon that came out in the *Hindustan Times* they would have realised that they were afraid of their own shadow of terrorism. If the Government will only make inquiries, and face the facts, Government will find that a great number of these men are absolutely innocent and they have been detained on mere suspicion. I am not one of those who support this terrorism. I am not one of those who is pleading the cause of murders and political crimes, but I am certainly one of those who believe that with the co-operation and goodwill of the people this terrorism will stop. If only Government will come over and shake hands with the public and consult them on these matters and try to find out a satisfactory solution, they will get it. If they pursue a policy of repression, there is hardly any chance. Look at the evidence of the girl who shot at His Excellency the Governor of Bengal. You find oppression was done to her. I do not approve of her action. She has to be convicted.

The Honourable Sir Nripendra Sircar: May I contradict the Honourable Member? I had something to do with this case. She made no complaint of any oppression of her by anybody.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): On her friends and relations.

The Honourable Sir Nripendra Sircar: I am answering my friend's allegation that she complained of oppression on her.

Mr. D. K. Lahiri Chaudhuri: On her relations.

The Honourable Sir Nripendra Sircar: Is my Honourable friend aware that what is supposed to be her speech or defence has been taken *verbatim* from one of the older English trials. Only the names have been changed.

Mr. S. C. Mitra: That is done by lawyers.

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The Honourable Sir Nripendra Sircar : That is not her language. That is the lawyer's language.

Mr. D. K. Lahiri Chaudhury : I am only giving that as an instance. I entirely agree with the Law Member. She may not have complained of oppression on her part but it is perfectly true that her relations and other people were oppressed. There are many Members here who will stand by me here on this particular issue that her relations and others were oppressed. I say that boldly.

The Honourable Sir Nripendra Sircar : I quite appreciate the boldness. Who was the relation who was oppressed?

Mr. S. C. Mitra : In one of my speeches I have quoted the whole of the details if the Honourable the Law Member cares to read it.

The Honourable Sir Nripendra Sircar : I have not only read that but I have read other literature on the subject.

Mr. D. K. Lahiri Chaudhury : By terrorising terrorism, they cannot stop it. Every one in this sense who has got some brains and common sense will support me. It is my firm belief that it is wise to adopt a policy of co-operation and conciliation and to take the public into your confidence. This is the spirit with which this motion has been moved and I support the motion of my Honourable friend, Mr. Amar Nath Dutt.

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : By enacting Regulation III of 1818, shortly after the battle of Waterloo, the then Government of India, which were yet in an unstable state, took upon themselves abnormal powers to deal with abnormal circumstances by deporting without trial persons suspected of conspiracy with foreign and rival powers. The French power in India were still a menace and the erstwhile wards of the new Home Member from the Punjab, I mean the Sikhs and the Jats, (including my esteemed friend Captain Lal Chand), were rising in power. But it was quite one hundred and sixteen years ago. Administrators that used to be sent out to India then from the British Isles had, I suppose, much less brain than those of recent years. At that time, the most ruthless legal weapon that could be devised by the law makers was this Regulation III. But the law makers of the present day have been able to devise the Bengal Criminal Law Amendment Acts which stand incomparable among the Statutes of the world from which both Stalin and Hitler may take lessons with profit. In the face of these repressive Statutes, the old and decrepit Regulation III has become worn and obsolete. But our administrators are nothing, if not extremely courteous. In their supreme regard for their ancestors in office and their actions, they still cling to this antiquated and ante-diluvian law, Regulation III of 1818, for it deserved effacement from the pages of the Statute-book long ago. I trust the new Law Member, who has dealt extensively with both Regulation III and the present Criminal Law Amendment Act in Bengal, will advise the Government on the comparative merits of the two Statutes.

The Honourable Sir Nripendra Sircar : May I contradict the Honourable Member. I have never dealt with Regulation III. I have had nothing to do with it either as Advocate General or as Law Member.

Mr. Sitakanta Mahapatra : I stand corrected. Sir, I will take this opportunity to state before this House the pathetic story of two Regula-

tion prisoners deported from Jaypore Estate in the District of Vizagapatam. Two brothers named Narsing Sahu and Radhakrishna Biswas Rai, who happened to be non-violent Congress volunteers working in the Samasthanam, were arrested and deported in 1930, for what offence nobody knows.

Mr. Muhammad Yamin Khan : Were they non-violent?

Mr. Sitakanta Mahapatra : Even the signing of the Gandhi-Irwin Pact could give them no relief and they are still rotting in the dungeon. I believe their difficulty is that as they happen to be very small fry in the Congress movement, Government of India have completely forgotten all about them—their very existence.

The Honourable Sir Henry Craik (Home Member) : May I ask the Honourable Member what is the case to which he refers.

Mr. Sitakanta Mahapatra : These two brothers are residents of Jaypore Estate in the Vizagapatam district. It is a zamindari.

The Honourable Sir Henry Craik : I do not think that could be under Regulation III.

Mr. Sitakanta Mahapatra : They were deported under the sister Regulation in Madras. Sardar Vallabhbhai's case was always before the mind's eye of the rulers. He had friends and admirers throughout the length and breadth of India. Even Mahatma Gandhi was very much concerned on his account. But it is no wonder that these two poor unknown young men, coming from an obscure place and, arrested for minor activities, have been totally forgotten by the mighty British Government. Sir, there is still reason why their cases have been obviously forgotten. The type of our administrators who framed regulation laws were perhaps much more humane and considerate than at present. So in these regulations there is provision for suitable allowance to regulation prisoners. But while perhaps all such prisoners are getting allowances, these two unfortunate fellows happen to be noble exceptions. They do not get any allowance with the result that, if newspaper reports be correct, the members of their family, who were dependent upon them for their maintenance, are living by begging. Because they do not cost the Government anything in the shape of allowances it is another reason why they have been thrown to the depths of oblivion. Sir, I have stated all these facts before the House only in the hope of drawing the kind attention of the new Home Member to their cases and I hope it has been drawn. I trust the new Home Member will interest himself in their cases and see if their detention is still necessary and if so whether they deserve any allowance.

The Honourable Sir Henry Craik : I should be glad if the Honourable Member will send me particulars. I cannot trace the cases either under the Bengal Regulation or under the Madras Regulation.

Mr. Sitakanta Mahapatra : Thank you. I have concluded my observations.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhamadan Rural) : Mr. President, after the very statesmanlike and gentlemanly speech of my Honourable friend, Mr. Lahiri Chaudhury, I do not think there is any doubt as regards the fate of this motion. My Honourable friend, Mr. Amar Nath Dutt, is not here, I am sorry to say. He has always said that he has got a soft corner for me in his heart ; I should also like to inform him that I also have got a very soft corner for him in my heart, and, therefore, I regret very much that I have to oppose his motion. Sir, my Honourable friend recited old and recent history ; he appealed to our honour and he appealed also to my Honourable friend, Sir Nripendra Sircar, as regards arrears of fees. Sir, much better and much more cogent arguments were brought forward and considered by a Committee of this House appointed to consider the abolition of the repressive laws. That Committee was presided over by Sir Tej Bahadur Sapru,—a name, Sir, which evokes as much regard and respect as that of my Honourable friend, Mr. Amar Nath Dutt. (Laughter.) What did that Committee say ? That Committee was decidedly of the opinion that, of all repressive laws, this particular repressive law should not be abolished but should be continued on our Statute-book. That should be a sufficient answer to the present motion. Sir, my Honourable friend stated that the conditions which obtained, when this law was enacted in 1818, are no longer in existence. My Honourable friend's memory is very short. If he had just tried to remember the very cogent and very forcible and very documented speech made in this House, only a few days ago, by the Honourable the then Home Member, Sir Harry Haig, I think he would have found and he would have realized how uncalled for and how unjustifiable his present motion is. Sir, Sir Harry Haig stated that not once, not twice, but many times that powers to fight terrorism and revolutionary activities were taken and were relinquished and that after each relinquishment and relaxation of such law there was a fresh recrudescence of terrorist and revolutionary activities. Sir, it would be defying common sense and experience to accede, under the present conditions, to the motion of my Honourable friend. It would be a serious dereliction of duty on the part of this Government not to stand by millions of peace-loving and law-abiding citizens and loyal officers of the Government who are doing their duty under conditions of extreme embarrassment and distress. (Ironical Laughter.) Sir, my Honourable friend said that under this law there was much room for concoction of evidence. I am not in a position to deny.

Mr. Amar Nath Dutt : I never said that under this law there was room for concoction of evidence. I said, in other cases.

Mr. N. N. Anklesaria : I stand corrected, but I understood him to say that because there was some concoction of evidence in cases under this law, therefore, this law is a bad law. My Honourable friend is also a lawyer and I would ask him whether he does not come across every day,

in Courts of law, concoctions of evidence in criminal cases. Does he mean therefore that the Penal Code should be abolished and repealed. My Honourable friend also said that there has been much oppression of detenus detained under this law. Very serious charges were made on the floor of the House the other day as regards the alleged Midnapore atrocities and the Government of India, after due and considerable inquiry, have refuted those charges and shown them to be absolutely unfounded.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Who made the inquiries, may I know ?

Mr. N. N. Anklesaria : The Government-constituted authorities made that inquiry.

Mr. S. C. Sen : Which Government ?

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhamadan) : Judge of their own case.

Mr. S. C. Sen : Which Government ?

Mr. K. C. Neogy : Chaukidars' Government ! (Laughter.)

Mr. N. N. Anklesaria : Sir, my Honourable friend, Mr. Lahiri Chaudhury, talked of the root causes of the revolutionary activities. I would agree with him in asking the Government to try and investigate and remedy whenever possible those root causes. So far as I am able to ascertain, the root causes are more economic than political. (Mr. S. C. Mitra : " Question.") If the Government side by side with attempting to suppress terrorism and revolutionary activities also tries to suppress and remedy the acute unemployment in Bengal and acute economic distress in Bengal, I think we shall hear much less of terrorism. (Hear, hear.)

Mr. Amar Nath Dutt : May I inform my Honourable friend that this Regulation is not meant to deal with terrorism or terrorist activities but is meant to deal with international relations and relations with foreign powers and internal commotions, and not with sedition or terrorism.

Mr. N. N. Anklesaria : My Honourable friend has at last stated the truth. This Regulation is meant to deal with internal commotion also and people, who, behind the screen, behind the *Purdah*, foment movements of terrorism and revolution, are meant to be dealt with under this Regulation. This is my answer to the interruption of my Honourable friend. I was finishing and he interrupted me. I say that if Government were to take some trouble to ascertain the root causes and eradicate those causes, which I find to be more economic than political, we should hear much less of terrorism and revolutionary activities in this country. For, Sir, I do believe that the pangs of hunger are the worst possible pangs and people afflicted with the pangs of hunger cannot be held responsible for deeds which we all must deplore.

Sir, I oppose the motion.

Mr. J. M. Chatarji (Bengal : Nominated Official) : Sir, the motion before the House is to repeal the Bengal State-Prisoners Regulation of 1818. This Regulation, however, has been extended, on different occasions, by various enactments, to parts other than Bengal, and the motion for

[Mr. J. M. Chatarji.]

repeal will, therefore, mean that it will be repealed not only in respect of Bengal but also in respect of other parts of the country to which it has been extended under various Acts.

Mr. S. C. Mitra : How will the repeal of this Regulation affect the other Acts ? What is the relevancy ?

Mr. J. M. Chatarji : It will not affect the other Acts but it will affect the areas to which it has been extended. In the discussions which have followed the motion, Bengal and the situation in that Province have necessarily loomed very large. It may, however, be mentioned that the Regulation provides for several contingencies only one of which, as has been pointed out by the previous speaker, is that arising from internal commotion. There are other aspects of the Regulation which do not concern Bengal particularly and on those aspects there will probably be other speakers to speak.

As regards the danger to the State from internal commotion, I need mention only one aspect which must be patent to those who have to carry on the day to day administration in the country. We have heard of terrorism and other matters connected with circumstances which this Regulation is intended to provide against. It may be said that of late the Province has taken powers to combat the most recent phase of subversive activities in the form of terrorism. Why, then, have this Regulation on the Statute-book ? As has been pointed out by my Honourable friend, Mr. Anklesaria, the sources of mischief are very difficult to reach under the ordinary laws of the land. Sir, during the last four years I have had to deal with hundreds of political prisoners. I have also had the awful misfortune of having to attend an intended victim of a terroristic outrage immediately after the crime was committed. Fortunately for those who stood by that victim, it pleased Providence to help them in bringing him back from the jaws of death. I have also been the recipient of many threatening letters while in the discharge of my duties. I do not boast of these experiences. As an official, it has been my duty to face them. As an Indian and as a Bengali, it has been my misfortune to have been in circumstances in which I had to witness the misery of many promising young men, a misery which they not only brought upon themselves but one which they carried to their homes, their families, their relations and their friends. I do not think, Sir, there is anyone in this House who will not deplore these developments. I believe the voice is unanimous in deploring these developments and in wishing that they did not occur. We have also heard, times without number, that the ways in which the Government are trying to tackle the situation are not proper. We have yet to know what exactly is the proper solution. It is exactly that which has not been quite clearly and plainly put. It is not my business to go into them, nor do I intend to go to the root causes of these activities. But what I do intend to say here and now is that behind all these manifestations of unrest there must be some spirit and some power which is not quite manifest and it is to get at the source of that mischief that the Government must always have some power in reserve. I have known boys and young men who have done deeds which, in their cooler moments, they would probably never have thought of doing and which, in their cooler moments, they probably have repented having done. Now, what was it that incited them to do what they would not have

done if they had not allowed their judgment to be clouded by extraneous influences ? Sir, it is the atmosphere which is in the country. I will not go deeper into the causes which have led to the development of that atmosphere. Some may be of the opinion that it is due to an irresponsible Press ; others may hold that it may be due to irresponsible speakers on public platforms ; others, again, would put it down to economic and political discontent. Whatever the reason may be, it will probably not be denied that each and one of these causes has in varying extent contributed to the situation which we have unfortunately to face at the present moment. Now, what is the remedy against those who will not show their hands but who will use these impressionable young men to do all the dirty acts that they, in the secrecy of their own office or their chamber, want them to do. A power like that given in Regulation III of 1818 is about the only power which the State can possibly have for exercise in times of internal commotion and grave emergency. I have heard some speakers say that the powers have been abused, but that is quite another matter. That power has been abused or that some officials of the Government have exceeded their powers is no argument that the power is unnecessary and superfluous. Unless you have the power you cannot exercise it in case of necessity. I should think that many of those, who, with a sense of their own security, decry the possession of such power, would, when faced with threats and dangers from outside, come to those very men who are looked upon as the myrmidons of the administration which sanctions the exercise of such powers. Sir, in my official career, I have often been amused by the conduct of people who have large interests at stake in the country. I have known of instances in which the prospective heirs to large landed interests have been either overtly or covertly implicated in some subversive movements. It required only a few minutes conversation with such people to convince them that the views they entertained were not only subversive of the State but that they might mean ruin to their own future career. What was the influence that made them go into planes of conduct to which they could never have thought of going if they had time coolly and calmly to reflect upon what they were going to do. I can cite one instance, in which the President of a Union Board, who happened to be the grandson of a great Maharaja in Bengal, gave me notice that he with some of his fellow members had decided to resign from the Union Board and to carry on an intensive no-tax campaign within his area. When I got that intimation, I got into touch with the old Maharaja who naturally was very much fluttered about it. I went to the place and had a quiet conversation : it took me about half an hour to convince him that if they did anything like that, the next thing that his *raiya*s would do, would be to turn him out from his beautiful palace, to take out all his motor cars from his garage and to ask him for the privilege of occupying the palace from which they had been kept out so long.

An Honourable Member : Who is this gentleman ?

Mr. J. M. Chatarji : I may be pardoned for not mentioning the name ; for the old Maharaja is still alive in Bengal and he is one of the most loyal supporters of Government with a very sensible head on very old shoulders. It did not take me long to convince the young man : he felt that I had gone there like a friend to talk the matter over with him and to find out the reasons which led him into that frame of mind. It may be that we shall have to cope with influences which we cannot possibly get round

[Mr. J. M. Chatarji.]

with the ordinary criminal law of the country and it is for that reason that the Government must have the power to act upon reliable information and when they are convinced that sinister influences are at work which could only have the inevitable effect of leading to internal commotion.

Sir, I need not detain the House very long. I can only say this that anyone who has got an ounce of practical experience in the administration of the country will probably recognise the need for the State to have powers for use in emergencies like that we certainly have in Bengal today. It is no use concealing the facts from ourselves. If we say that things have quieted down, the latest attempted outrage on the ruler of that Province would be a grim reminder of the embers. Fortunately for us, an all merciful dispensation of a wise Providence ruled that a career so bright should not be cut off in the prime of youth, and that a Province which was so bravely struggling to rise above her difficulties should not be cut off the guidance of a farsighted statesman that she has now the fortune to have to preside over her destinies. Sir, I believe that every parent and guardian in Bengal, whatever he may say outside, whatever he may say on public platforms and in the Press or whatever he may say in order to court popular favour, cannot but view with some amount of distress the position in that unfortunate Province in which he can never be sure that his young ward, away from him possibly for purposes of education, training or employment, is very safe. I might admit that laws are not the only thing to meet the situation. There must be other avenues : and along with those who have always thought that Government must have powers to keep control over those who, without showing their own hands, directly engineer sinister movements, and lead innocent blooming lives into devious ways and paths, I have also been among those who thought there must be other remedies also for a solution of the most difficult problem that the State has ever had to face. Sir, it is some consolation to the people of my Province that they have at last an administrator who has the breadth of vision and the courage to look deeper into the problems and to take whatever measures he may think necessary.

Sir, at a time like this, it would be unfair to Bengal, it would be unfair to the country, to do anything to cripple her honest efforts to set herself again on the path of progress. Sir, I oppose the motion. (Applause.)

Mr. N. R. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member, supporting the motion, spoke in the vernacular.)

THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

the other purposes which are mentioned in the preamble to the Regulation. If I may quote for a moment from that preamble, it is stated that :

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of the British dominions from foreign hostility and from internal commotion....."

Now, you will see, Sir, that at least 75 per cent. of the objects of the Regulation are devoted to matters other than quelling internal commotion, and I think I am right in saying that probably some 75 per cent. of the use which is made of this Regulation at present is intended to serve those purposes and not the purposes of dealing with internal commotion. However, the Honourable the Mover wishes the House now, because he objects to the use that is made on that 25 per cent. basis, to repeal the entire Regulation and to leave Government without any powers whatever for fulfilling its other obligations. If I may say so, Sir, his attitude appears to be somewhat like that of the auctioneer who said to a prospective purchaser : "I am sorry, Sir, if you wish to buy this table lamp, you must also take the garden roller." I am quite sure that the Honourable the Home Member will have very good reasons to tell us why it is quite out of the question for him to accept the table lamp. My only object is to try and assure the House that it is quite impossible for the Government to purchase the garden roller. I will now attempt to give the House my reasons for that view.

Sir, as the House is well aware, India is surrounded by a very long line of frontier, on the other side of which there are a number of foreign countries. There are, out of these facts, arising certain implications and obligations which make it important for the Government of India to possess the power of restraint over the movement of individuals. I mainly refer to refugees from foreign countries who may take asylum in India ; also I refer to persons whose presence, within the borders of an Indian State, cannot be tolerated in the interests of law and order. I am concerned, as Foreign Secretary, mainly with refugees from foreign countries and with the use of Regulation III as it arises out of the presence in this country of such foreign refugees. The House will realise that along that enormous stretch of the country which borders India, there are a series of States in various stages of personal rule. In those States, dynasties rise and fall, and with those rises and falls, there are necessarily a certain number of individuals who are obnoxious or may have reason to fear the existing dynasty and those individuals very often take refuge in India. It is obviously in the interest of India to see that those refugees are not in a position to create trouble for the country from which they have fled. Now, it will be easy enough for the Government of India to say to these people : "you must go and live in a certain place",—but without legal powers to enforce such orders, there is nothing to prevent those refugees from living where they like and, as they have frequently done in the past, from escaping again to the country from which they originally fled and there causing an amount of trouble to our relations with that neighbour, which I do not think I need go into. Some form of personal restraint is, therefore, necessary not only for the good of India and the maintenance of peace, but for the fulfilment of ordinary international obligations. I could, Sir, quote numerous instances in which the Regulation has been applied, but it is perhaps unnecessary to trouble the House at length on this point. I can only say quite frankly that from the foreign point of

[Mr. H. A. F. Metcalfe.]

view,—and I have done no more than touch upon the political point of view relating to Indian States,—I can say from the foreign point of view, with complete confidence, that it would be utterly impracticable to deprive the Government of India of the powers which they at present possess under this Regulation. I, therefore, would ask,—is it worth while for the House to take into consideration a motion for the complete repeal of a Regulation, under which alone these powers can be exercised?

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I rise to support this Bill. My namesake, Captain Chaudhri Lal Chand, has spoken on this Bill, but he held a different view and a different brief. I must say that I do not in the least blame him for the opinion that he has held and which he placed before the House. I will not go to the extent of blaming him for it, because he is a Nominated Member, nor do I suggest that he holds that opinion and supports Government in expectation of some help like a re-nomination to the next Assembly.....

An Honourable Member : What are your expectations?

Mr. Lalchand Navalrai : I am not going to blame my friend at all for the opinion he holds. As I said, I am not in a mood to blame him, but I shall point out his mistake very soon. My friend, in his zeal and enthusiasm to speak for Government, has missed the real issue involved in this Bill. He failed to understand the very requirements of this measure and proceeded to make a general criticism and condemn the terrorists, the Civil Disobedience and other movements. Sir, those things have no bearing on this measure at all. Nobody will say that the terrorist and other allied movements should not be curbed, and if for that purpose Government adopts certain reasonable measures, if they do not do anything unlawful, they will have every support from this side; and they will be perfectly justified in adopting all proper and reasonable measures. But, Sir, he has really missed the issue involved in this Bill. I do not belong to Bengal, and I cannot cite many instances of injustice that have been perpetrated, as has been done under this measure; but I must say, Sir, that though this Bill is applicable to Bengal alone, the whole House knows there are similar Acts in force in other Presidencies as well. In the year 1827, they have passed certain regulations which are in force in the Bombay and Madras Presidencies. They exist up to this day. I only ask whether the present civilisation, whether the present times require such Regulations, and that is the main question that should be considered. I will not go to the extent of saying that terrorists should not be confined and that measures are not necessary to put them down. The question is what are the provisions of this Regulation and whether any sensible man can say that such un-British laws should remain on the Statute-book any more. Let us take the history of these Regulations. They were made in 1818 and 1827, and in order to come to a decision on this motion we should know what the provisions of those Regulations contain. These are Regulations for internment persons, but the point is, is that internment done in a manner so as to give justice to the interned and the trial may not be a mockery or a farce? If you are still in need of special laws to meet the present conditions and present circumstances, do make them by all means, but we are asked to make laws putting restrictions on peoples' liberty, even freedom of speech, etc. Such laws are being actually made even now but provisions are made in them in

order to give opportunities to people to explain themselves. But under the 1818 Regulation, a man can be interned without giving any reasons. Is that right I ask, is that justice I ask, is that British law I ask?

An Honourable Member : No.

Mr. Lalchand Navalrai : When a man is interned without any reasons, if he asks what is the harm he has done, the reply would be : "I won't tell you." When the representatives of the people come here and ask questions as to why he is interned, they get answers such as were given the day before yesterday, that they are not going to say anything or give any reasons to the representatives of the people.

An Honourable Member : Their case is put before two Judges.

Mr. Lalchand Navalrai : No, it is not. I shall come to that. There is no charge against the man, and the matter does not go beyond an executive officer. It is a matter in which you are actually curbing the liberty of a man. When you do so, you should certainly bring his case before some judicial authority so that the man may vindicate his innocence and show to the public that the Government are proceeding on a wrong assumption. What happens in this country is this. Everybody knows who virtually decides these things. It is none else but the police, it is the C. I. D. The C. I. D. and others bring information to the officers. It may have been a police constable who gave the information. When it goes before the higher officers, they cannot over-ride the constable's information. The horror comes to them that if they do not support the constable now, then he won't give them information afterwards and others will also not give information. Can you say, therefore, that the way by which you get this man interned is pure, honest and impartial? Therefore, what I say is, repeal all these Regulations, and if necessary enact another law amending the defects of these Regulations. By all means you intern him. I have no objection to that if you have any reasonable grounds, but after getting him interned at one place, what do you lose by giving him a charge sheet? He is not out; he is under restraint, and why do you not bring the case before two Judges to decide? What harm is there in doing that? Why do you perpetuate such a measure which does not give any help in that direction? As regards the terrorists, their cases are brought before two Judges, and why should you not do the same thing in the case of these interned men? Is it because you will not be able to prove the case that you do not want to do it? In that case, make a law that the matter will be summarily tried and not elaborately tested under the Evidence Act and so on. At any rate, the man will have some chance. What happens under the Regulation is, you just gag the man, clap him in, and that is all, finished. Therefore, this is a law, which should not exist any more. There is only one question which I have to answer and that came from the Foreign Secretary. The Foreign Secretary is not here in his seat; however, I will reply to his point. He said that this Regulation is intended to apply not only to internal commotions but also to external disturbances in which foreigners are concerned. My point is, after he is interned, why not enquire whether that is really a reason for internment? Nowadays measures have been passed to protect the interests from foreigners aggression also. We have in this very House passed the Press Act controlling the Press from saying anything against a foreign sovereign or government. We have also passed laws by which people have been barred.

[Mr. Lalchand Navalrai.]
from doing certain things. These are new laws which have replaced the old antiquated laws. Then why do you want to keep this one? Therefore, what is asked by my Honourable friend, Mr. Amar Nath Dutt, is not that you should not take any steps against terrorism or against the Civil Disobedience Movement but that if you are going to intern a man you should do it justly according to the rules and regulations in your own country. You should not place him in one place and say that you shall never open your mouth. Sir, I support this Bill whole-heartedly.

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

The Honourable Sir Henry Craik: I am perhaps fortunate in that, on this the first occasion on which I have the honour of addressing this House, the issue should be one that is perfectly clear cut and completely lacking in ambiguity. The answer to the Honourable the Mover's motion today must be a clear "Yes" or a clear "No". There is no half way house about it. I am perhaps less fortunate in that the subject is, owing to the Honourable the Mover's courage and persistence, one with which this House is perhaps almost unduly familiar and which I am perhaps not wrong in describing as having been discussed almost threadbare. On numerous occasions within the last ten years, this motion or an almost exactly similar motion has been before this House. The first occasion was a little more than ten years ago, the last was a little less than six months ago, when this House, after a somewhat brief debate and without a division, rejected a motion that this Bill should be circulated for opinion. Now, Sir, the Honourable the Mover in an early passage in his very eloquent, and if I may be allowed to say so, very moderately worded, speech gave expression to the following sentiment. "No administration", he said, "has a right to exist by suppressing the voice of the people and the legitimate freedom of the people". That, Sir, is a sentiment to which nobody, least of all myself, who has any regard for ordered Government or for liberty, can take the slightest exception. On the other hand, I am afraid that in these days we must face the facts and however much we may object in theory, today we must admit that there are in point of fact a great many Governments in a great many countries which exist, to put it quite frankly, by suppressing the voice of the people and by suppressing their legitimate claims to freedom. It is not necessary for me to mention the names of those countries. They will suggest themselves to every Member of this House. In those countries, the power of internment of Government's political opponents, not necessarily of violent opponents but merely its theoretical critics, is used on a scale far surpassing anything that has ever been seen in India. The Honourable Member reinforced that principle, which I have just quoted from his speech, by reading to the House certain quotations from the speeches or letters of that eminent Secretary of State, the late Lord Morley. Now, Sir, Lord Morley was of course a very eminent Liberal statesman, but he was essentially, if I may say so without disrespect, a statesman of the doctrinaire liberal school, and like so many of that school, his actions were very often not in strict accord with his expressed sentiments. It is no doubt within the knowledge of every Member of this House that, whatever sentiments Lord Morley might have expressed in those letters which the Honourable the Mover quoted, he did not in fact agree to the repeal of this Regulation, though he was repeatedly and incessantly pressed to do so. I would like the House to listen, if they will bear with me for one moment, to a short quotation from a speech of

that statesman in which he alluded to the pressure put on him to repeal this Regulation, and in which he said that the Regulation is:

"of course, a tremendous power to place in the hands of an Executive Government. But I said to myself then, and I say now, that I decline to take out of the hands of the Government of India any weapon that they have got, in circumstances so formidable, so obscure and so impenetrable as are the circumstances that surround the British Government in India."

He then went on to say:

"You must protect the lives of your officers. You must protect peaceful and harmless people, both Indian and European, from the blood stained havoc of anarchical conspiracy. We deplore the necessity, but we are bound to face the facts. I myself recognise this necessity with infinite regret, and with something, perhaps, rather deeper than regret. But it is not the Government, either here or in India, who are the authors of this necessity."

Now, Sir, in the face of that quotation, I really do not think that the Honourable the Mover can claim that the late Lord Morley was a very stalwart champion of the motion that he wants the House to adopt today.

The Honourable the Mover has quoted instances in which he alleges that in the past the Regulation has been abused or has at any rate been used without proper discrimination and in effect, he intended to imply, in a cruel and vindictive manner. I regret I cannot follow the Honourable the Mover into the details of those cases, but I must admit that I do not see how the repeal of the Regulation now would right those past wrongs, even if they do in fact exist; but I do most emphatically take the standpoint that at present the Regulation is not being used in any such manner. I deny altogether that the Regulation at present is being abused. On this point there is one side issue which I would like to mention very briefly. One speaker, I cannot remember who, attacked the Government in respect of a reply which I gave yesterday admitting that in regard to the internment of a certain gentleman, Mr. Sarat Chandra Bose, the Government of India had consulted the Local Government and he implied that by this consultation the Government of India had exceeded their rights, their statutory or legal rights, and had evaded their responsibility. Now in regard to that, I admit I am wholly unrepentant; and I do not for a moment admit either that the Government of India, by consulting the Local Government, have evaded their own responsibility, and in fact I go a great deal further than that—I say that the Government of India would have been very much to blame if they had come to a decision in a case of that sort without consulting its local agents—the Government of Bengal. On that point I fear I cannot for a moment allow that the Government of India are in any way whatever to blame.

Now, if I may allude to what was said by the last speaker, Mr. Lalchand Navalrai, I should like to say,—and here I speak from personal experience,—that the picture which he gave to this House of the procedure that is followed in deciding whether a person is to be interned or not, that that picture was an absolutely misleading one and that what actually happens is nothing of the kind. He made out that Government, on the report of some constable of the C. I. D.,—those mythical constables of the C. I. D. of whom there are very few but who in the imagination of some Honourable Members exist by the million,—on the information supplied by some constable of the C. I. D., and entirely unverified and entirely unchecked by such other information as is available, the Government decides that a man must be interned. Now, I have had in another

[Sir Henry Craik.] capacity myself to deal with a considerable number of these cases,—not of course under the Regulation but under the very analogous case of the power which was given, and still is given, to the Punjab Government by the Punjab Criminal Law Amendment Act. Under that Act, the Government has power to detain, for a limited period only, without trial, persons whom it suspects of being likely to cause internal commotion or to upset the tranquillity of the realm. I would ask the House to believe me, when I say that the picture drawn by the Honourable Member from Sind of what actually happens in those cases is entirely wrong. What happened within my experience? Practically all the people, at any rate the very great majority of British Indian subjects interned under this Regulation,—and I think I am right in saying all those interned under the analogous power given by the local Criminal Law Amendment Act,—are interned because they are implicated in the terrorist movement. Now the sort of thing that used to happen was this. A report, not by a C. I. D. constable at all, but a report, usually by an officer of at least gazetted status and often of a very high gazetted status, would come to me and it would say in effect “for months, we have been following, trailing so and so. We know his movements; we have checked them up for weeks; we know who he is in touch with, we know who he is corresponding with. We know, or at any rate we in our own minds are absolutely convinced, that he has just come into possession of arms or bombs. We cannot lay our hands on these, because we do not know where to look for them and because, every possible precaution is taken to conceal them. Further, we know”—and this information generally comes to the officer within twenty-four hours before he would approach me,—further, he would say,—“we know that this particular man contemplates a particular outrage and we have strong reasons to suspect that that outrage will be attempted within the next day or two”. Very often it is even known who the intended victim is. We know sometimes, or we have reason to believe, what the place of the outrage will be....

Mr. Lalchand Navalrai: Who gives that information? Who gives that information to that officer?

An Honourable Member: Order, order.

Another Honourable Member: Why “Order, order”?

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order.

The Honourable Sir Henry Craik: That information is given by methods which are necessarily secret and devious, but to which I have myself on several occasions applied every possible test. It is easy enough to say “Oh, this man is a police informer, he is not worth anything”. But you can believe him when he makes a statement if you know that ninety-five per cent. of his previous reports are true, and when you can check up by actual past events or by information drawn from other sources that the report put forward is one that the informer could not have invented or could not have found out for himself, unless the events related had come to his own actual knowledge. Now, Sir, confronted with information like that, I should like the House to reflect very seriously, what action an officer of Government in the position I held and now hold is to take. Am I to say: “well, I cannot put this

suspect before a Court; I have no evidence to put before a Court. But on the other hand, I am convinced that if I do nothing, somebody's life will not be worth twenty-four hours' purchase”? Am I to say: “very well, I will allow him to go on, I will take every possible precaution, I will surround the intended victim with gun-men, I will post sentries around his house and will not allow him to go out, and then let him take his chance”? Well, Sir, the experience of the last ten years has proved, if it has proved anything, to the satisfaction of anyone who knows anything about the subject, that, given a sufficiently desperate man, a man who is entirely reckless of the consequences to himself and who is determined on assassination, that no precautions, however carefully planned, can prevent him carrying out his design. Well, if I take that line, if I say, “let the man go on, and only when he attempts to commit his outrage, then arrest him and then try to get a conviction in Court”, am I not surely running an entirely unjustifiable risk, while I have this weapon available in my hand, the power to intern? I am not at the moment speaking of the Regulation but of the analogous power given by the Provincial Act. Surely, I should be gravely failing in my duty if I allowed this man to go on and attempt to commit the outrage planned and allow his intended victim to risk his life. No, Sir, I cannot for a moment accept that view; I think I should be gravely wrong if, in circumstances such as those,—and those are the actual circumstances of half a dozen cases at least with which I have actually had to deal,—if, in such circumstances as these, I did not use this weapon which the law has placed in my hand. I feel sure that the House will agree and that in fact nobody in the House would take a different view if he was placed in similar circumstances. (Hear, hear.) I should be absolutely wrong if I neglected to use an instrument which might save several valuable lives.

Sir, the words which I read from Lord Morley's speech speak of his unwillingness to deprive the Government of India of this weapon or indeed of any weapon “in circumstances so formidable, so obscure and so impenetrable” as were the circumstances of that day. Our justification for the retention of this Regulation is that the circumstances of today are every bit as formidable and every bit as obscure. We are today confronted with two very grave dangers. The first is anarchical crime and the second is communism, and it is against these two dangers, almost exclusively, that the Regulation is now being used. I am not for the moment speaking of its use in regard to the persons referred to by my Honourable friend, Mr. Metcalfe, but its use in regard to internal commotion is now practically entirely confined to terrorists and communist agents. I do not know if the House is familiar with a phrase which has lately become a sort of cant saying or a common place piece of journalese in England,—it came over from America,—it is a phrase “Public Enemy No. 1”. It was originally applied to a certain notorious gangster in America whose name, I think, was Dillinger, who was “bumped off”, to use again an American expression, by a squad of police outside a Chicago cinema the other day. That gentleman, who was responsible for I do not know how many murders, was known as “Public Enemy No. 1”. Now, Sir, I take it that in India our “Public Enemy No. 1” is the anarchist, the terrorist who brings to his abominable cult every kind of diabolical ingenuity, not only in carrying out his crimes but in concealing the traces and the evidence

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of it. Further than that, he exercises the same diabolical ingenuity in perverting to his cult ill-instructed, uneducated and half-formed youths, and I submit that in both those capacities, I am perfectly entitled to call him our "Public Enemy Number One". I further submit that, in dealing with a man of this nature, who not only deliberately sets the law at defiance, but whose object is deliberately to paralyse and render ineffectual the whole machinery of the law, we are entitled to use any weapon, however drastic, that we have at our disposal. The methods used in other countries are, of course, far more drastic than those which we apply. The gangster, who first earned the title of "Public Enemy No. 1", was hunted for months before he was eventually exterminated. There was no question of arresting him. He was to be shot at sight and that was his eventual fate. He fell riddled with bullets.

Now, as regards communists. I really think that I may call the communist "Public Enemy No. 2". Communism is, as the House is aware, a very growing danger in certain parts of India and the country is being, I will not say flooded, but infiltrated by communist agents, many of them trained by the Communist Internationale or by communist teaching institutions at Moscow and most of them supported by the funds of the Communist Internationale. Those people are steadily penetrating into India and as regards their objects, it will be within the recollection of the House that we had recently within the last year a judicial pronouncement by a High Court that their object is,—I cannot remember the exact words, but it comes to this,—by armed revolution to subvert not only the existing form of Government but the whole fabric of society, to nationalise land, factories, railways, irrigation schemes and practically every sort of wealth and, in fact, to turn the existing fabric of society completely upside down. Their object is to do that by means of an armed rising of what they call "the peasants and workers" and it has been held judicially that that object is not a distant or eventual one but an immediate object. Against those persons, I submit, we are fully entitled to use this weapon of the Regulation. It is impossible, in practically all cases against persons of that character, to secure a conviction in a Court of law. Their methods are underground, evidence is not available and I am not even ready to say that the holding of these doctrines is in itself an offence. But, at the same time, they constitute a public danger only slightly less appalling than the anarchist.

Sir, I might have appealed to this House to reject this motion on the ground that its acceptance would stultify the decision to which the House itself arrived with very little hesitation less than six months ago, but I do not desire for a moment to take that tactical point. I would appeal to the House to give its verdict entirely on the merits of the case. That is to say, to say definitely whether it desires to deprive the Government at this stage in the history of India, at this stage both in the history of the terrorist movement and the history of the communist movement, and also, I may say, because I think it is just as relevant, at this stage in the history of the constitutional progress, of this valuable weapon for dealing with the forms of menace which I have described. I have little doubt that, from a House which has repeatedly assured Government of its detestation of the terrorist movement, of its readiness to

help Government in getting rid of that movement, the answer will be that which I hope the House will give. (Applause.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, if I intervene in this debate at this stage, it is to bring to the notice of this House certain facts to which the Honourable the Home Member has not adverted. While speaking of the Home Member, Sir, I wish heartily to congratulate him upon his maiden speech and I am quite sure that as a Home Member he will make himself thoroughly popular with both Sections of the House (Applause) by representing the case of the Government as fairly and fully as he has done today. And if I criticise the Honourable the Home Member, it is not because what he has said but what he has omitted to say, and that was perhaps because it was not in his brief. This Regulation was passed as far back as 1818, and it was brought under review of this House in 1922. In the report of the Repressive Laws Committee, signed by the then Home Member after the examination of the present Home Member who was then officiating as the Home Secretary of the Government of India, the unanimous decision of the Repressive Laws Committee dealing with the State Prisoners Regulation was that it required to be amended, and Honourable Members will find this fact clearly stated at page 7, paragraph 13 of their report. This was a compromise report to which the then Home Member appended his signature as also the Law Member and it was then expected that what was given in this report would be given effect to by the Government of India. Now, Sir, Honourable Members will find that this report was signed on second September, 1921. Now, it is about 13 years since the publication of this report that this House has been expecting the Government of India to implement their decision by bringing forward before this House appropriate laws. They never said for one moment that they were not going to abide by the decision of the Repressive Laws Committee. On the other hand they were co-signatories to the unanimous report of that Committee and when, in the first Assembly, this question was raised by one of us, the Honourable occupants of the Treasury Benches assured the House that they were taking steps to bring appropriate laws to give effect to the recommendations of that committee. Some laws were brought. They were brought forward and they were passed. One of them at least has since been repealed. Now, Sir, the question that this House is entitled to ask of the Honourable the Home Member is this : do not the Government stand pledged to modify the provisions of the State Prisoners Regulation in accordance with the decision of the Repressive Laws Committee to which they were a consenting party. That is my first question. Now, the second question that I wish to put is this. Whatever the Honourable the Home Member has given is a blood-curdling picture of the activities of the communists and terrorists in this country, we are used to that picture, only the other day his distinguished predecessor, speaking probably from a similar brief, raised the hair-raising story of the terrorist movement which required the enactment of what is known as the Criminal Law Amendment Act. Now, the plenary and full provisions of that permanent measure of the Bengal Government of India legislation is to suppress terrorism in Bengal. Under the provisions of that Act, the Home Department of the Government of India, only the other day, issued a Notification declaring as illegal all communistic organisations throughout the length and breadth of the country. Therefore, we are led to the conclusion that the Criminal Law Amendment Act, enacted by this House only the other day, is sufficient in the eyes

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of the Government to deal with the dual terror to which the Honourable the Home Member has adverted, namely terrorism and communism. If that be so, what is the necessity of retaining on the Statute-book an old rusty weapon which has long been superseded by an enactment of this Legislature passed only the other day. That I submit is my second question. The Honourable the Home Member has said that there are other countries where more drastic laws are passed and he asked this side of the House to recall those countries. We remember them, but may I ask the Honourable the Home Member to extend to us the courtesy of studying the constitution of those countries. Have they got an irresponsible Central Government, or have they not a responsible parliamentary system of Government? It may be that they have got Dictators but these are the Dictators created by the people and maintained by the people and have the confidence of the people and the moment they forfeit that confidence they will be thrown out of their dictatorship. Can we say the same of the Honourable the Home Member? Can we say the same of the entire occupants of the Treasury Benches? If they had been there by our vote and suffrages, the analogy between the countries which enjoy responsible Government and whose heads resort to repressive laws for the purpose of suppressing terrorism and crime in that country would have been more appropriate. I hope the Honourable occupants of the Treasury Benches will remember when they deal with this question the very antithesis that exists between the Governments of those countries and the Government of this country. Sir, we have been told that, so far as internal commotion is concerned, this Regulation is at the present moment utilised for the purpose of suppressing terrorism and communism. I have already reminded the House that the Government have a sufficient and strong weapon in their possession which the Government have used most effectively for the purpose of suppressing the dual mischief of which the Government complain. The Honourable the Foreign Secretary, Mr. Metcalfe, said that 75 per cent. of the detenus under the Bengal State Prisoners Regulation are foreigners and are persons connected with illegal foreign activities and only 25 per cent. of them are persons....

Mr. H. A. F. Metcalfe : I do not claim any exact knowledge on the subject. I said that was my impression. I stand open to correction. I am not certain of the figures.

Sir Hari Singh Gour : I understood the Foreign Secretary to state in that sense. It is only a rough calculation. I am not binding him down to the exact percentage. The bulk may be 75 per cent. or 70 per cent. or it may be even 50 per cent. We are concerned here with the bulk of the persons dealt with under this Regulation and they are persons who come under the exact wording of the preamble to the Regulation and according to the estimates of the Foreign Secretary, only a small fraction, 25 per cent., it may be more or less, are persons who are the disturbers of internal peace. Now, so far as the disturbers of internal peace are concerned, I have already pointed out that we have given Government a *carte blanche*. They have been entitled now under the provisions of the Criminal Law Amendment Act to issue *lettres de cachet* against anybody whom they think responsible for terroristic or communistic activities. Now as regards those who come under the jurisdiction of the Foreign Secretary, the bulk of the people, the Repressive Laws Committee were presented with a similar argument and it was pointed out to them that

this State Regulation was being used very largely for the purpose of upholding the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Indian Princes entitled to its protection and the security of the British Dominions from foreign hostility. The Repressive Laws Committee unanimously decided that this limited purpose for which the Statute was being used should be clearly defined in another Statute and that the Government of India should take in hand the enactment of such a Statute. My friend, Mr. Anklesaria, ejaculated a moment ago, that this was a motion for the repeal of the State Prisoners' Regulation. He has been long enough in this House to know that, on a consideration motion being passed, it is open to any Member of Government to refer the matter to Select Committee, and to limit its scope in the Select Committee, for the purpose for which the Repressive Laws Committee recommended the Statute should be limited. Now if the occupants of the Treasury Benches intended to carry out the recommendations of their own Committee they would have said that they are quite prepared to consider the State Prisoners' Regulation by limiting its scope to persons mentioned by the Foreign Secretary. But that has not been done because if that had been done I am quite sure that my Honourable friend, the Mover of the motion, would have been found in a more compromising mood. Now, Sir, the position, therefore, is this. If you wish to limit the scope of the Statute, for the limited purpose for which it is being mainly used, you will have no difficulty in limiting it for that purpose; and the Statute as it stands is too wide and it is against that that we complain. It has been said by my Honourable friend, Mr. Anklesaria, that we on this side of the House complain that prisoners and persons dealt with under this State Regulation are dealt with upon *ex-parte* evidence and *ex-parte* information. That fact is admitted by the Honourable the Home Member that there is *ex-parte* statement and *ex-parte* information, most of it secret information, upon which these people are apprehended and detained in custody for an indefinite term. Now what we ask the Honourable the Home Member is that, whatever may have been the position in 1818, we have now regularised our criminal procedure. In 1818 there was no criminal procedure at all. *Hic volo hic jubeo*,—that was the compendious expression of the law of the executive government, but since then we have regularized the procedure. We have the Evidence Act and the Criminal Procedure Code, and I am somewhat surprised that my friend, Mr. Anklesaria, who is drawn from the Bar, should ask if there is no concoction of evidence in cases falling under the Indian Penal Code. If there is concoction of evidence in cases falling under the Indian Penal Code, there is a Court of appeal of which perhaps my Honourable friend, Mr. Anklesaria, has not yet heard, and there is a Court of revision of which I am afraid my Honourable friend, Mr. Anklesaria, is wholly ignorant. If there is concoction of evidence it passes through the filtering judgment of two superior judicial Courts and is there any similar safeguard....

Mr. N. N. Anklesaria : My Honourable friend has a very short memory. The Honourable the Home Member distinctly stated and made it clear that it is not possible to put the evidence before a Court of law.

Sir Hari Singh Gour : I never thought that my Honourable friend, Mr. Anklesaria, would arrogate to himself the position of the Home Member. I was dealing with the legal aspect of the question and I was

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turning to the Honourable the Home Member with reference to the remarks that fell from him that a great deal of the evidence has got to be necessarily secret and one-sided. Now I ask the Honourable the Home Member one question and I am quite sure that he will at once see the justice of our comment. In cases under the Indian Penal Code and under the general criminal law, which are tried by experienced Magistrates, where there is a law of evidence, where the evidence is tested by cross-examination, no less than 50 per cent. of the cases are set aside by the High Court on the ground that either the evidence is insufficient or that it is incredible or that it is concocted or that it has been believed without any justification.

The Honourable Sir Henry Craik : Did the Honourable Member say 50 per cent. ?

Sir Hari Singh Gour : Yes, about 50 per cent.

The Honourable Sir Henry Craik : I cannot agree with that at all.

The Honourable Sir Nripendra Sircar : Which High Court is my Honourable friend talking about which sets aside 50 per cent. of the convictions ?

Sir Hari Singh Gour : I was dealing with the statistics that were collected in connection with the establishment of the Supreme Court in India, and portions of which have been sent out to England, showing how many cases are likely to appear before the Supreme Court. And it is in that document that Honourable Members will find the reference to which I have alluded. I am not referring to 50 per cent. up to the last decimal but about 50 per cent. is what I said. But let it be 25 per cent. of the cases. My argument is equally sound because it does not depend upon the percentage of cases.

The Honourable Sir Nripendra Sircar : That is a big drop, from 50 to 25, and you are now somewhere near the mark.

Sir Hari Singh Gour : There may be a big drop in the figures, but no drop in the argument. (Loud Laughter.)

The point I was making was that you have a considerable percentage of cases in which the High Courts have found that the evidence that was recorded by the trial Judge was either insufficient or incredible or concocted or otherwise inadequate to support a conviction. Now you have, therefore, a salutary check by a judicial officer which gives an innocent person the relief to which he is entitled. I ask the Honourable the Home Member what similar relief is provided to a person who is apprehended under the State Prisoners Regulations ? That is a question which worries me and I am sure that it worries many Members on this side of the House. Have you got any check upon the vagaries of the police and other subordinates who collect evidence ?

The Honourable Sir Henry Craik : We have the evidence almost invariably reviewed by two experienced Judges. The question of the continuity of the internment or release of the internee is periodically reviewed by the Government.

Sir Hari Singh Gour : Once upon a time, in 1922, this evidence was reviewed by two High Court Judges. Then the High Court Judges complained and said : "This is not our job." Now the evidence is being

reviewed, as the Honourable the Home Member knows by two Sessions Judges but reviewed *in camera*, without the arguments of Counsel, without hearing both sides, and without the salutary test of checking the credibility of that evidence through the process of cross-examination. What is the value of this check ? I was only dealing, when I drew the analogy of the High Courts setting aside the convictions arrived at under the process of law by the constituted judicial tribunals and compared them with the *lettres de cachet* issued by the executive government against which the prisoner had really no relief. The point I was making is, assume that where in a judicial trial you have at least half the number of people,—the Honourable the Law Member does not like half but will perhaps concede one-fourth or a certain percentage of people who are wrongly convicted : what guarantee is there and what check have you provided against the illegal incarceration of State prisoners under the Regulation ? There is no provision, and I can well understand it. In the good old days of 1818, when there was no procedure, no Evidence Act, no Legislative Assembly and indeed no Legislative Council....

An Honourable Member : And no lawyers !

Sir Hari Singh Gour : And, as my friend very rightly points out, no lawyers to act as tribunes of the people, the executive government made the laws and administered them. Now, in 1934, can the Honourable the Home Member ask this House to retain these laws in the executive armoury without a protest ? And I say this protest was once made in 1921 by the Legislative Assembly, and it will continue to be made with increasing vigour by the later Assemblies. It is, therefore, time, while the Honourable the Home Member has got such friendly critics as my friend, Mr. Anklesaria (Laughter), and my friend, Mr. Yamin Khan (Laughter), to take courage in both hands and ameliorate the condition of these prisoners by reducing the severity of the Regulations and giving them a reasonable chance of defending themselves either *in camera* or in open Court according to the wishes and expediency of the Government. That, I submit, is a very reasonable request to make and if the Honourable the Home Member would only ponder over these small questions that we are bringing to his attention, I am sure he will feel that there is a great deal to be said on this side of the House. We may be treated by some Honourable Members on the other side as Public Enemy No. 1, but I can assure the Honourable Member that we, in our desire to co-operate with the Government, aspire to be Public Benefactors No. 1, and it is in that spirit that we ask the Honourable the Home Member not to make a dialectical point by saying that everything is well done and well tried, well tested by the executive government, because if the executive government is capable of testing these cases, why have the High Courts ? Why have judicial administration in this country ? Try every case yourself,—it will mean saving of time and money. Let all cases be dealt with by the executive government. Abolish all your Criminal Procedure Codes, the Evidence Act.....

An Honourable Member : And lawyers !

Sir Hari Singh Gour : The lawyers will act as advisers of the Government. (Laughter.) Raja Bahadur Krishnamachariar will be one of them. I, therefore, submit that this is not one of those cases in which the Government should carry their point by brute force. We know that situated as we are, we may not be able to carry this point in the division lobbies, but I appeal strongly to the Government to carefully reflect upon

[Sir Hari Singh Gour.]

the injustice, that at least some people incarcerated under the State Prisoners Regulation have suffered, and to ameliorate their condition; and if this is done, I am quite sure that justice will not be over-strained. On the other hand the occupants of the Treasury Benches will receive the congratulations and thanks of the representatives of the people on this side of the House for having not only carried out the solemn pledge which they themselves gave as far back as 1921, but carrying out the repeated Resolutions passed by the House since that year. That I submit ought to add to the force and strong contention of Members on this side of the House. Whenever a question comes up on that side of the House, we on this side are alarmed by the words 'terrorism', 'anarchism', 'communism', and my timid friends, like the Raja Bahadur, are hypnotised into a willing acquiescence by the words: "Your land will be forfeited, your land will be nationalised, your property will be confiscated.".....

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : That is what the Congress says.

Sir Hari Singh Gour : Let us not be hypnotised by these amulets, these charms, these talismans of the executive. Let us look at the question in a cool and calm light, as persons who wish to feel that while all lawlessness is curbed, in curbing that lawlessness, the innocent are not mixed up with the guilty. That, I submit, is the only point of difference between us on this side of the House and the occupants of the Treasury Benches. (Applause.)

Mr. S. C. Sen : Sir, I did not desire to take part in the discussion on this motion at this late stage. I support the motion of my friend so far as the repeal of this Regulation relating to internal commotion is concerned. We are much indebted to the Honourable the Home Member for informing us of the practice which he used to adopt as regards the terrorist movement in the Punjab, and also for the careful manner in which he looked into the papers. Of course, he denied that the Local Government had any voice in the administration of Regulation III of 1818 and that the whole responsibility lay on the Government of India. In this matter he could not enlighten us, as to what the procedure of the Government of India was, as regards any particular person who was considered to be a man to whom the provisions of Regulation III of 1818 should be applied. Sir, he referred to a particular case, namely that of Sarat Chandra Bose. I would ask him to refer to the papers in that case, to refer to the record of that case, and let us know, some time later, what inquiries the Government of India made in connection with that matter. I know, Sir, from personal interviews I had with my Honourable friend's predecessor, that he was actually guided in his orders by the Government of Bengal. (Hear, hear from the Opposition Benches.) I saw my Honourable friend's predecessor on more than ten or twelve occasions regarding this matter. I was instrumental in transferring Mr. Sarat Chandra Bose from the hot prison at Jubbulpore to his house at Kurseong. I was instrumental in getting his leave to send his brother Subhash Chandra Bose out of India for being treated at Vienna. I asked Sir Harry Haig, during the last Delhi Session, whether, now that the country was in a more quiet and peaceful condition, now that Mr. Sarat Chandra Bose had been transferred to his own home and as there was no complaint against him, he could release him. He said: "I can't release him. I

can release him at once if the Government of Bengal would consent to such a release". (Hear, hear from the Opposition Benches.) That was his opinion.

Mr. K. C. Neogy : What does the present Honourable Member say to that ?

Mr. S. C. Sen : I would, therefore, ask my friend, the Honourable the Home Member, to go into the papers. If he likes, I should like him to take advantage of the opinion of that eminent and brilliant lawyer whom the Government of India have been fortunate enough in having as their Law Member at the present moment. (Hear, hear from the Opposition Benches.)

Mr. K. C. Neogy : Here is a sporting offer. Place it before the Law Member.

Mr. S. C. Sen : Sir, from the speech made by the Honourable the Home Member, I consider him to be a sympathetic man, a man who will not decide matters in an autocratic manner, a man who is prepared to consider all these cases judicially and to the best of his ability. Sir, the Honourable the Home Member referred to certain cases which he said he had to decide based upon the reports of the police. He said that he took ample care to see that the police reports were correct, so far as he could judge them,—but that he could not do anything more. I suggest, Sir, why did he not act according to the provisions of the Act known as the Rowlatt Act, an Act which came out of the Rowlatt Committee's Report. Sir, the Rowlatt Committee, after considering the whole matter, came to the conclusion that an inquiry should be made as regards these particular cases *in camera* during which the accused or the detenu should be given an opportunity without the help of a lawyer to clear himself.....

Mr. K. C. Neogy : And be present.

Mr. S. C. Sen : Yes, and be present and clear himself. Why can't you follow that procedure ?

The Honourable Sir Henry Craik : By what agency is that inquiry to be held ?

Mr. S. C. Sen : That inquiry is to be held by two persons, one a High Court Judge and another any other well-known loyal person on whom the Government can place reliance.....

Mr. K. C. Neogy : Does the Honourable Member challenge the authority of the Rowlatt Committee ?

The Honourable Sir Henry Craik : No. But I did not remember what procedure it prescribed.

Mr. S. C. Sen : There was an Act, known as the Revolutionary Crimes Act, which came out as the consequence of the Rowlatt Committee's Report and he will probably find the procedure laid down there as also in the report of that Committee presided over by that eminent Judge, Sir John Rowlatt, and I ask my friend, I entreat him, so far as it lies in his power, to adopt the procedure suggested in that Act, and not to imprison these people for ever and without giving an opportunity to clear themselves.

Now, Sir, as regards this particular motion, I support it, because I do not see any utility in keeping it on the Statute-book. My friend, the Honourable the Home Member, referred to the two classes of cases in which this Act is sought to be applied; the first is the terrorist movement, and the second is the communist movement.....

The Honourable Sir Henry Craik : It has been applied not only in Bengal, but it has been applied in the North of India also.

Mr. S. C. Sen : The terrorist movement is not an all-India movement, nor have we seen references of such a movement in the papers because the papers are now gagged.....

The Honourable Sir Henry Craik : You never heard of the attempt to assassinate the Governor ?

Mr. S. C. Sen : That was several years ago.

The Honourable Sir Henry Craik : That was about three years ago.

The Honourable Sir Nripendra Sircar : There were some cases in Delhi known as the Delhi conspiracy case.....

Mr. S. C. Sen : I have not heard of those cases.....

The Honourable Sir Nripendra Sircar : They were published in newspapers.

Mr. S. C. Sen : From the recent Act passed by the Bengal Legislative Council the newspapers are not allowed to publish the names of the prisoners or of the witnesses who are examined in a Court of law, nor to publish any part of the proceedings without the consent of the President of the Tribunal.....

The Honourable Sir Nripendra Sircar : That explains why you did not read the Delhi conspiracy cases ?

Mr. K. C. Neogy : That might be infringing the law.

Mr. S. C. Sen : I am talking of Bengal. As my Honourable friend, the Law Member, knows perfectly well, the Bengal Act recently passed goes much in advance of this Regulation 1818.

Mr. K. C. Neogy : This is milk and water in comparison.

Mr. S. C. Sen : Yes, compared to the Bengal Acts, this is milk and water. Under these circumstances, when the Government have got such powerful weapons in their hands, why keep the rusty weapon of 1818 ? I ask the Honourable the Home Member to consider what is the use of retaining this Regulation in the Statute-book when they are armed from head to foot with more powerful weapons ? I, therefore, consider, Sir, that this motion which has been brought forward, and especially so far as its application to internal commotion is concerned, is well conceived and ought to be supported by the whole House. With these remarks, I support this motion.

[At this stage, several Honourable Members rose to speak.]

Mr. President (The Honourable Sir Shanmukham Chetty) : If it is the desire of the House to continue this debate, the Chair has no objection to carry it over.

Several Honourable Members : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is that the desire of the House ?

Several Honourable Members : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House now stands adjourned till 11 O'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Friday, the 3rd August, 1934.

LEGISLATIVE ASSEMBLY.

Friday, the 3rd August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 133 asked by Mr. M. Maswood Ahmad on the 16th February, 1934.

ALLOWANCES OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

- "(a) (i) The Inspectors of the ticket checking branch who are governed by the old East Indian Railway Rules are eligible for night allowance under the rules applicable to them.
- (ii) No allowances for Inspectors are mentioned in the Moody-Ward Report.
- (b) The staff under the East Indian Railway Company's Rules were given the option to elect the State Railway Rules for the grant of travelling allowance."

Information promised in reply to unstarred questions Nos. 212, 213, 214 and 215 asked by Khan Bahadur Haji Wajihuddin on the 19th March, 1934.

GRANT OF MILEAGE ALLOWANCE TO THE TRAVELLING TICKET CHECKING STAFF.

212. (a) Travelling Ticket Examiners are charged with the duty of checking passengers' tickets in trains.

(b) The Guard is the Railway servant in charge of a train. Persons who are ordinarily held to be "Connected with the charge of a moving train" are the engine staff, an Assistant or Conductor Guard, a brakesman and, in some cases, a road van clerk.

(c) From the information now furnished by railways it appears that the only staff who get mileage allowance and who are not connected with the charge of a train are Travelling Ticket Examiners on the Burma Railways. This information had not been received at the time that a reply was given to Sardar Sant Singh's question No. 1363 on the 11th December, 1933, and the question as to the withdrawal of that allowance is now being referred to the Agent of the Burma Railways.

GRANT OF MILEAGE ALLOWANCE TO THE TRAVELLING TICKET CHECKING STAFF.

213. The Agent, East Indian Railway, reports as follows :

- (a) and (b). No.

CONDUCTOR GUARDS ON THE EAST INDIAN RAILWAY.

214. (a) Conductor Guards travel by night on mail trains and their duties are to look after the safety and comfort of passengers.

(b) On the trains on which Conductor Guards are provided, they perform a part of the duties ordinarily allotted to a Guard and as such they have duties connected with the charge of a moving train.

- (c) Yes.

(959)

DUTIES OF AN ENGINE KHALASI,

215. (a) The Second fireman is not in charge of a moving train, but is considered connected with the charge of a moving train.

(b) The general rules applying to "Firemen" apply to all classes of firemen with equal force.

(c) Raking out the ash-pan, breaking up and passing forward of coal on the tender; assisting in cleaning fires and such as other duties as the driver may order him to carry out.

(d) Second firemen are ordinarily paid mileage allowance or overtime, in the same way as all other locomotive running staff.

Information promised in reply to unstarred questions Nos. 8, 9 and 10 asked by Mr. Gaya Prasad Singh on the 18th July, 1934.

COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

8. (a) and (b). Statements are laid on the table.

(c) Three Income-tax Officers and three Assistant Income-tax Officers were promoted to the grade of Assistant Commissioners and Income-tax Officers, respectively. As regards non-gazetted staff, the number of promotions in the various grades was eight.

(a) Statement showing the total Number of Gazetted and Non-Gazetted Officers employed in the Income-tax Department, Bihar and Orissa, and the number belonging to each Community.

Posts.	Number employed.	Beharee Hindus.	Bengalee Hindus.	Muhammadians.	Oriyas.	Christians.	Remarks.
Gazetted.							
Commissioner	1	1	1	1	1	1	
Assistant Commissioner of Income-tax.	3 (a)	1	2 (b)	1	1	1	(a) One temporary. (b) Brahmo.
Income-tax Officers	16*	6	7	2	1	1	* One appointed temporarily as Assistant Commissioner of Income-tax.
Non-gazetted.							
Inspector-Accountants (permanent)	17 (c)	6	4	4	2	1	(c) One officiating.
Inspectors (temporary)	9	4	3	1	1	1	
Clerks (permanent)	88	42	21	16	5	4	
Clerks (temporary)	30	12	9	6	1	2	

STATEMENTS LAID ON THE TABLE.

(b) Statement showing the Number of new Appointments made after the passing of Emergency Finance Act, 1931, in the undermentioned Services of the Income-tax Department, Bihar and Orissa.

Services.	No. of new appointments made.
Assistant Commissioner	1
Inspector of Income-tax—	
Permanent	6
Temporary	9
Clerks (temporary)	30

COMMUNAL COMPOSITION OF THE STAFF IN THE OFFICES OF THE ASSISTANT COMMISSIONERS OF INCOME-TAX, BIHAR AND ORISSA.

9. Statement showing the Number of Assistants of Various Communities employed in the Offices of the Assistant Commissioners of Income-tax, Bihar and Orissa.

	Beharee Hindus.	Bengalee Hindus.	Muhammadians.	Oriyas.	Christians.	Remarks.
Office of the Assistant Commissioner of Income-tax, Central Range—						
Head Assistant.	1	..	..	..	..	
Sheristadar and Examiner of Accounts.	..	..	1	..	..	
Other Assistants.	2	..	..	..	..	
Office of the Assistant Commissioner of Income-tax Southern Range—						
Head Assistant.	..	1	..	..	..	This area comprises of Orissa and Chota Nagpur where no Beharee likes to serve.
Sheristadar and Examiner of Accounts.	..	..	1	..	..	
Other Assistants.	..	2	..	..	..	
Office of the Assistant Commissioner of Income-tax, Northern Range—						
Head Assistant.	..	1	..	..	..	
Temporary—						
Sheristadar and Examiner of Accounts.	1	..	..	..	..	
Other Assistants.	1	..	..	..	..	

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ALLEGATIONS AGAINST THE SUPERINTENDENT IN THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA.

10. The answer is in the negative.

Information promised in reply to starred questions Nos. 132, 133, 135 and 139 asked by Mr. M. Maswood Ahmad on the 19th July, 1934.

COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

132. (a) The required statements are laid on the table.

(b) Yes.

(c) These appointments were filled before the issue of the revised orders by Government. The percentage of Muhammadans on the ministerial staff was 18.4 and as they formed only 11.3 per cent. of the total population of the Province, they had no preferential claim to either of these two posts. They were, therefore, filled strictly in accordance with merit.

a) (i). Statement showing the Number of Persons of Different Communities in Various Gazetted and Non-Gazetted Posts of Bihar and Orissa, Income-tax Department, as stood on the 1st April, 1931.

	Biharee Hindus.	Domiciled Bengalees.	Muslims	Oriyas.	Europeans or Anglo-Indians.	Indian Christians.	Remarks.
Commissioner	..	1	..	..	..	..	
Assistant Commissioners.	..	1	..	..	1	..	
Income-tax Officers	8	6	1	2	1	..	
Assistant Income-tax Officers.	..	2	1	..	..	..	
Inspector-Accountants.	5	3	2	1	..	..	
Ministerial Officers	42	23	18	5	..	..	

Statement showing the Number of Persons of Different Communities in various Gazetted and Non-Gazetted Posts of Bihar and Orissa, Income-tax Department, recruited after the 1st April, 1931, up-to-date.

(a) (ii).

	Biharee Hindus.	Domiciled Bengalees.	Muslims.	Oriyas.	Christians.	Remarks.
Assistant Commissioners.	1	2(a)	..	..	..	
Income-tax Officers	..	..	..	..	..	
Inspector-Accountants (Permanent).	1	1(b)	2	1	1	
Inspector-Accountants (Temporary).	4	3	1	1	..	
Ministerial Officers (Permanent).	..	..	..	..	..	
Ministerial Officers (Temporary).	12	9	6	1	2	

(a) One temporary. The appointments were made by promotion of the 3 senior Income-tax Officers.

(b) Officiating.

OVER-REPRESENTATION OF DOMICILED BENGALIS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

133. In the absence of any commonly accepted criterion of over-representation I am unable to answer the Honourable Member's question. I might however inform him that only 28½% of the total strength consists of domiciled Bengalis.

PREPONDERANCE OF ONE COMMUNITY IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

135. The answer to the first part of the question is in the affirmative. As regards the latter part, steps are being taken in the direction desired by the Honourable Member and presumably the recent orders of the Government of India published in the Gazette of India of the 7th July, 1934, will assist in this object. Out of 163 permanent and temporary appointments in the province, 71 are held by Biharee Hindus. 46 by domiciled Bengalees, 29 by Muhammadans and 17 by Oriyas and aboriginal Christians.

GRIEVANCES OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

139. (a), (b) and (c). I regret that I have been completely unable to trace the articles referred to and I am certainly unaware of the existence of any such discontent as the Honourable Member suggests. I may, however, say that the Commissioner is always ready to receive representations from his staff and to give them all the consideration they merit.

Information promised in reply to starred question No. 296 asked by Mr. Sitakanta Mahapatra on the 30th July, 1934.

RECRUITMENT OF ORIYAS IN THE SALT DEPARTMENT.

(a) None.

(b) Does not therefore arise.

THE INDIAN IRON AND STEEL DUTIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by the Honourable Sir Joseph Bhore on the 31st July 1934 :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Mr. President, it is with a feeling of considerable embarrassment that I rise to intervene in this debate, an embarrassment which is due, not indeed to the fact that I find myself for the first time on my legs in this Assembly, but is more acutely due to a realisation of my own shortcomings and my capacity to enter into a discussion of so technical a subject as the one before the House. I wish I could have commanded the agility of mind and body which enables my Honourable friend, Mr. Mody, to lie on hard steel with as much ease as he lies on soft cotton. (Laughter.)

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Is that parliamentary language, Sir ?

Diwan Bahadur A. Ramaswami Mudaliar : I am surprised that my Honourable friend should have misunderstood what I stated and given so unfair an interpretation to my words. I did not say that he was lying about it ; I said that he can lie on hard steel with the same facility with which he lay on, if I may say so, soft cotton. Therefore, I say that it is with considerable embarrassment that I rise to speak on this subject.

I do not wish to detain the House on a disquisition of the part that the steel industry has played in this country, on the special utility that the Jamshedpur Works have proved to be of to this country and on the many improvements that have been carried out in that great industry. It is unfortunate, but it is nevertheless true, that the fortunes of the steel industry in this country are so inextricably, so vitally, and so overwhelmingly connected with the fortunes of a single firm. That has led to a great deal of delicacy in the handling of this question during the past few years, and successive Commerce Members have acknowledged that that delicacy was inevitable in the handling of this question.

It is a delicacy which the House can easily understand, and from the prolonged laughter which resulted from a "*faux pas*" of my Honourable friend, the Deputy President, you will easily appreciate that that delicacy applies as much to those on the Treasury Benches as to those who sit on this side of the House. In fact, I do not think that even Presidents and Members of Tariff Boards, Commerce Members, Finance Members, Leaders of the Opposition, and Leaders of the Parties, or individual Members of the Assembly, have been free from that delicacy, to put it in the most parliamentary language that I can think of. But, nevertheless, the duty that one has to perform on behalf of one's constituency has to be performed, and, therefore, it is that I find myself on my legs today to speak a few words on the subject.

I do not propose, as I said, to dilate on many points regarding the steel industry at Jamshedpur. Other gentlemen have done it much more ably than I can. I shall confine myself mainly to the speech of my Honourable friend, the Finance Member, a speech on which I may congratulate him, because, bereft as it was of polished rhetoric, it still had a great amount of subtlety about it, and it is that subtlety that I propose to examine this morning. I shall confine myself to three or four aspects of this question of steel protection, first, whether the removal of the revenue duties on tested structurals and plates is justified, whether it is a proposal which the Tariff Board could have legitimately made, and, whether it is a proposal which the Government could have legitimately accepted. I shall then propose to deal with the question of galvanised sheets and the reduction of duty that has been proposed both by the Tariff Board and by the Government on galvanised sheets. I shall then, if I find time, deal with the question of the engineering firms and how they have been affected and will continue to be affected if the proposal regarding the removal of the revenue due on tested structurals is carried out and other proposals in the Bill connected with fabricated steel are accepted. And if I find time, I shall touch on the question of Mr. Dalal's concern for widows. (Laughter.)

The Honourable the Finance Member said that the removal of the revenue duty was a very simple transparent proposition, that it did not admit of any discussion at all, and that it was so simple that he was surprised that my Honourable friend, Mr. Mody, and my Honourable friend, Mr. Raju, should have raised any objection to it. He made a great point of the fact that Mr. Mody was confusing the revenue duties with protective duties. We, in this House, are accustomed to hear, with bated breath and whispering humbleness, the dictum of Finance Members. We have heard them during the last 15 years, and we have heard them without being any the wiser for them. It is not surprising, therefore, that we have this dictum from the Finance Member that Mr. Mody confounded the revenue duties with protective duties. May I add that the Finance Member has been equally guilty of confounding revenue duties with protective duties and that the whole course of his argument on the subject will show, as I propose to prove later, that he has been a victim himself to that confusion. The Honourable the Finance Member referred to the Fiscal Commission's report on that subject, a report which is admittedly an admirable one, a report on which everybody relies, both on this side of the House and on the other side. And what does the

[Diwan Bahadur A. Ramaswami Mudaliar.]

Fiscal Commission say on the matter? Let me quote the relevant paragraph, paragraph 94.

"The tariff, as we envisage it, will be a combination of revenue and protective duties. The existing tariff will form the basis of the revenue duties and will become progressively modified as the duties on particular commodities are successively determined on a protectionist principles."

That is to say, the basic revenue duty will be increased as protective measures are being adopted by the country. Then the Fiscal Commission continues:

"Even when this process, however, is complete, there will remain a large residue of purely revenue duties, and these it should be open to Government to vary from time to time on purely revenue considerations."

The point that my Honourable friend, the Finance Member, has to prove in this case is that from purely revenue considerations he felt bound to vary the duties that have been imposed on the tested structurals. Is it his case that from a purely revenue point of view he has felt it incumbent to come before the House and say that these revenue duties should be removed? My Honourable friend, the Finance Member, no doubt said that a case may arise when even a revenue duty may be so prohibitive that no revenue is derived on account of that duty, that it defeats its own purpose. Is my Honourable friend in a position to prove that with reference to this revenue duty it has been so prohibitive that no revenue is accruing from the imposition of this duty? The sea-borne statistics prove a complete negation of that case. They prove that under the duties as they exist now, a great amount of steel has come into this country. The amount of duty may be small. The Finance Member, now beginning his term of office, may feel that three lakhs or seven lakhs, as it is interpreted by the Tariff Board, is a flea bite. But I assure him that as months and years roll by he will find that every lakh, every single thousand rupees, is of vital importance to him. He has himself admitted in another part of his speech that the sugar duties are not likely to produce results as was anticipated and also that the match excise duty is not going to result in the manner.

The Honourable Sir James Grigg (Finance Member): I did not say anything of the sort. I simply said that nobody knows what the result of them will be.

which has nothing to do with the protection of the industry. My Honourable friend quoted with triumph, on more than one occasion, in the course of his speech, a reference to paragraph (c) of the terms of reference to the Indian Tariff Board and that reference relates to the Resolution that was adopted by this Assembly when the question of appointing a Tariff Board was first considered. My Honourable friend stated in the course of his speech that he was handicapped on account of the fact that he was new to parliamentary institutions and was for the first time making a debating speech. May I suggest to him that he is handicapped by more than that fact. He is certainly handicapped by the fact that, on account of the shortness of his stay so far in this country, he has not had the time to study all the past literature on the subject, to know exactly what had happened before, and, to know the relevancy of the considerations that prevailed at one time. It is only natural. Nobody can blame him for that. Let me refer now, Sir, to the actual Resolution which was adopted by this Assembly and which is adverted to in the terms of reference—paragraph (c). I will read out the relevant portion. May I suggest, Sir, that it is very difficult to read extracts in this light. May I suggest that a table lamp may perhaps be provided for the purpose, for any individual Member who may like to have it? I make this only as a suggestion.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair has itself felt that the lighting arrangement of this Chamber is even more defective than at Delhi, because, if the curtains are removed, the glare becomes too great. The Chair is glad that Sir Frank Noyce is here to take note of it.

The Honourable Sir Frank Noyce (Member for Industries and Labour): I shall be glad to do my best to see what can be done to improve the lighting of the Chamber.

Diwan Bahadur A. Ramaswami Mudaliar: The relevant paragraph in the Resolution of 1923, which was adopted by this House, was this:

"That in the application of the above principle of protection regard may be had to the financial needs of the country and to the present dependence of the Government of India on import, export and excise duties for a large part of its revenue."

This is an unquestionable proposition, Mr. President, because the extent of protective duties may be such that the revenue may be actually wiped out. I do not quarrel with the proposition, but to find authority in that proposition for the statement that the revenue duties which are returning a certain amount of revenue to the country should be removed, because a reference was made in this manner, is, I think, wholly fallacious. My Honourable friend, the Law Member, knows that an eminent Judge in a certain case in the Madras High Court, with reference to a breach of contract case, said that the plaintiff must prove that he is *damnified*. Now, what Sir Charles Innes was trying to make out here was, that if the Government of India were *damnified* in their revenue returns, then the Tariff Board has to take into consideration the revenue position of this country in considering its proposals. If my Honourable friend goes through the speech of Sir Charles Innes, he will find that he has there explained this portion of the Resolution. And may I here state, Sir, that the amended Resolution was moved by Sir Charles Innes himself and the phraseology was the phraseology of Sir Charles Innes. He

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will find the reason explained clearly in the terms in which I have explained it. The Fiscal Commission had made a recommendation that the export duty on hides and skins should be removed; it had made a recommendation that the excise duty on cotton should be removed; it had made a recommendation that certain bounties should be given to a particular industry. Now, the Commerce Member was faced with the position that if he simply said that he accepted the Resolution which was moved for the first time in this country in favour of protection, he would be faced with all those alternatives which the Indian Fiscal Commission had suggested. Therefore, he took the precaution to say that, if his revenue dropped, he was bound to take that into consideration before he accepted the protectionist policy. Now, my Honourable friend has come forward with a converse proposition and says that even if his revenue is good, still the Tariff Board has a right to say: "Give out a portion of the revenue not to protect an industry in India, but also to protect an industry abroad." In support of this argument, my Honourable friend has referred to the fact that, under paragraph (c) of the terms of reference, the Tariff Board had a right to go into this question. I say that it had no right, and I most emphatically deny that right. I hope it will not be made a precedent and the fact will be taken note of that the Tariff Board did not consider the question impartially and fairly on the merits of the industry concerned.

An Honourable Member: What about the present?

Diwan Bahadur A. Ramaswami Mudaliar: As I was saying, the Indian Fiscal Commission had made recommendations which would result in the loss of revenue to Government in various ways. Referring to these recommendations, Sir Charles Innes said:

"These recommendations involve either a direct sacrifice of revenue or direct expenditure on the part of the Government if it is a question of bounties, and I think that it will be clear to everyone that in considering recommendations of this kind, we must take careful note of the state of the finances."

Then, he wound up the debate with this passage which I commend to the attention of the Honourable the Finance Member:

"I do not wish to make too much of this point (that is to say, how far revenue considerations must prevail over considerations regarding protection to an industry). After all, one of the main advantages claimed for a policy of protection is that the industrial development will add ultimately to the wealth, and, therefore, to the taxable capacity of the people. My point is that the transitional period must be difficult and that we must always keep in view the danger of disorganising the public finance by too rapid and too violent action. So it would have been easy for me to omit all reference to the financial situation. After all, we are concerned today only with the principle of protection, and it would have been easy for me to omit all reference to the fact that the financial situation may operate as a break on the application of this policy. But, Sir, the fact stares us in the face, and would it be honest for a responsible Government and for a responsible Legislature to shut its eyes to the fact?"

That was the consideration that moved the Honourable the Commerce Member. I take it, in making his terms of reference and to call the attention of the Tariff Board very rightly to this aspect of the question.

Now, Sir, let me take the recommendation of the Tariff Board on this subject. They say:

"We recommend that no duties should be imposed for revenue purposes on tested structurals, tested plates and billets for re-rolling none of which require protection."

The question is not a question whether they require protection. If they do not require protection, do not make any recommendation regarding protection. But what business have you to remove the existing revenue duty which was not a protective duty? I shall, later on, if I have time and when I refer to the engineering firms, try to point out that even the revenue duty has got to be treated incidentally as a protective duty, and that is why we are complaining against the removal of that revenue duty, apart from the fact that the finances of this country today are less to that extent. And then the Tariff Board says that it will be a great handicap for public utility concerns. Now, the Tariff Board had a great deal of evidence before them. They considered all aspects of the question. They examined many Government witnesses also, at any rate they got written statements from them, and I think this is the most hollow of pretensions for the Tariff Board to suggest that public utility concerns will be damaged if this revenue duty remains. Now, let us examine it for a moment. Public utility concerns are either carried on largely by the Government of India or by Local Governments. So far as they are carried on by the Government of India, it does not make a penny worth of difference whether the duty is levied on it or not, so far as the incidence of that duty is concerned; it is only an adjustment of financial resources from one pocket to another. Supposing the duty is levied on tested structurals and the Government of India undertake the construction of a bridge and have to pay a duty on those things, it merely means that the whole bridge costs so much, the amount of duty that is collected on it is transferred to the Customs Department and is collected as customs revenue by the Government. It is true that in the case of what may be called remunerative enterprises the amount of incidence of that duty may have an effect in postponing the inauguration of a remunerative project, but even so, so far as taking off the duty on the Government of India is concerned, there is no difference whether the tariff duty is levied or not. So far as the Provincial Governments are concerned,—and the Tariff Board talks so much of public utility concerns—is it in a position to suggest that any Provincial Government can undertake large public utility concerns? And this Government of India which clutches at this recommendation on such fallacious grounds, is it in a position in the near future to lay down a plan of public utility concerns which it can undertake? My Honourable friend, Mr. James, the other day in a very excellent speech regarding the subject invited the Government of India to undertake large public utility concerns and to initiate a loan policy, so that the present economic depression in the country may be lifted. There was no response, sympathetic or otherwise, from the Government Benches, and why try to put this forward as a reason when we know perfectly well that the position of most Local Governments is so shaky that they cannot possibly undertake public utility concerns on any large scale whatsoever? As I said I shall leave the question there, so that I may come at a later stage of my argument back to it when I deal with the question of engineering firms.

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I now come to what I call the most extraordinary, the most novel and the most surprising of all proposals of the Tariff Board, and may I add, if I may say so, the most improper of the proposals which the Government of India have accepted. I come to the proposal relating to galvanized sheets. The Honourable the Finance Member has laid stress on that aspect of the case. He has said and quite rightly and quite honestly, if I may be permitted to say so, that the proposal of the Tariff Board relating to galvanized sheets is one of the most vital and one of the most important proposals of the Tariff Board. I accept that statement; it is so, but from a quite different point of view from that from which the Honourable the Finance Member thought it was important. It is important as showing the complete lack of judicial impartiality with which the Tariff Board has examined this question. (Mr. B. Das : "Hear hear.") What is the case about these galvanized sheets? You, Sir, were at one stage very intimately connected with the consideration of the question. There was a duty on galvanized sheets according to the recommendations of the Tariff Board of 1927, accepted by the Government, of Rs. 37 per ton whether the galvanized sheets came from Great Britain or from foreign countries. The galvanized sheets industry felt that, owing to the drop in prices, the protection given to it was not sufficient, and, in the year 1930, they applied to the Government of India for examination of the whole question by another Tariff Board, if necessary, so that the protection might be increased to what might be necessary for them to obtain a fair selling price. The Government of India thought there was a *prima facie* case made by the galvanized sheets industry in this country and they appointed a Tariff Board who examined the whole question. The President of the present Tariff Board, Dr. John Mathai, is a personal friend of mine, and I have the highest regard for him. He happened to be a Member of that Tariff Board also, and the terms of reference—and I would invite the attention of the Honourable the Finance Member to the terms of reference—the terms of reference which the Government of India then issued were to report "whether galvanized sheets of British manufacture"—not foreign—"are being imported into British India at such a price as is likely to render ineffective the protection intended to be given". The Tariff Board went into the whole question and suggested an increase of another Rs. 37 per ton on these galvanized sheets, so that the import duty then came to Rs. 67. I hope the House is not wearied (Voices : "Go on, go on"), but I find it necessary, to develop my argument, that I should be able to give the whole history of this case, both for the benefit of the House, and, if I am not impertinent, for the benefit of the Honourable the Finance Member.

Now, when this duty of Rs. 67 was passed by this House, it continued for some time in operation. Then came the brilliant idea of another Finance Member of the Government of India, Sir George Schuster, and I do not apologize for making a reference to it, because, during his presence in the Treasury Benches here, I did make a reference to that aspect of the case. In September, 1931, he levied a surcharge on all customs duties of 25 per cent. The then Finance Member took pride in the fact that these customs duties and the surcharges were so scientifically examined and so precisely arranged that nobody, on this side of the House could find a flaw in them and he threw out the challenge—and my Honourable friend can refer to that speech—to any Member inside this House or outside to show in what respect and in what manner the customs duty could be varied and whether the law of diminishing returns had begun to operate

with reference to such duties. In connection with the sugar excise duty, it was my painful privilege to point out to the then Finance Member that here at least was a case of surcharge put on without thought, without foresight and without any idea of its effect on the revenue derived and that it does not require even the precocious lad of Macaulay to find out that a surcharge on what are called protective duties for revenue purposes is an absurdity; and yet it did not strike the then Finance Member and the Finance Department and the surcharge was levied as much on protective duties as on purely revenue duties. The first case, therefore, was the impropriety of the surcharge on sugar for which we had to levy a countervailing excise duty, and which I still consider is one of the most objectionable of duties. The second case we now come to is the surcharge on all these protective duties, and that raised the duty on these galvanized sheets from Rs. 67 to somewhere like Rs. 83. When the matter was in that stage, you, Sir, went as one of the members of the Ottawa Committee. At the Ottawa Committee, the case of galvanized sheets loomed large. It was one of the most vital things that the British Delegation had to deal with, and you will realize—and you would have told us so if you were on these Benches—with what anxiety they were concerned over a satisfactory settlement of this question of a duty on galvanized sheets. You had a great deal of negotiation on the subject, I do not know, but I am fairly certain that the highest politicians and statesmen of Great Britain were anxious to come to a settlement with you and your colleagues on that subject, and ultimately you came to a settlement on the subject. What was the settlement? Let me read a few sentences from the Report of the Ottawa Committee :

"The importance of the trade in galvanised sheet to the British Iron and Steel Industry may be gauged from the fact that in 1927-28 the value of galvanised sheet accounted for half the value of the total imports of British steel into India, and even in 1931-32 it was still 30 per cent. of the value, but between these two years the value of the imports of British galvanised sheet had fallen from Rs. 7.2 crores to Rs. 1.93 crores. It will be evident from these figures, how gravely the new competition from Belgium had affected the British industry, more especially because it became intense at a time when demand was declining and prices were falling. Here, if anywhere, measures calculated to bring relief—provided always they were consistent with the interests of India—were most likely to be of value. But conversely, of all the rolled steel products on which protective duties have been imposed, galvanised sheet is the one where it is easiest to make concessions without detriment to the interests of the Indian industry."

and you recommended that if galvanized sheets are rolled out of Indian bar, a duty of Rs. 30 a ton may be levied. If they are not rolled out of Indian bar, but if they are rolled out of English bar, then a duty of Rs. 53 may be recommended, and that, if they came from continental places, a duty of 83 may be recommended, and you advised the Government of India and the Legislature to accept your recommendations :

"If the special arrangements connected with the duties on galvanised sheet were to be acceptable to India, it was indispensable that they should furnish reasonable security that any increase in the sale of British galvanised sheet in India should be accompanied by an equivalent increase in the sales of Indian sheet bar in the United Kingdom."

Now, the concrete fact and a vital factor in the whole of the arrangement was that Indian sheet bar should, to that extent, be imported to England and come back again as galvanized sheet in this country. I ask

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the Honourable the Finance Member to remember it, because I know that the very respected Tariff Board has not remembered that fact :

"If the duties were so adjusted that the British manufacturer had no inducement to use Indian sheet bar when making sheet for the Indian market, it would fail to achieve one of its primary objects, namely, the securing of a fresh outlet for Indian steel."

You repeat over and over again, you emphasize the fact that the crux of the whole Agreement is the fact that Indian bar is being imported into England and comes back again as galvanized sheet :

"It was impossible to obtain the necessary assurances on this point at Ottawa and it was on this account that the final settlement had to be postponed until further discussions had taken place in London."

And, as you are aware, a final settlement was arrived at in England by an exchange of letters between Sir George Rainy and Sir Horace Wilson :

"As a result of these discussions we have received assurances that the representatives of both industries are satisfied that, with a difference of Rs. 23 a ton between the duty on sheet made in the United Kingdom from Indian sheet bar and sheet made from other bar, it will be possible to do business at prices satisfactory to both industries, so that the extended use of Indian sheet bar is assured."

Again, you emphasize that fact :

"That being so, we are satisfied that the scheme is one which we can recommend for adoption by the Indian Government and Legislature."

You recommend that this scheme should be in force till 1934, when the whole question will come under review by the Indian Tariff Board and when necessary arrangements can be made according to the recommendations of the Indian Tariff Board. Now, let us look at the Tariff Board report and its recommendations. This is what the Indian Tariff Board say on the subject :

"In the case of galvanized sheets, however, we have estimated the duties on a different basis. Since November, 1932, the price of galvanized sheets has been fixed at an artificial level under the Ottawa Agreement. No direct information is therefore available regarding the level of market prices under ordinary competitive conditions and our estimate of market prices has in consequence to be based on somewhat arbitrary considerations."

I will refer to that later. They continue :

"The advantages offered to India in return for the preferential duties on galvanized sheets under the Ottawa Agreement were first the exemption from import duty and facilities for the sale of a specified quantity of pig iron in the United Kingdom and, secondly, the provision of a definite market in the United Kingdom for Indian sheet bar."

Now, let us take the second condition first. I will come to the first condition later :

"The latter is now of much less importance to India than at the time of the Ottawa Agreement because of the increased capacity for the manufacture of sheets in India and the possibility of a larger demand for billets from re-rolling mills in India."

Therefore, one of the important considerations in coming to this extraordinary agreement at Ottawa, namely, that Indian sheet bars will be used for making galvanized sheets in England falls to the ground, as, according to the Tariff Board inquiries, India is not in a position now to export her bars to England and have them manufactured as galvanized

sheets. The internal consumption has grown, and it is a matter for congratulation that it has grown, and India is not in a position to send these things abroad. Now comes the second condition they are speaking of—about this pig iron. I wish my Honourable friend, the Commerce Member, had considered more carefully the advantages which would result from a continuance of this agreement, when he, amid the acclamation and cheers of this House, announced the grand fact that the continuance of the agreement of free entry of pig-iron into England had been secured by the Government of India. I do not congratulate the Government of India on this action, when one considers the advantages which this country will have to suffer by lowering the protective duties on galvanized sheets. What is this pig iron, and how much of it is exported to the United Kingdom? What is the profit which the Indian merchant gets out of this pig iron? My Honourable friend, Mr. Sitaramaraju, has already given figures to show that the sale of pig iron to foreign countries is far in excess of the sale to the United Kingdom. It was about 93,000 tons last year. The previous year it was about 75,000 tons, and the year before it was 69,000 tons. One has to draw the balance sheet to know what the profit on pig iron per ton is. At the most, it is one rupee per ton, so that the grand profit which the merchants of this country make by sending 90,000 tons to the United Kingdom is Rs. 90,000 per annum, and the Assembly cheered my Honourable friend when he made this announcement. I beg of him to discard that agreement. I beg of him to say to the United Kingdom: Thanks to you. Our merchants will find markets for pig iron elsewhere, and we are ready to allow pig iron to be exported to the United Kingdom on the same conditions on which you are prepared to allow any other produce from any of the other dominions, and, therefore, the main consideration which weighed with you, when you entered into this arrangement about the entry of pig iron into the United Kingdom, is of very little concern to the industry. The profit is one rupee per ton and no more. What is the advantage that we get by an agreement on this subject?

Mr. F. E. James (Madras : European) : Perhaps the Honourable Member would be good enough to give the House the source of his information.

Diwan Bahadur A. Ramaswami Mudaliar : I have been assured by a good many men, who are in the best position to know about the Steel Works at Jamshedpur and who have come to an agreement with the Bengal Iron Works with reference to the import of pig iron into the United Kingdom and to Japan and other places—the beneficiaries under the scheme that the direct profit will be seven rupees per ton and the direct and indirect profits combined is no more than one rupee per ton and that they for their part are willing to forego the advantage of this benefit in the United Kingdom for their pig iron. Now, Sir, as I said, these are the trifling, trivial, almost negligible advantages that we derive, but look at the balance sheet on the other side. My Honourable friend may put it at five rupees a ton if he likes. I have no objection, but he dare not and cannot possibly suggest that anything further can be got out of it. Now, look at the advantages on the other side. I was reading the report of the Tariff Board, and I stopped at the point of the actual cost of production in Great Britain.

The Tariff Board report says :

"No direct information is therefore available regarding the level of market prices under ordinary competitive conditions and our estimate of market prices has in

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consequence to be based on somewhat arbitrary considerations. Two alternative methods have been open to us first, to take the average price in the earlier half of 1932, and adjust it for the variation in the price of spelter since that period, and secondly, to proceed on the basis of calculation adopted by the Ottawa delegation, namely, to take the United Kingdom price at the lowest figure which the delegation considered would give a reasonable return to the British manufacturer and to take the Continental price at the lowest figure actually reached in recent importations. Under ordinary conditions we should be inclined to adopt the first method in estimating the measure of protection.

That is to say, take the imported price of 1932 which was the actual price and make allowance for the increase of price in spelter, but they have dropped that, though it was their legitimate duty. That was how they could have calculated the real price, but they have dropped it. The Tariff Board further says

"The United Kingdom prices in that case would be almost the same as Continental prices and there would be no scope for differential duties."

I ask the Honourable the Commerce Member and the Honourable the Finance Member to make a note of that statement. If they had calculated on the basis of the actual price in 1932 before the Ottawa Agreement was entered into and had made allowance for the increase in the spelter price, then the prices of the United Kingdom galvanized sheets would be almost the same as the prices of Continental sheets. That has a very great reference to the actual cost which they have adopted in an earlier part of their report.

If my Honourable friend will turn to Table XXIII on page 54 of the Report, he will find that galvanized sheet is stated to cost the United Kingdom Rs. 160 and Continental Rs. 130 and the fair selling price for Indian sheets is Rs. 170. Therefore, so far as the United Kingdom is concerned, the duty is put at Rs. 10, whereas, in the case of Continental, it is put at Rs. 40. But if this premise is wrong, then the United Kingdom price is only Rs. 130. Sir, I heard, in the course of the speech of the Honourable the Finance Member, at any rate I got the impression that the Honourable the Finance Member and the Honourable the Commerce Member have entered into a deed of partnership, this firm of Shortt and Codlin is going to be responsible for this Bill. The Honourable the Finance Member turns to the Honourable the Commerce Member and says if there is any miscalculation in price, the Commerce Member will reply and the Honourable the Commerce Member turns round to the Honourable the Finance Member with equal courtesy and says if there is any question of revenue, the Honourable the Finance Member will reply. But both Shortt and Codlin mean the same thing, so far as I am concerned. Whoever is responsible for this, I ask if the price of Continental steel is the same as of British steel. If so, it means that the British steel is valued at Rs. 130 per ton, and, therefore, the fair selling price being Rs. 170, the duty must be exactly the same on British galvanized sheet as on Continental. That is to say, the duty must be Rs. 40. Now, it is because of this agreement that you have reached, this Trade Agreement is going to be of so much benefit to this country, the sale of pig iron is going to make India so much richer, that you artificially inflate the price of British galvanized sheets and you bring it up to the level of Rs. 160 which was fixed at Ottawa for this purpose, and you say that the protective duty should be Rs. 10. That is to say, you give a bounty of Rs. 30 per ton to the United Kingdom manufacturer of galvanized sheets, a bounty

which he does not require, if only the real cost price is taken into consideration. I would have no objection even to that bounty if it can be given with undue cost. But the bounty is given, at what cost? It causes you a loss of 20 lakhs on this bounty which you give to the United Kingdom producers of galvanized sheets, and, therefore, you are driven to the necessity of levying an excise duty on the steel ingots that are manufactured in this country. (Hear, hear.) Is that what is called fairness? You come forward and say, this is a protective Bill to protect the Indian industry. No, Sir. Let us be fair. Let us try to place the facts as fully as possible before the public and come forward with an honest proposition that for certain reasons we must make this concession to the British industry. This National Federation is so powerful and it plays such an important part that my Honourable friend hinted at the possibility of political calamities overtaking this country. Let us put all that in the balance if you like, but do not say that we are having a protective measure, because this is not a protective measure. England does not really require that. You are giving her a bounty of Rs. 30. The proper price of galvanized sheets is Rs. 130, and, therefore, the duty of Rs. 40 will not hit that industry.

My Honourable friend said that the United Kingdom industry should not be penalised. Sir, my record in this Assembly has been such that I can say with legitimate satisfaction, at any rate with perfect honesty, that I never have been a party to penalising the British or any other industry without any benefit to India. I said so on the last occasion in connection with the Textile Bill, I repeat it again. I look at it from the point of view of the Indian industry. If, against the United Kingdom, only ten per cent. is required to protect the Indian industry, and if, against the Continental goods, 30 per cent. is required to protect the Indian industry, I am willing to accept ten per cent. and 30 per cent., not because it is Imperial Preference or anything like that, but because the Indian industry requires that much and no more. I am not willing to increase the duty on United Kingdom goods to 30 per cent., merely because it gives a theoretical satisfaction to my heart. I have quoted the duty on British and Continental goods and somehow or other this amounts to Imperial Preference. This sort of hitting against the United Kingdom unnecessarily, I will not be a party to. That was the position I took up on the last occasion in connection with the Textile Bill. That is the position which, I repeat, I am prepared to take up in connection with this Bill. What is the position with reference to galvanized sheets? You have given, as I said, a bounty to the United Kingdom, and that bounty has been paid out of the cost of the indigenous industry which is mulcted by way of an excise duty. The Honourable the Finance Member quite rightly said "We cannot afford to miss this amount of revenue, we must find ways and means by which we can make good that revenue, and that is why I have come forward with a proposal, which I do not like, namely, the proposal for an excise duty." But why lose the revenue at all? Why is this selling price of Rs. 160 fixed for British goods, whereas it is Rs. 130 in the case of Continental goods? Why not levy the same duty on both goods and get your revenue? It is not as if these goods have been shut off. It is not as if they cannot come to this country. Here I must say very respectfully that according to the showing of the Tariff Board, it has certainly gone beyond the terms of reference, beyond its legitimate duty in making this recommendation.

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Now, Sir, I come to another interesting fact which the Tariff Board has unearthed. In calculating the loss of revenue, the Tariff Board points out that 75 per cent. of the loss is due to galvanized sheets. The percentage is correct, though perhaps actually the total amount of loss estimated by the Tariff Board was not correct. It gives a curious reason why this loss of revenue should be sustained. I want to canvass that curious reason again, especially because it has been adopted by the Government of India. They say in the Report :

"We have provided that *ad valorem* revenue duties in almost every instance shall be alternative to the specific duties and since the revenue derived from *ad valorem* duties must vary with the prices of imports it is likely that if the present upward trend of steel prices continues, the loss in revenue per unit of product will be less than we have estimated. Whatever forecast may be finally arrived at, it is clear that the greater part of the probable loss in revenue will be due to the proposed reduction in the duty on galvanized sheets. We have already laid stress on the benefit of this proposal to the agricultural community."

Now, Sir, let me pause. The Honourable the Finance Member took the cue from the Tariff Board. My Honourable friend, Captain Lal Chand, of course an out and out enthusiastic advocate of the agriculturists, said that it was a great thing that the agricultural industry was being thus promoted. My Honourable friend, the Finance Member, said, here is a thing which is of direct benefit to the agricultural industry, and, therefore, that is another reason why the duty on galvanized sheets should be reduced. "When the poor have cried, Caesar hath wept". What is your record about the agricultural people? What is the record of the Government of India with reference to the agricultural people? If you had possessed even an iota of that sympathy which some of us at least on this side of the House, like my friend, Raja Bahadur Krishnamachariar, possess, you would not have ventured to make this recommendation. Let me remind you of what this very Tariff Board said on a previous occasion with reference to these agriculturists and the possibility of their being benefited by a lower price for galvanized sheets; and Dr. Mathai was a party to this recommendation. Again, I suggest that if the Honourable the Finance Member had taken care to read the earlier reports, he would not have landed himself in the position in which he finds himself today. There they were increasing the price of galvanized sheets from Rs. 30 to Rs. 67, directly hitting the agriculturists. The sum and substance of what they say is that it will not affect the agriculturists at all. The price still is the same as what it was in 1908 and 1912. Even with the addition of a 67 per cent. duty, the price of galvanized sheets remains the same as in 1912. And comparing the purchasing power of the country now with the purchasing power of the country then, it will not make any difference to the agriculturists at all if this duty of 67 per cent. is laid on galvanized sheets. My Honourable friend turns now and says: "Any duty in excess of ten per cent. is such an overwhelming burden on the poor agriculturists, for whom my heart goes out, that I dare not be a party, and why should I reject the recommendation of the Tariff Board, specially if it is made in the interest of the agriculturists? My Honourable friend, I am common champions of the agriculturists." Nothing of the sort. We know what the agriculturists have been suffering from, and let me read this paragraph. They point out that the two sets of agriculturists, who will use these galvanized sheets for agricultural implements, are the jute

growers and the paddy growers. With reference to the jute growers, I shall leave the question to any Member coming from Bengal who knows the position of the jute cultivators and who will be in a position to state it. With reference to the paddy growers, this is what the Tariff Board says :

"We have carefully considered the trade returns with a view to ascertain to what extent the demand for galvanized sheet is influenced by price. It is quite clear that the demand is a fluctuating one and depends not so much on price as on industrial development, railway expansion, and the outturn and price of certain crops, particularly jute and rice, the prevailing crops in those districts in which galvanized sheet is mainly used. The demand for galvanized sheet can frequently be postponed and when depression exists in certain trades the demand falls off. Similarly the cultivator replenishes his requirements of galvanized sheet in those years in which his crops are good and prices satisfactory."

—Mark these words, Sir,—

"in years of bad crops he makes no purchase however favourable the price. The demand is not constant and the price of galvanized sheet does not form the most important factor in determining the demand even of the agriculturist. We believe therefore that the increase which we propose will cause no serious hardship."

I prefer to follow the John Mathai of 1930 to the John Mathai of 1934, and that without making any sort of personal aspersions against Dr. John Mathai. I invite my Honourable friend to do likewise. He will find himself on safer ground if he does that. What is his record, what is the record of the Government of India, with reference to these paddy growers? I do not want to go beyond the scope of my subject, but we know that the prices have fallen and have fallen ruinously. We have been agitating month after month and week after week, cabling, telegraphing, writing, submitting memoranda, waiting on deputations, and so on; and this Government, which is absolutely hide-bound, which refuses to move, which will not take note of these things, has for the last eight months turned down every one of our requests. We wanted the importation of rice from Siam to be stopped. Nothing of the kind happened. We wanted a duty on those imports; nothing of the kind was undertaken. And tons and tons are being unloaded, and every day we are being pestered with telegrams and letters and representations from paddy growers, and this Government refuses to move in the matter. How can I take as an honest statement of fact what the Finance Member says, with this black record which he, along with the other Members of Government, have got, with reference to the paddy growers, that his heart goes out to the agriculturists, and it is only because the agriculturist wants his implements that galvanized sheets should have this duty reduced. In the "Vicar of Wakefield" there is a character who used to utter a particular word as he was listening to the others from time to time, and if you will permit it, Sir, and if Parliamentary decorum will permit it, I would like to use it, but I am very doubtful whether you will permit it. That is not the way in which we can be convinced of the fairness of your proposals. Agriculturists indeed! This Government, with its record about paddy growers, with its carelessness about paddy growers time after time, talks of the agriculturists! And even now tons and tons are being dumped into my Presidency, and it has come to 80,000 tons now. The Secretary to the Department of Education, Health and Lands sits there impassive like the Delphic Oracle, not making any statement or making such dubious statements that they can be interpreted in any way. He gave us hopes, incalculable hopes, and we are now in August, and those hopes have not materialised. And this is the Government which asks me

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to enthuse over the statement that agriculturists are being cared for and cared for most conspicuously by the drop in the rates of protective duty on galvanised sheets. But if you are so serious about conditions of agriculturists, may I ask you another question? In the first place, it would not increase the price by a pie if a duty of 40 per cent., instead of 10, is levied, because the Continental price and our unfair selling price will control prices. Secondly, obviously even according to these prices, which the Tariff Board has accepted, there is a difference of Rs. 30 between Continental and British goods. Then, why do you not have the same protective duty or the same duty on Continental goods, and let the thing freely into this country, so that the agriculturists may be satisfied and, at least one section, the consumers, may be benefited, never mind what its effect on protection may be? And that was exactly what my Honourable friend, Mr. Raju, referred to in his speech the other day, a reference which I venture to think the Honourable the Finance Member completely misunderstood. The Finance Member said that Mr. Raju invited this House to throw out the Bill. Nothing of the kind. He said, if you are really very keen on the consumer, if you want the consumer alone to be thought of and nobody else, then throw out this whole measure. Let us have at least one satisfaction that we have done well by the consumer, irrespective of the fate what this key industry, this basic industry, this military industry, comes to. My Honourable friend thought that that was not his statement, but that he invited us all to throw out this Bill without caring for the consequence. I can assure the Honourable the Finance Member that even we on this side of the House, with the little material that we have at our disposal, with no notes, no Secretaries, and no whispers from departmental officials, can use a little of our own intelligence to understand what is good for the country and what is not good for the country. And believe me, we have come to the conclusion that, so far as these galvanised sheets are concerned, to whomsoever it may be a beneficent thing, it is not a beneficent thing for the agriculturists and for the industrialists of this country; it is not a beneficent thing for the Government of India as it is constituted even at present.

Sir, I said that I would refer to the position of the engineering firms and try to prove that the removal of the revenue duty and the reduction of duty on fabricated steel are both calculated to hit them very hard. And I want to establish the position that engineering firms in this country are bound to suffer a good deal because of these two aspects of the question. I said it was not merely a question of revenue being lost to Government, but the removal of that duty on tested structurals in conjunction with the other proposal with reference to fabricated steel is bound to hamper the growth of the engineering industry in this country. Nay, more; it is bound to make it absolutely impossible for them to keep up even their present position. And here let me say quite candidly what are the engineering firms that I am referring to. I have not come forward merely to advocate the cause of Indian firms in this country. Whether it is Indian or English, if it is established in this country, if its outlook is confined within the geographical boundaries of India, I am prepared to give it assistance. That was the position which we came to at the Round Table Conference. I am prepared to abide by that position, and now I am advocating the cause of firms like Braithwaite & Co., Jessop & Co.,—both English firms established in this

country, trying to do business in engineering, and which, along with Indian firms, will be hampered if this duty is removed. They have made plaintive representations to the Tariff Board. It was my painful duty last night, and that was the only time when I could get these reports, to go till late at night into the representations they have made. I invite the Honourable the Finance Member, whose heart is so sympathetic, to go through some of these representations, and I invite him to go also through the representation of the National Federation of Steel Industry of Great Britain. He will find that these industries will be thoroughly handicapped if this duty is removed. They refer to the organisation that has been established in England, to the rationalisation that has taken place in England, and I now understand what Mr. James meant by rationalisation, because from these papers I realise what sort of rationalisation they refer to—combines, trusts, getting together all the weaker and stronger companies to come to some agreement as regards the sale price for export purposes and as regards the sale prices in England, dumping goods into this country and trying to get from the home consumer the actual cost of that dumping into this country. This is the sort of cartel that they are trying to establish, and establish with the active connivance, nay, on the recommendation and the exhortation of the Chancellor of the English Exchequer, Mr. Neville Chamberlain. Now, it is against these combinations, these trusts, these cartels that the engineering companies in this country are complaining. They point out instance after instance where by a system of grant of rebates all possibility of competitive prices has been cut out even under the existing protective duties and revenue duties. They refer to the case of the Nerbudda bridge: they show how handicapped they were because of the system of rebates that had been granted: they refer with hesitation, with fear, with growing anxiety to the possibilities of what might occur with reference to the Howrah Bridge: they want some assurance that a structure of that kind involving the consumption of steel to the extent of 60,000 tons according to them, and 25,000 tons according to the Tariff Board Report, an undertaking which comes, as they say, almost once in a lifetime, may not go out of their hands, and they plead and plead earnestly that the tender might be retained in the country; they quote chapter and verse for saying that the same motto that animates the National Federation animates them, keeping the home consumption to yourself, keeping the home markets to yourself. My Honourable friend, the Finance Member, has been for three years there in the latter part of his period in England: he knows what it means to have the slogan "Buy British": he has read, I believe, the Rothermere and the Beaverbrook press: he has read the placards that have been posted all over London and the bigger cities in the Provinces advocating the consumption of British goods and the use of British goods. What is our position here?

The Honourable Sir James Grigg: British in that connection means Empire goods, including India.

Diwan Bahadur A. Ramaswami Mudaliar: But home does not mean Empire, at any rate.

The Honourable Sir James Grigg: We are talking about the word "British".

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhamadan Rural): Is not Empire British?

Diwan Bahadur A. Ramaswami Mudaliar : He must have seen home products being encouraged, appeals to home industries being encouraged and to home concerns being allowed to thrive. They refer to the fact that electric towers for transmitting electricity could be manufactured in this country cheap and that encouragement should be given to that industry. They refer to the fact with regret that in my own Province in connection with the extension of the electric line to Cochin and Ernakulam from the Pykara Hydro-Electric works—the contract for these towers has gone to foreigners—foreigners in their language meaning Britishers : of course they are foreigners, and I am glad Jessops use that word, that Braithwaites use that word : that is the spirit which we want Englishmen in this country to adopt ; make this your home and see to it that the fortunes you are trying to get here are Indian fortunes and do not have a soft corner always across the seas, so that we can never see eye to eye with you : they refer to the fact that there is a danger which has come within the last few years, a danger which is of the highest concern to these engineering firms, against which they pray piteously to the Tariff Board, to the Government of India, to Sir Joseph Bore, the Commerce Member, that they may be saved from. In my younger days, when I was, I believe, much nearer heaven than I am today.....

The Honourable Sir Nripendra Sircar (Law Member) : It is just the other way ?

Diwan Bahadur A. Ramaswami Mudaliar : I am certain of another place—I used to look at the ceiling and think it was heaven itself ; and when I was in a position to spell a few words, the first thing that I read looking at the ceiling and at the girders, there was Dorman Long and Company in big letters. And what is the position of Messrs. Dorman Long and Company ? It is an integrated concern to use the very technical language of these iron and steel manufacturers—and they take pride in clouding the issues by these technical words : an integrated firm, if I may understand it in my own mathematical way, is the opposite of a disintegrated firm : a firm which produces everything, that is to say, from the steel ingot right down to bolts, nuts, screws and anything possible : that is what is called an integrated firm : the integration is complete : the last stage is reached by that firm. It is the only British firm of that character, the only integrated firm. Dorman Long and Company have established a branch in Calcutta, and, of course, you may realise that if these revenue duties are removed or if lower protective duties are levied, how handicapped the other engineering firms will be as against Messrs. Dorman Long and Company. Read their memorandum addressed to the Secretary of the Tariff Board and to the Commerce Member, and note their plaintive cries. I do not know whether it was my friend, Mr. Sitaramaraju, who referred, in the course of his speech to an undertaking given by Mr. Elliott on behalf of the National Federation of Steel, an undertaking which the Tariff Board has reproduced with great gusto and which they think meets the situation of the case.....

Mr. F. E. James : No.

Diwan Bahadur A. Ramaswami Mudaliar : It does not meet the case—that is exactly my point : I am going to prove that that undertaking has not been considered worth the paper on which it has been written by Messrs. Braithwaite, Messrs. Jessop and other engineering firms.

Mr. F. E. James : The Tariff Board have said so.

Diwan Bahadur A. Ramaswami Mudaliar : They complain of the system of rebates and refunds which was being given to these exporters by the combination in Great Britain and Mr. Elliott admitting after the event, as he was bound to admit, that in the case of the Nerbudda Bridge things had gone a little astray and perhaps a little unfairly as against the Indian consumer—and here I am glad to have the admission that even British firms can be unfair occasionally when it touches their pocket—he says that in future he will try to see that that sort of thing does not occur, and he gives an undertaking on behalf of the industry in the United Kingdom that no refunds will be granted for fabricated steel work exported to India beyond what is necessary to bridge the gap between the home prices current at the time and the established export price for plain materials for India. No doubt the Tariff Board begins by saying that this hardly meets the case, but what is their conclusion ? They say :

“ If as a result of further steps in that direction it is found that the grounds which now exist for apprehending unfair competition from the United Kingdom have disappeared, it will be open to Government to reduce the duty to the revenue level.”

Now, I would like to read only a short extract from the submission which Messrs. Braithwaite and Company have made with reference to this undertaking. It explains the position in which the Indian engineering industry finds itself as against the organised British industry. They say :

“ This powerful national effort to recapture lost markets is in process of development (in Great Britain) and its full effects have not yet been felt in this country. Some industrial units, however, who on their own initiative anticipated these developments have already given us a foretaste of what is in store for us and it is these recent examples that we propose to analyse as a guide to the future.”

Then they say :

“ This new form of attack has developed on two parallel lines—

- (a) extremely lower tenders in rupees for sale in India of steel work fabricated out of India entirely from foreign steel;
- (b) extremely low tenders in rupees for sale in India of steel work fabricated in India by foreign firms entirely from foreign steel of their own rolling.”

And they wind up by saying :

“ By these means the whole Indian fabricating trade has been disorganized and in spite of the present scale of protection the Tata Iron and Steel Company has been unable to realise the full prices that the tariff is intended to obtain for them. The fabricators have been put in the unbearable position of having either to quote heavily below cost or see the foreigner skim the cream of India's requirements. Unless remedied without delay the persistent depletion of the industry's liquid resources will, before long, be making it impossible to finance its trading activities even if prices rise again to an economic level. For every day that passes the industry is being damaged. Long trained and experienced labour is being dispersed, selected and skilled supervisors are losing their employment, plant is wearing away without earning the money required for its maintenance and renewal and valuable buildings are depreciating as there are no funds to repair them. Time, in this matter, is ‘ of the essence of the contract ’.”

Then, Sir, with reference to the invitation that was extended to Messrs. Dorman Long and Co. to come to terms with these firms, they have their own reply to give :

“ It follows clearly that so long as the Federation ”—

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--That is the National Federation of England--

"cannot in fact prevent its integrated members from transferring to their fabricating shops plain materials at prices below the controlled prices, its conditional undertaking to limit the export refund arrangements so as not to exceed the gap between the 'Home' and 'Export' controlled prices is a concession which has no value to the Indian fabricators except in so far as it limits the competition of non-integrated British fabricators."

That is to say, this concession is of no value so far as Messrs. Dorman Long and Co. is concerned, which is an integrated firm, and which has established its branch in Calcutta :

"The Federation realises this position only too well, since it finds it necessary to invite the Indian fabricators to respond to advances to be made by Messrs. Dorman Long & Co., who are stated to have the intention to approach the Indian fabricators regarding the Howrah Bridge and the future generally, and makes the suggestion that a proprietary brand of high tensile steel may be specified by the consulting engineers for use in the Howrah Bridge."

"As regards the suggestion of Messrs. Dorman Long & Co., contained in their memorandum that the Board should instruct us,"

--This is what they say--

"Regarding the objects of protection, may we point out that we cannot find that any member of the Indian fabricating industry has asked for more than an assured home market for the industry's output."

The reference is to a memorandum which Messrs. Dorman Long and Co. sent to the Tariff Board. While these engineering firms were crying out for bread, when their contractors were being deprived of their contracts on account of rebates and so forth, Messrs. Dorman Long and Co. had sent a memorandum ridiculing the local firms. This is what they actually say :

"The Board should instruct us regarding the objects of protection and that we cannot find that any member of the Indian fabricating industry has asked for more than an assured market for the industry's output. We note with great interest"

And this is what I was referring to :

"that on the same page, the memorandum refers with justifiable complacency to the embarkation by Great Britain on a policy of protection as a result of which the Home market is assured."

Now, Sir, we want our home markets to be assured to our industry. It does not matter whether Indian firms are carrying on the business or European firms established in this country, and I venture to suggest that the removal of the revenue duty together with the inadequate duties on fabricated steel is going to hit engineering firms terribly, and, therefore, as a corollary, hit the steel producing industries like the Tata Iron and Steel Company or other concerns like them.

I am afraid, Sir, I have taken more time than I had intended to do, and there are various other matters to which one can legitimately refer to, but I shall not weary the House any more. I do not think I should dilate on the question of tested and untested steel from Great Britain,--my friend, Mr. Mody, has already referred to it, and I hope that in the Select Committee we shall be able to go carefully into this question.

Now, Sir, there is only one other point that I should like to refer to, and unfortunately it happens to be again a point which arises out of

the speech of my Honourable friend, the Finance Member. The Honourable the Finance Member read the other day two extracts relating to the prospects of the Tata Steel industry. One said, let me make an accurate quotation, so that I may not be charged with misrepresentation,--the one quotation ran as follows :

"The Tariff Board Report has by now been digested, and the bulls and the bears are still undecided as to the ultimate advantages or disadvantages of the recommendations."

That was one extract.....

The Honourable Sir James Grigg : Read the next sentence please, and complete the extract.

Diwan Bahadur A. Ramaswami Mudaliar : Most certainly :

"However it would appear that the industry will get adequate protection, which can only be viewed in the light of a bull point for steel shares."

I am glad my Honourable friend has drawn attention to it.

Then comes the extract from the *Capital*, that great paper which claims to write about commercial and industrial matters, and which certainly claims to be an expert on matters relating to the share market. This is what it says :

"The present attitude of too large a section of the Indian Press on the suggested preference for the United Kingdom steel manufacture provides a case in point,"--

a point for the sort of understanding, prejudicial, purely biased views which these Indian political agitators continuously claim to possess or advocate :

"I do not suppose for a moment that the views there expressed will deceive Government as to the extent of public opinion behind them."

There is no question of deceiving the Government. Whoever has ever heard of the Government of India being in any way influenced, much less deceived, by views expressed in what is known as the progressive press in this country :

"I hope the Members of the Legislative Assembly will suffer from small delusion from the hysterical expressions of some newspapers that ought to know better. One would imagine that the Tariff Board's recommendations in respect of preferences, if accepted by Government, would seriously injure the Tata Co. or India. This is evidently not the opinion of holders of Tata's ordinary shares, which at today's price of Rs. 72, are actually 12 annas higher than they were before the report was published and Rs. 16 higher than their price at the end of March, 1934."

Now, has the Honourable the Finance Member cared to find out what these ordinary shares fetch by way of dividends since the time the Tata industry was established ? Let me give him an idea of that. In one of the numerous statements that Tatas have published, and the statement happens to be one of the most valuable, the amount of dividend on ordinary shares is given :

1925-26

Nil.

1926-27

2.3 lakhs or 1.32 per cent.

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Then comes a period of unbroken prosperity to the ordinary shareholders and to my friend, Dr. Dalal's widows :

Dividends in 1927-28 .. Nil.

„ 1928-29 .. Nil.

„ 1929-30 .. Nil.

„ 1930-31 .. Nil.

„ 1931-32 .. Nil.

„ 1932-33 .. Nil.

„ 1933-34 .. Nil.

I can anticipate

and say Nil, and I say that so long as this protection period lasts and as long as I can humanly visualise it, the ordinary shares of Tata Co. will never produce a dividend and are worth practically nothing.....

The Honourable Sir James Grigg : Does the Honourable Member deny that these shares were quoted Rs. 16 higher than their price at the end of March, 1934 ?

Diwan Bahadur A. Ramaswami Mudaliar : I do not deny that there are a number of fools in this country. That is a self-evident proposition.

The Honourable Sir Nripendra Sircar : Does the Honourable Member suggest that people who buy Tata shares are fools ?

Diwan Bahadur A. Ramaswami Mudaliar : People who buy the Tata ordinary shares are fools, and I want the Honourable the Law Member to think over the proposition carefully. The shares are worth Rs. 75. Today they are quoted at Rs. 72. For the last ten years they have not paid any dividend. There are fools and bulls who speculate, and the majority of the speculators are fools, and that is the sort of speculation that has led to the increase of 12 annas in the price of these shares. My Honourable friend has probably, fortunately for him, no knowledge of the share market, otherwise he might have invested in Tata ordinary shares. But I can assure him that it is absolutely a waste to invest money in Tata ordinary shares now or in the near future, and I shall conclude my speech by telling my friend, Dr. Dalal, that he can derive no consolation from the fact that the Honourable the Finance Member has undertaken to look after his widows. (Applause.)

Sir Abdur Rahim (Calcutta and Suburbs ; Muhammadan Urban) : I must admit that it has been rather difficult for me to make out the exact point of the eloquent speech of my Honourable friend. As a matter of fact, I do not propose to deal with any detailed questions that arise out of this Bill, because the Members of the Select Committee will go exhaustively into those matters. All that we are now concerned with is the principle involved in the Bill if we accept the motion before the House. My friend, the Diwan Bahadur, has warned us that this question has to be handled with a great deal of delicacy, and he has included every one in his warning. Sir, I for one do not think that there is no need for plain speaking on a question of this nature. I think that we ought to understand the position quite clearly and frankly. Sir, at the outset I feel a certain amount of difficulty as to what I am expected to do on the Select Committee. The Bill that we have before us is really

based on excise duty on ingots, and I should like to have your ruling as to whether it will be open to us in the Select Committee to decide that it is not desirable, in the interests of the country, to have any excise duties on the ingots produced by the Tata Iron Company. I should like also to know from the Commerce Member how far the excise duties are an essential part of this Bill, and whether the protection that is sought to be given to the Jamshedpur industry will be continued even if we decide that it is not desirable or necessary to impose excise duties on steel ingots. I do not know whether you are at present disposed to give any ruling on the point, whether to decide the general question of protection, it is open to us to consider the advisability or otherwise of imposing an excise duty.

Mr. President (The Honourable Sir Shanmukham Chetty) : What Sir Abdur Rahim wants is a ruling whether he will be entitled in the Select Committee to move any amendment for the omission of the excise duty on steel ingots altogether.

The Honourable Sir James Grigg : I am not aware of what the rules of order are and whether the fact that the word "excise" appears in the title of the Bill means an acceptance of the principle of excise. So far as that question is concerned, it is for you, Sir, and not for me. But in so far as the Government are concerned, I may say at once that the Government do regard the excise as an absolutely vital part of the Bill.

Mr. B. Sitaramaraju : I submit, Sir, that the principle of the Bill is merely the protection of the Tatas and the portion of the Bill which proposes an excise cannot legitimately be regarded as a part and parcel of the principle of protection.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhamadan) : Sir, I raised this point in my speech the other day, and from the few words which the Honourable the Law Member said on that occasion I could gather that he did not regard this excise duty as forming an integral part of this Bill.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I submit that it would be extremely unfair if our support for reference to Select Committee would tie us down in the matter of raising the question of excise in the Committee, because the Bill lumps together the provision for the continuance of the protection and for the levy of the excise. If it had not been so, if the two Bills had stood separately, and if the excise had been brought up independently before us, and we had referred the matter to a Select Committee, then certainly we would have been bound by the principle of the excise. But in view of this lumping together of both, I submit it would be very unfair if our acceptance of the Select Committee motion would tie us down to support the excise.

The Honourable Sir James Grigg : I think there is some confusion between a point of order and a point of policy. The point of order is entirely for you, but on the point of policy the Government regard the excise as a vital part of the Bill and would consider the loss of excise as equivalent to loss of the Bill.

Diwan Bahadur A. Ramaswami Mudaliar : May I point out that, so far as the question of principle of the Bill is concerned, the excise duty has been instituted only due to an apprehension on the part of the Gov-

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open to the Select Committee to show that Government need not have that apprehension or to find an alternative method by which that revenue can be made good to the Government, in which case will the Honourable the Finance Member insist that the excise must be there? If they insist on it, it can be construed possibly as a principle of the Bill. But if they do not insist on it and the Select Committee or this House is in a position to show either that that loss cannot accrue, or to indicate an alternative method by which it can be made good, then it is a clear case in which the excise duty cannot be a part of the principle of the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Finance Member says that the Government consider their proposal regarding the levy of an excise as a vital part of the Bill and very necessary for them.

The Honourable Sir James Grigg : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : That is all right, but the Chair would like somebody on behalf of the Government to say what reply there would be to the point of order raised by Sir Abdur Rahim. Would Government contend that the levy of the excise duty is a part of the principle of the Bill to which this House would be committed by referring this Bill to a Select Committee? The Chair wants to know the opinion of the Government on that point.

The Honourable Sir Joseph Bhore : So far as I am concerned, I can only endorse what my Honourable colleague, the Finance Member, has said, namely, that we regard the excise proposals as a vital part of the Bill. Personally, I do not see why, during the course of discussions in the Select Committee, it should not be open to Honourable Members to make any suggestion that they may like to make, but our own position is absolutely definite so far as this particular question is concerned.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair understands the position of Government all right, but it is for the Chair to decide as to what is the principle to which the House is committing itself by referring this Bill to a Select Committee. The Chair must rule that the only principle to which this House will be committed, by referring this Bill to a Select Committee, is that the steel industry of India requires protection. (Cheers.) It may be that in the opinion of Government one corollary of following that policy of protection is a need for levying an excise duty to make good the loss in revenue, but that is not the principle of the Bill. The only principle is that this House recognises that the Indian iron and steel industry needs to be protected. (Applause.)

Sir Abdur Rahim : I am obliged to you, Sir, for the ruling which you have given. The matter is now clear, and I do not express any opinion of my own at this stage on the merits. I reserve it till I have heard the discussions in the Select Committee. But it is clear that it will be open to any Member to raise the question of excise in the Select Committee. It seems to me equally clear that the Government take their final stand on the question of excise. The Honourable the Finance Member has said that if you eliminate the excise duty it would be tantamount to dropping the Bill. That being the position, I shall just make a few gen-

eral observations on the Bill. But before I do so, I wish to add my appreciation to what has been expressed on all sides of the House, of the great improvement in efficiency which has been effected by the present management of the Steel Company at Jamshedpur. It is not necessary to dilate on that point because the facts and figures given in the Tariff Board's report speak for themselves. They are an eloquent testimony to the way the management of this Company recognise their duties and their obligations to the public of India which has given them protection. They apparently recognise that these protective duties are not to be a permanent burden on the taxpayers or the consuming public of this country, but that the Company must, within the opportunities allowed to them, put their house in order that the need for protection might disappear as soon as may be practicable. With that end in view, they have considerably reduced their costs. They have seen to it that the equipment is efficient, and they have, above all, done their best to see that the labour employed at Jamshedpur is contented and efficient. They have been giving effect to the policy of Indianisation, which was one of the recommendations made at the time the first Bill was passed, and they have made considerable advance in the matter of giving technical training to those who seek employment at their works. As regards the workmen, it is one of the most pleasing features of the activities of those responsible for the management of these great works that their wages are on a higher level than in most industries in this country. They are doing a great deal more than many an industry here to look after the health and welfare of labour. In all these respects they have undoubtedly deserved well of the country. Their efficiency has gone up so much, that the Tariff Board thinks that they are in a position now to recommend a considerable reduction in the import duties. The Tariff Board has come to the conclusion that it is quite safe to recommend a considerable reduction of import duties as the Jamshedpur Works will be able to hold its own without any high protective wall. At the same time, as I read the report, and it seems also to be the opinion of Government, the Tariff Board is apprehensive that the Tatas may establish a monopoly of steel production in India and they make no secret of this apprehension, for in more than one place in their report they say that such a monopoly is desirable and suggests that there is in fact room for another steel works to be established in the country. Most of their principal recommendations, to which very strong objection has been taken by speaker after speaker on this side of the House, are, as I read the report, based on this apprehension. Sir, I do not believe that either the Tariff Board or the Government would contemplate the possibility of the Tatas Steel Works suffering seriously. What very much concerned the Tariff Board was that the Jamshedpur Works should not monopolise the steel production of the country, and that other subsidiary, fabricating industries in India may prosper, so that the public at large may not suffer in the long run. I for one have always advocated, and I advocate still, that India with all its resources can be entirely self-sufficient as regards the industrial requirements of the country and I would not view with very much concern even if the Tatas did acquire a monopolistic position, provided the Government was in a position to see at the same time that the public did not suffer. If the Tatas were allowed to monopolise the production of steel in the country, then, in that case, it would follow as a corollary that the public should be protected and that Government should take the power of fixing the prices of steel products. However, that is a mere theory. As it is, the position seems to be that

[Sir Abdur Rahim.]

we are faced with the question which we have to answer for ourselves, how far protection should go, whether it should go far enough to enable the Tatas to shut out imports from outside, whether from Britain or from other foreign countries, or whether we should allow room for imports to come in, so that there may be some competition with the Tatas and the engineering firms, public utility works, the railways and the public generally may not have to pay exorbitant prices for the articles that they require. If we are faced with that question, as the Government think that they are faced, then we have to proceed to examine the recommendations of the Tariff Board in that light. I have said that neither the Government nor the Indian public would think for a moment of the contingency or possibility of Tatas concern suffering any serious prejudice. That is absolutely clear from the fact, that an industry like that is essential for purposes of Imperial or national defence, and on that ground alone, if nothing else, I am certain the Jamshedpur company will not be let down. Now as regards the scheme for protection, I do not wish now to express any definite opinion on the question of abolition of revenue duty or the imposition of excise to make up for the loss in import duties. A great deal has been said as regards the constitutional position with respect to both these questions. I myself do not think that any constitutional difficulty is involved. The abolition or maintenance of a revenue duty must be controlled by considerations of revenue. That is a self-evident proposition, and ordinarily, supposing the Honourable the Finance Member was presenting his Budget to the House, very few Members on this side would think of questioning any proposal of his to reduce customs duties or any other revenue duties. The abolition or reduction of revenue duties is not, in itself, an evil : and certainly we on this side of the House do not think so, ordinarily. Therefore, in dealing with this recommendation of the Tariff Board, what really is at the bottom of this objection is that the abolition of the revenue duty on certain articles has been really recommended in the interests of certain non-Indian business houses. That is a matter which has to be examined in the Select Committee,—whether the effect is really to injure the Indian industry in order to benefit British or other foreign industries. As regards the question about the excise, as I followed the case of the Honourable the Finance Member, the position is that there would be a very heavy reduction in the revenue if the recommendations of the Tariff Board, regarding a considerable reduction of the import duties and also the letting in of certain articles revenue-free, were adopted, and that he is not in a position to give up all that revenue at present. Incidentally, I may observe, that though I do not know what the next Budget will be like, apparently, from what has been stated by the Honourable the Finance Member, he is not very sure that he is going to present us with a prosperity Budget next March. He is just fresh from England and he knows that the British Chancellor of the Exchequer has been able to present a prosperity Budget to the British public.

Mr. President (The Honourable Sir Shanmukham Chetty) : Today is Friday. The House will now adjourn till a quarter past two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Sir Abdur Rahim : Sir, I was commenting on the fact that the Honourable the Finance Member does not find himself in a position to give up any income from the customs duties, and, therefore, he has found it necessary to impose an excise duty on steel. I was also pointing out that, so far as his own country is concerned, the Government have been able to produce a surplus budget, the actual surplus being something like 39 millions pounds. I fully recognise that my Honourable friend has practically inherited the Budget he will have to present to this House next February and he may not be in a position to do much to help the situation himself. But I may here express a hope that he will see to it that the cloud of depression, which seems to have lifted from Britain and other countries, should also lift soon from India as well. He will be in charge of our finances for the next five years and I hope that he will be in a position to give some relief to the taxpayers and to the industrialists of this country. (Hear, hear.) Now, I pass on to the question of the principle involved in the imposition of the excise duty. We were very pleased to have a very clear statement from the Honourable the Finance Member that he is personally opposed to the imposition of such a duty on the products of the country. This undoubtedly is the right policy. I hardly know of any country which imposes an excise duty on products of this nature. It certainly is not in the interests either of the public or the growth of industries that such duties should be levied. I entirely agree with what my Honourable friend, Mr. Mody, pointed out that the circumstances in which the excise duty on sugar was imposed were of a very exceptional nature. Though we now know that the Government are determined not to give up the excise duty in this case, I do think that they will still consider whether there is or is not any alternative to it. We know further that some articles will be let in revenue-free. I do not attach much importance to the question whether the Tariff Board went out of its way to suggest that the revenue duties on certain articles should be taken off. Apart from the general terms of reference it may be said on behalf of the recommendation of the Tariff Board that they had to take the entire situation into consideration. They had to consider whether the interests of the subsidiary industries have to be protected and if so what is the best method of protecting those industries. The real question we have to consider in the Select Committee is how far the proposals of the Tariff Board, as embodied in this Bill, are going to handicap the steel industry, both the main industry of the Tatas, as well as the subsidiary industries, and if so to what extent we are in a position to remove such handicap. The scheme of protection which the Tariff Board has adopted is quite simple. It set itself to find out first of all the working costs of this enterprise, what are the overhead charges, what should be allowed for the manufacturer's profit and what allowance should be made for what is called the freight disadvantage, which arises from the fact that it is far more expensive for the Tatas to carry their goods to Bombay than for Britain to send her goods to that port? The Tariff Board have also made allowance for any lag between what is called the theoretical price and the realised price. Taking all these facts into consideration, they have arrived at the fair selling price of Tatas goods

[Sir Abdur Rahim.]
at the port of Bombay. Having arrived at that figure, they have tried to find out the difference between the landed import prices and the fair selling price, and, they have assessed the duty which they have proposed on the basis of that difference. That is given in Table XXIII at page 54 of the report and I find from that table that that is the method adopted with respect to all the articles produced in this country, rails, fish plates, structurals, bars, plates, semis, black sheets, galvanized sheets and sleepers.

When my Honourable friend, Mr. Mudaliar, was speaking, I got the impression that the Tariff Board did perhaps make some sort of discrimination in the case of galvanized sheets. But from the table I find that the galvanized sheets are treated on the same footing as the other products of the steel industry in the country. He has also told us the history of galvanized sheets. He told us, for instance, what happened at the time the Ottawa Pact was accepted and the inference he has tried to draw was that the proposals in the Bill will be even more adverse to the manufacturers of galvanized sheets in the country than the proposals that were embodied in the Ottawa Agreement. I do not wish to enter at present upon the question of the Ottawa Agreement; my views on that Agreement are well known to this House. I held at the time that, if that Agreement in any way injures the industrial interests of this country, we should not confirm it. But if that Agreement also helps Indian industries, without injuriously affecting the industries or the consumers of our country, then we should have no objection to such an agreement. Shortly, I believe, a Committee will be sitting to examine how far that Agreement has benefited India, and I, therefore, do not wish to say anything which might tend to prejudice such an inquiry. The question of galvanized sheets and the duties that have been proposed on these articles will have to be undoubtedly very carefully examined by the Select Committee because that is a very important item amounting, I believe, to no less than about 50 per cent. in value of the imports. If it is found that the proposals of the Bill regarding galvanized sheets are in any material respect going to injure the industries here, we will have to ask the Government to reconsider that proposal. Mr. Ramaswami Mudaliar is very strong in his suggestion that the whole scheme of the Tariff Board is conceived in the interests of British industries and not to protect the Indian concerns. Sir, he used no mild language nor any vague language in order to make his point. That is a point which will undoubtedly be considered by the Select Committee, and, I am sure, my friend, Mr. Mody, will help us considerably in reaching a conclusion on that subject. Mr. Mody was not so eloquent in denouncing the greed of the British industrialists and naturally so, but Mr. Ramaswami Mudaliar, in spite of the delicacy with which he said a subject of this nature ought to be treated, was certainly extremely eloquent, forcible and plain in denouncing the proposals which in his opinion tend to favour certain British manufacturers. If the conclusion of the Tariff Board is correct, that the British manufacturers are not able to sell their goods here at prices lower than those of Tata's, then it seems to me that in the present condition of things it could not be said that the Tariff Board's scheme is wrong. But if I followed my Honourable friend, Mr. Mody, correctly, he sees great

dangers ahead. He is a businessman, and, it is possible, his foresight in that respect might be correct. He is apprehensive that the Steel Federation of Britain will be able to dump their products here just as the Continental Steel industries are doing at present according to my Honourable friend, the Finance Member. He also says, that the danger is such that the power given to the Governor General in Council to meet it by emergent orders in order to make the necessary adjustments when the import prices happen to be substantially lower than was contemplated by the Tariff Board may prove ineffective. Mr. Mody thinks that, that power is not likely to be of much avail, and, therefore, the result would be that if the powerful Federation of the Steel industry in England so chooses,—and it would be in their interest to do so,—it can under-sell Tata's in India and the protection now given to the Tata's will prove unavailing. As regards that point, what, I take it, the Select Committee will have to consider is, what other alternative is open to us. The only alternative,—and I do not know if Mr. Mody clearly suggested it,—we shall have to consider, seems to be whether we ought not to enhance the duties on British production as well. I have always held the view that business concerns, whether British or Indian, have their own method of conducting business, and that profit is the object which they place before themselves first and foremost, and nothing else. And if preference is to be given to English goods, I take it that they will take the fullest advantage of it in order to capture as much of the Indian market as possible. Mr. Ramaswami Mudaliar cited to us some documents and statements showing that this really was their attitude. I might have referred him also to the debates in the Parliament on questions of this nature, and, if he looked into those debates, he would have found that the British industrialists are anxious to preserve the Indian market as much as possible to themselves.

On another occasion, the House will remember, when the Textile Bill was before it and the proposal was to give the Japanese a quota, I suggested that England also should be given a quota. I know my suggestion did not find any sort of acceptance or approval from the Treasury Benches; but if you are going to adopt a system like this of preference, and, at the same time, you want that the Indian industries should not be hampered in any way in developing themselves, then I do not see how it is possible to restrain any outside competitors from encroaching on the market of India, as much as they are able to do. I really should like it to be explained,—I hope it will be explained to us clearly,—how such a contingency is going to be prevented. On the present calculations undoubtedly it will be correct to say that, the margin left for outside exporters is only 28 per cent., according to the figures given by the Tariff Board. But what guarantee is there that that competition will be confined only to this margin of 28 per cent.? I think I am correct in saying,—I should like to be corrected if I am wrong,—that many other countries have adopted the system of quota, and I believe some of the self-governing colonies have given quotas to Britain also. That is what I gathered from reading the debates in some of the Dominion Parliaments as summarised in the Empire Parliamentary Association's publications; and I really do not see that you can stop at the sort of indefinite arrangements that are proposed. You will have to be far more precise; you will have to adopt the same policy towards other countries as you have adopted towards Japan.

[Sir Abdur Rahim.]

Sir, I do not wish to take up any more time of the House. I wanted to place before the House certain general considerations which seemed to me to arise from the provisions of this Bill and from the speeches that we have heard upon it. The scheme of the Tariff Board amounts to this, stating it in a very few words. We are prepared to concede to the Jamshedpur company sufficient protection in order to meet outside competition, but we are not prepared to shut out competition altogether, since there is no other company or concern in India which produces steel and there are a number of other concerns which produce fabricated articles from the steel either produced by Tata's or imported. The conclusion, therefore, that they have come to is that we must keep the door of competition open till some other steel producing works are started. At the same time they hold that the interests of the Tata's must be sufficiently safeguarded; and as regards future contingencies, on which my Honourable friend, Mr. Mody, has dwelt,—and I do not say they are fanciful or remote,—they have given power to the Governor General in Council to make the necessary adjustments. Sir, I for one do not want on principle to give too much powers to Government to be exercised in their executive capacity, but in circumstances of this kind, I am not prepared at the moment to suggest any other remedy. If any other remedy is suggested I am sure the Select Committee, and I hope Government themselves, will give it their best consideration.

The Honourable Sir Joseph Bhoré : Sir, I think it is the general desire of the House that this measure should go to the Select Committee, and it is, therefore, perhaps unnecessary for me to reply at any great length, especially as the Select Committee is the *forum* in which the really relevant issues, that have been raised, can be most suitably discussed. But, Sir, let me in the first place advert to the criticisms of the personnel of the Tariff Board. I listened with feelings of pain and indignation to what I conceived to be personal attacks upon the two Indian members of the Board which was charged with the task of going into the examination of this question. Those two gentlemen, Sir, can afford to ignore attacks of that character; but those who indulged in that personal criticism overlooked the fact that it requires greater courage and greater independence to sponsor what may be an unpopular decision than it does to rant and rave in support of a popular slogan. Sir, we can do in this country with more of the former type and less of the type which so courageously shouts with the crowd and, when there are two crowds, with the larger.

The Bill, Sir, has two aspects, a revenue aspect and a protective aspect. So far as the former is concerned, my Honourable colleague, the Finance Member, has already dealt with it. He has shown the various revenue implications and results of this measure. If, Sir, I intervene and say a few words with regard to that particular aspect of the question, it is in response to his request that, as he has not the right of reply, I might add anything that might be necessary to supplement his statement. I will confine myself, Sir, to the question of the excise duty. Our position is that it is only the compelling necessity for obtaining revenue that has made us put forward this proposal. We do not intend that it should be a permanent imposition and it will be removed as soon as financial considerations permit. But, Sir, the objections to this excise duty are

surely based on misapprehension and misunderstanding. They appear to me to be two: the first is the objection of my Honourable friend, Mr. Mody. I think he suggested that the imposition of an excise and the levy of a corresponding import duty to balance that excise would immediately result in the foreign competitor swallowing the additional duty imposed which would result in the industry having to swallow the excise. Why the imposition of a corresponding duty to the excise should so excite the appetite and the capacity of the foreign competitor as to make him want to swallow something unpleasant at once I for one fail to see....

Mr. H. P. Mody : I am afraid my Honourable friend has not interpreted my remarks correctly. All that I said was that there was the possibility of the foreign exporter reducing his price to a certain extent in order to meet the countervailing duty. I did not say that the mere imposition of the countervailing duty would immediately result in his coming down in his prices.

The Honourable Sir Joseph Bhoré : I am very glad to see that my Honourable friend has taken a position which is not so uncompromising as I thought. But I go further and I say that if the foreign competitor could absorb the corresponding additional import duty, he could just as easily have undercut the home industry, had there been no excise and no corresponding duty. The relative position of the two appears to me to be absolutely unaltered by the imposition of an excise duty and a corresponding addition to the import duty.

There was some suggestion also that this method of obtaining revenue places an undue burden upon the consumer. All methods of obtaining revenue in this case involve an attack upon the consumer's pocket. But I do suggest to the House that that attack is less serious through the method of excise and corresponding addition to the import duty than through the method of a pure revenue duty. My Honourable colleague, the Finance Member, has explained this view at some length and it is unnecessary for me to dilate upon it. But I do not wish it to be understood that I am in favour of an excise in every case: in this case, I frankly admit, there may be considerations which render this particular excise not an ideal method of taxation; and it is for that reason, that we have made it perfectly clear that the excise will be removed at the earliest possible opportunity when financial considerations permit.

But I am primarily concerned with the protective aspect of this Bill, and I have been and I am prepared to meet criticism on the basis either that it gives too much protection or too little protection.

Those who think the protection too much seem to be somewhat poorly represented in this House; but they share one thing with the other class, namely, the class that thinks this protection too little, they both avoid having recourse to the actual facts and figures of each case to support their contention. There have been certain general calculations quoted by one Honourable Member of the total quantity of net protection given to Tatas. Those calculations appear to me to be open to the most serious objection. The basis of calculation in a good many cases seems to be entirely incorrect. For instance, it is quite incorrect to say that the quantity of protection recommended, for instance, against British galvanised sheets by the Tariff Board, was a revenue duty: it was nothing of the kind: it was ten rupees, nothing more and nothing less. Again it seems to me that it is not correct to say that the excise duty will come out of the pockets of the

[Sir Joseph Bhore.]

industry. I have endeavoured to show that that statement is at any rate a gross exaggeration, and if I am right, it is in all probability entirely incorrect. Take one case. Take the case of rails and fish plates. The Government are the only buyers of rails and fish plates and the whole of the excise duty will be passed on to the Railway Department. Then in making their calculations Honourable Members must not forget that the Board has made it quite clear that in arriving at a fair selling price in each case they have allowed wide and generous margins. For instance, they have allowed six per cent. as interest on working capital and they have allowed a profit of eight per cent. But that is not all. Take the case of semis. There the Board has calculated the fair selling price at Rs. 53 a ton. This provides for profit. Nevertheless the Board have accepted the price of Rs. 64 a ton for the sale of semis to the Tin Plate Company, the Wire Nails Products Company and the purchasers of billets.

Mr. H. P. Mody : Rs. 59, I think : not Rs. 53.

The Honourable Sir Joseph Bhore : I think it is Rs. 53. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, indulged in a very eloquent speech and attacked us somewhat violently. May I say that his statement of the case in regard to galvanised sheets was a travesty of what I venture to submit is a fair and reasonable point of view. My Honourable friend, with his deep love and concern for the agriculturist, painted in somewhat lurid language the disastrous effect of low prices on the agriculturist ; and yet when our proposals visualise a reduction, and an appreciable reduction, in the price of galvanised sheets, a reduction which in the aggregate would represent something like Rs. 48 lakhs to the consumer, my Honourable friend says : " No, we do not want it. Let the agriculturist pay. He need not buy, he need not replenish his stock until agricultural commodity prices go up." Surely this is a case in which agriculturists may well say, save us from our friends. The point at issue is a perfectly simple one. Only it has been somewhat clouded by my friend's rhetoric. The Tariff Board has arrived at a fair selling price for Tata's galvanised sheets. Is that price correct or is it incorrect ?

Diwan Bahadur A. Ramaswami Mudaliar : It is correct.

The Honourable Sir Joseph Bhore : It is correct, I am glad. Then all that the industry can ask is that we should secure it this selling price. I submit, Sir, that under the powers given to us under clause 2 of this Bill, we are in a position to ensure that that fair selling price shall not be materially encroached upon by uneconomic competition from outside, whether that competition is from British or from non-British sources.

My friend considered that the price of Rs. 160 for British sheets leaves the British producer a large margin of profit. That, Sir, is most certainly not so, for, Sir George Rainy and the Ottawa Delegation were quite definitely of opinion that the figure of Rs. 160 allowed the British manufacturer nothing but a fair margin of profit. To suggest that he has Rs. 30 a ton up his sleeve is, to the best of my knowledge, absolutely incorrect. If my friend will refer to pages 35 and 36 of the Report of the Ottawa Delegation, I think he will find that I am correct in this statement.

Sir, we have heard a good deal of the iniquity of the Tariff Board in making recommendations which do not afford adequate protection to the industry. Charges of inadequate protection and favouring British industries have been jumbled together in some confused way and hurled against

the Board. But what was the crime of the Tariff Board in this particular case ? They proceeded in the normal way in making this investigation. As my friend, the Leader of the Opposition, has just pointed out, they proceeded by ascertaining first the fair selling price for the Indian product. They then ascertained the selling price of British competitive commodities, the difference between the two being the extent of the protection needed by the Indian commodity. They proceeded to follow exactly the same procedure in regard to non-British competitive commodities, and they arrived at the extent of the protection in exactly the same way. Now, Sir, the Tariff Board has arrived at its conclusions following the cold logic of facts and figures and through the processes of cold arithmetic. Is it contended that their facts and their figures are wrong or that their arithmetic is faulty ? If so, Sir, we are quite prepared to look into any evidence that may be adduced in support of a contention that the facts and the figures of the Tariff Board, and the deductions drawn therefrom, need revision. That, I have no doubt, will be done in the Select Committee.

Sir, one of my friends, I think perhaps two, attempted to minimise and belittle the value of the free entry of our pig iron into the United Kingdom. The reasons, I think, which influenced my friend, Mr. Raju, were firstly that a matter of ninety thousand tons of pig iron made very little difference to the Indian pig iron manufacturers of this country.....

Mr. B. Sitaramaraju : Not so much as that. What I was saying was, that so far as the United Kingdom markets were concerned, I could show figures which would show that the United Kingdom markets had restricted their purchases, whereas our foreign imports have gone on increasing. That was the point.

The Honourable Sir Joseph Bhore : I am glad to hear that that was my friend's point, but I think if it was not my friend, then it was my friend, Diwan Bahadur Mudaliar, who said that ninety thousand tons was nothing at all—a mere bagatelle. I think my friend, Mr. Raju, also raised this point, namely that our best customer was Japan. Well, Sir, so far as Japan is concerned, there is one crucial point to be remembered, and that is that Japan is strenuously encouraging her own and her Manchurian blast furnaces, and it is only a question of time before she will be able to satisfy all her own requirements. My friend gave figures in regard to the imports into Japan of Indian pig iron, but I think he omitted to mention this significant feature, namely, that whereas, in 1928-29 and 1929-30 Japan took something like 350,000 tons of pig iron, last year, her takings were about half that quantity. That, Sir, I submit is eloquent proof of the contention that I have advanced, namely, that the Japanese market is a steadily diminishing market. It becomes all the more important for us, therefore, to find out alternative markets for our pig iron. If we could find markets for our pig iron as easily as my friend, Diwan Bahadur Ramaswami Mudaliar, rolls out his rounded sentences, we should have no difficulty. But, Sir, to say that 90,000 tons of pig iron is a mere bagatelle, that it means nothing at all, is to shut our eyes to the actual facts of the case. It may be perfectly true that 20,000 tons or 25,000 tons of pig iron may mean practically nothing to Tatas, but Tatas are not the only manufacturers of pig iron in this country, and for those other manufacturers of pig iron 50,000, 60,000 or 70,000 tons may make all the difference between continuing production and closing it down. (Applause from the European Benches.)

[Sir Joseph Bhole.]

or, Sir, should it be overlooked that in allowing us free entry of pig iron into the United Kingdom, the United Kingdom is allowing us free entry in respect of a commodity which she manufactures herself.

Now, Sir, more than one speaker has made reference to the Board's recommendations that there should be little practical differentiation between the fair selling price of tested and untested steel. That, Sir, also is a matter which I think can more appropriately be gone into in the Select Committee. But to those who fear that the Government proposals will make it possible for British importers to dump certain kinds of steel at uneconomic prices, I would merely say that clause 2 provides us with the necessary powers to face a situation of that description. Those powers will be used, whether it is the British or whether it is the foreign competitor, who attempts to upset our scheme of protection.

I would only, in conclusion, emphasise two points : firstly, when protection has been given in pursuance of a policy of discriminating protection, then, Sir, that protection must be effective both against British and against non-British rivals ; secondly, Sir, in no case should protection be in excess of what is actually necessary. Those are the principles which have actuated our policy in the past, and those are the principles which will actuate our policy in the future. Sir, I ask the House to endorse this Bill to the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Mr. Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Amin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Rigg, the Honourable Sir Frank Noyce, and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : What about the statement of business for next week ?

Mr. G. H. Spence (Secretary, Legislative Department) : The list of business for next week having already issued, a statement of business has not been prepared.

The Assembly then adjourned till Eleven of the Clock on Monday, the 6th August, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 6th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

TRANSFER OF THE RAILWAY MAIL SERVICE SORTERS FROM ALLAHABAD TO JUBBULPORE AND GAYA.

348. ***Seth Liladhar Chaudhury** : (a) Is it a fact that the sorters of F2 and P15 sections of the R. M. S. Department have been transferred from Allahabad to Jubbulpore and Gaya respectively ?

(b) Is it a fact that these changes have been made against the wishes of the employees concerned ?

(c) Is it a fact that the employees of F2 and P15 sections are the permanent residents of Allahabad and the United Provinces, and these transfer orders have placed them in an awkward and embarrassing position ?

(d) Is it a fact that, despite the protest of the said employees, these changes have been made and in spite of their repeated representations, no provision has been made for the increase in their respective allowances, nor is any extra amount sanctioned for compensating them for their house-rent and transportation expenses ?

(e) Is it a fact that the transfers of these employees were ordered contrary to the terms of the agreement made with them at the time when they were employed in the service ?

(f) Are Government aware that the transfer of the United Provinces men to the Central Provinces will create a lot of inconveniences and difficulties to them in shifting their parental homes to a strange place and furthermore will create a great hindrance in the progress of the education of their children, who are at present prosecuting their studies in the United Provinces, and are not familiar with the curriculum of the Central Provinces schools ? If so, will Government please state what special provision in the salaries of the said employees they are prepared to make ?

(g) If the answer to part (f) be in the negative, are Government prepared to cancel the transfer orders of the said employees and allow them to work in the same manner as they are working at present ?

(h) Is it a fact that instead of giving an increase to the employees of F2 and P15 sections, a further reduction has been ordered in their pay and the future scale of payment ? If so, will Government be pleased to state the rule under which this has been done ?

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The Honourable Sir Frank Noyce : (a) to (h) : Information has been called for, and a reply will be placed on the table of the House in due course.

SCHEME OF PROVINCIAL SERVICE IN THE RAILWAY MAIL SERVICE.

349. ***Seth Liladhar Chaudhury :** Will Government be pleased to state whether the scheme of Provincial Service in the R. M. S. Department, which was introduced in 1920, has proved satisfactory both to the public and to Government ? If so, will Government be pleased to state how far this scheme has enabled them to make an economy in the expenditure ? If not, will Government be pleased to state whether they are prepared to revise their decision and to revert to the old system ?

The Honourable Sir Frank Noyce : By the term, "The scheme of Provincial Service in the Railway Mail Service Department", it is presumed that the Honourable Member refers to the abolition of the separate Railway Mail Service Circles and the transfer of the administration of the Railway Mail Service to the heads of postal circles. No such scheme was introduced in 1920, though a scheme was considered in that year but was not adopted. It was, however, again taken up in 1926 as the result of a recommendation made by the Posts and Telegraphs Department Committee of 1924-25, and, the transfer of the control of the Railway Mail Service to the heads of postal circles was gradually completed during the years 1926 to 1929. The reasons for the change were chiefly administrative, although an economy in expenditure has also resulted. Government regret that they are not in a position to supply the exact figures as to the savings effected. They are, however, satisfied that substantial administrative and financial benefits have resulted and they do not propose to revise their decision or revert to the old system.

SCHEME OF PROVINCIAL SERVICE IN THE RAILWAY MAIL SERVICE.

350. ***Seth Liladhar Chaudhury :** (a) Is it a fact that in spite of the Provincial Service scheme in operation the employees of the C27 and C28 sections of the Railway Mail Service are made to run through three Provinces, that is to say, they have to run from Howrah to Lucknow and *vice versa* and thus they have to pass through the provinces of Bengal, Bihar and Orissa and the United Provinces of Agra and Oudh ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what particular difficulty they experience in allowing the sorters of F2 and P15 sections to run from Allahabad to Jubbulpore and *vice versa* ?

(c) If the answer to part (a) be in the negative, and if Government are not prepared to accede to the request of the sorters of F2 and P15 sections, are Government prepared to open a new Record Office of F. Division at Allahabad on the same lines as the one already in existence at Jhansi, without incurring any extra expenditure according to the scheme submitted by the sorters of the said division in a memorial to the Post Master General, Nagpur, Enquiry Committee, Madras and Retrenchment Committee, New Delhi, in which the memorialists have submitted that a net saving of Rs. 5,000 per annum can be made by the Postal Department, if the authorities are prepared to abolish the Record Office at Jubbulpore and change it into a Sub-Record Office without discharging a single hand and facing any inconvenience in the efficiency of the work ?

The Honourable Sir Frank Noyce : (a) to (c). Information has been called for, and a reply will be laid on the table of the House in due course.

MILEAGE ALLOWANCE TO THE TICKET CHECKING STAFF.

351. ***Khan Bahadur Haji Wajihuddin :** With reference to the reply to starred question No. 132 (a), (i), (ii) and (iii), dated the 16th February, 1934, regarding mileage allowance to the ticket checking staff, given in this House, will Government be pleased to state if a deviation from the Standing Rules of the administration is admissible on the Indian State Railways without an amendment of the said rules ?

Mr. P. R. Rau : The reply to this will depend on the nature of the rule in question. As regards the rule referred to in question No. 132, I have nothing to add to the reply given by me on the 16th February.

ALLOWANCES OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

352. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state the result of their enquiries in respect of starred question No. 133, parts (a) and (b), dated the 16th February, 1934, regarding allowances of the Travelling Ticket Inspectors on the East Indian Railway, and state why the mileage allowance of the old Travelling Ticket Inspectors has been compulsorily substituted by the consolidated allowance ?

Mr. P. R. Rau : The reply to parts (a) and (b) of starred question No. 133 has been laid on the table of the House.

Regarding the latter part of the question, I would again refer the Honourable Member to the reply given to Sardar Sant Singh's starred question No. 476, on the 4th September, 1933.

Mr. Lalchand Navalrai : May I know from the Honourable Member if the question of allowances has been finally decided ?

Mr. P. R. Rau : I think that certain memorials are at present under consideration.

Mr. Lalchand Navalrai : The Honourable Member has always been saying that they are under consideration ?

Mr. P. R. Rau : They are not always under consideration, Sir.

Mr. Lalchand Navalrai : May I now know from the Honourable Member when he can remove the anxiety of these men and when Government will say whether they are going to get back those allowances or not ?

Mr. P. R. Rau : I cannot remove the anxiety of these men and say definitely before considering the memorials whether they will get whatever they were in receipt of.

Mr. M. Maswood Ahmad : Have Government received the replies from the Agents ?

Mr. P. R. Rau : Replies have been received recently.

RULES FOR THE SUBMISSION OF MEMORIALS ON STATE RAILWAYS.

353. *Khan Bahadur Haji Wajihuddin : With reference to the reply to unstarred question No. 141, parts (a) to (d), dated the 6th March, 1934, will Government be pleased to state, if there are no different rules regarding the submission of memorials on different State Railways, what the circumstances were under which the Agent, East Indian Railway, has been held competent to dispose of such memorials which, based on the same subject, were forwarded by the Agent, North Western Railway, to the Railway Board ?

Mr. P. R. Rau : Rules regarding the submission of memorials on the State-managed Railways are the same. But even though an Agent is empowered to deal finally with certain memorials, there is nothing to prevent him from forwarding such memorials to the Railway Board, if he wishes to do so.

MEMORIALS REGARDING PAY AND ALLOWANCES OF RAILWAY EMPLOYEES.

354. *Khan Bahadur Haji Wajihuddin : With reference to the reply to unstarred question No. 142, dated the 6th March, 1934, will Government be pleased to state if the case of the old Travelling Ticket Inspectors of the Accounts Department, on the East Indian Railway, who are now employed under the Operating Department under the Moody-Ward scheme of ticket checking, is not a class case and whether it is not a case under which the conditions of service, on which these men were engaged have been adversely affected in respect of emoluments, provident fund deductions, retiring gratuity and future prospects, etc. ?

Mr. P. R. Rau : The answer to the first part of the question is in the affirmative. As regards the second part, the ex-Travelling Ticket Inspectors were, on the abolition of their posts, offered other posts as an alternative to retrenchment, which they accepted. It is not, therefore, a case of alteration of conditions of service.

MEMORIAL FROM THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

355. *Khan Bahadur Haji Wajihuddin : With reference to the reply to unstarred question No. 142 (d), (f) and (g), dated the 6th March, 1934, and to the memorial from the Travelling Ticket Inspectors on the East Indian Railway, will Government be pleased to give a reply now to these questions ?

Mr. P. R. Rau : The memorial referred to is under consideration.

INFORMATION PROMISED IN REPLY TO CERTAIN QUESTIONS ASKED IN THE LEGISLATIVE ASSEMBLY.

356. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to give a reply to the undernoted questions, promised to be given in due course :

Unstarred questions Nos. 212, 213, 214, 215 and 216, dated the 19th March, 1934 ; and No. 140, dated the 6th March, 1934 ; and starred questions Nos. 180, 181 and 182, dated the 21st February, 1934 ?

Mr. P. R. Rau : Replies to all, except one of the questions referred to by the Honourable Member, have been laid on the table of the House. Government are making further inquiries in regard to question No. 216.

MODIFICATION IN THE MOODY-WARD SCHEME ON THE EAST INDIAN RAILWAY.

357. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is a fact that the East Indian Railway authorities are contemplating some modification in the present Moody-Ward scheme ?

(b) Is it a fact that reduction amongst Travelling Ticket Examiners is anticipated as a result of any modification ?

(c) Are Government prepared to issue instructions to the East Indian Railway authorities that in any such change the retention of Travelling Ticket Examiners should be strictly based according to seniority and as per recommendations of the Court of Enquiry and that no other factors should be allowed to govern the issue ?

Mr. P. R. Rau : I have called for certain information, and a reply will be laid on the table in due course.

SAFEGUARDING OF THE INDIAN FILM INDUSTRY.

358. *Mr. B. V. Jadhav : (a) Have Government noticed the announcement in the Press that foreign producers of cine-films are going to produce their pictures in Indian vernaculars, in competition with Indian talkies ?

(b) If so, what steps do Government propose to take to safeguard the Indian film industry in the face of this competition ?

(c) What consideration have Government given to the suggestion of the Motion Picture Society of India to levy a protective duty of Rs. 3-8-0 per every foot of foreign film produced in Indian vernaculars ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) and (c). The suggestion of the Motion Picture Society of India on this subject is under examination.

DEFINITION OF "MACHINERY" PERTAINING TO CINEMA INDUSTRY.

359. *Mr. B. V. Jadhav : Will Government be pleased to state the definition of the term "machinery" pertaining to the cinema industry as understood at present for customs purposes ?

The Honourable Sir James Grigg : There is no special definition of "machinery" pertaining to the cinema industry. Apparatus, or parts of apparatus, imported for the purposes of that as of any other industry are assessable under items 59A and 59D of the Import Tariff Schedules, if they satisfy the conditions laid down in those entries.

Mr. B. V. Jadhav : Is it a fact that the projectors were taxed at ten per cent. a few months ago, but that now they are taxed at 30 per cent ?

The Honourable Sir James Grigg : It is a question of interpretation of the items in the Tariff Schedule, as I have stated in my original answer.

Mr. B. V. Jadhav : Is it not a fact that the same machine was classified as machinery and taxed at ten per cent., while latterly it is now taxed at 30 per cent ?

The Honourable Sir James Grigg : It is a question of interpretation and of the precise nature of the machinery. I think what the Honourable Member has in mind is that we should apply *ex post facto* the criterion of what the machinery is used for. The tax must be based on the nature of the machinery in relation to the Tariff Schedules.

Mr. B. V. Jadhav : Is it not a fact that projectors are used as machinery ?

The Honourable Sir James Grigg : I should certainly think so.

Mr. B. V. Jadhav : Is it a fact that they were taxed at ten per cent. as machinery, and that they are taxed at 30 per cent. now ?

The Honourable Sir James Grigg : They can be used for other purposes as well as cinema purposes.

Mr. S. C. Mitra : Will Government consider the question of giving a rebate if they find that the projector has been used as machinery for the cinemas ?

The Honourable Sir James Grigg : No, Sir. As I said just now, I do not think Government can possibly apply *ex post facto* tests and revise customs duty in accordance with the use to which the machinery is put, once it has passed the customs.

Diwan Bahadur A. Ramaswami Mudaliar : May I know when this change was introduced, by putting them under the category which brings them under 30 per cent. duty, while for many years they were put under the category of machinery and levied only ten per cent ? When was this change made by the customs authorities ?

The Honourable Sir James Grigg : There is no change at all. It is a question of the interpretation of the descriptions in the Tariff Schedules.

Diwan Bahadur A. Ramaswami Mudaliar : When was this new interpretation put ?

The Honourable Sir James Grigg : I do not admit that there was any new interpretation.

Mr. Gaya Prasad Singh : Is it not a fact that the projectors were charged at ten per cent. before ; and they are now charged at 30 per cent ?

The Honourable Sir James Grigg : It is a question of interpretation of the items in the Tariff Schedules. If the projectors satisfy one specification, they are charged at the lower rate. If they don't, they are charged at the higher rate.

Mr. Vidya Sagar Pandya : Is it after the financial difficulties of the Government of India increased that the new interpretation was put and 30 per cent. was charged instead of ten as formerly ?

The Honourable Sir James Grigg : I should not think so. I should not think that the difference was a vital element in the budgetary equilibrium of India.

Diwan Bahadur A. Ramaswami Mudaliar : Will the Honourable gentleman tell us from what date this new rate of duty is being enforced ?

The Honourable Sir James Grigg : I do not admit that there is a new rate. What I am contending is that the rates have been charged in accordance with the decisions as to which category the articles fall into.

Mr. B. V. Jadhav : It is a revised rate. From what date has this revised rate been enforced ?

The Honourable Sir James Grigg : I have already answered that question.

Mr. T. N. Ramakrishna Reddi : These projectors were originally charged ten per cent. Now they are charged 30 per cent. Does the Honourable Member deny that ?

The Honourable Sir James Grigg : The rates on the various items have been charged in accordance with the judgment arrived at by the Collectors of Customs as to which category they fall into.

Diwan Bahadur A. Ramaswami Mudaliar : From time to time ?

The Honourable Sir James Grigg : From time to time.

RECOMMENDATIONS OF THE INDIAN CINEMATOGRAH COMMITTEE.

360. ***Mr. B. V. Jadhav :** Will Government be pleased to state when they propose to take action on the recommendation of the Indian Cinematograph Committee (*vide* paragraph 208, page 98 of the report published in the year 1928) to make it "obligatory on all exhibitors to show at every exhibition a small percentage of educational films" for a period not exceeding 15 minutes and not less than 10 minutes ?

Mr. G. S. Bajpai : Consideration of the proposal of the Indian Cinematograph Committee, referred to by the Honourable Member, was dependent upon the constitution of a Central Cinema Bureau which was also recommended by the Committee. The scheme regarding the Bureau did not, however, find favour with most of the Local Governments and trade interests consulted and had to be dropped.

Diwan Bahadur A. Ramaswami Mudaliar : May I suggest that a reference be made now to the Local Governments in view of the rate of development of this industry in recent times ?

Mr. G. S. Bajpai : I would convey that suggestion to the Department concerned. I am merely concerned with educational films.

MOTION PICTURE INDUSTRY OF INDIA.

361. ***Mr. B. V. Jadhav :** Are Government prepared to consider the inclusion of the motion picture industry of India among the industries that will be treated by the Bureau of Industrial Intelligence and Research attached temporarily to the Indian Stores Department ?

The Honourable Sir Frank Noyce : The Government of India have not drawn up any detailed list of Industries to which the activities of

the proposed Bureau of Industrial Intelligence and Research will be confined. It will be sometime before a detailed scheme for the working of the new Bureau is formulated, but it will be open to 'the motion picture industry' to approach the Bureau when it starts to function for such assistance as it may be able to give.

FILM DEPARTMENT OF THE RAILWAY PUBLICITY BUREAU.

362. *Mr. B. V. Jadhav : Will Government be pleased to state whether the Film Department of the Railway Publicity Bureau is functioning? If not, how long did it function? How many films have they produced, and how much money have they spent on the production of the films?

Mr. P. R. Rau : The reply to the first part of the question is in the negative. The work of production of cinema films was undertaken from 1927 to 1931. The total number of films produced was 101 and the cost of their production was Rs. 3,19,071.

Mr. B. V. Jadhav : Is it not very high cost?

SELECTION BOARDS OF THE OPERATING AND COMMERCIAL DEPARTMENTS OF THE EAST INDIAN RAILWAY.

363. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Will Government please state the date from which Selection Boards have been functioning on the Operating and Commercial Departments of the East Indian Railway?

(b) Are substantive promotions to selection post or posts in special grades made on the recommendations of the Selection Boards only and not according to the choice of a single officer?

(c) Is the same principle observed when making officiating appointments to vacancies in the special grades or selection posts?

(d) If the reply to part (c) be in the negative, will Government please state the guiding principle observed in connection with such officiating arrangements?

Mr. P. R. Rau : With your permission, Sir, I shall reply to this and the next question together. I have called for information, and will lay a reply on the table of the House in due course.

Mr. Lalchand Navalrai : May I know from the Honourable Member if he knows whether these Selection Boards consist of officials only or of non-officials also?

Mr. P. R. Rau : I do not think they would normally contain non-officials.

Mr. Lalchand Navalrai : Will you please make an inquiry about that?

Mr. P. R. Rau : I do not see any reason why non-officials should be on these Selection Boards.

PROMOTIONS IN THE COMMERCIAL DEPARTMENT OF THE EAST INDIAN RAILWAY.

†364. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Will Government please state the principle and the procedure prescribed when making substantive promotions to posts in the category of "Special Grades" in the Commercial Department of the East Indian Railway?

(b) Is the same procedure followed when making officiating appointments to these posts?

(c) If the reply to part (b) be in the negative, will Government please state the procedure that should be observed?

ABSENCE OF MUSLIM STENOGRAPHERS IN CERTAIN GOVERNMENT OF INDIA DEPARTMENTS.

365. *Maulvi Sayyid Murtuza Saheb Bahadur : (a) Is it a fact that permanent Muslim stenographers are conspicuous by their absence in the following departments of the Government of India :

- (i) Home,
- (ii) Finance,
- (iii) Commerce,
- (iv) Legislative Department,
- (v) Legislative Assembly Department, and
- (vi) Army Department,

and that there is only one stenographer out of a cadre of six or seven stenographers in the Department of Education, Health and Lands, and that the same is the case in the Foreign and Political Department?

(b) Will Government please state if their attention was ever invited to the paucity of Muslim stenographers in the Government of India Secretariat and to the injustice thus done to Muslims? If so, will Government kindly state why no steps were taken to increase the number of Muslim stenographers in the Government of India Secretariat?

The Honourable Sir Henry Craik : (a) There are no Muslim stenographers in the Finance, Commerce, Legislative and Legislative Assembly Departments, but there is one in the Home Department, (at present on deputation elsewhere), and one in the Army Department. Of five permanent stenographers in the Education, Health and Lands Department one is a Muslim, and in the Foreign and Political Department one of six is a Muslim.

(b) The attention of the Government has been drawn to the desirability of appointing Muslims to stenographers' posts. Government always consider the claims of qualified Muslims, but it must be remembered that vacancies in this grade are not of frequent occurrence.

Maulvi Sayyid Murtuza Saheb Bahadur : Am I to understand that there are no qualified Muslims even in the Provinces—in which case Government may, I hope, be pleased to have them drafted therefrom to the Government of India offices?

†For answer to this question, see answer to question No. 363.

The Honourable Sir Henry Craik : I have no doubt that there are a number of qualified Muslims in the Provinces. I think a later question on today's paper deals with that suggestion that stenographers should be drafted from the Provinces to the Government of India.

Mr. Amar Nath Dutt : May I know if Government take the religious persuasion of a particular individual into consideration in making appointments ?

The Honourable Sir Henry Craik : I think in order to retain the proper communal proportions, that has to be considered.

Mr. Amar Nath Dutt : Sir, "community" is one thing and "religion" is another. I am now speaking of "religion".

The Honourable Sir Henry Craik : I do not quite see the difference.

Mr. Lalchand Navalrai : May I know if, in order to meet that inequality, Government propose to take those persons that have to be taken in on that account only or also on the ground of efficiency ?

The Honourable Sir Henry Craik : Efficiency is certainly considered ; it is necessary for every stenographer, I understand, to pass a qualifying examination.

Mr. Lalchand Navalrai : May I know if all the recruitment that is to take place is through the Public Service Commission ?

The Honourable Sir Henry Craik : Yes, that is so.

Mr. M. Maswood Ahmad : Will Government state what is the test of efficiency for a stenographer ?

The Honourable Sir Henry Craik : I am afraid I cannot say that off-hand.

Mr. M. Maswood Ahmad : Will Government please state whether any attempt has been made during the last two years to appoint any stenographer in the Home Department ?

The Honourable Sir Henry Craik : I have only been in charge a week, but I believe that there have been no vacancies during the last year or so.

MUSLIM STENOGRAPHERS IN RECEIPT OF SPECIAL PAY IN THE GOVERNMENT OF INDIA SECRETARIAT.

366. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that in the Government of India Secretariat, stenographers working with Honourable Members, get a special pay of Rs. 150 per mensem, each, while those attached to Secretaries and Joint Secretaries get a special pay of Rs. 50 per mensem, each, only ?

(b) Will Government kindly state if there is any Muslim stenographer in the Secretariat who is in receipt of such a special pay ?

(c) If the answer to part (b) above be in the affirmative, will Government please state if they intend to take any steps to remove this grievance of the Muslim community ?

The Honourable Sir Henry Craik : (a) The reply is in the affirmative.

(b) Yes, at present there is one in the Railway Department.

(c) I presume that the Honourable Member wishes to know what action Government intend to take to increase the number of Muslim stenographers in posts carrying special pay. If so, I must point out that selection for these posts is governed by fitness and not by communal considerations.

Maulvi Sayyid Murtuza Saheb Bahadur : May I know from the Honourable Member if he knows that the Muslims have never asked that inefficient and incompetent hands should be entertained in any Department of the Government services ? (Hear, hear.)

The Honourable Sir Henry Craik : I will take the Honourable Member's word for it.

Mr. Amar Nath Dutt : Do Government propose to take steps to convert men of one religious faith into another, in order to equalize representation in the services ?

The Honourable Sir Henry Craik : The answer is an unhesitating negative.

Maulvi Sayyid Murtuza Saheb Bahadur : Is it not a fact that the importance of the Muslim community as a community has been recognized by the Government in matters relating to all these appointments ?

The Honourable Sir Henry Craik : Yes, Sir.

APPOINTMENT OF MUSLIM STENOGRAPHERS IN THE GOVERNMENT OF INDIA SECRETARIAT.

367. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that the Government of India in the Home Department have recently issued a resolution fixing the percentage of Muslims in the services at 25 ?

(b) Is it a fact that in the whole of the Secretariat of the Government of India there are only five Muslim stenographers working as follows :

- (i) one in the Foreign and Political Department ;
- (ii) one in the Education, Health and Lands Department ;
- (iii) one in the Agricultural Research Council ; and
- (iv) two in the Industries and Labour Department ;

against about fifty stenographers belonging to other communities ?

(c) Is it a fact that very well qualified Muslim stenographers are available in the various Provincial Governments who would be quite prepared to come to the Government of India ?

(d) Will Government please state whether in order to remove this disparity, they are prepared to ask Local Governments to submit the names of properly qualified Muslim stenographers for employment in the Government of India Secretariat ?

(e) Is it a fact that in the past some Hindu and Christian stenographers were exempted from the general test of the Public Service Commission and are now working permanently in the Government of India Secretariat ?

(f) Do Government likewise propose to exempt such Muslim stenographers, (who are considered competent by their officers), as may wish to come from the Provincial Governments to the Government of India Secretariat?

The Honourable Sir Henry Craik : (a) The Resolution in question provides that 25 per cent. of vacancies to be filled by direct recruitment will be reserved for Muslims.

(b) My information is that out of 71 stenographers, temporary and permanent, nine are Muslims.

(c) I have no information.

(d) The normal method of recruitment is from candidates who have passed the test prescribed by the Public Service Commission. But provision exists for the appointment of candidates with special qualifications, and applications from such candidates will be duly considered.

(e) In the past, the Public Service Commission have exempted, one Hindu and one Christian, from the prescribed test, but these exemptions were not made on communal grounds.

(f) No.

Mr. M. Maswood Ahmad : Will Government be pleased to state for what reasons these exemptions were made?

The Honourable Sir Henry Craik : I am afraid I have no exact information on that point, but I imagine that it was because the two persons in question had previous special experience and qualifications. If the Honourable Member so desires, I shall be glad to look into the matter further.

Maulvi Sayyid Murtuza Saheb Bahadur : May I know whether, if the Muslims also satisfy the same condition, or conditions, they will come under the same category as those that have already been exempted on these grounds?

The Honourable Sir Henry Craik : Yes, I should say, certainly, Sir.

GRIEVANCES OF THE TRAVELLING TICKET EXAMINERS.

368. ***Mr. S. G. Jog :** (a) Has the attention of the Government been drawn to an article under the heading of "A suggestion to the Railway Board" published in the *Railway Times*, Bombay, dated the 23rd June, 1934?

(b) Is it a fact that the Agent's reply referred to therein has proved that the Travelling Ticket Examiners are utilised in other than their legitimate duties?

(c) Did the Public Accounts Committee give its consent to retain the Moody-Ward system under the Operating control? If so, when? Or was the consent given in respect of the Crew system which has been abolished?

(d) When was the Crew system abolished and when were these recommendations made, as quoted in paragraph 2 of the said article?

(e) Is it true that the questions about mileage allowance and grade promotion are under the consideration of the administration, as mentioned in paragraph 4 of the said article?

(f) If the reply to part (e) above be in the affirmative, will Government be pleased to state when the decision is likely to be given?

(g) Will Government be pleased to state if the complaint contained in paragraph 6 of the said article is true, and if so how is it being overcome by the East Indian Railway authorities?

(h) Is it true that an employee drawing Rs. 200 pay and with longer service is held junior to a man drawing Rs. 160 pay and with shorter service?

(i) Do Government propose to consider the advisability of having a joint check by Accounts and Operating on the lines suggested in the concluding paragraph of the said article? If not, why not?

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

(b) I presume, my Honourable friend is referring to the reply given to question No. 155, asked by himself, on the 16th February, 1934. If so, the fact that Travelling Ticket Examiners have duties in addition to checking tickets does not imply that these duties are not part of their legitimate duties.

(c) I would refer the Honourable Member to paragraph 47 of the Proceedings of the Public Accounts Committee which examined the accounts of 1929-30 and to the evidence recorded in pages 39-43 of Volume II of the report.

(d) The Crew System was abolished from June, 1931. As regards the second part of the question the date on which the question was discussed by the Public Accounts Committee, if my Honourable friend is referring to it, was 27th November, 1931.

(e) Two memorials, one from the Travelling Ticket Examining staff of the North Western Railway and one from the Ticket Examining staff of the East Indian Railway, are under the consideration of the Railway Board in consultation with the Agents of the railway administrations.

(f) I regret I am unable to give an exact date, but I hope it will not take long, as the remarks of the administrations concerned have been recently received.

(g) and (h). These are matters entirely within the competence of the Agent, East Indian Railway, and Government are not prepared to interfere; but I am sending a copy of the question to the Agent for information.

(i) Government do not contemplate making any change at present in the organisation of this department.

CLASSIFIED SENIORITY LIST OF STATE RAILWAY EMPLOYEES.

369. ***Mr. S. G. Jog :** Is it a fact that Government have informed this House in reply to unstarred question No. 95 on the 24th February, 1934, that the classified seniority list of State Railway employees are meant for departmental use and not for publication? If so, will Government please state:

(a) whether any Department of Government publishes its classified lists;

- (b) whether the lists for sale shown in the catalogue of the publications by the Superintendent, Government Printing, are departmental classified lists or otherwise ;
- (c) the rule or order notified in the Gazette or otherwise notifying that such lists should not be notified to the staff ;
- (d) the method, means, or ways of getting acquainted with the seniority or juniority of the staff amongst themselves ;
- (e) how the seniority or juniority of the Financial Commissioner, Railways, stood on the 1st July, 1934, amongst his colleagues and officers of the Accounts and Audit Services ;
- (f) how the Financial Commissioner, Railways, came to know about his position on the list when it is never notified to the staff ; and
- (g) whether Government now propose to publish and notify to the staff and place a copy of the classified seniority lists in the Library of this House, and if not, why not ?

Mr. P. R. Rau : Yes.

- (a) So far as I am aware no Department of the Government of India publishes classified seniority lists of subordinate staff.
 - (b) If my Honourable friend will kindly inform me what publications in the catalogue he refers to, I shall endeavour to give him a reply.
 - (c) There is no such rule or order. If my Honourable friend will refer again to the reply he refers to, he will find that I did not say that these lists should not be notified to the staff.
 - (d) I am not aware that at present subordinate staff have any difficulties in finding their relative seniority ; they have only to apply to their superior officers.
 - (e) The latest classified list of officers in the Finance Department, Government of India, and the Departments under its administrative control is up to the 31st May, 1934, and a copy, is, I believe in the Library of the House. If my Honourable friend is interested in knowing the relative position of the present Financial Commissioner of Railways, as compared with the other officers in the Indian Audit and Accounts Service, he can find the information in page 19 of that list.
 - (f) My Honourable friend's assumption in the second part of the question is incorrect. Classified lists of Gazetted Officers are usually compiled by Departments of the Government of India including the Railway Department, and are published.
 - (g) A copy of the classified list of officers of all railways, corrected up to the 31st December, 1933, is in the Library of the House.
- The printing of seniority lists of subordinates is a matter for the Railway administrations to decide with reference to their utility for departmental use, and Government are not prepared to issue general instructions that seniority lists of all subordinates should be printed. I understand, however, that State-managed Railways generally print lists of subordinates in grades rising to Rs. 250 and over.

PROMOTIONS IN CERTAIN GRADES, ON THE LUCKNOW AND MORADABAD DIVISIONS OF THE EAST INDIAN RAILWAY.

370. *Mr. S. G. Jog : Is it a fact that Government informed this House on the 2nd March, 1934, in reply to the starred question No. 323 (a), that the collection of the information regarding promotions in certain grades on the Lucknow and Moradabad Divisions of the East Indian Railway, is likely to involve a considerable amount of labour ? If so, will Government please accept the cost of labour from me and collect the required information ?

Mr. P. R. Rau : The answer to the first part of the question is in the affirmative, and to the second in the negative.

APPRECIATION OF THE WORK OF TRAVELLING TICKET EXAMINERS.

371. *Mr. S. G. Jog : Is it a fact that the working of the Travelling Ticket Examiners during the period 1916—28, was considered satisfactory and as such was appreciated by the authorities ?

Mr. P. R. Rau : I have not been able to trace any reports received by the Railway Board on the subject.

CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

372. *Mr. S. G. Jog : (a) Is it a fact that the cadre of the Travelling Ticket Examiners on the North Western Railway during the period 1916—28 was under the Audit Department ?

(b) Is it a fact that the principal function of the cadre of the Travelling Ticket Examiners under the Audit Department was to check and to detect unauthorized travelling, frauds or irregularities of the Traffic Department ?

(c) Is it a fact that under the Audit Department the Travelling Ticket Examiners unearthed the irregularities of the Traffic Department ?

(d) Is it a fact that to achieve the complete check and detection of irregularities the Audit Department is created ?

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

(b) Their duties consisted in checking tickets of passengers in trains and collecting the proper fares and any penalties due from passengers found travelling without tickets.

(c) Travelling Ticket Examiners were expected to endeavour to detect all irregularities which came within the scope of their duties.

(d) It is one of the functions of the Audit Department to examine the accounts in order to detect irregularities, if any.

CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

373. *Mr. S. G. Jog : (a) Will Government please state the circumstances under which the Divisional Superintendents on the North Western Railway in 1925 assembled and unanimously decided to take

over the control and working of the cadre of Travelling Ticket Examiners from the Audit Department?

(b) Will Government please lay on the table a copy of the minutes of the meeting of the Divisional Superintendents? If not, why not?

Mr. P. R. Rau : (a) The decision was based on the consideration that better supervision over travelling ticket examining staff would be possible with Divisional Superintendents and their District Officers constantly travelling about.

(b) No. These documents are confidential.

UNAUTHORISED TRAVELLING BY THE PERSONNEL OF THE RAILWAY TRAFFIC DEPARTMENT.

374. ***Mr. S. G. Jog :** Is it a fact that the personnel of the Traffic Department, both officers and subordinates, enjoy the privilege of unauthorized travelling?

Mr. P. R. Rau : The reply is in the negative.

CARRYING OF RELATIVES AND FRIENDS OF TRAFFIC DEPARTMENT OFFICERS IN THEIR INSPECTION CARRIAGES.

375. ***Mr. S. G. Jog :** Is it a fact that officers of the Traffic Department do carry with them in their respective Inspection Carriages, their friends and unauthorized relatives without tickets or permits?

Mr. P. R. Rau : No Railway officer is permitted to carry with him in Inspection Carriages his friends or relatives without proper tickets or passes.

CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

376. ***Mr. S. G. Jog :** (a) Is it a fact that the cadre of Travelling Ticket Examiners was formed on the North Western Railway under the Audit Department in 1912?

(b) Is it a fact that the cadre of Travelling Ticket Examiners on the North Western Railway was transferred in 1915 from the Audit Department to the Traffic Department?

(c) Is it a fact that the Control and Working of Travelling Ticket Examiners from 1912 to 1915 was under the Audit Department?

(d) Will Government please state the nature of duties of the Travelling Ticket Examiners performed under the Audit Department between 1912 and 1915?

(e) Will Government please state the circumstances under which the Control and Working of the Travelling Ticket Examiners on the North Western Railway were transferred in 1915 from the Audit Department to the Traffic Department?

(f) Is it a fact that the cadre of the Travelling Ticket Examiners on the North Western Railway was in 1916 retransferred from the Traffic Department to the Audit Department?

(g) Will Government please state the circumstances under which the control and working of the Travelling Ticket Examiners on the North Western Railway were re-transferred in 1916 from the Traffic Department to the Audit Department?

(h) Will Government please state the nature of duties of the Travelling Ticket Examiner, performed under the Traffic Department between 1915 and 1916?

(i) Will Government please lay on the table copies of the reports submitted both by the Audit Department and the Traffic Department on the Working of the Travelling Ticket Examiners during the period 1912-15 and 1915-16, respectively? If not, will Government please state the source through which the efficiency or extravagancy of the cadre was judged?

Mr. P. R. Rau : (a), (b), (c), (e), (f) and (g). I would refer my Honourable friend to the reply given to question No. 461, asked by Sardar Sant Singh on the 4th September, 1933.

(d) and (h). Government are not aware that the duties of Travelling Ticket Examiners changed between 1912 and 1916. Their duties presumably included checking tickets and collecting fares and penalties.

(i) I understand that no records are now available.

DEBT LEGISLATION.

377. ***Rai Sahib Badri Lal Rastogi :** Are Government aware that more than one Provincial Government has introduced debt legislation in its Local Legislative Council? Are Government also aware that the question of slump in trade is an all-India question? If so, do Government propose in the interest of the country as a whole to take up the question of debt legislation?

The Honourable Sir Henry Craik : The answer to the first two parts of the question is in the affirmative. As regards the last part, I would refer the Honourable Member to the answer given on the 19th July, 1934, to starred question No. 143, by Sir Muhammad Yakub, in which my predecessor explained why the Government of India did not consider it desirable to introduce central legislation in the matter.

Mr. J. Ramsay Scott : Are Government aware that the United Provinces Government are introducing legislation which penalizes the creditor for the benefit of the debtor amounting to legalized default?

The Honourable Sir Henry Craik : I am aware that the United Provinces Government have under consideration legislation which does fix the rates of interest on loans, but I am not familiar with the details of that legislation.

Mr. J. Ramsay Scott : Are Government prepared to assist Local Governments to overcome these difficulties by supporting land mortgage banks and thus avoiding the enactment of such an objectionable and dangerous legislation?

The Honourable Sir Henry Craik : I think the question of land mortgage banks is dealt with in a Resolution of the Finance Department published after the Economic Conference held last April.

Mr. J. Ramsay Scott : Will Government kindly consider the question and make a statement or put it on the table ?

The Honourable Sir Henry Craik : Which question ?

Mr. J. Ramsay Scott : On its attitude towards this proposed provincial legislation and land mortgage banks.

The Honourable Sir Henry Craik : I do not think it is fair to ask the Government of India to make a statement at present on their attitude towards provincial legislation. That is a matter for consideration when the legislation in question takes final form and emerges from the Local Legislative Council.

Mr. Vidya Sagar Pandya : May I ask, Sir, how far the recommendation made at the time of the Reserve Bank Bill about rural credit has progressed ?

The Honourable Sir Henry Craik : Would the Honourable Member mind repeating the question ?

Mr. Vidya Sagar Pandya : There was a recommendation made about rural credit when the Reserve Bank Bill was under consideration, and the Government had promised to take some steps in the matter. I would like to know what steps have been taken in that matter, because that will go a great deal to solve the question of interest as well as the question of land mortgage banks.

The Honourable Sir Henry Craik : I think that question ought really to be addressed to my Honourable colleague on my left, but I understand that the Reserve Bank Act does contain a section directing that the Bank shall set up a department to deal with rural credit, and steps are being taken to carry out that direction of the Act.

Mr. Vidya Sagar Pandya : I want to know what progress has been made in that direction ?

The Honourable Sir James Grigg : That does not arise out of the present question. If the Honourable Member puts down a question, I will be able to give an answer.

Dr. Ziauddin Ahmad : With reference to the question put by Mr. Scott, may I ask whether the Government of India are aware that the Government of the United Provinces have made a great mess of this question of rural indebtedness with the result that they have annoyed the landlords of the United Provinces ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Bhai Parma Nand.

Bhai Parma Nand : Is it a fact that the Indebtedness Relief Bill was before the United Provinces Legislative Council and that certain important changes were made in it ? Those changes required the sanction of His Excellency the Viceroy, and, therefore, the Bill has been sent to His Excellency the Viceroy for his sanction. Will the Honourable Member give us information on that point ?

The Honourable Sir Henry Craik : My impression is that one Bill that emerged from the United Provinces Legislative Council was submitted to His Excellency the Governor for his sanction and that he referred it back to the Council suggesting that certain amendments should be made. I am only speaking what I have read in the newspapers. That is my

impression. I do not think the legislation has advanced beyond that at present. But I speak subject to correction. I have been out of India for the last three months, and I have not closely followed what has been going on in the United Provinces.

Dr. Ziauddin Ahmad : With reference to the reply just given by the Honourable Member, is it a fact that this Bill, which was really stopped by the Governor, was a Government Bill and it was really based on the report of a Committee and was drafted with the approval of the Executive Council and passed by the Legislature, and then it was stopped altogether ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Is the Honourable Member giving information or is he asking for it ?

Dr. Ziauddin Ahmad : I am asking a question by saying "Is it a fact ?"

The Honourable Sir Henry Craik : The Honourable Member is himself in a much better position to answer that question. I have been out of India during the last three months, but my impression is that the Bill was certainly a Government Bill and that amendments were carried against the Government vote in the course of its passage through the Legislative Council and these amendments His Excellency the Governor found himself unable to accept. So he referred the Bill back to the Council. I am speaking subject to correction as my knowledge is drawn entirely from what I have read in the newspapers.

Dr. Ziauddin Ahmad : Is it a fact that the reasons for the withholding of this Bill are in this question ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Mr. Bhuput Sing.

CONFISCATED FUNDS NOT RETURNED TO THE CONGRESS.

378. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state the total amount of confiscated funds in each Province which are not going to be returned to the Congress ?

(b) How is it proposed to utilise these confiscated funds ?

(c) Will these funds remain in the hands of the Central Government or the Provincial Governments concerned ?

(d) Do Government propose to divert the whole amount to the Viceroy's Earthquake Relief Fund for utilisation in the affected areas of Bihar ?

(e) If not, why not ?

The Honourable Sir Henry Craik : (a) By section 17E of the Indian Criminal Law Amendment Act, 1908, a Local Government was empowered, if it was satisfied that any monies, securities or credits were

being used or were intended to be used for the purposes of an unlawful association, to declare such monies, etc., forfeited to His Majesty. I must make it plain that there is no question of the return of moneys so forfeited.

I regret I have no information of the total amount so forfeited in the various provinces.

(b) to (e). Forfeited moneys are credited to provincial revenues and merge in the provincial balances.

Mr. Bhuput Sing : Will Government kindly inquire how much money has been confiscated in all the Provinces ?

The Honourable Sir Henry Craik : I regret I have no information on that point.

Mr. Bhuput Sing : Will the Honourable Member kindly make an inquiry from the Local Governments ?

The Honourable Sir Henry Craik : If the Honourable Member really thinks it worth while, I shall make inquiries.

Mr. S. C. Mitra : Will Government please explain the principle why they make a difference between the confiscation of movable and immovable property ?

The Honourable Sir Henry Craik : The difference is made in the Act. There are two sections of the Act, one refers to money, credits and so on, and the other refers to immovable property.

Mr. S. C. Mitra : Is it not stated in the Statute that the immovable property is also confiscated and that Government can get money out of those properties by putting them into auction ?

The Honourable Sir Henry Craik : The Local Government can take possession of the immovable property, but it is not forfeited to His Majesty. That is the distinction.

Mr. Bhuput Sing : May I know if the immovable property is sometimes returned when these societies are declared lawful ?

The Honourable Sir Henry Craik : Yes, that is correct.

Mr. Bhuput Sing : Why have not the Government returned back the movable property when these societies have been declared lawful ?

The Honourable Sir Henry Craik : Because, in the case of cash, securities, credits, and so on, the Statute says that they can be forfeited to His Majesty. In that case, there is no question of return. In the case of the immovable property, that is to say, land or buildings, the Statute only allows the Local Government power to take possession of them. If the ban on the Association is removed, such immovable properties are returned, but not the movable properties which have been forfeited to His Majesty.

Mr. Bhuput Sing : Will the Government of India kindly ask the Local Governments to use this money for the relief of the distressed people who are suffering either from floods or earthquake ?

The Honourable Sir Henry Craik : I said that the money merges in the general provincial balances, and whether it can be applied to such purposes as the Honourable Member suggests is really a question of financial propriety.

Mr. Amar Nath Dutt : Will Government take steps to utilise that money for the relief of the new Finance Member ? (Laughter.)

(No answer.)

LIGHTING ARRANGEMENTS ON THE LONGWOOD ROADS, SIMLA.

379. *Mr. Bhuput Sing : (a) Will Government be pleased to state whether they are aware that there are no lighting arrangements on Longwood roads passing through cottages allotted to the Members of this House ?

(b) Are Government aware that there are such arrangements on the Cart Road ?

(c) Do Government propose to take any steps to remove the darkness ? If not, why not ?

The Honourable Sir Frank Noyce : (a) No. Certain lights are provided by the Central Public Works Department, and there are also lights provided by the Municipal Committee in the neighbourhood.

(b) Yes.

(c) I would suggest that the Honourable Member might refer the matter to the House Committee. Government will give careful consideration to any suggestions made by the House Committee for the improvement of the lighting arrangements at Longwood.

FLOODS IN NORTH BIHAR.

380. *Mr. Bhuput Sing : (a) Will Government be pleased to state whether they have in their possession any additional information than that published in the newspapers regarding the serious floods in North Bihar ?

(b) How many lives have so far been lost and what is the extent of the damages to property ?

(c) Can relief be given out of the Viceroy's Earthquake Fund for these floods, and will local bodies be given anything out of the funds granted to Bihar and Orissa Government for earthquake relief ?

(d) Do Government propose to make a special separate grant to the Provincial Government for flood relief ?

(e) What steps have the Bihar Government taken so far to relieve the distress arising out of floods and what preventive measures have been taken?

Mr. G. S. Bajpai: I lay on the table copies of the Press communiqués, issued by the Government of Bihar and Orissa, dated the 18th, 19th and 26th July, and also a copy of the Government of Bihar and Orissa's letter, dated the 30th July, 1934. It will be seen that there has been no loss of life or loss of cattle; though some damage has been done to *katcha* houses, it is not very serious; damage has also been done to the crops, and it is estimated that five per cent. of the *Bhadai* crop has been damaged severely in Champaran, but that the damage to the paddy is less serious. In Muzaffarpur, the extent of the damage cannot be estimated, as the water had only just shown signs of falling on the date of the report (July 28th). Necessary relief measures have been organised by the Local Government.

The 18th July, 1934.

The position regarding the floods in the Tirhut Division, as ascertained up to the night of the 17th July, 1934, is as follows:

An aeroplane was obtained by the Local Government for the purpose of ascertaining the exact position. Mr. J. E. Scott, Commissioner of the Tirhut Division, flew over the whole of the affected tract and landed at Motihari. There has been an abnormal flood on the Sikrana and Burh Gandak rivers, which came down with more than the usual acceleration. This flood has caused a shallow sea to form from Motihari to Muzaffarpur but the water is extremely shallow and is not likely to cause any danger. Though numerous villages are surrounded by water, little damage appears to have been done to the house or to the inhabitants or their cattle. There is very little flooding in the Dhaka direction. The flooding on the river Bagmati has never been abnormal and gives no cause for alarm. North of Muzaffarpur eight or nine low lying villages have been washed out by the waters of the Bagmati banking up against the flood in the Bur Gandak. The inhabitants of these villages have been rescued.

The 19th July, 1934.

Heavy rain at Motihari and in the hills to the north has led to flooding in the basin of the Sikrana (Burh-Gandak) river. The flood is now receding at Sugauli and is making its way towards Muzaffarpur. There is no reason for anxiety and the flood is not expected to be abnormal. The Bagmati river is low. The Commissioner of Tirhut flew over the affected area on Tuesday last. The villages likely to be affected by the flood have been warned and all precautions have been taken.

The 26th July, 1934.

Up to the morning of the 23rd of July, the position with regard to the floods in North Bihar was as follows:

In Champaran the floods started to fall on the afternoon of the 17th. By the 19th the water had fallen considerably in the area round Motihari and to the west of that town. As the water passed down from the north west of the district, there was heavy flooding round Madhubani from midnight of the 17th. In this area a few village sites went completely under water and a certain number of houses have

The flood rescue arrangements which had been organized by the Collector worked well. Sufficient boats were available and the inhabitants of submerged villages were rescued promptly and given food and clothing. By the 22nd the necessity for active relief work had ceased everywhere in Champaran except at Madhubani. The information received is to the effect that no lives, either of human beings or of cattle, were lost and that about two annas damage was done to transplanted rice in the worst affected areas. A certain amount of damage has also been done to the *bhadai* crop.

In Muzaffarpur nothing serious occurred in the Hajipur Sub-division, though the Gandak river rose very high. There was flooding in the north east of the Sitamarhi sub-division, where the water had fallen by one foot by the 22nd. The brunt of the floods fell on the country to the north of Muzaffarpur in the Sadr Sub-division. The first eleven miles of the Muzaffarpur-Sitamarhi Road were breached or went under water in numerous places and villages along the line of the road were heavily inundated in Minapur, Sakra, Katra, and Muzaffarpur thanas. Here again the special flood rescue system worked well. Relief parties went out promptly in boats with money, food and fodder and a large number of refugees have been brought in to Muzaffarpur and given shelter in the Damuchak colony.

The general position is that the danger is over for the present in Champaran, north and west Sitamarhi, Darbhanga and Saran. There should be no more trouble in the portion of the Sadr Sub-division of Muzaffarpur, west of the Sitamarhi Road except damage to houses and crops from prolonged immersion. East of this line towards Pusa and Samastipur it is not yet possible to gauge the position as the flood water is now passing in that direction. The bund which protects Samastipur town has been strengthened.

In anticipation of floods, elaborate arrangements were made at the instance of Government to provide boats in unusually large numbers to organise rescue centres and to provide for refugees. The necessity for this organisation has been amply justified. This was the first occasion on which it was tested, and it is satisfactory to find that the organisation has worked efficiently. Without it, the damage caused by the flood would have been far more serious.

Copy of a letter No. 1145-R.E., dated the 30th July, 1934, from the Government of Bihar and Orissa, to the Government of India, Home Department.

In reply to your telegram No. D.3312 of the 27th July, 1934, and in continuation of my telegram of the same date, I am directed to give the following additional information about the floods in the Champaran and Muzaffarpur districts—

(a) Loss of human life reported nil.

(b) Loss of cattle reported nil.

(c) Damage to property:—Some damage to property has resulted from the entry of flood water into village-sites and the consequent crumbling of walls and damage to *katcha* houses. The extent of the damage thus caused cannot yet be estimated, but it is not very serious. With regard to crops, damage was done to the *bhadai* crop in the flooded area of Champaran district, where considerable areas were under water, and it is estimated that 5 per cent. of the *bhadai* crop in that district has been severely damaged. The damage to the paddy is less serious. No estimate of the damage done to crops in Muzaffarpur can yet be given, as the water is draining off very slowly from the central parts of the district.

(d) With regard to the measures taken by Government in readiness for the floods, the construction of a large fleet of boats had been in progress for several months and the boats were distributed before the onset of the rains at places where they were likely to be required. Shelters for refugees were constructed after the earthquake, and these were purposely made in greater numbers than were certainly required then, so that there would be room in case of necessity for flood-refugees. Money was placed at the disposal of the Commissioner and Collectors from Famine Relief Funds and arrangements were made by the local officers and officers of the District Board to meet any situation caused by floods. The Local Government arranged for an aeroplane to be available at very short notice, wherever required.

(e) An air-reconnaissance of the flooded area was made at an early stage by the Commissioner of Tirhut, Mr. Scott, and valuable information was thus obtained. The boats have proved valuable in moving many hundreds of people from flooded sites to higher ground. The Public Works Department and district board authorities made special arrangements, to watch and strengthen and if necessary raise embankments, and the efforts of those engaged in this work prevented much more serious damage in several places,—particularly in Muzaffarpur town itself. Visits were made by officers deputed for the purpose to the badly-affected areas, by boat in many cases, and food was distributed where necessary. Arrangements were made for shelter for refugees on high ground, and in Muzaffarpur town the shelters already constructed proved extremely useful. Copies of three press communiqués issued on the 18th July, 19th July, 1934, and 26th July, 1934, are enclosed. The latest news on the 28th morning is that the rivers which had begun to rise again are falling and the flood is abating.

Mr. Gaya Prasad Singh : May I ask, Sir, what assistance the Government of India have given or propose to give to the Bihar Government in order to cope with this situation that is arising out of the floods ?

Mr. G. S. Bajpai : The Government of India have not been approached by the Government of Bihar for any assistance presumably because they consider that the resources which have already been placed at their disposal by the Government of India and from the Viceroy's Relief Fund are adequate.

Mr. Gaya Prasad Singh : May I know if the assistance from the Viceroy's Relief Fund could be given to cope with the flood situation ?

Mr. G. S. Bajpai : I have a recollection of reading in the Press the other day that Rs. 50,000 have been allotted from that Fund for flood relief.

Mr. K. C. Neogy : Are not Government making a serious attempt to cheapen corrugated iron sheets in the interests of the distressed agriculturists ? I am simply reminding the Government of it and they can take credit for it.

Mr. E. Studd : Are Government taking steps to see that in the rebuilding of devastated towns, provision will be made for an improved lay-out and the abolition of the old slum areas ? Or is it Government's intention to allow the slums to be re-built ?

Mr. G. S. Bajpai : I should have thought that the Relief Commissioner would certainly take the elementary precaution which the Honourable Member has mentioned when he considers proposals for re-construction.

Mr. E. Studd : Will the Government of India be prepared to support the proposals of the Local Government for an improved re-construction.

Mr. G. S. Bajpai : The Government of India, as far as I know, have received no proposals from the Government of Bihar for improved re-construction of the slums, because that appears to be a question which is perfectly within the competence of the Local Government. But my Honourable friend's suggestion, if he so wishes, can be passed on to the Government of Bihar.

DECLARATION OF A PUBLIC HOLIDAY FOR *Chaitra Sudi Tryodashi*.

381. ***Mr. Bhuput Singh :** (a) Will Government be pleased to state whether they are aware that *Chaitra Sudi Tryodashi*, that is, the thirteenth day of New Moon in *Chait*, is the anniversary date of birth of *Mahabir*, the last *Tirthankar* of Jains, which is observed throughout India by all sects of Jains ?

(b) Do Government propose to declare it as a public holiday under the Negotiable Instruments Act ? If not, why not ?

The Honourable Sir Henry Craik : (a) Yes.

(b) Section 25 of the Negotiable Instruments Act, 1881, vests the power to declare any day to be a public holiday in the Local Government and not in the Government of India. The matter is, therefore, one for Local Governments.

BIOCHEMICAL WORK IN THE INDIAN LAC RESEARCH INSTITUTE.

382. ***Mr. K. C. Neogy :** Is it a fact that there is very little biochemical work on the programme of the Indian Lac Research Institute at present ? If so, do Government propose to consider the abolition of the post of the biochemist, or at least recruiting one on a smaller pay suitable for the needs of the situation ?

Mr. G. S. Bajpai : Biochemical work has been temporarily curtailed to some extent in order to enable greater attention to be given to problems of lac manufacture and utilisation. The question is primarily one for the Indian Lac Cess Committee.

BIOCHEMICAL WORK IN THE INDIAN LAC RESEARCH INSTITUTE.

383. ***Mr. K. C. Neogy :** (a) Is it a fact that the Biochemist of the Indian Lac Research Institute has not carried out any research work in the laboratory for the last 11 years ? If she has, in which publications have the results been brought out ?

(b) What are the research publications on lac by the Biochemist ?

(c) Is it a fact that the Biochemist was only a bacteriologist at Coimbatore and Kasauli, previous to her appointment in the Indian Lac Research Institute, and, that, she had no previous experience of plant biochemistry or chemistry of lac, which was the qualification required according to the terms of the advertisement ?

Mr. G. S. Bajpai : (a) and (b). No. A list of her publications since she joined the Institute, including publications on lac research, will be found in the statement which I lay on the table.

(c) No. Before appointment to the Lac Research Institute she had held three appointments as Biochemist at different times, and had specialised in Biochemical technique at the Lister Institute.

Post.	Academic qualifications at the time of recruitment.	Research experience on lac.	Posts held by them, salaries received and research publications before joining the Institute.	List of their individual publications since joining the Institute.
1	B.Sc. Hons. Chem. M.Sc., A. I. C.	3 The Director is a qualified research worker in Organic Chemistry which includes natural resins and special-ised at the Lister Institute in Biochemical technique and modern methods of research.	4 1. Biochemist under the John Howard MacLadden Research Fund. Salary, £250 per annum. 2. Reader in Biochemistry, Indian Institute of Science. Salary, not ascertainable. 3. Research worker in Biochemistry under the Indian Research Fund. Salary, not ascertainable. 4. Bacteriologist to the Government of Madras, pay, Rs. 650—50—800. (If confirmed after 3 years she was to be absorbed in the Indian Agricultural Service but she resigned before the 3 years were out.) <i>Research publications before joining the Institute.</i> 1. Derivatives of Naphthacene quinone with Ch. Weizmann and R. V. Norris. 2. Derivatives of Anthraquinone with Ch. Weizmann and R. V. Norris. 3. The Diacetyl Reaction for Proteins with Dr. Harden. 4. The Bacterial Production of Acetyl methyl carbinol and	5 1. A comprehensive Report covering the activities of the Indian Lac Association for Research from March, 1926 to August, 1931. 2. Lac Research in India. 3. Lac and Shellac Industry of India. 4. An investigation into the plant requirements of Zizyphus Jujuba during growth and under lac cultivation with M. Rangaswami, M. Venugopalan and S. Rangaswami. 5. A preliminary note on the use of Acacia Catechu (Khair) as a host alternative with Schlechtens trijuga (Kusum) for the cultivation of Tachardia Lacca (Lac) with H. T. Bates and M. Rangaswami. 6. The Lac Industry in India. 7. Shellac. 8. The Lac and Shellac Industry of India. 9. Report on the State of lac cultivation and general condition of the lac industry in Burma.

2-3 Butylene Glycol from various substances, with Dr. Harden. 5. The Bacterial Production of Acetylmethyl carbinol and 2-3 Butylene glycol from various substances Part II with Dr. Harden. 6. The Relation of Concentration of food Supply to the Generation-time of Bacteria; with Dr. Penfold. 7. A note on the bases of gas-works coal tar which are believed to be the predisposing cause of pitch cancer with special reference to their action on lymphocytes together with a method for their inactivation Part I Anxetic Action. 8. A preliminary Note on the preparation of culture media suitable for organisms used in vaccines. 9. A further note on the preparation of culture media suitable for the growth of organisms used in vaccines. 10. The preparation of culture medium suitable for the growth of organisms used as vaccines. 11. The preparation of a simplified culture medium for field workers. 12. Bacterial infection of cotton bolls with E. Ballard.	10. Notes on the use of Schlechtens trijuga (Kusum) in lac cultivation. Pruning and Cropping. 11. The establishment of Aleurites Fordii (Tung Oil) in the Ranchi District of Chota Nagpur, with H. T. Bates. 12. Advice on the more profitable use of the Kusum tree as a lac host.
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Post.	Academic qualifications at the time of recruitment.	Research experience on lac.	Posts held by them, salaries received and research publications before joining the Institute.	List of their individual publications since joining the Institute.
1	2	3	4	5
Entomologist	B.Sc. Honours	An honours course in Entomology includes general and special study of the methods of insect research and control, as a whole, and includes work on the group <i>Coccidae</i> into which the lac insect falls.	Demonstrator in the Zoological Department Leeds University, on a salary of £200 per annum. No publications.	1. Shellac by P. M. Glover, Oil and Colour Trades Journal LXXVII No. 1643 and 1652, 1930. 2. Paper on Lac Plantations by P. M. Glover, Proceedings of the Bihar and Orissa Forest Conference, Ranchi. Published by Bihar and Orissa Forest Department. 3. Entomological Aspects of Lac Research in India by P. M. Glover, Bulletin of Entomological Research volume LXI page 3, 30th October, 1930. 4. A Practical Manual of Lac Cultivation by P. M. Glover, June, 1931. Published by Ind. Lac Res. Inst. 5. A Report on the state of lac cultivation and general condition of the lac industry in Burma 1931 with two appendices by Mrs. Dorothy Norris, December 1931. Appendix 2, Entomological: Published by Ind. Lac Res. Inst.

6. The effects of temperature and Humidity on Oviposition incubation and emergence in the Lac Insect. *Laccifer (Tectardia) Lacca*, Kerr, (Coccidae) and on the resulting crop by P. M. Glover, P. S. Negi, M. P. Misra and S. N. Gupta, 1932. Ind. Lac Res. Inst. Bull. 6.

7. Some Simple Methods of Controlling the Insect Enemies of Lac, by P. M. Glover, Agricultural Department, Bihar and Orissa. Leaflet No. 2, 1932.

8. *Aspidiotus (Furcaspis) orientalis* Newstead. (Coccidae) its economic importance in lac cultivation and its control: Bull. 16. Ind. Lac Res. Inst. 1933.

9. An account of the occurrences of *Chrysomphalus awranii* Mask and *Laccifer lacca*, Kerr on Grape Fruit in Ranchi district, Chota Nagpur, with a note on the Chalcidoid parasites of *Aspidiotus orientalis* Newst. In press Jour. Bombay Nat. Hist. Soc.

Post.	Academic qualifications at the time of recruitment.	Research experience on lac.	Posts held by them, salaries received and research publications before joining the Institute.	List of their individual publications since joining the Institute.
1	2	3	4	5
Physico-Chemist.	B. Sc. (Hons.) A. R. C. Sc.	Two years research on the Physico-Chemical properties of compounds on lines similar to those necessary for research on lac. Several months in the research laboratories of the General Electric Coy. whose research programme includes lac as an insulator.	At the G. E. C. Research Laboratory £200 per annum. <i>Research Publications before joining.</i> 1. Thesis for Ph.D. University of London 1929 'Chemical Fogs'. 2. J. C. S. CXXXIX, 1930, P. 1103 'Production of Fog in the Neutralisation of alkali with hydrogen halide.'	1. Res. Bul. No. 5. 'Humidity and Storage of Button Lac.' 2. Res. Bul. No. 7. Orpiment and the Iodine Value of Shellac. 3. Res. Bul. No. 8. The Iodine Value of Shellac. 4. Res. Note No. 1. A note on the bleaching of shellac. 5. Res. Note No. 2. A note on determination of shellac fluidity. 6. Res. Note No. 3. A note on the swelling of shellac. 7. Res. Bul. No. 12. Shellac drying oil combinations. 8. Res. Bul. No. 13. Orpiment in Shellac. 9. Res. Note No. 4. Some effects of baking shellac varnish films. 10. Res. Note No. 5. Shellac ester oil combination.

11. Res. Note No. 6. The use of Lithophone in shellac paints.
12. Res. Note No. 7. Reconditioning shellac.
13. Capital Feb. 1933. Research for Shellac.
14. Res. Bul. No. 14. The Heat Curing of Shellac, Part.
15. Res. Note No. 9. Trioreyl Phosphate and Water Resistance of shellac.
16. Res. Note No. 11. Further notes on reconditioning shellac.
17. Res. Note No. 13. Improvement in the Heat Resistance of shellac mouldings.
18. Res. Note No. 14. Treatment of shellac varnish with theourea and Urea.
19. Res. Note No. 15. Influence of nitrogenous substances on shellac bleaching.
20. Res. Bul. No. 17. The refractive index of shellac.
21. Res. Bul. No. 19. Heat curing of shellac, Part II.
22. Res. Note No. 16. Utilisation of 'Kiri' for Plastic Mouldings.

Mr. K. C. Neogy : Will it not be more correct to say that these so-called researches were not based upon any laboratory work undertaken by this lady, but they embodied the results of certain field observations which are quite different from laboratory research work?

Mr. G. S. Bajpai : I have not perused myself these publications of the lady, and I am, therefore, not in a position either to affirm or to contradict what my Honourable friend has said.

Mr. K. C. Neogy : May I draw my Honourable friend's attention to the fact that I wanted information with regard to research work in the laboratory for the last 11 years? Do I take it that the reply to part (b) which the Honourable Member has given refers to work specifically carried out in the laboratory?

Mr. G. S. Bajpai : My Honourable friend's question, part (b), reads "What are the research publications on lac by the Biochemist?". There is no specific mention here about research work in the laboratory.

Mr. K. C. Neogy : I am referring to part (a) in which I want information about research work carried on by this lady in the laboratory for the last 11 years.

Mr. G. S. Bajpai : This lady has brought out 12 publications since joining the Institute. I expect that her publications regarding "Notes on the use of *Schleichera trijuga* (Kusum) in lac cultivation, and the establishment of *Aleurites Fordii* (Tung Oil)" that these involve investigation in the laboratory, but I would not like to express any definite opinion on the subject.

Mr. K. C. Neogy : I am glad that my Honourable friend makes a reservation.

Dr. Ziauddin Ahmad : My Honourable friend has not studied Biochemistry and so he cannot pronounce any opinion on the subject.

Mr. G. S. Bajpai : I did not know that my Honourable friend, apart from having studied astronomy, had acquired first hand knowledge of Biochemistry as well.

Mr. K. C. Neogy : Do I take it that this lady had previous experience in plant Biochemistry or Chemistry of lac before she was appointed?

Mr. G. S. Bajpai : As I have already explained to my Honourable friend, she had received training in general Biochemical technique, and I doubt very much whether, at the time when the appointment was made, it would have been possible to secure somebody with first hand knowledge of lac Biochemistry.

Mr. K. C. Neogy : That is what I wanted to know.

Mr. B. Das : What control does the Department of the Imperial Agricultural Research Council exercise on this so-called Biochemist expert and on the work that she is actually doing on the research side?

Mr. G. S. Bajpai : It is not the function of the Department of the Imperial Agricultural Research Council to exercise supervision over the work of the Director, especially in its technical aspects. The Vice-Chairman of the Imperial Agricultural Research Council is the Chair-

man of the Indian Lac Cess Committee, and I dare say as such he discharges such duties as he considers proper and appropriate.

Mr. B. Das : Did not the Honourable Member, in reply to a question of mine, the other day, say that the Indian Lac Cess Committee does not contain any experts, rather they consisted of laymen. If so, how do the Committee exercise any control over the researches of this lady?

Mr. G. S. Bajpai : I did not say in reply to my Honourable friend that the Indian Lac Cess Committee contained no experts. What I told him was that the Indian Lac Cess Committee had a number of experts, but only one Chemist.

Mr. K. C. Neogy : Has it struck my Honourable friend that during the last 11 years the total contribution to research made by this lady is represented by two or three papers only and that in other branches there are as many as twenty under each?

Mr. G. S. Bajpai : Looking at the papers which I have before me here, her contribution in the form of written work since she joined the Institute is represented by twelve papers published.

Mr. K. C. Neogy : All relating to Biochemistry of lac?

Mr. G. S. Bajpai : Whether they all relate to lac or whether they all relate to Biochemistry, I cannot say.

Mr. B. Das : Have those papers received any commendation from the sub-committee of the Lac Research Institute in England or America?

Mr. G. S. Bajpai : If my Honourable friend means to ask me whether she has received the Nobel Prize for these investigations, I should say, no; I have not noticed that. But what measure of notice her work has received in the transactions of chemical and other societies in England and America, I could not say, because I am not a student of these.

Mr. S. C. Mitra : Will the Honourable Member name anybody in the Lac Research Institute who is in a position to judge the work of this lady in the research work of Biochemistry?

Mr. G. S. Bajpai : Well, I should not say that there was anybody on the Committee who was a Biochemist.

Mr. S. C. Mitra : Then, who is in a position to judge her work? There are other experts, and I should like to know if there is anybody on that Committee who is in a position to judge the work of this department in Biochemistry of Lac Research?

Mr. G. S. Bajpai : The experts on the Committee are the Imperial Entomologists, and there is, I think, the Inspector General of Forests, who I presume, has a certain working knowledge of Chemistry, but quite frankly I do not think that anybody on the Committee, as it is constituted at the present moment, is a Biochemist in addition to the Director herself.

Mr. K. C. Neogy : Then, how is the Honourable Member going to satisfy himself that a fraud is not being actually carried on in the name of research unless he makes some reference to an independent authority?

Mr. G. S. Bajpai : I think the word "fraud" is perhaps too strong, and, in my opinion, it is language which my Honourable friend cannot justify at all.

Mr. K. C. Neogy : I did not characterise her research as fraud. What I meant was that supposing that fraud is committed in the name of research, how is the Honourable Member going to satisfy himself about it?

Mr. G. S. Bajpai : That is a hypothetical question whether, if fraud were being committed, how Government will deal with this matter. But I think there is some substance in the underlying suggestion of my Honourable friend, namely, that there ought to be an expert body which, should, from time to time, review the scientific work which is being done at the Institute, and that particular aspect of the matter will undoubtedly receive consideration.

Mr. S. C. Mitra : Is it a fact that the First Assistant in this department of Biochemistry has gone to England to specialise in applied Chemistry?

Mr. G. S. Bajpai : I want notice. I cannot say off-hand whether the First Assistant has gone. I know that there Research Officers have been deputed by the Lac Researchers to carry on research work in England.

Mr. K. C. Neogy : Is it also a fact that several Assistants, who used to be engaged in Biochemical work, have for some time switched their activities over to other departments, and does not all this show that there is little Biochemical work carried on in the Institute?

Mr. G. S. Bajpai : I think last year I answered a question asked by my Honourable friend in regard to the general activities of the Institute, and then I said that emphasis on the work has changed by reason of the altered requirements of the industry in England. It is quite possible that for that reason those, who were engaged upon Biochemical work before, are doing chemical work proper, which does not mean that their services are no longer required. It must be appreciated that the Biochemist is also the Director of the Institute, in other words, apart from doing Biochemical work she is supervising the research work of the Institute generally.

Mr. S. C. Mitra : May I take it that at the time of the renewal of this contract of Biochemist, Government will take into consideration whether some other officer could take over the research in Biochemical works and general supervision as well?

Mr. G. S. Bajpai : I answered that question last year. I said that, at the time of the renewal of the contract, the general question of the desirability of continuing the particular kind of work will be taken into consideration.

Mr. Gaya Prasad Singh : Is it a fact that, in the last meeting of the Lac Cess Committee, they actually made a recommendation that the terms of this lady's contract may be extended?

Mr. G. S. Bajpai : That is perfectly true, but my Honourable friend is also aware of the fact that Government have passed no orders on that recommendation.

Mr. Gaya Prasad Singh : And that she herself, being a member of that Committee, voted in favour of her service being extended?

Mr. G. S. Bajpai : I agree with my Honourable friend that she is a member of that Committee, but as to the actual voting on that occasion, I am afraid, I have no knowledge.

Mr. Vidya Sagar Pandya : Do not Government expect the Members on this side to be more chivalrous to that lady, when she is the only lady in that department?

Mr. G. S. Bajpai : I hope my Honourable friend's appeal to chivalry will not fall on deaf ears.

EUROPEAN OFFICERS ON CONTRACT AT THE INDIAN LAC RESEARCH INSTITUTE.

384. ***Mr. K. C. Neogy :** (a) Will Government please lay on the table a statement giving the following information regarding the European officers on contract at the Indian Lac Research Institute :

- (i) their academic qualifications at the time of recruitment,
- (ii) their research experience on lac,

(iii) the posts held by them, salaries received, and research publications before joining the Institute, and

(iv) a list of their individual publications since joining the Institute?

(b) Is it a fact that their posts were not advertised in India?

(c) Will Government please place on the table a list of the Indian candidates with their qualifications who applied for these posts?

(d) Is it a fact that the posts were advertised only in England and the Lac Association was determined to appoint only Europeans?

(e) Do Government now propose to advertise these posts in India and replace the officers on contract with better qualified Indians, if available, and give these European officers notice of termination of services within the provisions of the contract?

Mr. G. S. Bajpai : (a) Attention of the Honourable Member is invited to the statement which I have laid on the table.

(b) and (d). These appointments were originally made by the Indian Lac Association for research. The post of Biochemist was advertised in India but not that of the Physical Chemist or Entomologist.

(c) I regret that I cannot comply with the Honourable Member's request as it is not the practice of Government to reveal the names of unsuccessful candidates for employment.

(e) Attention is invited to the reply given to the Honourable Member's starred question No. 5 on the 16th of last month.

Mr. K. C. Neogy : Has the Honourable Member tried to find out why some of these appointments were not advertised at all in India?

Mr. G. S. Bajpai : The fact of the matter is that, at the time these appointments were made, Government had no control over the activities of this Institute.

Mr. Gaya Prasad Singh : Who had the control ?

Mr. G. S. Bajpai : The Indian Lac Cess Association as it was called at the time, I think.

Mr. Gaya Prasad Singh : Was not this Indian Lac Cess Association created as a result of legislation which was passed by this House ?

Mr. G. S. Bajpai : That is perfectly true ; but my Honourable friend ought to draw a distinction between legislation which was passed in 1923 and the legislation which was passed in 1930. It was legislation which was passed in 1930 which gave to the Governor General in Council the authority or the power to give approval to certain appointments carrying salaries of more than Rs. 500 a month which are made by the Committee.

CONTRACT SERVICE AT THE INDIAN LAC RESEARCH INSTITUTE.

385. ***Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to the article in the *Searchlight*, Patna, dated the 22nd June, 1934, revealing the conditions of contract service at the Indian Lac Research Institute ?

(b) What is the policy followed by the Lac Cess Committee in the matter of renewal of contracts ? Is the work of the officers subjected to any scrutiny by scientific experts ?

Mr. G. S. Bajpai : (a) Yes.

(b) In so far as there can be a general policy in regard to technical appointments of this character, it must be to renew the contract of service of an employee if his services have been satisfactory and his technical skill and experience are needed for a further period. None of the renewed contracts of research workers has yet expired. If the Honourable Member has in mind outside scrutiny, the answer to the second part of the question is in the negative.

JUDGING OF WORK IN THE INDIAN LAC RESEARCH INSTITUTE.

386. ***Mr. K. C. Neogy :** Is there a single non-official Biochemist, Physical Chemist or Applied Chemist on the Lac Cess Committee to judge the value of the research work done by the Institute Biochemist and Physico-chemist or coordinate the work in England and America on the utilisation of lac in industries ?

Mr. G. S. Bajpai : The present Committee includes one Applied Chemist, but no unofficial Physical Chemist or Biochemist.

Mr. K. C. Neogy : Does it not come to this that it is these expert officers themselves who have to decide whether their contracts should be renewed or not ?

Mr. G. S. Bajpai : No, Sir, that is not so. The decision with regard to the renewal of contracts is that of the Committee in which only one of these officers, namely, the Director, is included.

Mr. K. C. Neogy : But, so far as the work carried on by these experts is concerned, am I not right in assuming that the judgment passed by

these officers themselves is taken as the basis for the decision of this Committee ?

Mr. G. S. Bajpai : I have already, in answer to a supplementary question asked on an earlier question, said that the question whether there should be an expert organisation in order to advise the Committee in regard to the nature of the work that is done by these people is being examined.

Dr. Ziauddin Ahmad : Is there any technical expert to whom these technical men like biochemists, etc., are responsible for their work, or do they judge for themselves whether the work done is satisfactory and thus decide their own cases ?

Mr. G. S. Bajpai : I have already answered that question, that apart from this one Applied Chemist on the Committee there is no one either on the Committee or associated with the Committee in order to express an opinion upon the work which is being done by these officers.

Dr. Ziauddin Ahmad : May I know whether this thing has proved to be a success in this case, that persons are responsible to themselves, and there is no one to judge whether the work done is good or not ?

Mr. G. S. Bajpai : That, Sir, is asking for an expression of opinion, but I have already answered the point involved in an earlier question.

CONTRACTORS FOR RAISING COAL FROM STATE RAILWAY MINES.

387. ***Mr. Amar Nath Dutt :** (a) Is it a fact that experienced mining men are ordinarily appointed as contractors for raising coal from State Railway mines ?

(b) Are minors, without mining experience, employed as contractors in the Railway mines and did the Chief Mining Engineer recommend to the Board any minor ? If so, will Government be pleased to state the reasons for such appointment of a minor and the recommendation by the Chief Mining Engineer ?

(c) Is it a fact that three of the big quarries of Kargali Colliery have been given to the lowest tenderer, who is a minor boy named Nagendra Prasad Singh, aged about 12 or 14 years only, and is the son of the late Contractor, Babu Ram Bilash Singh ?

(d) Is it a fact that this minor Contractor has been asked to start work before signing the agreement ? If so, why ?

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

(b) and (c). A tender in the name of Rambilas Nageshwar has been accepted for removing overburden and quarrying at Kargali Colliery. Government understand that this was a joint tender of Rambilas Singh, the existing Contractor, who has plenty of experience and his son.

(d) The Contractor will not start work before signing the agreement.

SAVING FROM COLLIERIES ON COAL RAISING.

388. ***Mr. Amar Nath Dutt :** Will Government be pleased to state the saving that can be made from the collieries on coal raising and overburden clearing, per month and per annum, and whether any arrangements have been made to effect a saving ?

Mr. P. R. Rau : I lay a statement on the table showing the old rates and the new rates introduced on the 1st August, 1934.

State Railway Collieries.

	Bhurkunda.			Jt. Bokharo.			Jt. Swang.			Kargali.		
	Per ton of coal raising.	Per 1,000 cft. over-burden.	Per ton for coal raising.	Per 1,000 cft. over-burden.	Per ton for coal raising.		Per 1,000 cft. over-burden.	Per ton for coal raising.		Per 1,000 cft. over-burden.	Per ton for coal raising.	
					Pits.	Incline.		Quarry.	Pits and Incline.			
Old rates	Rs. a. p. 1 12 0	Rs. 15-30	Rs. a. p. 1 2 0	Rs. 15-30	Rs. a. p. 1 2 0	Rs. a. p. 1 6 0	Rs. 10-50	Rs. a. p. 1 2 0	Rs. a. p. 1 7 0			
New rates	*1 3 0	15	0 10 6	16	0 11 0	0 14 0	29	0 11 0	1 0 0			

* Anticipated when departmental working is introduced.

GIRIDIH COLLIERIES, E. I. R.
Joktiabad.

Deep pit.				Remarks.
Average reduction in rates for coal raising in the two pits at Giridih by introduction of Departmental working Re. 0/3/9 per ton (including the revision of the Departmental rates).				

Under Contractor
Departmental

The Honourable Sir James Grigg : Under the Revised Rates of Pay Rules and the Revised Leave Rules, 1933, published in the Gazette of India of the 23rd September, 1933, and, 16th December, 1933, respectively, persons who were in Government service on or before the 15th of July, 1931, and, whose services have been continuous from that date, will not be governed by the new scales of pay and the new leave rules. The same applies to persons on probation on the 15th of July, 1931, who were subsequently confirmed in their service or post and who were not specifically warned to the contrary at the time of their appointment on probation.

COMMISSION FOR EXCHANGE OF COINS IN BOMBAY.

392. *Sardar G. N. Mujumdar : (a) Will Government be pleased to state whether the merchants in Bombay are required to pay a lot of commission to the private Shroffs and Marwaries to get their small coins exchanged ? Is it a fact that no tenders of less than Rs. 100 of each kind are accepted for exchange by the Bombay Currency Office ?

(b) Has the minimum rate of Rs. 100 been fixed in all the Currency Offices in India ? If not, why is this fixed in Bombay ?

(c) Do Government propose to issue now instructions to the Bombay Currency Officer to change the rate in order to save the merchants from paying high rate of commission to the Marwaries and Shroff ? If not, why not ?

The Honourable Sir James Grigg : With your permission, Sir, I shall answer questions Nos. 392, 393, 475 and 476 together :

The necessary information is being collected and will be laid on the table in due course.

ISSUE OF COPPER COINS FROM THE BOMBAY CURRENCY OFFICE.

†393. *Sardar G. N. Mujumdar : (a) Will Government be pleased to state whether it is a fact that no copper coins are issued by the Bombay Currency Office except in multiples of Rs. 50 ?

(b) Have the public to go to the Imperial Bank of India if they require copper coins for less than Rs. 50 ?

(c) Is the above practice followed in all the Currency Offices in India ?

(d) Is it not possible for the Bombay Currency Office to issue copper coins for less than Rs. 50 to avoid the great inconvenience caused to the public ?

394. *Sardar G. N. Mujumdar : (a) Will Government be pleased to state if they are aware of the fact that great nuisance is caused to the third class passengers as most of the carriages, used on the Bombay Suburban Service of the Great Indian Peninsula Railway, leak during the monsoon ?

(b) Do Government propose to issue instructions to the Great Indian Peninsula Railway Administration to arrange to have all their third class carriages on the Suburban Service, painted every year, before the monsoon to avoid the nuisance of leakage during the monsoon ?

Mr. P. R. Rau : (a) Government are not aware that the facts are as stated.

(b) A copy of this question and of the reply thereto is being sent to the Agent, Great Indian Peninsula Railway, for such action as may be necessary.

†For answer to this question, see answer to question No. 392.

LEAKAGE OF CARRIAGES ON THE BOMBAY SUBURBAN SERVICE.

†395*.

DELAY IN THE DELIVERY OF POSTCARDS, ENVELOPES, ETC., ADDRESSED IN HINDI IN THE PUNJAB.

396. *Bhai Parma Nand : (a) Is it a fact that post cards, envelopes, packets, etc., addressed in Hindi do not reach the addressees in the Punjab as soon as those addressed in Urdu ? If so, will Government be pleased to state whether postal employees in the Punjab are being required to pass any departmental test in Hindi to remove this grievance of the Hindu-minority of the Punjab ?

(b) If the reply to the latter part of (a) be in the affirmative, will Government be pleased to state when the arrangements are expected to be complete in this respect ?

The Honourable Sir Frank Noyce : Information has been called for and a reply will be placed on the table of the House in due course.

LEGISLATION ABOUT THE PURITY OF DRUGS USED BY MEDICAL MEN IN INDIA.

397. *Bhai Parma Nand : Is it a fact that some time ago, an all-India Committee was appointed to safe-guard the purity of drugs used by medical men in India ? If so, will Government be pleased to state when the findings of this Committee are to be carried into effect by means of suitable legislation on this subject ?

Mr. G. S. Bajpai : Yes. The Honourable Member is referred to the reply given to Mr. S. C. Mitra's starred question No. 38, on the 23rd August, 1933. The views of all the Local Governments were not received until February, 1934, since when the nature and scope of the action to be taken on the numerous recommendations of the Committee have been under consideration.

INDIANS EMPLOYED AS POLITICAL AGENTS OR RESIDENTS OF INDIAN STATES.

398. *Bhai Parma Nand : Will Government be pleased to state the numbers of Indians employed as political agents or residents of Indian States within their own jurisdictions during the last three years, respectively ?

Mr. H. A. F. Metcalfe : None. So far there has been no Indian officer in the Political Department of requisite seniority and experience, except one who has been employed as Administrator of the Nabha State, since 1932.

INCONVENIENCE FELT BY ILLITERATE INTERMEDIATE CLASS PASSENGERS IN MAIL TRAINS.

399. *Bhai Parma Nand : (a) Are Government aware that poor illiterate passengers who are used to travelling third class, have sometimes to travel intermediate class by mail trains on account of the exigencies of their business ?

†This question was withdrawn by the questioner.

(b) Are Government also aware that these passengers find it very difficult to secure even seats in intermediate carriages by mail trains ?

(c) Are Government prepared to issue definite instructions to Railway guards to see at every Junction station that these passengers are not being put to any avoidable inconvenience ?

Mr. P. R. Rau : (a) and (b). It is possible that some passengers, who normally travel third class, have sometimes to travel in intermediate class, but Government are not aware that they are subject to any special difficulties when doing so.

(c) Guards have instructions to give their best assistance to all passengers entraining.

MIGRATION OF KABULI UNSKILLED LABOURERS TO INDIA.

400. ***Bhai Parma Nand :** (a) Are Government prepared to enquire from various Local Governments whether it is a fact that there is a seasonal migration of Kabuli unskilled labourers to various parts of India ?

(b) If so, will Government be pleased to state whether it is a fact that this periodical increase of foreign labour affects the wages of indigenous unskilled labourers adversely ?

Mr. H. A. F. Metcalfe : (a) It is a fact that a seasonal migration of Ghilzai tribesmen takes place annually into India. This migration is a historical fact, and has become a well-established feature of the economy of Northern India, and Government see no reason to institute enquiries from Local Governments.

(b) Such Afghan tribesmen as engage in labour in India mostly undertake, by long usage, heavy manual work, such as the excavation of channels and the building of mud walls, and Government have no reason to think that their employment affects the wages of indigenous labourers adversely. On the contrary, there is reason to believe that their assistance is readily welcomed by villagers, who are believed frequently to defer construction of such works until their arrival.

Mr. Lalchand Navalrai : May I know if these Kabulis come and create disturbance in India ?

Mr. H. A. F. Metcalfe : That does not appear to me to arise out of the question, but so far as I know, they do very good and honest work.

Mr. Amar Nath Dutt : Are Government aware that these Kabulis are a menace to the innocent Bengal villagers and that they often terrorise them and demand usurious rates of interest ?

Mr. H. A. F. Metcalfe : I think the Honourable Member is making a mistake. The Pathans who lend money to the Bengal villagers are quite distinct from Kabulis who come down to do heavy manual labour.

INDIANS RECRUITED AS SOLDIERS OR SAILORS.

401. ***Bhai Parma Nand :** Will Government of India be pleased to state the number of Indians recruited in the various ranks of the Military and Marine Department, as soldiers or sailors, province by province and community by community, i.e., Hindus, Muslims and Sikhs, during the last five years, respectively ?

Lieut.-Colonel A. F. R. Lumby : A statement containing the required information as regards soldiers of the Indian Army is laid on the table.

Similar information in respect of sailors of the Royal Indian Marine is being collected and will be laid on the table in due course.

Statement showing numbers of Indian Soldiers enrolled during the five

Provinces.	1st April 1929 to 31st March 1930.				1st April 1930 to 31st March 1931.			
	Hindus.	Sikhs.	Musalmans.	Total.	Hindus.	Sikhs.	Musalmans.	Total.
N. W. F. P.	..	..	1,085	1,085	..	..	909	909
Punjab	2,582	3,385	4,465	10,432	2,853	3,266	4,883	11,002
United Provinces	1,215	..	122	1,337	1,638	..	96	1,734
Bombay Presidency and Hyderabad (D).	1,078	..	219	1,297	1,214	..	155	1,369
Madras	481	..	54	535	638	..	41	679
Rajputana and C. I. ..	840	..	123	963	873	..	214	1,087
Nepal	1,727	..	..	1,727	2,564	..	..	2,564
Afghanistan	..	..	132	132	..	..	133	133
Total	7,923	3,385	6,200	17,508	9,780	3,266	6,431	19,477

years ending 31st March, 1934, by Provinces and by Communities.

1st April, 1931 to 31st March, 1932.				1st April, 1932 to 31st March, 1933.				1st April, 1933 to 31st March, 1934.			
Hindus.	Sikhs.	Musalmans.	Total.	Hindus.	Sikhs.	Musalmans.	Total.	Hindus.	Sikhs.	Musalmans.	Total.
..	..	738	738	..	..	1,083	1,083	..	..	827	827
2,399	3,104	5,132	10,635	3,027	2,765	5,274	11,066	2,366	2,675	4,467	9,508
1,183	..	150	1,333	1,407	..	112	1,519	1,260	..	150	1,410
947	..	87	1,034	853	..	60	913	686	..	61	747
402	..	79	481	295	..	60	355	315	..	64	379
663	..	131	794	929	..	128	1,057	727	..	140	867
1,947	..	..	1,947	1,863	..	..	1,863	1,485	..	..	1,485
..	..	122	122	..	..	..	..	..	..	..	..
7,541	3,104	6,439	17,084	8,374	2,765	6,717	17,856	6,839	2,675	5,709	15,223

Mr. S. C. Mitra : May I take it that the recent service award is strictly followed in the recruitment of soldiers and marine officers also ?

Lieut.-Colonel A. F. R. Lumby : I am afraid I do not quite understand the question.

Mr. S. C. Mitra : May I take it that the Honourable Member knows that there has been an award about service for different communities in India and do they apply to the recruitment of soldiers and marine officers also ?

Lieut.-Colonel A. F. R. Lumby : That Resolution does not affect the Army at all.

Mr. S. C. Mitra : Why not ? Will the Honourable Member please explain if there are any vested interests and other special interests in the recruitment of these officers ?

Lieut.-Colonel A. F. R. Lumby : There is nothing communal about the recruitment of officers either for the Army or the Royal Indian Marine. As regards the recruitment of other ranks, there is a certain class composition laid down for the Indian Army and that is followed. As regards recruitment to the Royal Indian Marine at the present time, this is carried out in the areas where the best recruits are obtainable.

Mr. B. V. Jadhav : Is it not a fact that all of them are Muslims ?

Mr. S. C. Mitra : Is it because in the Army the Government care for efficiency and to keep up standards and not in the civil services ?

Lieut.-Colonel A. F. R. Lumby : I am afraid I cannot answer that question, Sir.

Bhai Parma Nand : Is this Army not an all-India service, and does not the Resolution of the Government apply to it ?

Lieut.-Colonel A. F. R. Lumby : If I remember rightly, the Resolution definitely says that it does not refer to the military services : but only to the civil.

POST OFFICE CASH CERTIFICATES NOT CASHED OR RENEWED AFTER THE EXPIRY OF TWELVE YEARS.

402. ***Bhai Parma Nand :** (a) Is it a fact that there are several postal cash certificates which have not been cashed even after the expiry of twelve years by their purchasers without any renewal ?

(b) Are Government aware that this is due to the fact that some of these purchasers have died sudden deaths, without letting their heirs know anything about their having bought these postal cash certificates ?

(c) Does the money of these purchasers invested in these postal cash certificates lapse to Government without being claimed by their survivors ?

(d) Is it a fact that this state of affairs can be easily mended if purchasers of postal cash certificates be made to declare, in their printed application forms, the names of their heirs to whom the money is to be paid by the postal authorities in case of their deaths ?

(e) Will Government be pleased to state the number of postal cash certificates lying uncashed in Government Post Offices even after the

expiry of twelve years on the 31st March, 1934, and the amount of money thus unclaimed ?

(f) Will Government be pleased to state whether they propose to issue suitable instructions to postal authorities to have the money of these postal cash certificates handed over to the survivors of the deceased purchasers through Magistrates or Tahsildars ?

The Honourable Sir James Grigg : (a), (b) and (c). Post office cash certificates are kept by the purchasers in their own custody and are not kept in post offices. The information desired by the Honourable Member is not therefore available.

(c) No. The money is payable to the heirs of deceased holders at any time, if they can establish their claim.

(d) I would invite the attention of the Honourable Member to the reply given on the 7th of November, 1931, to part (c) of question No. 1252 asked by Lala Hari Raj Swarup.

(f) Government do not consider it necessary to alter the existing procedure.

Mr. Lalchand Navalrai : May I know from the Honourable Member if any notice is given to persons who hold these certificates before they lapse to Government ?

The Honourable Sir James Grigg : If the Honourable Member will read my answer, he will see that they do not lapse to Government. The money is payable to the heirs of the deceased holders at any time, if they can establish their claim.

FAILURE OF INDIAN INSURANCE COMPANIES.

403. ***Bhai Parma Nand :** (a) Will Government be pleased to state the number of Indian insurance companies which failed in India during the last ten years ?

(b) Are Government prepared to enquire from official and non-official experts how far defective legislation has been responsible for the failure of these companies ?

The Honourable Sir Joseph Bhoré : (a) Eleven Indian Life Assurance Companies went into liquidation during the period from 1924 to date, and one Indian company, transacting insurance business other than life assurance business, went into liquidation since the passing of the Indian Insurance Companies Act, 1928.

(b) As the Government of India propose taking steps in the near future to consider the desirability of amending the existing insurance law in India, they do not consider it necessary to institute separate enquiries in the matter.

GRANT OF CONCESSIONS TO THE STUDENTS OF THE DEPRESSED CLASSES IN THE DELHI UNIVERSITY.

404. ***Bhai Parma Nand :** Are Government aware that the Nagpur University has extended certain concessions to students of depressed classes on their admission to their various examinations ? If so, will Government

be pleased to state whether the University of Delhi proposes to move in this direction ?

Mr. G. S. Bajpai : The answer to both parts of the question is in the affirmative.

MEMBERS OF DEPRESSED CLASSES EMPLOYED AS PEONS IN THE RAILWAY AND POSTS AND TELEGRAPHS OFFICES.

405. ***Bhai Parma Nand :** (a) Will Government be pleased to state the number of members of depressed classes employed as peons (chaprasis) in Railway and Post and Telegraph offices, respectively, in various provinces of India on the 31st March, 1934 ?

(b) If the number of the chaprasis belonging to depressed classes be small in proportion to the numerical strength of the community, will Government of India be pleased to state what steps they intend to take in this matter for the future ?

Mr. P. R. Rau : (a) The information is not available and Government consider that its collection will involve an amount of time and labour which is unlikely to be justified by results.

(b) The policy of Government on this question is laid down in the Home Department Resolution of the 4th July, 1934, copies of which are available in the Library.

USE BY MEMBERS OF THE DEPRESSED CLASSES OF PLATFORMS OF GOVERNMENT-OWNED WELLS.

406. ***Bhai Parma Nand :** (a) Will Government be pleased to state whether platforms of Government owned wells situated on such public grounds as those of tehsils, courts, schools, hospitals, police stations, etc., are open, in actual practice, to the use of such depressed classes as Bhangis (sweepers) and Chamars (leather-workers) within the territories administered direct by the Central Government in case when these subjects of the Crown do not happen to be engaged in their professional work of scavenging or flaying dead bodies ?

(b) If the reply to part (a) be in the negative, do Government propose to issue definite instructions in this connection to the officers in charge, and if so, are they prepared to take steps to ensure that their instructions are carried into effect by their subordinates ?

The Honourable Sir Henry Craik : (a) and (b). The information asked by the Honourable Member in part (a) has been called for, and a reply to both parts of the question will be laid on the table of the House in due course.

EVIDENCE BEFORE THE TARIFF BOARD ON THE PROTECTION OF STEEL.

407. ***Mr. B. Das :** (a) Will Government be pleased to state if the evidences—both written and oral—before the Tariff Board on Steel Protection will be available before this House takes up the discussion of the Steel Protection Bill ?

(b) If the evidences cannot be published in time, will Government be pleased to place on the table the original copies of evidences for reference of Honourable Members ?

The Honourable Sir Joseph Bhoré : (a) and (b). Spare copies of the evidence, as far as available, were placed in the Library of the Legislature on the 31st July. A complete set will be available to members of the Select Committee, and all Honourable Members will also have access to that set, when the House takes up the consideration of the Select Committee's Report on the Bill.

EVIDENCE BEFORE THE TARIFF BOARD.

408. ***Mr. B. Das :** In view of the unusual delay in the matter of publication of evidences before the Tariff Board, do Government propose to direct the Tariff Board to secure four additional copies of all memoranda and representations for use of the Members of this House ?

The Honourable Sir Joseph Bhoré : The suggestion made by the Honourable Member will receive consideration in connection with future enquiries undertaken by the Tariff Board.

PROPOSAL FOR THE REMOVAL OF THE PUSA AGRICULTURAL INSTITUTE.

409. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following remarks published in the editorial article in the *Times of India*, dated the 20th July, 1931, regarding the proposal for the removal of the Pusa Agricultural Institute :

"In these days, when it is so difficult to get even the smallest sum for beneficial State activities, it is right and proper, that an estimated outlay of Rs. 26 lakhs for the transfer of the Institute, should be very critically regarded. Estimates of cost, particularly when they are put up by those supporting a scheme, naturally tend to be conservative. It is an open question whether the sum of Rs. 36 lakhs would be the end of expenditure on the transfer suggested" ?

(b) Has the attention of Government been drawn to the same editorial article, regarding the supposed inaccessibility of Pusa :

"Those of us who know our India would not regard such disabilities in too serious a light. They may sound rather tragic to people accustomed to the accessibility of all corners of England, but in this country such difficulties of access can be taken almost as a matter of course not only in getting to Pusa, but in getting to many other parts" ?

(c) In the light of the above remarks, do Government propose to revise their proposal ?

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

(c) Government have decided, after reconsideration, to adhere to their proposal.

Mr. Lalchand Navalrai : May I know from the Honourable Member if it is not a fact that before the earthquake, students took very little advantage of this Institute and very few students attended at Pusa, because it was not centrally situated ?

Mr. G. S. Bajpai : That is what I understand.

Mr. Gaya Prasad Singh : Is this Institute open for students to be admitted ? It is only a Research Institute.

Mr. G. S. Bajpai : No ; in addition to research work, they undertake post-graduate instruction.

Maulvi Muhammad Shafee Daoodi : Has there been any paucity of students at Pusa ?

Mr. G. S. Bajpai : I do not quite know what my Honourable friend means by paucity of students : the number of students, as far as I know, has never been zero, but I gather that the Institute has not been quite so popular as it would have been if it had been more centrally situated.

Maulvi Muhammad Shafee Daoodi : Does the Honourable Member mean that the required number of students was not available in any of these years ?

Mr. G. S. Bajpai : I do not quite know what my Honourable friend means by "required". It is not the case that the Institute requires a fixed number of students to go to the Institute. There are students who apply for admission to the Institute and naturally the number that apply, after consideration of their qualifications, are admitted. The point I was making was that because of the inaccessibility of Pusa, as many students were not applying as would have been the case otherwise : that opinion is based upon what I have been told by Directors in the Provinces.

Mr. Vidya Sagar Pandya : Is that also one of the reasons for removing the Institute from Pusa to Delhi ?

Mr. G. S. Bajpai : I think the reasons for removing the Institute from Pusa to the vicinity of Delhi have been stated in the memorandum presented to the Standing Finance Committee, a copy of which I laid in the Library in reply to a question asked by my Honourable friend, Mr. Gaya Prasad Singh, some time this Session.

Sir Abdur Rahim : Has this question been finally disposed of by the Government of India ?

Mr. G. S. Bajpai : I would invite the attention of my Honourable friend to what I said just now—"Government have decided, after reconsideration, to adhere to their proposal".

Sir Abdur Rahim : Does it mean that they have made up their mind finally and decided the question ?

Mr. G. S. Bajpai : What it means is that, so far as they are concerned, they adhere to their proposal.

Sir Abdur Rahim : Who else is concerned in the matter, may I know ?

Mr. G. S. Bajpai : There were a series of questions asked sometime ago, I think, on the question as to whether the Assembly would have an opportunity of discussing this matter or not.

Sir Abdur Rahim : I want to know whether it will serve any purpose so far as the Government of India are concerned for this matter to be discussed in the Assembly.

Mr. G. S. Bajpai : Why not ?

Sir Abdur Rahim : That is why I wanted to know if the Government had finally decided the question.

Mr. G. S. Bajpai : What I have said in my reply to the question is : "Government have decided, after reconsideration, to adhere to their proposal."

The proposal is to transfer the Institute from Pusa to the neighbourhood of Delhi. That proposal is still before the Standing Finance

Committee. The Standing Finance Committee has not pronounced upon it. What the attitude of Government will be after the Standing Finance Committee and the Legislature have pronounced upon the subject is a question upon which I cannot give any answer just now.

Sir Abdur Rahim : Then there is room for reconsideration ?

Mr. G. S. Bajpai : There is certainly room for an expression of opinion by the Standing Finance Committee and the Legislature, and I do not think I need tell my Honourable friend that views expressed by the Committee and the Legislature always receive the most careful consideration of the Government.

Mr. S. C. Mitra : Will Government please explain, in view of the fact that that question is going to be discussed in the Assembly very soon, why they reconsidered and decided to adhere to their old decision ? Is it not an affront to the Assembly ?

Mr. G. S. Bajpai : I did not say that they have decided to adhere to their decision. The stage of decision is reached after the proposal which they have put before the Standing Finance Committee has been pronounced upon by the Standing Finance Committee. All that I said was that, after consideration of the passages in the newspapers, to which my Honourable friends have referred, and other criticisms, Government have decided to adhere to their proposals.

Mr. S. C. Mitra : Then, we take it that Government will reconsider their former proposal before coming to a final decision. Then, what is the meaning of saying they will adhere to their proposal ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Government for the present stick to their proposal, but the decision on the subject may be reached after an expression of opinion by the Legislature on the subject.

Mr. S. C. Mitra : What was the urgency in revising their decision and adhering to their proposal, knowing full well that the question would be raised in the Assembly in a day or two.

Mr. G. S. Bajpai : My friend, Sir, it appears to me, has not appreciated the distinction between a proposal and a decision. I have said that we have decided to adhere to our proposal. (Laughter.)

Sir Abdur Rahim : May I know if the approval of the Secretary of State was sought by the Government of India to their decision or to their proposal and that the Secretary of State has given his approval ? If so, does not that settle the matter once for all ?

Mr. G. S. Bajpai : Sir, if my friend will look at the telegram, of which a copy was placed on the table of this House some time ago, he will find that the word used in the telegram to the Secretary of State is "proposal".

Sir Abdur Rahim : Proposal by the Secretary of State or by the Government of India ?

Mr. G. S. Bajpai : Naturally in the telegram to the Secretary of State the proposal will be the proposal of the Government of India and not of the Secretary of State.

Sir Abdur Rahim : And that after it is approved by the Secretary of State, it will not be subject to any revision by the Assembly or by the Government of India which is a subordinate Government ?

Mr. G. S. Bajpai : It is not a question of a subordinate Government. I think the constitutional position in regard to the rights of this House was fully gone into by the series of supplementary questions that were asked. I think, on the third day of this Assembly.

Sir Abdur Rahim : Sir, there is a motion standing in my name with reference to this particular question. All that I am anxious to know is whether it is worth while either to the House or myself to discuss the matter if the Government have made up their minds already in the matter. That is all I want to know.

Mr. G. S. Bajpai : I have already stated, Sir, that the views or intentions of Government are undoubtedly subject to reconsideration in the light of the verdict of this House if this matter is discussed.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether Government will pass the proposition that the Pusa Institute be transferred from Pusa to Delhi ?

Mr. G. S. Bajpai : I am afraid I could not follow the question.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether, in taking votes on this question, they will take the help of the official votes as well ?

Mr. G. S. Bajpai : That is a question really for the Leader of the House.

UNSTARRED QUESTIONS AND ANSWERS.

ALLOTMENT OF QUARTERS TO NON-MIGRATORY STAFF IN NEW DELHI.

29. **Seth Liladhar Chaudhury :** (a) Is it a fact that it is the practice to allot Government quarters in Delhi on the basis of the highest revenue to be derived ? If so, why is it that preference is given to the migratory (moving) staff of the Government of India, over the non-migratory staff ? Is it not a fact that the latter normally contribute a higher revenue ?

(b) Is it a fact that those members of the migratory staff who are not provided with quarters in New Delhi during the winter season receive a separation allowance ? Is it also a fact that the staff of certain offices (e.g., Army Headquarters), who do not get quarters in New Delhi, are given quarters in Old Delhi and paid a conveyance allowance to cover distance ? If so, why is it that similar treatment is not accorded to the non-migratory staff ?

(c) Are Government prepared to take steps to ensure equal treatment to the non-migratory staff in the matter of an allowance, or, in the alternative to provide quarters for the whole season to those who are yearly residents of Delhi ? If not, why not ?

The Honourable Sir Frank Noyce : (a) No. The method of allotment is stated in the rules, a copy of which will be found in the Library. Preference is not given to the migratory over the non-migratory staff

in the matter of allotments. The quarters available are distributed between the two classes on a *pro rata* basis. It is, of course, true that a tenant who pays rent throughout the year pays a larger sum than a tenant who is in occupation for the Delhi Season only.

(b) and (c). Such of the migratory staff of the Secretariat and Attached Offices, as are entitled to free "family" accommodation in Simla or receive house-rent allowance in lieu, and who, for want of accommodation, do not take their families to Delhi, are paid an allowance in order to compensate them for the inconvenience and extra expenditure involved in maintaining two establishments and for transporting their families to places other than Delhi. Those who draw this allowance are not granted any family travelling allowance for the moves to and from Delhi. There is clearly no justification for granting a similar allowance to the non-migratory staff.

As regards the conveyance allowance, for which only the migratory staff are eligible, the Government's policy, as has been stated before in this House, is rigidly to oppose the extension of this concession. The provision of additional Government quarters in New Delhi will, as time goes on, permit Government to do away with the allowance altogether. Government are providing quarters sufficient, with those already existing, to accommodate approximately 87 per cent. of the clerical establishment.

EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.

30. **Seth Liladhar Chaudhury :** (a) Will Government please state whether an examination for recruitment of lower division clerks was held by the Postmaster, Lahore, about two months ago ?

(b) What was the number of candidates who were allowed to appear at this examination ?

(c) Was the son of the Head Clerk, Staff 'B' Section, of the office of the Postmaster-General, Lahore, one of the candidates ?

(d) What was the merit of the candidate referred to in part (c) above in the result of the examination ?

(e) Was the examination cancelled ? If so, why ? Was it not done on the suggestion of the Head Clerk referred to in part (c) above ?

The Honourable Sir Frank Noyce : The questions Nos. 30, 31, 32 and 33 are dealt with together.

Government have no information. The matter is one with which the Postmaster-General, Punjab and North-West Frontier Circle, to whom copies of the questions are being sent, is competent to deal.

EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.

31. **Seth Liladhar Chaudhury :** (a) Was the Postmaster, Lahore, directed to hold for the second time an examination for recruitment of lower division clerks, and was he not given clear instructions regarding

†For answer to this question, see answer to question No. 30.

irregularities, if any, committed by him in the first examination held for the same purpose ?

(b) What was the number of candidates allowed to appear at the second examination ?

(c) Why was a lesser number of candidates allowed to appear at the second examination than at the first ?

(d) Is it a fact that the son of the Head Clerk, Staff 'B' Section, of the office of the Postmaster-General, Lahore, could not appear at this examination due to illness ?

(e) Was this second examination cancelled at the suggestion of the Head Clerk, referred to in part (d) above ? If so, why ?

EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.

†32. **Seth Liladhar Chaudhury :** (a) Has an examination now been held on the 6th July, 1934, in the Circle Office, Lahore, for recruitment of lower division clerks ?

(b) What was the number of notices issued to candidates for this third examination and of candidates who actually turned up ?

(c) Is it a fact that the notices to the candidates for this examination were issued from the Circle Office under registered covers only on the 3rd July, 1934 ?

(d) What were the reasons for this short notice of one or at the most two days ? Was it not due to the suggestion of the Head Clerk, Staff 'B' Section of the office of the Postmaster General, Lahore ? If so, why ?

(e) Is it a fact that applications from certain officials in the Circle Office, requesting their sons being permitted for this examination, were either not entertained or refused ?

(f) Will Government please state whether successive cancellation and holding of the examination in the Circle Office over the head of the Postmaster, Lahore, in higher grade than the Assistant Postmasters-General who held the examination, has ever been done before ? If not, what were the special circumstances for ignoring the Postmaster, Lahore, and for holding the examination in the Circle Office for filling up vacancies in the Lahore General Post Office ?

(g) Is it a fact that the said Head Clerk unnecessarily entered the examination room a number of times on one plea or the other and had ultimately to be warned by one of the Examiners (Assistant Postmaster-General) to quit the examination hall till the examination was finished ?

(h) Is it a fact that according to the standing orders of the Director General, Posts and Telegraphs, an official personally interested and concerned in a case, in any way, is prohibited from dealing with that case ?

(i) If the reply to part (h) above be in the affirmative, why did the said Head Clerk deal with this case of examinations ?

†For answer to this question, see answer to question No. 30.

EXAMINATION FOR RECRUITMENT OF CLERKS IN THE RAILWAY MAIL SERVICE, "L" DIVISION.

†33. **Seth Liladhar Chaudhury :** (a) Was a son of the Head Clerk, Staff 'B' Section of the office of the Postmaster-General, Lahore, specially permitted to sit at the recruitment examination recently held by the Superintendent, Railway Mail Service, 'L' Division, in preference to the claims of the candidates on the waiting list of the Railway Mail Service of that Division, and is it a fact that he failed there ?

(b) Is it a fact that the undue favouritism referred to in part (a) above was brought to the notice of Government through an article in the *Daily Herald*, dated the 19th June, 1934, and if so, what action was taken in the matter ?

(c) Has this examination held by the Superintendent, Railway Mail Service, 'L' Division, also been cancelled ?

(d) Is another son of the said Head Clerk already employed in the office of the Postmaster-General, Punjab and North-West Frontier Circle ?

(e) If the reply to part (c) above be in the affirmative, why are favours being extended to the sons of the said Head Clerk, when sons of many deceased employees in dire circumstances and deserving of sympathy, are crying for appointments since a long time ?

(f) Is it a fact that the rights of a number of candidates who passed sufficiently high to secure appointments in the two examinations held by the Postmaster, Lahore, and one by the Superintendent, Railway Mail Service, 'L' Division, have been unjustly usurped ? If so, how do Government propose to remedy this ?

(g) If the replies to the preceding parts indicate an irregular and unprecedented procedure and favouritism, what action have Government taken, or intend to take, against the officials responsible for it ?

STOPPAGE OF THE INCREMENT OF A TELEGRAPHIST IN THE PUNJAB POSTAL CIRCLE.

34. **Seth Liladhar Chaudhury :** With reference to starred question No. 234 put by Bhai Parma Nand on the 24th February, 1934, and the reply given by the Honourable Sir Frank Noyce, regarding the stoppage of the increment of a Telegraphist in the Punjab Postal Circle, will Government please state what action, if any, has been taken by the Local authority concerned ?

The Honourable Sir Frank Noyce : Government have no information and do not propose to obtain it as the matter is one which it is within the competence of the Head of the Circle concerned to dispose of finally.

DISPOSAL OF THE STAFF CASES OF THE PUNJAB POSTAL CIRCLE OFFICE AND OF THE DEAD LETTER OFFICE, LAHORE.

35. **Seth Liladhar Chaudhury :** (a) Will Government please state whether it is a fact that according to the Standing Orders of the Director-General, Posts and Telegraphs, in Posts and Telegraphs Circles

†For answer to this question, see answer to question No. 30.

where there are two Deputy Postmasters-General, the staff cases should be dealt with by one Deputy Postmaster-General and Establishment cases by the other, and that the Establishment cases in the Punjab and North-West Frontier Circle are assigned to the Senior Deputy Postmaster-General and Staff cases to the junior ?

(b) If the reply to part (a) above be in the affirmative, will Government please also state why the Staff Cases of the Punjab Circle Office and of the Dead Letter Office, Lahore, are assigned to the Senior Deputy Postmaster-General, when he is in charge of Establishment cases ?

The Honourable Sir Frank Noyce : (a) There is no standing order of the Director-General, Posts and Telegraphs, such as that mentioned by the Honourable Member.

(b) Does not arise.

PREPONDERANCE OF MUSLIMS IN CERTAIN CADRES IN THE DERAJAT POSTAL

DIVISION.

36. **Seth Liladhar Chaudhury :** With reference to the replies to unstarred questions Nos. 85 and 87, put by Bhai Parmanand on the 24th February, 1934, will Government please state what steps they have taken, or propose to take, to remove the preponderance of Muslims in the cadre of staff in the Telegraph Engineering Department and amongst Branch Postmasters, Mail Overseers, Postmen, and Inferior Servants in the Derajat Division ?

The Honourable Sir Frank Noyce : Government have not taken, nor do they propose to take, any special action except to ensure that their orders regarding communal recruitment, as in force from time to time, are carefully observed.

TOURS OF THE POSTMASTER GENERAL AND THE SENIOR DEPUTY POSTMASTER GENERAL, PUNJAB AND NORTH-WEST FRONTIER CIRCLE.

The Honourable Sir Frank Noyce : Information has been called for and a reply will be laid on the table in due course.

GAZETTED OFFICERS DUE TO RETIRE IN THE GOVERNMENT OF INDIA OFFICES.

38. **Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state how many gazetted officers, Indians and Europeans, in the Government of India Secretariat and its attached and subordinate offices are due to retire during the next eight or nine months ?

(b) Is it a fact that some of them are to be re-employed on special duty ?

(c) If the answer to part (b) above be in the affirmative, will Government please state their names and also give reasons for their re-employment ?

The Honourable Sir Henry Craik : The information is being collected and will be furnished to the House in due course.

PAPERS OF WHICH AN INCOME-TAX ASSESSEE IS NOT ENTITLED TO HAVE A COPY.

39. **Mr. Sitakanta Mahapatra :** Will Government please lay on the table of this House a list of the papers in an assessment file of which the assessee is not entitled to have a copy ?

The Honourable Sir James Grigg : I would refer the Honourable Member to the answer given in reply to his question No. 317, on the 31st July, 1934.

INCREASE IN THE IMPORT DUTY ON PROJECTORS, AMPLIFIERS AND LOUD SPEAKERS, ETC.

40. **Mr. B. V. Jadhav :** Will Government be pleased to place on the table a copy of the order increasing the import duty on projectors, amplifiers, loud-speakers, etc., when imported as one unit for use in cinema theatres for the reproduction of sound films from 10 to 20 per cent. on British machinery and from 10 to 30 per cent. on non-British machinery ?

The Honourable Sir James Grigg : No such order has been issued by the Government of India. Enquiries are, however, being made from Collectors of Customs and the result will be laid on the table in due course.

REVENUE AND EXPENDITURE OF INDIA.

41. **Sir Hari Singh Gour :** (a) Will Government be pleased to state in a tabular form Revenue and Expenditure, year by year, from 1921 to the latest year, the figures for which are available, showing the additional new taxation levied in each year ?

(b) Will Government be pleased to lay on the table a similar statement relating to the provinces ?

The Honourable Sir James Grigg : (a) A statement is attached. The figures in the last column of the statement represent the yield estimated at the time of the imposition of the taxation. It is not possible to calculate the actual yield.

(b) Figures of provincial revenue and expenditure are given in Accounts Nos. 8 and 9 of the Finance and Revenue Accounts of the Government of India, copies of which are available in the Library. Information regarding the yield from additional taxation levied by the provinces is not available.

Statement showing Revenue and Expenditure of the Central Government from 1921-22 and the Estimated yield from new or increased Taxation imposed during each year.

(In lakhs of rupees.)

Year.	Revenue.	Expenditure.	Estimated yield of new or increased taxation imposed during the year.
1921-22 ..	1,15,21	1,42,86	12,13
1922-23 ..	1,21,41	1,36,43	12,84
1923-24 ..	1,33,17	1,30,78	4,28
1924-25 ..	1,38,04	1,32,36	—4,50
1925-26 ..	1,33,33	1,30,02	{ —71 in 1925-26. —1,75 in a full year.
1926-27 ..	1,31,70	1,31,70(a)	....
1927-28 ..	1,27,26(b)	1,27,26	{ —42 in 1927-28. —82 in a full year.
1928-29 ..	1,28,98(c)	1,29,30	83
1929-30 ..	1,32,69	1,32,42	4,96
1930-31 ..	1,24,60	1,36,18	
1931-32 ..	1,21,64	1,33,39	Original Finance Bill .. 13,27 Supplementary Finance Bill .. 7,55 for 6 months in 1931-32. 15,01 in one full year.
1932-33 ..	1,26,40	1,24,85	
1933-34 ..	1,19,31	1,19,31(d)	
(Revised) ..			2,83
1934-35 ..	1,19,71	1,19,61(e)	
(Budget) ..			

(a) Includes 2,96 on account of transfer to Revenue Reserve Fund.
(b) Includes 2,22 on account of transfer from Revenue Reserve Fund.
(c) Includes 74 on account of transfer from Revenue Reserve Fund.
(d) Includes 1,29 on account of transfer to Earthquake Fund.
(e) Includes 1,51 on account of transfer of share of jute export duty, etc.

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have
12 Noon. got to deliver a Message to the House :

(The Message was received by the Assembly standing.)

" Gentlemen of the Assembly,

You are naturally anxious to be informed of the course which will be adopted with a view to the constitution of a new Assembly. There appears to be a general impression that it will rest with Lord Willingdon to dissolve the existing Assembly as a preliminary to the constitution of its successor. This impression is erroneous. The power of extension conferred by clause (b) of the proviso to sub-section (1) of section 63D of the Government of India Act having been exercised, the power of dissolution conferred by clause (a) of that proviso, is not available for the dissolution of the Assembly in the period intervening between the expiration of its normal life and the date to which it has been extended. Consequently, the present Assembly will remain in existence until the 31st December, 1934, but with a view to the constitution of the new Assembly in time to admit of the commencement of its first Session in January next, resort will be had to the power conferred by the proviso to sub-rule (2) of rule 27 of the Legislative Assembly Electoral Rules which enables the Governor General to issue notifications calling upon constituencies to elect Members at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events. In the exercise of this power, the Governor General will issue the notifications in question in respect of the constituencies of each Province on such date early in October as will accord with the electoral programme contemplated in the Province and polls will be taken on dates varying slightly from Province to Province within the first half of November."

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muham-
madan Rural) : Sir, I beg to move :

" That after clause 2 of the Bill, the following new clause be added :

" 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted."

Sir, the procedure laid down in the local Act for the arrest and detention of persons is not only summary but most unsatisfactory. There are two sections in the local Act under which arrest and detention can be made. Under section 2, sub-section (1), the Local Government can arrest and detain a person if in their opinion such an act is essential for the purposes and reasons stated in that section. In the second place, section 4 of that Act also empowers any officer of that Local Government, provided that officer is specially empowered in this respect, to make such arrest. Sir, the provisions of section 4 of that local Act require scrutiny. It is not stated to what grade of officers that power would be delegated by the Local Government. Then, Sir, it is well-known that in these matters it is the police officers who are empowered to make arrests, and such police officers may be even petty and small. Apart from corrupt and malicious motives, there may be overzeal on the part of such officers in making arrests. If by chance such an officer first makes an arrest, then it is but natural for him to adhere to his view and opinion and try to collect more

[Rao Bahadur B. L. Patil.]

evidence against the person. All the safeguards laid down in the section, in my opinion, will not be sufficient to protect the unfortunate victims. We must remember that these persons are arrested and detained merely on suspicion and not anything like judicial evidence. Let me advert to the procedure that the Local Government follows in verifying the reports of such officers. The other day the Honourable the Home Member, who honourably filled the post of Home Member in the Punjab, said in this Assembly that he was always very careful in verifying these reports and he got them confirmed and that he was fully satisfied. But may I ask him whether it is possible for him, or for the matter of that, for any Home Member in any Province, or for the matter of that, any District Magistrate to personally verify and come to a right conclusion and lay his hands upon his breast and say that the facts stated in the report were correct? In my humble opinion, it is impossible. These officers will have to follow the report in many cases blindfold. This is one of the reasons why I submit that the power of the High Court to direct the production of persons detained should be retained and should not be taken away.

Then, Sir, Government have assigned two reasons for taking away this power from the High Court. The first is that, under the circumstances obtaining in Bengal, they want to substitute executive discretion for that of the judicial. The second reason is that in the nature of things the evidence in such cases cannot be disclosed. May I ask whether the executive enquiry that is provided in the local Act is in any sense sufficient or judicial? The enquiry may be made by the executive, but I submit that it must be judicially done. Are there sufficient provisions in the local Act to assure that? If you just turn to section 9 of the local Act, you will find that some sort of, I should say, summary scrutiny is provided. Under that section, the facts collected, and the circumstances noted against the persons will be placed before two officers of the grade of Sessions Judge or Additional Sessions Judge, and also the answers given to the allegations made against them by the Government on those facts and circumstances. Then, the officers will have to consider these materials and submit their report. Here there are two points to be considered. Is the person concerned given any opportunity to meet those allegations in person? The only opportunity he gets is to submit his written answers to the allegations made. With regard to the report submitted by the officers, nobody would know what it would be, and then the Local Government is not bound to follow it. The Government may or may not accept it. This is most unfair. In my opinion, if Government want to safeguard the liberties of these persons, they must at least agree to accept the opinion of the officers whom they have themselves appointed. I need not mention that the whole of this procedure is confidential. This is my second reason why the power of directing the production of these persons should not be taken away.

Let me now come to the provisions of section 491 of the Criminal Procedure Code. Section 491 simply provides that the High Court has power to direct that any person illegally or improperly detained should be produced before it. What is the scope of this section? It merely gives power to the High Court to see whether the arrest and detention are made under law and whether the person is properly imprisoned. What does it mean? The High Court has no other power except to see that

the provisions of the particular law are complied with. That is the only power; but the other day the Honourable the Law Member assured this House that the High Court has power to go into the record and see whether the provisions of the law are complied with or not in spite of the retention of this barring clause. Therefore I submit that section 4 of the Act of 1932 is either superfluous or mischievous. It is superfluous for the reason that the power under section 491 is there whether such a barring clause is there or not. It is mischievous for the reason that if the High Court had already such a power, why should a barring clause like this should be inserted in the Bill? For these reasons I submit that the Government should not sit adamant, but agree to adopt this amendment. A number of Honourable Members have raised this question on this side of the House and Government have replied on all those occasions and stuck to their view. But we on this side of the House are not at all convinced by the reasons given by the Government, and, especially in view of the fact that the provisions of the local Act as well as the provisions of Act VIII of 1932 are now made permanent, I submit that it is most unfair that the power of the High Court to issue a writ of Habeas Corpus should be taken away. May I also submit that, in this country, not only the educated classes, but even the masses have implicit faith in the fountain head of justice as lying in the High Court. Therefore, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That after clause 2 of the Bill, the following new clause be added :

“ 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted ”.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I do not desire to take up the time of the House—not that there are too many here—by repeating the arguments I have advanced before. I have heard my Honourable friend, Mr. Patil, say that he has not been convinced. If he has not been convinced, I dare say, my paraphrasing the same arguments in a different language will not convince him. I do not want to detain the House by repeating arguments which I have already advanced on a previous occasion when I went into the matter at some length. I shall only point out, with great respect, the amount of confusion in the mind of my Honourable friend, Mr. Patil, in the contentions which he has put forward before this House today, for instance the argument based on the overzeal of the lower police officials. What has that got to do with the matter? If the police has gone wrong and if the Government have come to a wrong opinion, it is possible by reason of the Bengal Act, because the suspect has no chance of having recourse to a Court of law, but we are not concerned with that. This House is not doing something by which the overzeal of the police officer is being confirmed. That is done by the local executive and that is done by virtue of an Act which has been passed by the Bengal Legislature. I do not desire to take up the time of the House further. I took more time on the last occasion than I wanted to. I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That after clause 2 of the Bill, the following new clause be added :

“ 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted ”.

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Henry Craik (Home Member) : Sir, I move :

"That the Bill be passed."

I do not desire at this stage and after the very lengthy debates that have taken place to make a speech on this motion. I was not, of course, in this House during those debates, but I have spent many hours reading, I think I may say, conscientiously, every word that has been uttered in this House during the three days debate on this Bill, and with the best will in the world I cannot find anything new whatever to say about the Bill. Therefore, I content myself with making the motion. Sir, I beg to move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill be passed."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : From this side of the House, we assured the Government that none of us is a terrorist or favours terrorism. We said repeatedly that we would like to strengthen the hands of the Government to eradicate terrorism altogether from the country, but the difference between the Government and the Opposition is that we are willing to have the Bill as a temporary measure in order to remove this terrorism, but we do not want it to remain permanently in the Statute-book of the country. We know that the Indian Criminal Law Act is supposed to be one of the best Acts in the world, and I was told that several countries had tried to adopt this as a specimen. I think it is a stigma, both on the Government and the people of this country, to have this as a permanent measure. It is a stigma on the people, because you assume that terrorism is going to be a permanent feature in the country. We earnestly believe that this is a passing phase, and it will disappear if proper actions are taken. It is a stigma on the Government, because it will be said that, after 175 years of their rule, they could not establish a peaceful Government in the country and they have to resort to a permanent Statute of the kind now before us. We on this side believe that to have this as a permanent measure is a stigma on the people as well as on the Government. If right action had been taken 18 years ago, this situation would not have arisen. Government failed in their duty at the right time. Certain Commissions and Committees recommended proper action, but the Government allowed the thing to pass away. I still believe that if right action is taken, this thing will be eradicated in time and this Bill would not be necessary. We on this side of the House are willing to allow the Government to have this measure for a temporary period so long as it is necessary, but not to have a permanent measure.

It was hinted at by some speakers, and I emphasize the fact, that had the Government adopted a right policy in education when the Calcutta University Commission reported, then the whole position would have been cleared up. Had proper action been taken to revise the educational system of Bengal, it would have made an enormous difference in the condi-

tion of Bengal and in the revolutionary movement. They have got a system of high schools which a number of educationists condemn. They have very low type of teachers. The teachers practically teach nothing in order that they may be employed as tutors to the richer boys. The whole system of aided schools and recognised schools requires a great improvement and it was suggested that if the schools are made State schools and better provision is made for the teaching, then the boys will do some constructive work and they will not turn to revolutionary occupations. I am myself an old *alumnus* of the Calcutta University. I took my M.A. degree from the Calcutta University, and it was an honour to be a graduate of the Calcutta University in those days. The standard of education at that time was high. The people who took the degree scattered all over India and were prominent in every walk of life. They practically captured the whole of the Government of India Secretariat. They would have kept up their educational supremacy even to this day but for the lowering of the standard for which the Government of India are chiefly responsible, and I say that this terrorism has arisen because of the wrong policy of the Government of India in educational matters.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : Why not change the Senate of the University ?

Dr. Ziauddin Ahmad : That is a very small issue compared with the bigger problem which I have now laid before the House. I want to change the whole educational system of Bengal, particularly the secondary education ; a change in the personnel of the Senate will not change the educational system of the country. It may be hardly relevant on this Bill to give a whole discourse on the educational policy of Bengal, but I must emphasize this fact that this whole cult of terrorism, whatever it may be called, is the result of a wrong training and wrong policy pursued in the matter of the education which the boys have been receiving in schools and colleges now. Of course, a thing of this kind is nearly an impossibility in any other Province. In all other Provinces they have got a better supervision, and a better system and standard of schools and colleges. Sir, sometime ago, I emphasized that the Government have in every important country taken the responsibility as regards secondary education. Why should we not act similarly so far as Bengal is concerned ? Let the Government directly take the responsibility of secondary education and of providing the people of Bengal with opportunities for good and sound education ; so that they may turn out good college students, and the people of Bengal may again regain the position which they have now lost on account of pursuing a wrong and unsound and inefficient educational policy of recent years.

Then, Sir, coupled with the question of education, there is also the economic problem. Now, the economic problem is no doubt keen in every Province, but it is much keener in Bengal than it is in the other Provinces on account of the large number of persons who have already qualified themselves from the universities there and who find no future for themselves. Now, Sir, if you make only these changes, that is, provide some kind of healthy occupation to the persons who come out of these universities, give them the right kind of education and a good standard, so that they may not fall a prey to mischief-makers and dangerous propaganda, then, I am sure, such people will have absolutely no time to think of mischievous pursuits. To give an apt illustration, those, familiar with the agricultural life of the country, will probably remember that all sorts of

[Dr. Ziauddin Ahmad.]

troubles crop up in the country when the cultivators have got nothing to do, but as soon as the harvest or cultivation time comes round, the moment the tenants and other agriculturists have some kind of occupation, there are no troubles in the rural area. It is only when there is nothing to do that these unhappy troubles arise. Idleness is the mother of mischief. Similarly, if the right policy of education is steadily pursued, if we keep the time of the boys well occupied in healthy pursuits and if, after these boys leave their schools and colleges, we provide some healthy occupation for them and have a proper supervision over them, then the whole troubles which now exist will probably disappear. Therefore, Sir, I take this opportunity to beseech the Government that these terrorists should not be taken to be a permanent feature of the country. You may have certain powers, no doubt you have them, of removing them for the time being, but if you want to have a permanent cure and wish to establish a peaceful Government and not a military Government, then, in that case, it is up to you to find out the right solution: and the right solution is—change your whole educational policy, and provide some kind of living or means of living to all these persons who turn out from these schools and colleges. If you fail in that, and if you simply have recourse to your present methods, then I am afraid this thing will never disappear. You may for the time being divert detenus from one place to another, it may appear to have subsided, but it will not disappear unless you take the right action. Time after time I urged, when I was on the Calcutta University Commission, that that was the right course to follow, but unfortunately the Government of India were too timid to take the right course of action, and they did not want to spend money without which nothing can be achieved. Unless you have both, it is impossible to realise your object. Therefore, I say that this measure that we are now passing is really a stigma to the people of India and to the Government of India, and we should like to repeat from this side of the House that this is not really the permanent cure of the problem which is now before us. Do have no doubt a temporary measure till you solve it, but at the same time do think out some methods by means of which this sort of thing can be permanently and effectively cured. With these words, Sir, I resume my seat.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I oppose this motion entirely. I do not think that there is any utility in the measure or that the grounds advanced are at all sufficient for extending the operation of this measure or for making it a perpetual measure, and I do not think that the Government of Bengal really now requires any power to send these detenus out of the Province of Bengal. Sir, in 1932, when this Act was passed (Act VIII of 1932, I believe), there were certain reasons for the Government of Bengal coming up before this House, the first reason being that there was not sufficient accommodation in the jails of Bengal at that time. That was the time when the Civil Disobedience Movement was in its full swing, and the whole resources of the Provincial Government, so far as regards accommodation in jails, were taken up by these Civil Disobedience prisoners. In this connection, I may read a passage from the Bengal Administration Report for 1932-33 issued by the Government of Bengal. It says at page 22 :

"The heavy influx of civil disobedience prisoners during the first six months of 1932 placed a great strain upon the resources of the Jail Department.... The Hijli

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Additional Special Jail, the Dum Dum Special Jail, and the Dum Dum Additional Special Jail remained in commission throughout the year, and when these were found insufficient in accommodation, a second additional special jail was opened at Dum Dum. The old sub-jail buildings at Hijli were treated at first as part of the additional special jail for the reception of female civil disobedience prisoners, but the latter were subsequently removed to a female jail that was opened at Berhampore, and the Hijli sub-jail buildings were then utilized for female detenus."

Sir, all these sub-jails which were opened in 1932 are presumably now lying vacant. The Civil Disobedience prisoners amounted in 1932 to about fourteen thousand. They are now no longer being housed by the Government of Bengal, and, I ask, what is being done with all that accommodation? Is it all lying vacant, or is it being utilized for teaching the boys of Bengal how to behave themselves properly? I take it, that is not done; they are lying vacant, and I do not see why, for the reason of accommodation the Government of Bengal should have come before this House in order to secure special provision. That is the first point. The second point made out by Sir Harry Haig was that these detenus were very dangerous and that they were in communication with outside persons. That was his charge; and, to prevent that being done, these persons were sent to Deoli. The Government of Bengal, however, in the Bengal Council did not say as much. On the 19th March, 1934, the Honourable Mr. Reid, the Home Member of the Government of Bengal, said this (I am reading from the Bengal Council Proceedings, page 304 of Vol. XLIII-No. 5) :

"Mr. N. K. Basu dwelt on the question of Deoli. I think the House is well aware of the reason why the Deoli Camp was started in 1932. There was a great congestion in Bengal and we could not accommodate further detenus here, and that is one reason why it was started. The second reason was this: that these men which we have in the Detention Camp are all men who are deep in the terrorist movement. To remove them outside the province does make a difference both to conditions here and also to their own mentality."

There is no suggestion here that they were guilty of communicating with people outside or of hatching conspiracies inside the detention camp and making it available for people outside. No such charge has been made, and I believe Sir Harry Haig, when he said this, was making a mistake or rather misunderstanding what was said about the terrorist prisoners in Bengal and not the detenus, for I find this passage in the report of the Administration of Bengal. They say :

"The increase in the number of terrorist convicts was also marked, and these prisoners were exceedingly troublesome and proved a source of great anxiety to Jail Superintendents. They consistently attempt to undermine discipline and to hold unauthorized communications with outside sympathisers, and they frequently threatened the jail staff with violence. Three terrorist prisoners actually succeeded in escaping from Midnapore Central Jail. One was recaptured during the year, and the other two in 1933. It was to free the jails of the province from the disturbing presence of these undesirables that deportation to the Andamans was decided upon by the Government of India, and during the year 58 such terrorist convicts were despatched from Bengal to Port Blair."

I say, therefore, that there is no justification for Sir Harry Haig to make the assertion that these detenus were communicating with outsiders. If that portion of the argument goes out, then what remains of the argument for extending the operation of this Act? I do not find any. So far as the question of congestion is concerned, I do not find any argument. So far as the communication with outsiders is concerned and which the Government wanted to prevent, it was never in existence so far as this

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[Mr. S. C. Sen.]

class of detenus are concerned. Under these circumstances, I oppose this Bill.

Then, Sir, there is another question, namely, to make this Act a permanent one. Why should that be done? The Government of Bengal has thought fit to make the Criminal Law Amendment Act of 1930 a permanent feature of the Statute-book of Bengal, but that does not apply in the present case. The Honourable Sir Harry Haig stated that if you make a Statute terminable with a particular period, the terrorists would await for that period and wage war again. He also said that, that was the lesson the Government had learnt from the history of the terrorist revolution from 1905 downwards. Sir, if one reads the history of the terrorist revolution in Bengal, I do not think he will come to this conclusion. He laid great stress on the fact that the 1925 Act was repealed in the year 1930, and, thereafter, there was a great recrudescence of outrages in Bengal. The history of the terrorist outrages in Bengal is very succinctly stated in the report on the Police Administration in the Bengal Presidency for the year 1931. There it is said :

"The total number of persons interned under the 1924 Ordinance and the 1925 Bengal Criminal Law Amendment Act was 187."

And the number of persons who are now under detention is over 2,000. Therefore, it is sought to be proved that by the release of these 187 detenus, there was a recrudescence of the terrorist activities in Bengal. It goes on :

"All these persons and those made State prisoners under Regulation III of 1818 were released by the end of January, 1929, the majority being released in 1928. In 1929, terrorist outrages increased, four being committed, of which the murder of a police officer in Barisal and a dacoity in the Rajshahi district were the most important."

This Act was, if I remember aright, agreed to be repealed by the Government of Bengal by a speech made by Sir Stanley Jackson in the Bengal Council in March, 1930. At the same time, he warned the people that if any recrudescence of terrorist activity took place, he would at once get the Government of India's permission to promulgate another Act. Sir, everybody knew at that time that the Act of 1925 was given up at the pressure of the Home Government (the Labour Government) which was in office at that time.

The Honourable Sir Henry Craik : What date was this?

Mr. S. C. Sen : It was March, 1930. And the police did not wait for a long time before they could make out a case for the re-promulgation of this Statute, for, if I remember aright, by the 15th April, 56 houses in Calcutta were searched by the police and some more houses were searched in the Mufassil including Rajshahi. But the next day was a very fortunate day for the police, because, on the day after that, the Chittagong armoury raid case was found to have been committed.

The Honourable Sir Nripendra Sircar : As my Honourable friend is wrong about all his dates and in most particulars, I do not want to interrupt him now.

Mr. S. C. Sen : May I know in what respect I am wrong?

The Honourable Sir Nripendra Sircar : You said that 56 house searches took place in March and the Chittagong armoury raid took place

the next day. That is not the case. The Chittagong raid took place on the 18th April, 1930.

Mr. S. C. Sen : I am simply stating the facts, and the Honourable Member has not understood me. After that day, that is to say, 15 days thereafter, about the 15th of April, house searches were made in Calcutta. I was not wrong about my date, and two days thereafter the Chittagong outrage took place, and the day after that the Ordinance was passed. So, I have no quarrel about that matter. But what I wish to emphasise is that 187 prisoners were released in 1929. That is what I have shown from the Bengal report, that on the 18th or 19th of April, barely a month after, these people should have made up their mind and made all sorts of arrangements about the raiding of the armoury in Chittagong is something novel. If these men are capable of doing that.....

The Honourable Sir Henry Craik : I am sorry to interrupt the Honourable Member, but he is really wrong about his facts. The majority of the detenus were released about the end of 1928, more than a year before the Chittagong outrage took place.

Mr. S. C. Sen : That is what I am saying.

The Honourable Sir Henry Craik : My Honourable friend said distinctly, and this the House was asked to believe, that these detenus, less than a month after their release, had been able to plan the Chittagong outrage.

Mr. S. C. Sen : My point is that it is over a year between their release and the Chittagong outrage although the Act of 1925 was not repealed more than a month ago, and, therefore, this point is against the argument adduced by Sir Harry Haig in this House that so long as the Act remained in force, these people could not do anything, but after the Act was over, they took steps. Therefore, the contention that because they were released in 1928, and were hatching this plot from time onward is not relevant. The date of the repeal of the Act is the only point to be considered. That is what I say. If these few men could make arrangement for the raiding of the armoury in Chittagong where there is a great military force, I should think that Government, instead of imprisoning them, should have taken them into the army (Laughter) and given them suitable posts.

The Honourable Sir Nripendra Sircar : I wish my Honourable friend knew even some of the facts of the Chittagong case.

Mr. S. C. Sen : These are the facts taken from the publications of Government. I need not go any further.

The Honourable Sir Nripendra Sircar : I have also got the publications of Government. My friend knows little about the matter.

Mr. S. C. Sen : The administration reports are here and the dates are also mentioned, and I am trying to draw my own conclusions from them.

The Honourable Sir Henry Craik : They are wrong conclusions.

Mr. S. C. Sen : That may be according to you ; but, to my reading, that is the position. Therefore, the mere non-existence of that Act of 1925 did not conduce to the terrorist outrage at Chittagong—that is my

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contention. Moreover, I will tell you one thing. My idea is, and that is confirmed by a very high official in the Government of Bengal, Special Department, and his opinion was that the recruitment of the terrorist outrage was planned, not after the repeal of the Act, but after the rioting which took place in Dacca by the end of 1929. That was the idea of that high official of Bengal, the idea is not mine. He is supposed to know more about the state of Bengal and about terrorists than any other person here.

An Honourable Member : Who is that high official ?

Mr. S. C. Sen : I shall be excused for not mentioning his name.

The Honourable Sir Nripendra Sircar : Possibly some imaginary person.

Mr. S. C. Sen : Of course everything that we on this side say is imaginary, and everything that the Government say is gospel truth. We are expected to take them as true facts.

The Honourable Sir Nripendra Sircar : We cannot test those statements. If conversation was private, it was not meant for public use.

Mr. S. C. Sen : Not only that, how did the Government treat that riot in 1929. It was with the concurrence, that is the contention, of officials in Dacca at that time that this outrage took place. Even the guns from the hands of the local Hindu *bhadraloks* were taken away lest they, by firing, enraged the Muslim mob. That was the suggestion made, not by the officers themselves, but by the Committee of Inquiry which sat there.

Mr. S. C. Mitra : Is that the reason for not disclosing the names of the members of the Committee ? The Honourable the Law Member has secret knowledge of these things. Let him be fair.

Mr. S. C. Sen : I do not know what he will do, because I am not in his confidence.

Then, not after the Chittagong outrage, but after the murder of Ahsanullah, in Chittagong, there was a great depredation of property by the police officers. A report was made after an inquiry which was held by Mr. Nelson, the Divisional Commissioner, but that report has not seen the light of day. These and other things are the causes for the recrudescence of terrorist outrages in 1930, in Bengal, and this, gentleman also told me that some of the Muslim youths were guilty of attempted terrorist outrages, but that was suppressed, because the Government would not allow a Muslim name to be dragged into the controversy, lest they find that the fine which they were inflicting on the Hindu *bhadralok* class should be questioned. Sir, I take this opportunity of expressing my regret for informing the House the other day about the Rowlatt Act. I told the Honourable the Home Member the other day that the Enquiry Officers were a High Court Judge and another gentleman. I now find that that was not so. They are one or more investigating authorities for the purpose and every investigating authority shall be appointed by order in writing and shall consist of three persons, of whom two shall be persons having held judicial office not inferior to that of a District and Sessions Judge, and one shall be a person not in the service of the Crown in India. I made a mistake in telling the Home Member that it was one of

the High Court Judges. I may, however, tell him one thing that although this Act was on the Statute-book for three years, it was not applied.

The Honourable Sir Henry Craik : Which Act ? The Rowlatt Act ?

Mr. S. C. Sen : Yes. The report on the Police Administration in the Bengal Presidency for 1931 states :

“ In 1923, a fresh series of terrorist outrages began. The Defence of India Act had expired six months after the end of the Great War and although as a result of the Sedition Committee's report, the Rowlatt Bill, after slight modifications, became law as the Revolutionary and Anarchical Crimes Act, 1919, this Act, was never brought into force, and was repealed with other so-called repressing laws in 1921.”

That shows that so long as that Act was in force, and when there was an Enquiry Committee in which the accused was entitled to be present, the Government had not the courage to put forward their cases before such a Committee lest the result should prove the contention of the public that the so-called evidence upon which people are arrested and kept in detention are imaginary and untruthful. The Government feared that the castle which they built in the air upon false evidence should burst. The next Act which was passed in 1925 did not contain these provisions and enquiry officers, and we know why they were not there. Under these circumstances, I oppose the Bill.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, Government in their wisdom have rejected the amendment moved by my Honourable friend, Mr. Patil, not to make this obnoxious Bill a permanent measure on the Statute-book of this country. Now, it is therefore the duty of the Opposition to throw out a measure like this, because I shall presently show that whatever might have been the urgency and necessity of getting the Bill passed into law in Bengal,—the Bengal Criminal Law Amendment Act of 1934—there is no necessity of giving an extension to the rigorous provision of transportation of political suspects to other Provinces. As I was listening to the arguments of the Honourable the Law Member on this subject, I found that he made it clear that many of the speeches were not relevant, and he said :

“ The main point was whether the suspects can be detained in jail outside Bengal. Then the other argument was, for instance the consideration that the detenu loses his liberty, that he loses the company of friends, that in some cases prompt medical attention is not given and similar complaints. I say in all humility that these are irrelevant considerations because they may as well happen in jails inside Bengal as outside it.”

With great respect for the logic and arguments of my Honourable friend, the Law Member, I say that I join issue with him on each of those grounds. It is not a fact that the internment of a detenu in Bengal is the same so far as rigour of life and conditions of his health, his food, his interview and all these various items are concerned, if he is externed outside Bengal. That is the main point on which we differ and on which we argue that this provision for externing the Bengal detenus should not be accepted by the House. Instead of giving facts which the Honourable the Law Member will consider as imaginary, I shall take some of these points and show how they really prove a great hardship on the friends and relatives of the detenus. Just now I should like to read a few letters that I have received in the course of the last 10 or 15 days from the relatives of the detenus as regards interviews. Some of my friends, particularly my friend, Mr. Chatarji, waxed eloquent over the

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comforts of these detenus and said they do not suffer in any way and that they are getting all conveniences in jail. If I have time, I shall deal in detail with the points that he has raised; but from the graphic description that he gave, it seemed to me as if he is tempted to be inside the jail as a detenu rather than be an official Member of the Legislative Assembly.

Mr. J. M. Chatarji (Bengal : Nominated Official) : Sir, I never said that I was tempted to be inside a detention camp instead of being an official.

I P. M.

Mr. S. C. Mitra : The description given by him was so tempting,—that they are getting all sorts of food, they are getting books and all other comforts,—that if the nominated Members could have an additional luxury of getting Rs. 20 a day, as they get here, they should perhaps prefer to be inside these jails. I shall be the last man to grudge my Honourable friend, Mr. Chatarji, if, in consideration of his services, he is made permanent as a Magistrate in Bengal, but I shall deal with his points later on. But at present I shall deal with these interviews. I say, it is no concession, it is no favour to these detenus to permit them to have interviews with their relations. I made it clear before the House, and Government also admitted it, that they are only suspects and there are at least some, may be a small percentage of five or ten, who may not be even guilty of any of the charges which are laid at their door. But I should like to know from the new Home Member why these interviews, which are always allowed in the presence of police officials under very strict conditions that these police officials may like to suggest, why even in those conditions the interviews are repeatedly refused. I do not speak on mere imaginary facts. I was myself an applicant to see my own nephew. Not once or twice, but several times I have applied myself, and the father of the boy, my own brother, applied for interviews; but they have been repeatedly refused without being given any reasons. We said we were ready to abide by any conditions. The interviews are held in the presence of police officials; they can at any moment stop the interview if they think there is any conversation going on which is objectionable from any standpoint. The detenu is kept a few feet apart and he may be kept behind some iron bars. Yet why did Government take it into their head to interdict these interviews?

Then, as regards these communications, Sir, the Honourable the Law Member is absent just now, but I think it was he who raised this question that it does not make any difference when a man is sent out of the Province. I say that, as regards these communications, they suffer very much, and it is a standing grievance of all the relations and friends that they never receive regular correspondence about the health of these poor people. With your permission, Sir, I should like to place some of the letters that I have received about these communications. For the last one month and a half, so far as I understand, all communications and letters between these detenus and their friends and relations have been stopped.

The Honourable Sir Henry Craik : Where?

Mr. S. C. Mitra : At the Deoli Detention Camp. I will read some of these letters, and I shall be glad if the Honourable the Home Member

is in a position to say whether they are on hunger strike or whether there is a general order interdicting all correspondence with these detenus. Here is one letter :

“ My second son, Narendra Nath Das, is a detenu in Deoli camp. The last letter I received from him is dated 28th May, 1934. Since then I have not received any news about him. I sent various letters and wires to the said detenu for information but got no reply from him. I have also written to the Commandant, Deoli, on 11th June, 1934, and 15th July, 1934, but he did not care to reply to any queries. I have also sent petitions to the Deputy Inspector General of Police, I. B., Calcutta, for information on the 1st July, 1934, and again on 18th July, 1934, for an interview with the said detenu, but I have not been favoured with a reply as yet. Again I applied to the Secretary of the Government of Bengal, Political Department, for asking the Commandant, Deoli, to supply me with information by wire as to the health of this detenu; but unfortunately I failed to secure any information on the subject. So I pray that you will be pleased to help me with information as to his long silence and of the present state of health of the said detenu concerned by any means you may choose, and thus relieve his poor parents of the anxiety for their unfortunate son.

I have the honour to be, etc.,

Charu Chandra Das, Mukhtear,
Diamond Harbour Criminal Court,
District 24-Pergannas.

Dated 21st July, 1934.”

Here is another letter. This is written by a lady, named Probbabati Devi. Her address is 21-1-1 Sreemohan Lane, Kalighat, Calcutta, and the letter is dated 21st July last. I give the substance of it :

“ My younger brother, Rabindra Nath Ray Chaudhury, is a detenu for the last eight or nine months at Deoli. If there is no strike or special disturbance, I get letters from him regularly, but whenever there is a strike correspondence is stopped. I got his last letter on the 18th June last, and after that date we are receiving no letters. Apart from us there are several other detenus whose parents or near relations have got no letters from their relatives. They are anxious and came to us to inquire if we have received any letter from Rabi. They are very much frightened that some of the mothers of these detenus are becoming blind by weeping. Our apprehensions are that due to reduction of the daily allowance of these detenus or for reducing the expenses of letter writing, there must have been some strike. There is no way of getting any information by any means. Many have sent two or three telegrams but have received no reply. Will you kindly move in this matter? ”

I place these letters for the perusal of the Honourable the Home Member, and I hope he will give some reply as to why all correspondence has been stopped with these detenus for the last one month and a half; and I can personally say that I have also received no reply or letter from my own nephew for the same period. There must be something going on there, and it is the settled policy of this Government, whenever there is any trouble in the shape of hunger strike or anything else, that they take credit in suppressing all facts and figures in these matters. My Honourable friend, Mr. Chatarji, or the Law Member, sitting here, may think that these detenus are in Paradise and there is nothing to be desired in these detention camps. But I should like to point out even from these simple matters that the relations of these poor detenus cannot get even a letter or even a reply to their pre-paid telegrams simply saying that the detenus are keeping good health. They have paid the requisite money and the only information they want is about their health. And, in all these matters, there is so much of miserliness on the part of Government that they will not satisfy the anxieties of these

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relations. If anybody has done anything wrong, it is certainly not the relations of these detenus who are sent away from their homes.

Sir, I have spoken about these interviews. I want some categorical reply from the Home Member as to whether they consider it an act of great grace that the relatives of these detenus should be refused these interviews under police surveillance and under any conditions, without any reasons whatsoever being given. I shall deal with the other little points that will be apparent to the Honourable Members of this House. My friend, Mr. Morgan, may prefer the Deoli climate to Bengal climate. But, as I have said, to a Bengali his own climate is certainly more congenial to his health than the desert climate of Ajmere. If the European Members prefer to be in a dry climate, let them have it; but we like to have a specific answer to the question why, in a vast country like Bengal, they cannot have some segregated place, in a hill station or in some quiet part of the country, where these detenus can be as much segregated as in Deoli. It is no use saying in a round-about way that they do not suffer in any way. The burden lies heavily on Government to show, if their police and jail officials have to keep them out of harm by communicating with the outside public, why cannot they find some place in Bengal itself, which would be as much convenient to them as Deoli, so far as communication with the outside world is concerned. It is all beating about the bush not giving any straight answer to these questions, but simply saying that they do not suffer very much. I appeal to you, Sir, that it requires imagination really to feel the position of these poor fellows. Almost every day we pass these five or six hours in this Chamber: but once a rule is made that no one will be permitted to go out of the Chamber during these six hours, how these Honourable gentlemen will feel it? I say, it may not be necessary at all to go out of the Chamber in these six hours, but if there is a rule or regulation that Members will not be permitted to go out, how will it tell upon the nerves of these Members? It requires imagination, which the bureaucracy proverbially lacks, to feel for these men who suffer—not for days or weeks, but for months and months, and some for years and years, in a distant land, for no offence which can be proved in any way before a competent Court of law. We were talking of tested and untested and fabricated steel, but here it is mostly fabricated evidence that is used in all these cases. (Opposition Laughter.) The Honourable the Home Member was giving this House some idea about the charges that are framed against these detenus. I can speak of these incidents with first hand knowledge. I shall give some details, so that the House may realise what these charges are.....

Mr. President (The Honourable Sir Shanmukham Chetty): Will the Honourable Member take some time?

Mr. S. C. Mitra: Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty): The House now stands adjourned till 2-30 P.M.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. S. C. Mitra: Mr. President, when the House rose for Lunch, I was giving my personal experience to the House about some of these affairs about which the Honourable the Home Member also spoke from first hand knowledge. I should like to give the House a definite idea as to how these charges are levelled against these detenus. The Honourable the Home Member made an impression that these prisoners were only deprived of a public trial, but otherwise they got all chances to know what the charges against them were, and that they were also given an opportunity to clear themselves of the charges to the Government. Sir, I will tell the House what were the charges against me in 1924, and I hope the House will judge for itself how a man can meet the so-called charges levelled against him. It is contemplated in the Regulation itself that the detenu must be made acquainted with the nature of the charges. Now, the first charge against me was that I was a member of a revolutionary party. Sir, I ask the House, how can anybody meet that charge? I was not allowed to represent my case before any Tribunal, but I was allowed opportunities to make a statement, and all that I could say was that I was not a member of any revolutionary party. Then, the second charge was that I was an associate of Mr. Subhash Chandra Bose, a man who is loved and respected throughout India, Professor J. C. Ghosh, a very much respected patriot of Bengal, Mr. Anil Baran Roy, who is also held in very great esteem throughout Bengal, and one, two or others who were mentioned on that occasion whose names I don't remember just at the moment,—but I ask the House, how a gentleman could possibly refute a charge like this.

Then, Sir, the third charge against me was that I was a party in the smuggling of arms between two dates, say, 31st January, 1922 and 31st July, 1924, and no details, no date or any description, or where, or how or when exactly the arms were smuggled, were mentioned in the charge. It was a perfectly vague and indefinite charge. I challenge the Honourable the Home Member to say if it is any charge at all, or I appeal also to the Honourable the Law Member to say, with all his vast experience of law, whether these vague things can either be considered as charges according to any jurisprudence in any part of the civilized world. Now, Government come forward and say that the detenus are made acquainted with the charges and they are given every chance to refute those charges. I find there is only one Honourable Member in the European Group whom I expect to take an impartial view.....

An Honourable Member: No, there are two Members.

Mr. S. C. Mitra: Yes, there are two Members,—I stand corrected.—I expect them to judge these matters from the high traditions that the British nation possesses of ideas of liberty and justice. Are these the charges which gentlemen, suspected of political crimes, are expected to meet? I challenge the Honourable the Home Member to say whether what I say is not correct. Let him go through the old records. Sir, I know that subsequently one of the highest officials, the Deputy Inspector General of Police, the late lamented Mr. Lowman, who was a great friend

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of mine, told me that our confinement was merely precautionary and that they knew that we were leaders of thought in Bengal, but the apprehension of the Government was that, after the failure of the non-co-operation movement, there might be a recrudescence of revolutionary crime, and that was why they put us all under restraint! This was the admission made by one of the highest police officials; but yet responsible Members get up and speak with such an innocent air as if they resort to these methods only in the case of confirmed terrorists and they are afraid of public trials on the ground that some of the witnesses might be tampered with or there might be risk to their lives, and so forth. Sir, it is well-known that in Bengal, by legislation, they have provided for Special Tribunals, where the witnesses may be examined *in camera*, if necessary. All this procedure has now been arranged, and, in spite of all that, it is still pleaded that there is no way to bring home the charges against all these hundreds of young men who are now under restraint and rot in jails for years and years together.

The Honourable Sir Harry Haig was pleased to give the other day a description of the history of the terrorist legislation in Bengal. He said that it began from the year 1915. It has been rightly pointed out by my friend, Rao Bahadur Patil, that the Defence of India Act was a war measure. It was not peculiar to Bengal or to India, but it was introduced in all the countries that were engaged in the Great War. England was not excluded. There they had the famous Defence of the Realm Act, which was a war measure, but it ceased within six months after the conclusion of the War. Sir, I say, it is not correct to say that these repressive measures were first enacted in the year 1915. When in 1920 the non-co-operation movement was taken up by the people of this country, there was no terrorist or revolutionary crime for a long period, but when it was observed that the non-co-operation movement was failing to achieve its desired object of securing Dominion Status or Self-Government by non-violent means, the police became apprehensive that some of the ardent youths might resort to serious crimes and so some of the police emissaries and spies began to report to the higher authorities that there might be a recrudescence of crime, and, in 1924, all in a hurry Government passed the Ordinance. Sir, I was a victim of that Ordinance, and, later on, of Regulation III, and, still later on, of the Bengal Criminal Law (Amendment) Act. Government are making much of it, and the Honourable the Law Member himself said that the Bengal Council passed this measure by a vast majority in 1932 and so we must follow public opinion. May I ask, Sir, what happened in 1925 when the first repressive legislation was introduced in the Bengal Council? What was the respect of this great Government for public opinion at that time? Is it not a fact that the very introduction of such a measure was refused by the Bengal Legislative Council which was then properly represented by the nationalists and Congressmen of Bengal? You are very respectful of public opinion today and quote that you have 80 votes as against 20! I shall give you the names of these Members. But may I ask you, at the very inception of these repressive measures had you public opinion on your side? That is by the way. Then, for three or four years, several hundreds of young men were clapped into jail and Government had their own way. A few years after, they found that it was all useless and unnecessary. So far as I could see, I know the Chittagong

case is not in a link with other terrorist acts. It is a sporadic action. I think my Honourable friend, Mr. Sen, made a mistake in saying that it was an after-effect of the Dacca communal riot case. That is not correct, but the analysis of the situation as given by him is perfectly all right, because we know from responsible officials, both in the Government and in the police, that soon after the communal riot at Dacca, when Government went out of their way to support one community against another giving the go by to their sense of impartiality....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : The riot itself was organised under official auspices.

Mr. S. C. Mitra : My Honourable friend, Mr. Neogy, who always correctly analyses these affairs and who knows the genesis of the Dacca trouble much more than I do, says correctly that they were initiated under the Government auspices. But these are past affairs. In this very House I challenged the predecessor of the Home Member to publish Mr. Nelson's report, and whether it was not a fact that that Honourable gentleman came to the definite conclusion that there was evidence to show that there were police officials who instigated some of those crimes, and he recommended that Government should, without standing on their false prestige, compensate the poor sufferers. These are the reasons—the conduct of the officials, not only of the lower strata, the mercenaries, but the high officers of Government putting one community against another, that has given rise to these troubles. Of course, it is only one aspect of the thing. I admit there are economic causes. I admit that when young men find no outlet, no prospects in life after their education, and when they find that they cannot keep their body and soul together even after putting themselves to the hardest labour—in that condition it is not unlikely that they really do not know what is in the best interest of their country. I say that legislations like this will not help the Government to cure India and the Indian youths of their patriotism. Even the Honourable the Law Member was repeating several times that the Bengal Council had, by 80 votes against 20, passed the present measure and that we should not bother ourselves with the Supplementary Act at all. Now, turning to the list of Members who voted for and against the measure, I find that the total number who opposed was not 20, but 16, and among the opponents you will find names like those of Babu Jatindra Nath Basu, Mr. Narendra Kumar Basu, Mr. Syama Prasad Mookerjee, Mr. Shanti Shekhareswar Roy, Mr. S. M. Bose, Maulvi Abdus Samad, Maulvi Syed Majid Baksh, Maulvi Abdul Hamid Shah, Dr. Naresh Chandra Sen-Gupta, etc.

Mr. B. Das (Orissa Division : Non-Muhammadan) : All Liberals and not Congressmen.

Mr. S. C. Mitra : These are important men whose names are known to the villagers even in Bengal. In speaking on the measure before the Bengal Council, Mr. Shanti Shekhareswar Roy said :

“Sir, this position is not to be judged by the voting in this House, because it is well-known that long ago the dominant party in this country, whose position in the estimation of my countrymen is not challenged in any quarter, has left this House.”

The less said about those who voted for the Bill is the better. I remember in this connection a saying of Herr Hitler in his book on “My Struggle”. He says :

“Just as a hundred fools do not make a wise man, a heroic decision is not likely to come from a hundred cowards.”

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It is not always the number that counts. I shall be very glad to be in opposition with a minority in the company of leaders like Sir Abdur Rahim, Mr. K. C. Neogy, Diwan Bahadur Ramaswami Mudaliar and others rather than be in a majority with gentlemen like Mr. Yamin Khan, Captain Chaudhri Lal Chand and a host of others. (Laughter.) Here I should like to clear one point. It has been said by the Honourable the Home Member in this connection and also in other connections that we make exaggerated and inaccurate statements. Particularly he referred to my speech on the 19th March. I do not like to take the time of the House at this stage to refute those charges. I think I shall get enough opportunity to dilate on this point on other occasions. But there is one question which I should like to refer to, and that is, about a rape committed on a woman. (Mr. K. C. Neogy : "By whom?") I shall read out the whole of the paragraph :

"A few significant cases will give some idea about the serious situation.

During the small hours of the night of the 25th January, 1934, a number of Garhwali soldiers surrounded the house of S. J. Murari Mohan Sasmal of Jukhia in P. S. Bhagwanpur in the Contai sub-division, and one of the soldiers committed rape on the wife of S. J. Bhupan Chandra Sasmal, the elder brother of Murari Babu. Both the brothers were absent from home and the neighbours were prevented by soldiers and policemen from coming to the rescue of the unfortunate woman."

The reply was :

"The case has already been mentioned above. A judicial enquiry was held and the complaint found to be false and a prosecution for false evidence was instituted against Murari Mohan Sasmal."

And the whole House was convinced that it must certainly be a false case! As a matter of fact, Mr. Burrows, Commissioner, when the whole case was *sub judice*, did not hesitate to make a speech commenting on this very case. Does the House know that there was a case instituted against this Murari Mohan Sasmal for having made a false charge, and what was the result? He was acquitted.

The Honourable Sir Henry Craik : What does that prove?

Mr. K. C. Neogy : It speaks for itself. The Honourable Member's predecessor laid a great deal of stress on that case.

Mr. S. C. Mitra : A man was charged for bringing in a false case, and, with all the resources of Government, they were unable to book that man under that charge and he was acquitted. What is the result? Any man having common sense will draw his own inference. There are difficulties for non-officials to prove these cases. In the allegations which I wanted to be enquired into I said there were Magistrates who accompanied some of these parties, and how difficult it was in this unfortunate land where there is no separation of judicial from executive functions for the poor people to bring home their charges against officials. On another occasion, speaking of the British sense of justice in olden days, I was referring to the case in which Lord Curzon, though he found that a Court of law acquitted certain soldiers for some misbehaviour against a woman, yet took up the case and instituted a departmental inquiry and punished the whole battalion. That was the time when really British statesmanship made an impression in this country. Now, Government are more anxious to cripple the powers of the High Court and the only

bulwark of British administration in India. The relief of the people is that the British people may fail in everything, but they will never lose sight of their sense of justice. Now, they are undermining that foundation. You are taking away the foundation of the British Government, and every time you encroach upon the rights of the judiciary, you are responsible for creating the terrorism in this country. I do not like to refer to the speech of my friend, Mr. Chatterji. I know he had not the freedom to speak like an elected Member like myself, but I would like to remind him that, when they give a version, they should not mislead the House. Has he forgotten the case of the police murdering Santosh Kumar Mitra and other Barisal detenus in the Hijli detention camp? The position in these camps is not so comfortable as he thinks to be in his leisure time sitting on those back Benches. What are the reasons for the police shooting these unarmed detenus in detention camps? I pray that the new Home Member will take care himself to go into some of the charges, and, like his predecessor, Sir Harry Haig, who was telling this House that he personally inquired into the minutest detail, may I appeal to him to depute the Honourable the Law Member, who hails from Bengal and who is the pride of my race, and some other officials and non-officials to visit the detenu camps and make a report to the Honourable the Home Member? I know he will not be permitted, however exalted he may be in the estimation of the Government and whatever he may reply to my speeches. I wish the Honourable the Home Member had not alluded to the rule now obtaining in Germany and Austria approvingly last time.

The Honourable Sir Henry Craik : Not approvingly.

Mr. S. C. Mitra : Every student of politics knows that they may be successful for a short time, but it is bound to have its reactions and they shall have to reckon for the coming day. We appreciate British character. I hope they will not be swept off their feet by these temporary successes in other countries. He was also speaking of Dillinger, Public Enemy No. 1 in America and the conduct of the police there. I think even in the civilised world this sort of thing is never approved. I can say boldly that if they are considered as Public Enemy No. 1, the thoughtlessness and the unstatesmanlike actions of the bureaucracy, instead of putting an end to terrorism, will foster terrorism in India. They will be considered as Public Enemy No. 2 by the future generations. It is to the interest of both Indians and Britishers to see that terrorism is put an end to, but, as I have said, this legislation will not help. Sir, I oppose the passing of this Bill.

Mr. B. R. Puri (West Punjab : Non-Muhammadian) : Any adverse comment upon a measure of this nature is liable to be taken amiss as promoting or encouraging the terrorist propaganda. It is hardly necessary for me to say that so far as "terrorism" is concerned, there is no difference of opinion between the two sections of the House that this movement ought to be really stopped. The disagreement occurs only when we come to consider the propriety of remedies recommended by the Government to eradicate the evil.

So far as the merits of the case are concerned, I have got very little to say which has not already been said in one form or another. That I would frankly admit, but none the less I am addressing this Honourable

[Mr. B. R. Puri.] House for the sole reason that I want my protest against a measure of this kind to be put on record.

I trust it will be considered a pertinent question if I were to ask with all respect the Honourable the Home Member if the Government have by this time arrived at any final conclusion as to what are really the grounds upon which the operation of this Act is being sought to be extended. I have had an opportunity to go through the reports of the debates from the very beginning, and I have been struck with one feature of the debate, i.e., the statement of the Government made from time to time as to the reasons and the causes which have necessitated this measure. We have been told that the measure is necessary because of the lack of accommodation in the Bengal jails. This was seriously put forward as an argument at one time. At another time, we were told that the lack of control in the jail administration in Bengal was responsible for this. It is urged that the movements of the detenus in Bengal jails cannot be properly controlled and checked and that they resort to devices by which they manage to send out communications and they are constantly in touch with anarchists outside, that things are smuggled in and smuggled out, that communications go on between those who are detained inside and their friends and associates outside. This was at one time seriously put forward as the reason for the Government asking the House to permit these undesirables to be banished from their own Province to be lodged in distant jails scattered all over the country. Sir, there is yet a third reason, the authorship of which, I find, is to be attributed not to the Government, but to a semi-Government agency, I am referring to my Honourable friend, Mr. Sarma, who informed the House that the real reason at the bottom of this proposed legislation is that the Bengali youth is a very sentimental individual, that he always has a great love for his motherland, and that when he is transported from his own Province to distant places, he frets and fumes and his life becomes miserable: and, therefore, said Mr. Sarma, it serves as an additional penalty and that the measure was necessary to achieve that end. Now, may I very respectfully ask, which of these is the true reason which has led the Government to ask this House to extend the operation of this measure from Bengal to other Provinces in the country? Is it the first, is it the second, is it the third, or is it all three? Surely, by now, the Government must have made up their mind on this point. If they were to indicate their mind, we would be in a better position to deal with the case, but we cannot do that if the Government constantly keep changing from one ground to another, and thus confuse the real issue.

Sir, the 1930 Act was not the first Act of its kind: I understand that, that was preceded by another Act, namely, the Act of 1925. I have not had the opportunity of going through the provisions of that Act, but I am told by those who have read it that the provisions of the 1925 Act were substantially the same as the provisions of the later Act of 1930.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chandhury).]

Now if that is correct, it is obvious that it had taken the Bengal Government seven years to discover the necessity and the desirability of having their Act extended to other Provinces. It reminds me, Sir, of

the case of a man who went up to a Magistrate presiding in a Court and with folded hands said: "Sir, I have got a complaint. Such and such a man has called me a 'rhinoceros'. I have been very seriously defamed, my character has been damaged, and I want to lodge this complaint". The Magistrate turned round and said: "Now, when did that man tell you you were a rhinoceros". He replied: "He said it four years ago". "Four years ago?", said the Magistrate—"and you come with your complaint today?" He replied: "Sir, the reason is that I saw a rhinoceros only yesterday." (Laughter.) Now, it seems to me that the Bengal Government should have discovered this the moment they started their repressive programme; I am advisedly using the word "repressive", I will presently come to the Honourable the Law Member's speech, I know he has got a strong prejudice against any Honourable Member using this expression (*The Honourable Sir Nripendra Sircar*: "I have none"), but in the Honourable Member's speech I find it is so recorded; anyhow, I will come to that. Now, Sir, that being the case, if the grievance of the Bengal Government was genuine, I maintain that we should have had some indication of their difficulties much earlier and much longer, before they actually came and knocked at the door of this House.

I was referring to the speech of the Honourable the Law Member and I must congratulate him on a very able address which he made before this House—at the same time I am afraid I am not quite in agreement with some of his views on certain matters; I know I am at a disadvantage, as I am opposed by an eminent lawyer of the Law Member's position. Before taking up the law points, however, I wish to deal with a matter raised in the Honourable the Law Member's speech which I find contains a very unfair and gratuitous attack on the Congress, I would invite your attention, Sir, to a passage in his speech at page 568 of the Report of the Legislative Assembly, dated the 24th July, 1934. The Honourable Sir Nripendra Sircar said, in the course of his speech:

"Then, Sir, in considering the present Act, we need not go into the details of what exactly has been done by Bengal Council, what amount of repression is necessary in the situation which has arisen in Bengal."

Then, my friend, Mr. Neogy, interjected "and for all time". Then, Sir Nripendra Sircar goes on:

"and for what time and in what manner, that has been decided by the Bengal Council by men who are most competent to decide this matter. I daresay, if my Honourable friend, Mr. Neogy, had been in the Bengal Council,"

Mark the irony, mark the sarcasm:

"he would have tried to bring about such a change in their frame of mind that, by an overwhelming majority, the Bill would have been thrown out. But, as it is, the Bill has been passed."

He is giving this bitter pill to Mr. Neogy to swallow:

"When a Statute is said to be permanent, of course it is always subject to its being repealed."

That is nothing new. And mark the next sentence:

"And we have been assured that the time is not very far when some people, who are not in the Assembly yet, will get every repressive law repealed and that their permanency will disappear within a short time if that assurance is carried out."

Now, Sir, this is an attack upon those who are not yet in this House.

[Mr. B. R. Puri.]

The Honourable the Law Member could certainly afford to ridicule that political organisation, the Congress, which is threatening to come into this House and whose open and avowed programme is to repeal every repressive law. I am quite sure that neither the Honourable the Law Member nor his colleagues are afraid of what the Congress is threatening to do or rather undo. But, Sir, the test of the pudding lies in its eating. My answer to that part of the speech of the Honourable the Law Member is very simple. It must have been noticed by most of the Honourable Members that the Act, which we passed in the year 1932, is due to expire on the 5th April, 1935. That up to the first week of April, 1935, under the old Act of 1932, the Bengal Government have got power to transfer their detenus to any jail they like. May I respectfully ask the Government why are they betraying an indecent hurry in precipitating this measure before the present Assembly? Why could they not wait and face those very gentlemen whom they are trying to ridicule and belittle?

The Honourable Sir Nripendra Sircar: May I point out that the question has already been answered, not by my humble self, but by the Honourable the Home Member, as to why they could not wait till the Budget Session or till February for passing this Act. It is because they must make arrangements for the removal of 1,500 men. In any case, if the law is passed now, it can be repealed next year, by those who are coming.

Mr. K. C. Neogy: Did we not hear from His Excellency the Viceroy's Message today that the next Assembly is to meet in January? Would there not have been sufficient time between January and April for the passing of such a measure?

Mr. B. R. Puri: That is exactly what I was going to say that the new Assembly is to come into being in the very first month of the next year, and there will be no dearth of time and opportunity for the Government to face the new Assembly with a measure of this kind. Evidently, there is some misgiving and fear in the mind of the Government. They know that the present Assembly is a docile body; they know we have been accommodating them in the past in every way; they know that in the present Assembly they can carry any measure,—good, bad or indifferent. Why cannot they wait for another few months? Why cannot they wait and face the new Assembly and then see the fate of their measure?

The Honourable Sir Nripendra Sircar: You may not be there.

Mr. B. R. Puri: I may not be there, but you may not be there either. Nobody is certain what is going to happen tomorrow. Now, Sir, this brings me to one or two legal propositions which the Honourable the Law Member, in the course of his speech, was pleased to lay down. One was, and lest I might do injustice to the Honourable Member, wherever I will refer to him, I will quote chapter and verse.

The Honourable Sir Nripendra Sircar: In my speech there is no rhyme, but only reason.

Mr. B. R. Puri: Some people's prose is poetry, and I am quite willing to concede that in the case of the Law Member. His prose is worse. I do not mean w-o-r-s-e.

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL, 1934

Now, Sir, the Honourable the Law Member, on page 568, at the bottom of it, is reported to have said:

"Now, Sir, in considering this Bill I beg of this House to remove from its mind certain considerations which, in my humble submission, are not relevant at all on the sole issue which is being discussed, viz., whether suspects can be detained in jails outside Bengal."

Sir, you will be pleased to observe that to the Honourable the Law Member the only question that is relevant for purposes of the present debate is the one which he has stated and which I have just now read to the House. Everything else connected with this Bill, according to him, is irrelevant and this he assures us in all humble submission. Sir, any expression of opinion, coming as it does from a high authority like the Honourable the Law Member, is entitled to very great respect. But I venture to think that the view advanced by him is not sound. In the case of a lay Member, perhaps it might be excusable, but when such an expression comes from a Law Member, I think the only ground on which the Law Member's attitude can be explained is that probably the Honourable the Law Member thinks that we are all boobies on this side of the House and that we know no better, otherwise I cannot possibly admit that the absurdity of this contention is not fully known to the Honourable Member. Let me put it in a very crude form. Suppose the Honourable the Law Member received one morning a sealed book with a covering letter saying: "This book contains the provisions of an Act which we have passed, you are not supposed to open the book. We merely want you to extend the operation of this Act in such and such manner." Would the obliging nature of the Honourable the Law Member permit him to comply with the demand without looking into the Bill itself? Would he not like to know the antecedents of these people whom they want to be transported? Why have they been imprisoned? What offence they have committed? On what evidence has their guilt been proved? What is the procedure that has been followed? These would be pertinent and legitimate questions which every person or body or Legislature is bound to go into before lending any assistance asked. Before the Bengal Government could ask for our co-operation, we must satisfy our own conscience that they deserve co-operation, and, in determining that question, all these considerations which I have enumerated must be gone into critically, each and every one of them. We are not finding fault as to why the Bengal Council have passed this Act of theirs. They are welcome to do it. They have got the power to pass it and they have done it. We are not finding fault with them in any way. It is they who want our assistance, and, before we do that, are we not entitled to know that it is a case which deserves our assistance. Let me put it in another homely form. Suppose a Government official were to come to you and say: "Here is a man whom I have awarded 20 stripes. That is the limit of my power, and I cannot exceed it." The man, however, deserves more, and I want you to sanction additional ten stripes." Would you not go into the whole question? Would you not ascertain from him what has this man done? Under these circumstances, could it be urged that the contention of the Law Member is sound? I submit it is not. That may be the sole desire or the sole object which the Government are trying to achieve, but that is not the sole issue before us. Before we come to decide that issue finally, we

[Mr. B. R. Puri.]

have to go into all the questions I have set out above. We would not be discharging our duties properly if we did not do so.

The next point urged by my Honourable friend—I am still referring to the Honourable the Law Member—was that it was a mistake to call a measure, such as the present, a “repressive” measure. He seems to have got a strong prejudice against its being called “repressive”. He quoted the authority of a Judge who said that the use of strong and vituperative epithets does not improve the situation. The Honourable the Law Member, however, did not disclose the name of the learned Judge nor the occasion on which the said observation by the unknown authority was made.

The Honourable Sir Nripendra Sircar : That occasion was a question of negligence and gross negligence and Chief Justice Denman said that the situation is not improved by adding the vituperative epithet “gross” to negligence.

Mr. B. R. Puri : I must thank the Honourable Member for this information which comes in instalments.

The Honourable Sir Nripendra Sircar : But you did not apply for this before.

Mr. B. R. Puri : However, I am very grateful for this information. Whatever may be the view of that celebrated authority let us revert to the question before us. According to the Honourable the Law Member, every law is “repressive”. The penal provisions for offences like murder and dacoity are “repressive”. According to him, even the penalties provided under the Motor Act are “repressive”. He says that we do not improve the position by condemning this measure by calling it “repressive”, because he says that this is no more a repressive measure than any other penal provision taken out of the Indian Penal Code or out of any of the minor Acts. This is a proposition, Sir, which I contest. I submit that the exposition of the law by the Law Member relating to Habeas Corpus was very exhaustive, but I wish that he had taken a little trouble for the guidance of this House to lay down the definition of the word “repressive”. He has, however, endeavoured to describe it, and I have given you, Sir, his description of the word “repressive”. Now, Sir, I will risk a counter description leaving the House to choose whichever is sound. I venture to submit that all offences fall in one category or the other, they are divisible into two classes, the one includes the offences which are of normal character and which have been and will be committed in all countries, in all climes, by all classes of people, namely, murders, dacoities and such like offences.

The Honourable Sir Nripendra Sircar : This is also murder.

Mr. B. R. Puri : I hope the Honourable Member will kindly wait and listen. There is another class of offences which are periodical, which are seasonal and there are special reasons, circumstances and causes which give rise to them. They may be of political character, they may be of non-political character, they come and go like a wave of crime which passes through the country. They are not perennial manifestations, they occasionally come and pass away. There are special causes which cause rise to them and those causes have to be tackled in order to uproot them. Exactly parallel of it is the case of ordinary diseases to which we, as human beings,

are subject, as distinguished from epidemics like cholera and plague, and so on. I submit that “terrorism” which no doubt includes murders as the Honourable the Law Member reminded me...

Mr. K. C. Neogy : Is it a crime at all? We are dealing only with suspects and not actual offenders.

Mr. B. R. Puri : Undoubtedly we are dealing only with suspects. I take it that the Honourable the Law Member is alluding to certain murders of a political character which have been committed in Bengal. I submit that terrorism is not a phenomenon of a normal character, it is a passing phase, it all depends how long this crime lasts and that depends upon the methods and the remedies that Government employ to eradicate it. That is a separate matter altogether. But it is not of a permanent character. It is abnormal, it is extraordinary. I am willing to concede that on all abnormal occasions, whether it be with regard to crime or whether it be with regard to disease, exceptional measures are needed. These measures must in their nature be more stringent and more severe and it is such measures that are called “repressive” measures. I would ask the Honourable the Law Member to consider my description of what a repressive measure is, which, I trust, is neither extravagant nor misleading. The Government are providing punishments for acts which are no offences under the ordinary law of the land—suspicion, a mere suspicion, though I know that for the sake of ceremony they have added the word “reasonable” to it and that is just to give it a legal gloss. Otherwise, we know what it practically means. If you are the judge of that reasonableness, then a bare suspicion is good enough from your point of view. Any man, no matter what his position in society may be, could be arrested and put into jail for an indefinite period, with certain ceremonies which have to take place periodically. And I say that if this is not repressive law, then the word had better be removed from the English language. I will ask my Honourable friend, the Law Member, to indicate what other law could more appropriately be put into that category which he is pleased to regard as repressive.

Sir, this brings me to a very interesting conversation which I once heard between two Nominated Members. One Nominated Member belonged to the Bengal Legislative Council and the other happened to be one of our own Honourable colleagues. I do not know why they permitted me to listen to such a conversation. Says the Honourable Member of this House to the other, “We started somewhat shakily, but look at the support we have given to Government throughout our life. We have come to Government’s rescue, we have passed every measure irrespective of its nature or merits, and I can boldly assert that we have rendered great service to Government”. He was, therefore, hoping that these services would be duly and adequately recognised. In answer to this, the Nominated Member of the Bengal Legislative Council turned round and said: “What are your achievements? Look at our achievements. We have helped Government by a majority of 80 against 20”,—which is the boast of the Treasury Benches,—“we have passed a measure, whereunder people can be put into jail without any trial. Is your achievement greater, or ours?” The Assembly Member had to admit that, in the present state of modern civilisation, it was no doubt a great achievement. So the Bengal Member said: “Not to speak of the searches and forfeitures of property and the

[Mr. B. R. Puri.]

infliction of fines which could be recovered from the parents and guardians, these are only bye-products, the main thing is that you can catch hold of any man whom the Government do not like, put him in jail, and he has no redress". The Assembly Member rejoined and said: "Yes, but don't forget we came to your rescue. That beautiful Bill of yours, the operation of which was circumscribed within a very limited area,—look to what extent we have extended it". I listened to all this, and I did not know whether to congratulate the one or the other. Finally, they turned round to me and asked me what I thought of all that. I said: "Well, if you will permit me, it reminded me of a little anecdote. Two little boys were playing together, and one of them boastfully said to the other: 'Do you know we have bought a hen?' The other boy said: 'Oh, really? What about it?' He said, 'It laid five eggs yesterday!' 'Well', said the other, 'that's nothing; my father laid a foundation stone the day before! So, is your performance greater, or ours?'"

Sir, here is an opportunity for this House of redeeming its past inactivities. We know Government have had very long innings so far as this Assembly is concerned. They have been batting and we have been fielding. We have dropped so many catches that each and every one of the Government bats has proved a Bradman for us. Sir, here is the last opportunity, and I beg my Honourable colleagues here in this House to look into the merits of this Bill. Let them put their hands to their breasts and ask themselves the question, is this a measure which is consonant with the elementary rules of justice? I am not talking of British justice, but is it based on the universal rules of justice? Can there be any justification in putting a man in restraint, against whom nothing has been judicially proved, and that for an indefinite period? The original Bill is bad enough, and let us not, I submit, make it worse by extending its operation.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Sir, I am rather in an unfortunate position, because I have risen to speak after two fountains of wisdom have spoken. It is admitted on all hands that terrorism is a curse, that it is very deep-rooted, and that there is no greater enemy to the peace and prosperity of this country than terrorism. My friend, Mr. Puri, has gone further and established quite correctly that it is more like an epidemic than an ordinary disease. Surely, in exceptional circumstances and for such exceptional diseases, very exceptional measures are called for. It is admitted that it is worse than communism, and you find that very drastic kinds of legislation have been passed in different countries to meet communism; and India needs a very exceptional legislative measure to meet this bigger enemy, namely, terrorism. Having been admitted that it is an epidemic, it must be admitted that prevention is better than cure. It is not wise, it is not advisable, that we should allow the epidemic to flourish and destroy thousands and thousands of lives before we deal with it. It is much more advantageous and in the public interest and for the welfare of our people that we should try preventive measures rather than curative ones. People outside Bengal are only aware of this terrorism from what appears in the papers. But terrorism is in fact much more deep-rooted than we on our side are aware. From the pace at which it is flourishing, from the fact that it has been able to defy the police and the C. I. D. so

long, it is apparent that it has gone very very deep indeed, and ordinary remedies will not provide a sufficient stimulus for the executive to be able to stop it. I had for a long time thought that perhaps terrorism is due to the unemployment among the educated youths, to the very limited openings for the display of their energies and intelligence and the desire for the service of their country, and that if enough means are found to keep them occupied in some business or some occupation or in some profession or service, the time at their leisure, which is now utilised for destructive purposes, may be utilised for more advantageous and progressive purposes in this country. But more and more you know about it and learn about it, you find that that impression which exists in my mind and in the mind of many other people does not stand the scrutiny of facts. We find that very well-to-do and very prosperous people, who are neither hunters for jobs nor in want of employment or occupation, but whose families are well settled down, for some mysterious reason or other take to this kind of terrorism.....

Mr. B. Das : Have you got any inner knowledge of it?

Sirdar Harbans Singh Brar : My friend, Mr. B. Das, is perhaps more acquainted with terrorism, and that is why he puts that question to me. We in Northern India are comparatively spared from the misfortunes of terrorism than people nearer Bengal. But, recently, from unofficial sources it came to my knowledge that in colleges and schools even in Northern India people who are found to be nationally minded students in colleges, somehow mysteriously find this terrorist literature lying on their beds or in their rooms unsolicited, and it comes from channels of which they have no knowledge. I was surprised to hear how these things happened. But I was convinced by the experience of somebody who himself was in that college that because he read a few books on literature which tended to preach socialism and democracy.....

Mr. B. Das : Socialism is not terrorism.

Sirdar Harbans Singh Brar : Just hear me : have some patience. That because his ideas coincided with modern progressive thought of socialism in the west, on some days when he returned from his walks or rounds he found thrown through the window in his room literature on terrorism, and that he could never imagine who threw it or how it came there and how those people came to know that his ideas were moving from conservatism to socialism and thereafter sympathetic to terrorism. Further, I learn that persons from Bengal in different guises living in most aristocratic hotels, dodging the C. I. D. and the police all the way, have been able under disguised forms to come in contact with people who had ideas of socialism. If really these things are a fact and Government are better fitted through their usual agencies to know about them, and then, if the executive is satisfied that these things do happen and that terrorism is so deep as I have described it, surely it is our duty to leave in the hands of the executive to adopt such measures as they consider absolutely necessary for the prevention of this disease rather than for its cure. The interests of India are at stake. We see every day how drastic measures are adopted by different countries for meeting such drastic diseases, and it is idle to deny that we should deal likewise. We saw recently what happened in Germany and what a wonderful testimonial came to the head of the executive from the greatest patriot, Field Marshal Von Hindenburg, the President of the Republic, for

[Sirdar Harbans Singh Brar.]

dealing in such a speedy manner with a disease which threaten Germany and the German nation. We cannot play with the safety of this country and the peoples of India. We must deal, as sound administrators, with problems of this sort and we can quite well leave the administration of these drastic legislative measures in the hands of one who in his own province had always acted in a straightforward and honest manner in the administration. If he had found that the magistracy or police under him was corrupt, he admitted it in the Council and stopped it by taking executive measures and dispensing with the services of those whom he found unfit to discharge their duties. I feel, therefore, that Government should be fully empowered to meet with this terrorism with our co-operation and support.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : But how do you associate the detenus with the commission of these crimes ?

Sirdar Harbans Singh Brar : My dear friend, Mr. Gaya Prasad Singh, asks how I connect them. The Government agency can be trusted to place such evidence as lies in their power before the executive and the officials of the Government will certainly sift down that evidence. I feel and I recognise that it is very hard to put a person in detention without giving him a chance to prove his innocence before a Court of law, but that is the ordinary way of dealing with ordinary diseases and ordinary troubles. For epidemics sometimes we have to give an injection to a person however unwilling he may be, in order to prevent the epidemic spreading. It gives him pain, it gives him trouble, it is unwelcome to him ; but in the interests of society, in the interests of his people and his country we have to adopt these measures ; and, in the circumstances I support this motion, for to me the interests of India and her people are far greater than the pleasure of supporting an abstract principle.

Mr. B. Das : Sir, I understand that my Honourable friend, Sirdar Harbans Singh Brar, is no longer a Member of the Nationalist Party. That is what I heard just now, because if he spoke as a supporter of Government, he ought to have taken his seat.

Sirdar Harbans Singh Brar : I supported as an elected Member.

Mr. B. Das : But you did not support the measure as a member of the Nationalist Party, and if my friend wanted to support the measure, he ought to have taken his seat along with those who generally support Government, and that would have shown him in his true colours.

Now, Sir, not being a lawyer, I am not going to deal with my Honourable friend, the Law Member, with whom my friend, Mr. Puri, has dealt so thoroughly and so ably ; and there are also several legal giants who will deal with the Law Member when he will rise to address the House again, but I will refer to the two speeches that were delivered by the two Members of the Government, the outgoing and the incoming Home Members. Sir, I found a change in the speech of Sir Harry Haig, and I also welcome the very sympathetic manner of delivery of the speech of my Honourable friend, Sir Henry Craik. Both utilised the occasions to take the House into their confidence a little, which we have

not been accustomed to during the past 11 years of my association with this House. I am grateful to both these gentlemen for taking us into their confidence, for telling us that they are human beings, that they have got humanising thoughts or they are actuated by similar feelings as we are on this side of the House, and that they take pains before they come to decisions over cases relating to detenus and anarchists. Sir Harry Haig pointed out that the Bengal Government is exploring conditions and that terrorist crimes would cease in Bengal. Sir, three conditions were given, and the first of them was that the Government were rousing "public opinion". I know how public opinion is being roused in Bengal, how fathers and mothers are being punished for the alleged crimes of their sons and daughters !! Then, there is "unemployment", and the Government of India are assisting the Government of Bengal to remove unemployment. The Government of India, Sir, as everybody knows, are bankrupts today, and every Provincial Government is also a bankrupt today.....

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : No, not Madras.

Mr. B. Das : I apologise to my friend. Madras excels in everything, and I know that Madras is prosperous. But, Sir, every Finance Member has got his own pet theories. The outgoing Finance Member started the hare and the Provincial Governments are hunting after it, he started the question of economic planning and economic survey. So nothing will come out of it, and the Bengali youth for whom my friend, Mr. Mitra, pleaded so much will not find employment through the Economic Boards and Economic Surveys of the Bengal Government or of the Government of India.

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

Then, Sir, much has been said of "Education". I do not think that my diagnosis of the causes of terrorist crimes and terrorist movements tallies with the diagnosis which the Government have arrived at and which they often give out on the floor of the House. Of course, they know the real causes, but they would not like to tell us here what are those causes. How is it that in 1927-28 and 1928-29 the terrorist crimes were in abeyance ? How is it that when Mahatma Gandhi issued his appeal to the youth of Bengal particularly—nobody knows who those terrorist youths are,—but when he issued his appeal not to have recourse to terrorist methods but to keep silent till the national leaders of the country settled with the Government about the future Constitution of India, there was a drop in terrorist activities in Bengal ? And everybody knows it, and I am sure the Honourable the Home Member will recognise it, that there was certainly a marked decline in terrorist crime after that appeal of Mahatma Gandhi,—in fact there was no crime at all. But what happened in 1931 ? Mahatma Gandhi went to England as the sole Deputy of the Congress. He was being fooled by the Sankeys and others in the Round Table Conference. The Government of India at that time went on manufacturing instruments of horror like the Chittagong Ordinances and various other Ordinances. And what happened ? When Mahatma Gandhi landed in Bombay, within two days he was arrested. At that very moment he telegraphed to the Viceroy requesting for an interview,—I shall not mention the name of the Viceroy,

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but there was no response. The other day, in reply to a question relating to Mr. Sarat Chandra Bose, it was pointed out that both Messrs. Subhash Chandra Bose and Sarat Chandra Bose have some influence over the youths of Bengal. I do not think, Sir, they have any influence over those youths who are actuated with terrorist impulses. But yet the Government of Bengal did incarcerate Mr. Subhash Chandra Bose and Mr. Sarat Chandra Bose. Even that did not accentuate the feelings in Bengal, but when Mahatma Gandhi was incarcerated in January, 1932, these so-called anarchists and youths of Bengal knew that their leaders could not succeed in persuading the Government to accept the constitutional demands made by the country.

I do not know if I should congratulate my Honourable friend, Sirdar Harbans Singh Brar, on the serious charges that he laid against the students of the Punjab and the U. P., that they are all turning socialists and that they read books on Lenin, Carl Max sent by the Third Internationale through secret channels to the Punjab and U. P. students to read,—but so far as the youths of Bengal are concerned, I know they are intellectual, and they are ever with their great ambition to free their nation, and these youths lost all their faith in reconciliation, in negotiations between the national leaders whom they often hate,—they have expressed opinions of hatred to people who come and hobnob with the Treasury Benches and with the Government of India or with the Governors or the Viceroy,—these youths look upon these leaders with contempt and hatred,—they lost all their faith. Therefore, the real cause of the recrudescence of terrorist crime in Bengal is not what Sir Harry Haig depicted or what the Government of India want the country to believe, but the real causes are altogether different. If a few youths have got anarchist tendencies today, they have become desperate, but why have they become desperate? The real cause is that the Government of India, when the country was in a mood to respond, to reconcile to the conditions after the Gandhi-Irwin Pact,—I don't blame my Honourable friend, Sir Henry Craik, who was then in the Punjab Government,—the Government of India went on manufacturing, not only Ordinances, but instruments that will go against the very spirit of Gandhi-Irwin Pact. Thereafter, if the Bengal Government thought that they could stop the people from holding anarchist and terrorist views by the application of the Bengal Ordinance Act, or even if this House gives sanction that there should be a permanent legislation to stop these crimes, then I say Government are entirely mistaken in their diagnosis of the situation. If Government are made of iron, then I can believe that a machine has no soul and that a machine does not appreciate the spirit of the nation and the feeling of the youths. But, after all, the Government Members are human beings. I do not think that in their heart of hearts, or when they are outside this Chamber, they believe in the stories that they trot out on the floor of this House.

As I said at the beginning of my speech, I welcome the very sympathetic speech of the Honourable the Home Member in replying on the debate on the repeal of Regulation III which my Honourable friend, Mr. Amar Nath Dutt, moved. That gives me hope. Today, the Congress, which represents the greatest and the biggest political party in India, is willing to make peace with the Government. It has decided to come into the Legislatures. Government should

follow it up by dropping all those feelings of prejudice that certain Members of Government bore against the Gandhi-Irwin Pact. To continue to bear those feelings of prejudice is not the way to reconcile two great nations, Britain and India. The Congress is willing today to co-operate, and they have told the world that they are coming into the Legislatures to co-operate, but it should be honourable co-operation. But the interpretation by my Honourable friend, an eminent lawyer like Mr. Puri, of the speech of the Honourable the Law Member proves that the Government are afraid that when the Congress comes in they will not get the least chance to pass such repressive measures easily. They feared that the Federal Government will put powers into the hands of the people, but no Government Member will say that today, because they know that the Federation is receding, but they think that power is going to the provinces, to the people, and they try to hoodwink us by saying that when you get your provincial autonomy you will yourself need these powers. Certainly not. We do not need these lawless and drastic powers. But if I rose to speak on this occasion, it was because I wanted to make an appeal to the present Home Member. I want him to start with a new leaf. He must have had talks with the Governor of the Punjab,—the Gandhi-Emerson talks over which the whole of India rejoiced. Sir Herbert Emerson—at the time he was Mr. Emerson,—the Gandhi-Emerson talks were negotiated with good feeling and goodwill on both sides. Have Government the same goodwill today to the people of India? No. They do not have it. Otherwise, they would not have got behind and broken the spirit of the Gandhi-Irwin Pact and incarcerated Mahatma Gandhi at Yerrawada jail in 1932. The leaders of the Congress have assured Government that they are willing to reconcile themselves to the present condition of things. Are the present Government going to irritate them? That reminds me of the speech of Mr. Anklesaria at the second stage of this debate. He had the cheek, he had the insolence to call Mahatma Gandhi an apostle of all subversive movements in India. Who sheltered these Parsis in India twelve hundred years ago when they were driven away for their religion from their homes in Persia? It was the forefathers of Mahatma Gandhi that allowed them to settle down on the shores of Bombay.

Mr. H. P. Mody : Why do you condemn all Parsis?

Mr. B. Das : I am not condemning all Parsis, Mr. Mody. I hope that Mr. Mody when he returns to Bombay will ask his community of 50,000 Parsis in India to say that Mr. Anklesaria does not represent anybody else but himself in calling Mahatma Gandhi the apostle of all subversive movements. I know what Mr. Anklesaria is angling for. He is angling with the Sanatanists or the Satanists as somebody told me....

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : But may I remind my Honourable friend that Mr. Gandhi is very anxious to call himself a foremost member of that community which my Honourable friend is pleased to describe as Satanist! I think my Honourable friend may have also read in this morning's papers that Mr. Satyamurti is fondly inviting the so-called Satanists to join the Congress Party to which my Honourable friend belongs.

Mr. B. Das : I was merely repeating a joke. My Honourable friend must have a sense of humour to take a joke as a joke. Now, Sir, that Parsi gentleman is trying to angle with the Sanatanists of Guzerat and

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get their votes, because the Sanatanists, of whom Pandit Sen is one, as we all just now found out,—the Sanatanists are out for the head of Mahatma Gandhi, and, therefore, Mr. Anklesaria had the audacity to say those things which no man would have the courage to repeat outside the floor of this House.

Mr. H. P. Mody : He was also joking.

Mr. B. Das : But Mr. Anklesaria was joking too much, as he will find it to his cost. Mr. Anklesaria had the audacity to say not only that, but he said that in some way Mahatmaji is responsible for the recrudescence of terrorist crimes in India. I do not know how he got this. I know in Guzerat there are no terrorist crimes, though there is in Maharashtra—there was, not at present. But to connect up Mahatmaji as the inspirer of terrorist crimes in Bengal is sheer nonsense. And I have said that, if there is a revival of anarchism in Bengal, it is due to the incarceration of Mahatma Gandhi, and that proves that Mr. Anklesaria's arguments are all wrong.

Sir, my Honourable friend, Mr. Mitra, spoke about his talk with the Deputy Inspector General of Police in Bengal, the late Mr. Lowman ; after his own incarceration in 1924 or 1925, I think it was 1925, and he was told that it was because the Government of Bengal were afraid lest the leaders of the non-co-operation movement might incite the masses—for what?—for the legitimate demand of Swaraj. How am I to know that these 1,500 or 1,600 detenus that the Bengal Government has got, some of them or most of them are not real national leaders? They think differently from friends like Sir Satya Charan Mukherjee or Mr. A. H. Ghuznavi. I hope that my friend, Mr. Puri, did not have Sir Satya Charan Mukherjee in mind when he was giving that story this afternoon. Government know that there are people who believe in the Civil Disobedience Movement. There are people who believe in the non-violent non-co-operation movement, and there are people who believe in the full dominion status movement, but there are loyalists who would go to any extent. They wait in the ante rooms of the Government officials whether at Simla or at Calcutta or Darjeeling. When they talk to high officials, they say that they are quite satisfied with the present order of things until their life passes away, and thereafter it does not matter what comes to India. This is a very important point that Mr. Mitra raised, and let me assure the Honourable the Home Member that the nationalist leaders all over India, whether they are Congressmen, progressives or nationalists, think that these weapons of repression are all designed to suppress the nationalist movement—the demand for self-government—Dominion Status. It may not be full Dominion Status as some of us are now willing to accept. Sir, I live on the border line of Bengal. I was deeply pained to hear the statement from my Honourable friend, Sirdar Harbans Singh, that the rich men's sons from Bengal travel to the Punjab and get hold of these Sikh youths and teach them anarchist and terrorist crimes. My friend may not have visited Bengal, but I know the Bengali youth and I know the Bengali gentlemen and I am in touch with the Bengali press, and I do not think that Bengal has today that large wealth and that the sons of wealthy men like the Honourable the Law Member, who travel like Rajas and princes, teach the youth of the Punjab terrorist and anarchist crimes.

The Honourable Sir Nripendra Sircar : My son very often goes to Lahore.

Mr. B. R. Puri : Why don't you visit Lahore once?

Mr. B. Das : When the Law Member's son visits Lahore, it must be some professional work and nobody can believe that the son of the Honourable the Law Member, who has accepted the Law Membership in the present Government, can have any sympathy with the terrorist or anarchist crimes. I want the Government to change their attitude towards the people of this country. The more we try to reconcile ourselves to things, the more they become terrorisers and oppressors. They so embitter feelings that I do not know when we sit on these Benches in the next Assembly there will be any friendly relations between this side and that side of the House. I want to know whether it is the policy of the Government of India to re-echo the die-hard sentiments in England or whether it is their policy to reconcile the feelings of all sections in India and to create a good atmosphere. If that be so, the Home Member ought to withdraw this Bill and ought not to give the Bengal Government that permanent lease, so that the officers in Bengal can go on terrorising the people. I am grateful to my friend, Mr. Mitra, for giving certain personal experiences. I also ask the Honourable the Home Member this question. We are all human beings, whether some are Members of the Government or not. I will ask him to find out from 1921 up to this date how many Bengal civilians and police officers have run away from Bengal and have not returned to Bengal. There was one Mr. Donovan, a very friendly Member of this House, the patron of my friend, Sir Satya Charan Mukherjee. He left Bengal and did not want to come back.

Rai Bahadur Sir Satya Charan Mukherjee (Nominated Non-Official) : Mr. Donovan did not fly from Bengal on account of the terrorist movement. He resigned the service on account of certain personal reasons.

Mr. B. Das : My friend has repeated the story from the *Whip* of Calcutta. My friend gets his inspiration from the *Englishman* which is now defunct. Mr. Donovan was made a Commissioner, but he did not have the courage to remain. The officials in Bengal leave the country and are not returning, because they are afraid of their own handiwork—the seething discontent they have created. I was told that a Chief Justice of the Bengal High Court did not take the train from Calcutta, but took a motor car and took the train from some station outside Calcutta.

The Honourable Sir Nripendra Sircar : That was done by Mahatma Gandhi who got down at Belur. The Chief Justice went from Howrah.

Mr. B. Das : Mahatma Gandhi got down at a wayside station, because people on account of the love for him overcrowded the stations. He wanted to avoid over-crowding in stations; but what happened to that Chief Justice? I am not giving these instances in any vindictive spirit. I am not in favour of the terrorist movement. But the fact is there that overjealous Government officers have so terrorised the people of Bengal that Bengal has no peace. I want the Government to revise their policy in time. If they do not do that, they will lose India. Whether they lose it today or tomorrow, they will lose India if they continue in their mad orgies and mad policy of continuing to govern India by repressive laws. Sir, I oppose the Bill.

Diwan Bahadur A. Ramaswami Mudaliar : I will not take more than a few minutes while I speak on this motion. I do not want to go into the merits of this Bill. I only wish to explain the position I am bound to take at the third reading stage when the motion is put to the vote. My Honourable Leader, Sir Abdur Rahim, has made it clear that he would not oppose this Bill if the Government agreed to limit the period to three years, but in case the Government were not prepared to accept it, we on this side of the House were not prepared to disfigure the Statute-book by a permanent legislation of this kind. The Government have not accepted the period of three years and we have no alternative but to record our protest by going into the lobby against the measure.

The Honourable Sir Henry Craik : Sir, as I observed in making my motion this morning, I had not the advantage of hearing the three days' debate which took place on this Bill, but I did devote many hours yesterday to reading those debates with considerable care. I felt, Sir, after reading them, that practically everything that could be said about this Bill, either for or against, had been said already, and that was why I refrained from making any speech on the motion for the third reading. After listening to this afternoon's debate, I confess that, though my memory is impaired as the effects of old age and hard work, I cannot recall or can hardly recall a single thing that has been said this afternoon that has not been said at some stage or other of the earlier debates, possibly in different language or phraseology, but still, in substance, the arguments put forward to have have all, or very nearly all, been put forward at an earlier stage. Therefore, in replying, I hope the House will forgive me if I myself am compelled to use arguments in refutation of those used in speeches made by some of my Honourable friends this afternoon which have themselves been made or used by previous speakers on this side.

Sir, the first point made by my Honourable friend, Dr. Ziauddin Ahmad,—who opened the opposition to the third reading,—was that there was no justification for making this supplementary Act one of a permanent nature. Now, that point was very fully dealt with in the speech of my predecessor, Sir Harry Haig, in dealing with the first of the two amendments, where he made it quite clear that the necessity for permanence was justified by our previous experience of the Acts enforced for short terms, then allowed to lapse and then afterwards revived. He reminded the House that when the Defence of India Act lapsed at the end of the War in 1919 or 1920, it only took a year or two for the terrorist movement to revive. Within a year or two of the lapsing of the Defence of India Act, there was a very serious recrudescence of the movement and that became so serious that a few years later in 1924 it was necessary for the Governor General to promulgate Ordinances re-imposing the powers granted by the Defence of India Act, and these subsequently took the form of legislation by the Bengal Council. Then, again, he explained that practically all the detenus were let out in 1928 and that the special powers were a little later allowed to lapse. They lapsed actually in 1930, I think it was in the beginning of 1930, and within a month or two we had that terrible outrage at Chittagong to which allusion has been made in more than one speech this afternoon. Then, again, after that and after other outrages of the same kind, the special powers had to be taken again. Now they are due to lapse if this Bill is not passed, at any rate

some of them are due to lapse in 1935. As Sir Harry Haig pointed out, all experience shows that it was a mistake to let the special powers lapse; that it encouraged the terrorists, and that it directly contributed to the revival of the terrorist movement after it had once been got fairly well under control. That, Sir, is the justification for making the powers conferred by this Bill of a permanent nature; and, as my Honourable friend, Mr. J. M. Chatarji, the official Member from Bengal, and I may say as several other speakers pointed out, making the powers permanent does not mean that this Act, as it will become I hope, will necessarily remain on the Statute-book for ever. It merely means that so long as the terrorist danger is an immanent one, this very valuable weapon will be available for use. When the movement is finally brought under control, there is no reason why this Act should not be repealed; it is only permanent in the sense that we want it to be continually available so long as the danger, from which it is designed to protect us, is present.

My Honourable friend, Dr. Ziauddin Ahmad, went on to attack the faulty education system in Bengal. On that subject I cannot, of course, follow him—I am aware that he is a very eminent authority on education, especially higher education, which I cannot claim to be—I cannot follow him or refute in detail his attack on the Bengal system, because I have no personal knowledge of it, but I would remind him of a point which was brought out in the debate, that that particular point—the reformation of the system of education, and especially of higher education, in Bengal, with special reference to its effect on the recruitment of young men to the terrorist movement,—is engaging the anxious attention of the Bengal Government. I entirely appreciate my Honourable friend's point and I merely wish to recall now that it has been explained by one of the Government speakers, I think, Sir Harry Haig, himself, that that is a subject to which the Bengal Government are devoting their constant attention. My Honourable friend also alluded to other causes or alleged causes that contributed to bringing in recruits to the terrorist movement—both the economic situation, with its reactions on employment, and so on, and other grievances, real or imaginary, not so much, I think, against Government as against the present organization of society. Now, my Honourable friend's point was that those wider causes were the things which Government had to tackle and that the terrorist movement would never be brought to an end by what he called “repressive” measures alone. Well, there, of course, I am entirely in agreement with him; and I think,—and I thought when I read the debate—that the attitude of Government on that point had been made quite clear by my predecessor, Sir Harry Haig. It is not our attitude that you could by these special laws alone end and finally crush the terrorist movement. I can admit that the causes are deeper than that and that these social phenomena to which my Honourable friend has alluded do require the most careful examination and that it should not be beyond the wit of man to devise, I hope in no very long process of time, some successful solution of those difficulties.

Now, Sir, I pass from my friend, Dr. Ziauddin Ahmad's speech and take up the points made by the next speaker, Mr. S. C. Sen. He cast doubts on the suggestion that the accommodation in the Bengal camps and jails was so congested that it was impossible for the Bengal Government to receive the 500 or so detenus who are now confined at Deoli. I

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should point out that it is not so much a question of congestion in accommodation in Bengal jails or in Bengal detention camps, but of the danger, which has been proved to be no idle chimera, but a real danger, that the more active and leading of these men have, if detained in Bengal, opportunities of communicating with their friends and associates outside and even of actually hatching fresh conspiracies, and that danger is greatly minimised by their detention in a more remote and inaccessible place like Deoli.

Mr. K. C. Neogy : That danger was not mentioned in the Bengal Legislative Council by the Home Member. That was Mr. Sen's point.

The Honourable Sir Nripendra Sircar : The Bengal Home Member said change of mentality.

Mr. K. C. Neogy : Effect on their mentality.

The Honourable Sir Henry Craik : Mr. Sen went on to speak, and his accuracy was challenged not by me so much, but by my Honourable colleague, the Law Member, regarding the dates and the sequence of events up to the time of the Chittagong outrage. I am sorry that I am unable to deal with that part of his speech, but he did conclude by a reference to the Rowlatt Act and he asked the House to draw the inference from the fact that Government had never used the procedure of inquiry provided by that Act, that Government were afraid to lay these cases before the kind of tribunal which that Act proposed to set up, namely, I think, two judicial officers and one non-official. Now, that is an entirely misleading inference. My recollection is that there was no such fear that an impartial inquiry by a tribunal of that sort would expose the fallacy of the charges brought against these suspects. It was not that, but it was the general unpopularity excited by the Rowlatt Act as a whole that prevented the Government from ever making use of that Act. In fact, I think, no part of it was ever brought into operation, and it was repealed some three or four years after it was passed. That, however, is ancient history.

Then, Sir, I come to my friend, Mr. S. C. Mitra, the champion of the detenus in this House, and no doubt outside. He put to me several points about the conditions in the Deoli Camp and suggested that interviews were repeatedly refused, that relations of the detenus were not informed of their relatives' health, that their letters remained unanswered, and so forth. He read certain letters, or extracts from one or two letters, which he produced in support of those allegations. I must admit that the extracts he read did not particularly impress me as corroborating all that he said in his speech. In any case, I hardly think that a great deal of weight can be attached to *ex-parte* and interested statements of the kind likely to be contained in the letters of such correspondents.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Government are also following *ex-parte* procedure.

The Honourable Sir Henry Craik : Government do, at any rate, try to do their best to ensure that the conditions at these camps are not unduly rigorous and a very elaborate set of rules has been drawn up by the Home Department.

Mr. S. C. Mitra : These letters were not sent to me to be read out here. I only made use of them in order to mention specific dates. Government are at liberty to contradict them instead of making the allegation that they are not accurate and are written in an exaggerated form.

The Honourable Sir Henry Craik : I did not say that they were inaccurate, but only that, to my mind, they did not carry very much weight. But in dealing with allegations of this sort that in Government institutions—I am not talking of detention camps, but any kind of institution—allegations that abuses exist and that subordinates ill-treat the people committed to their charge, and so on, I am faced with a very familiar difficulty that heads of Departments are frequently faced with. We draw up an elaborate code of rules and we do our best to see that those rules are enforced. Allegations are brought against us that the rules are not, in fact, observed and that the abuses go on. That sort of allegation is obviously extraordinarily difficult to contradict or refute on the spur of the moment. The Honourable Member will admit that I am naturally not in a position to say that these abuses about which he complains do not take place, because the accusation is made across the floor of the House and obviously I cannot telephone to Deoli to ascertain whether they are right or wrong. So, I hope the Honourable Member will appreciate my position which is this that Government do their very best to see that these abuses of which he complains do not take place.

Mr. S. C. Mitra : I only asked for an inquiry and the Honourable Member says that he does not attach any importance to the documents I quoted from. There I do not agree with him. Why does he not attach importance to them especially when I have given their dates?

The Honourable Sir Henry Craik : All that I can say is that I will do my best to see that such abuses do not take place (Applause) and that I will make it my very early duty and take the first possible opportunity to follow the example of my predecessor, Sir Harry Haig, and visit the Deoli Camp myself and see that it is being properly conducted. I am not for a moment suggesting that it is not properly conducted, but I do recognise that it is a matter which has excited considerable amount of interest in the Honourable Member and those whom he represents, and I quite agree that it is one of the most important subjects committed to my charge. I propose to make myself acquainted with the conditions prevailing there as soon as I possibly can. At any rate, I only hope that the Honourable Member will wait before making other accusations until I have had an opportunity of looking into the state of affairs there myself. I would only like to remind him that in regard to the statement that interviews are repeatedly refused or rather, I think, he said that no attention is paid to an application for an interview.....

Mr. S. C. Mitra : I said that no reasons are given. I personally applied for interviews, and they were not only refused, but no reasons for refusal were given.

The Honourable Sir Henry Craik : All I can say is that the rules do quite clearly lay that the detenus are entitled to a certain number of interviews. I think it is once a fortnight. But the interviews are only allowed to people who are authorised to have them. That is to say, it

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is not open to anybody to walk up to the camp and say "I want to interview so and so". He must have a proper authorization which he has to obtain from the Bengal Government and it is possible that some persons who apply for an interview—I am only suggesting that this is a possible explanation of what the Honourable Member complains—do so without getting the correct authorisation.

Mr. S. C. Mitra : I regularly applied first to the Commandant, and at his request, I applied to the Government of Bengal in my own case. I agreed to observe any condition that Government wanted to impose on me as regards the interview and yet the interview was not granted and no reasons were given.

The Honourable Sir Henry Craik : Then, of course, that explanation does not fit the Honourable Member's case. But I suggest that it will fit certain other cases where delay has occurred in answering applications. The Honourable Member, I think, rather hinted at the possibility of there having been a hunger-strike or some such incident at Deoli and of the detenus being punished. All I can say is that the Home Department has heard nothing whatever of any such happening and I am quite certain that if anything of the kind had occurred, then we would have been immediately informed of it. I think I can safely assure the Honourable Member that that suggestion—I do not think he stated it as a fact, but merely as a surmise—that that surmise is in fact quite incorrect.

Mr. S. C. Mitra : Will the Honourable Member kindly enquire if there is any reason for prohibiting correspondence for a month and a half in the case of detenus?

The Honourable Sir Henry Craik : In certain cases where the detenu has misbehaved, the privilege of writing or receiving letters can be withdrawn as a punishment. But I do not believe for a moment that there has been any general withdrawal. Such a punishment may have been inflicted on certain individuals, but I think we should certainly have heard if there had been any general penalty of that kind inflicted.

Sir, I do not want to follow the Honourable Member, Mr. Mitra, into the latter part of his somewhat contentious speech, but I cannot allow to pass without challenge one remark he made which was, I think, supported by interruptions from certain other Honourable Members sitting in his part of the House. The Honourable Member stated as an accepted fact that certain communal riots were deliberately promoted by officers of Government. Now, Sir, that is a statement that I have heard made in other cases of communal riots, and it so happens that, in the course of my experience in India, which is now perhaps longer than most Members of this House, either European or Indian, I have had a good deal to do with communal differences. I have seen communal rioting on more than one occasion at first hand and I hope I will never see it again. But that sort of charge I have heard made repeatedly, that these communal differences are promoted either by individual officers of Government or by Government themselves as a deliberate policy. I should like to say here as emphatically as I can that a more wicked and malicious charge and one more utterly without foundation could not possibly be made. (Applause.) If there is one thing that British Government in India stands for, it is for

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unity between the various communities. (Hear, hear.) If there is one thing in this country that ensures that that unity is not broken more often than it is, it is the hand of the British Officer. That I know from my own personal experience. (Applause.) The House can take it from me that that experience has been a pretty grim one. A fantastic and unfounded charge like that cannot be allowed to go without being contradicted.

Mr. K. C. Neogy : Does the Honourable Member expect those people who have witnessed things with their own eyes to believe what the Honourable Member says?

The Honourable Sir Henry Craik : I have witnessed things as bad.

Mr. K. C. Neogy : I have witnessed, and thousands of other people also have witnessed with their own eyes what happened in Dacca.

The Honourable Sir Henry Craik : I still cannot accept the Honourable Member's statement. I deny that these communal differences are being fomented by Government.

Mr. Gaya Prasad Singh : Divide and rule is the policy.

Mr. K. C. Neogy : Will the Honourable Member publish the Neisen report with reference to Chittagong? It is a report made by an officer of Government with regard to certain things that happened there and the part that the police took in the riots in Chittagong in the name of carrying out searches. (Applause from certain Non-Official Members.) Let the Honourable Member accept this challenge and publish that report. The Honourable Member dare not do it.

The Honourable Sir Henry Craik : How does the Honourable Member know the contents of the report? Has he seen it? After all, this discussion is not relevant to the subject under discussion today.

Mr. K. C. Neogy : This point was referred to by one of the speakers today.

The Honourable Sir Henry Craik : Yes, I have replied to that point, and I do not wish to waste the time of the House or discuss any more that particular incident of the debate which was irrelevant, a regrettable irrelevancy. But I did feel that I could not allow a statement of that kind to pass unchallenged.

Now, Sir, I pass with some relief to the speech of my old friend, Mr. Puri, who comes from my home town of Lahore, and I think the House is indebted to him for the delightful story about the rhinoceros which, I must say, was new to me and which I shall try to remember. I would like, if my Honourable friend will forgive me, to draw his attention to the fact that he announced in his opening words that he intended to be very brief, that he only took part in the debate in order that he might register his disapproval of the Bill and he then took 46 minutes by the clock in doing so! Perhaps the Honourable Member would forgive me if I in reply tell him a short story. Sir, it is known that Mr. Hoover, the late President of the United States, was a peculiarly laconic man, that he was very terse in his conversation. It was related of him on one occasion that on a Sunday morning when he was President of the United States, he went to the Church by himself and when he came back to the White House and sat down with his family to lunch, they said to him.

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"Well, what sort of service did you have? What was the sermon about?" His reply was: "Sin". His family again said: "Tell us something about it. What line did the preacher take about it?" His reply was "He was against it". Now, Sir, my Honourable friend was "against" the Bill, but what Mr. Hoover said in four words it took him 40 minutes to say.

An Honourable Member: It must have been Coolidge.

The Honourable Sir Henry Craik: I stand corrected. The Honourable Member challenged the Government to show the justification for banishing these detenus to Deoli. Now, that is a point which I have already dealt with and which was also dealt with by Sir Harry Haig and I need not go into it again. He also raised the point of what was the hurry in passing this Bill. That, again, Sir, was a point that was taken on the opening day of the debate on this Bill when the motion was made that the House should take the Bill into consideration. That very point was raised by my Honourable friend, Mr. Gaya Prasad Singh, by an interruption, and the reasons for taking this Bill this Session were explained to him across the floor of the House by Sir Harry Haig. I do not think I need repeat them as they will be within the recollection of the House. I need only say that it would be most awkward for the Government of Bengal if the Bill were to remain suspended in the air for another four or five months with its fate uncertain. The Government of Bengal would naturally be unable to decide what arrangements they would have to make in the contingency of the Bill being thrown out.

Finally, Sir, I come to the speech of my friend, Mr. Das, opposite, and I should like to acknowledge with grateful appreciation his kindly references to my own maiden speech in this Assembly a few days ago. I am grateful to the Honourable Member for the commendatory words he used about that speech. He assured us that the Congress was coming into the Legislature, I understand, with a view to co-operating with Government. I do not quite know what authority my Honourable friend has for making that statement, but I accept that from him and I hear it with pleasure.

The Honourable Sir Nripendra Sircar: He has got a ticket.

The Honourable Sir Henry Craik: I understand that he is quite certain of his ground in making that statement, no doubt just as certain as he was in making the assumption that he will be back in this House himself; and I certainly hope that in both assumptions he is correct. The co-operation offered, of course, will not be in the spirit of "Heads I win, tails you lose", but honest co-operation and genuine co-operation.

That, Sir, I think, is the only point in my Honourable friend's speech that I need refer to, because his speech, though interesting and refreshing, had really very little to do with the Bill.

Sir, we have now debated this comparatively simple measure for four days, and I think every possible angle and every possible aspect of the Bill has come under the most scrupulous and careful examination, and I do not think there really is anything more to be said either for or against the Bill. No one certainly can accuse this House of having scamped its task in dealing with this Bill. I hope, Sir, it will now proceed to put the crowning edifice on that task by passing the Bill.

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL, 1935

Mr. President (The Honourable Sir Shanmukham Chetty): The 5 P.M. question is:

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be passed."

The Assembly divided:

AYES—54.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Bagla, Lala Rameshwar Prasad.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Duguid, Mr. A.
Ghuznavi, Mr. A. H.
Grantham, Mr. S. G.
Grigg, The Honourable Sir James.
Harbans Singh Brar, Sirdar.
Hockenbult, Mr. F. W.
Hudson, Sir Leslie.
Ibrahim Ali Khan, Lieut. Nawab Muhammad.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Lindsay, Sir Darcy.
Lumby, Lieut.-Colonel A. F. R.

Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank.
Pandit, Rao Bahadur S. R.
Perry, Mr. E. W.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Raisman, Mr. A. J.
Rajah, Rao Bahadur M. C.
Ramakrishna, Mr. V.
Rau, Mr. P. R.
Richards, Mr. W. J. C.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan Gakhar, Captain.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Studd, Mr. E.
Talib Mehdi Khan, Nawab Major Malik.
Trivedi, Mr. C. M.
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
Zyn-ud-din, Khan Bahadur Mir.

NOES—34.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bhuput Singh, Mr.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gunjal, Mr. N. R.
Jadhav, Mr. B. V.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.
Maswood Ahmad, Mr. M.
Mitra, Mr. S. C.
Mody, Mr. H. P.

Mudaliar, Diwan Bahadur A. Ramaswami.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Pandya, Mr. Vidya Sagar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Phookun, Mr. T. R.
Puri, Mr. B. R.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhraj.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Thampam, Mr. K. P.
Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 7th August 1934

LEGISLATIVE ASSEMBLY.

Tuesday, 7th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

PROPOSAL FOR THE REMOVAL OF THE PUSA AGRICULTURAL INSTITUTE.

410. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the following remarks published in the editorial columns of the *Times of India*, dated the 20th July, 1934, regarding the proposed transfer of the Pusa Agricultural Institute :

“ The proper way to judge the plan is solely in relation to the great financial stringency of the moment, and the inability of Government to finance many a measure of social importance, let alone reduce the crushing burden of taxation—their first duty. It would be interesting to have more details as to how the Rs. 36 lakhs estimate of the cost of the transfer has been compiled, and whether it has been proved that the capital outlay will be recouped in a reasonable time by savings effected through removal from Pusa. There would be a case for the transfer if that were demonstrated beyond a doubt, but unless and until it can be, the Assembly should turn down the plan ” ?

(b) What amount of saving is expected to be effected every year through the removal of the Institute from Pusa, and how, and what time is it likely to take for the capital outlay to be recouped ?

Mr. G. S. Bajpai : (a) Yes.

(b) As explained in the Memorandum submitted to the Standing Finance Committee, no saving in recurring cost is expected.

COMPILATION OF A BOOK CONTAINING LIFE NOTES OF THE POLITICAL LEADERS AND SUSPECTS IN INDIA.

411. *Mr. Gaya Prasad Singh : (a) Is it a fact that Government have ordered the compilation of what may be described as “ Who is Who ”, containing life notes of the political leaders, and “ suspects ” in India, and that the Provincial Criminal Investigation Departments have been directed to compile such accounts of persons residing in their jurisdiction ? If so, will Government be pleased to state the cost of such a compilation, and the time when it is likely to be in print ?

(b) Can a copy of the correspondence or in connection with it be laid on the table ?

The Honourable Sir Henry Craik : (a) No.

(b) Does not arise.

(1097)

LS70LAD

SECURITY MEASURES FOR LADIES TRAVELLING OVER-NIGHT ON THE BENGAL AND NORTH WESTERN RAILWAY.

412. *Mr. Gaya Prasad Singh : Is it a fact that the authorities of the Bengal and North Western Railway have issued an instruction to their Guards, reminding them of their responsibilities towards ladies travelling at night, to examine all doors and window fasteners of upper class carriages, in order to obtain security for such ladies travelling over-night ? If so, will Government be pleased to lay a copy of such instructions on the table, and state whether they propose to have similar instructions issued on other Railways for the security of ladies travelling during night ?

Mr. P. R. Rau : The reply to the first part of the question is in the affirmative. A copy of the instructions issued by the Bengal and North Western Railway is laid on the table. As a result of a recent incident on the North Western Railway, the subject of adequate protection of lady passengers, travelling alone by night, was taken up by the Railway Board; and at their instance, the Agent of the North Western Railway has issued the following instructions :

"(a) Conductor guards are to run regularly on 7 Up and 8 Down mails between Karachi and Lahore, and on 3 Up and 4 Down mails between Lahore and Delhi.

(b) Divisional Superintendents will arrange, for Conductor Guards, wherever it is considered that special circumstances make such provision desirable.

(c) Instructions have been issued to ensure that all door and window fastenings on carriages are kept in efficient working conditions.

(d) Special steps have been taken to rectify any defects to all door and window fastenings as carriages pass through shops.

(e) Instructions relating to the use of door and window fastenings by passengers is to be exhibited in a conspicuous place in all compartments.

(f) Orders have been issued to the effect that, by those trains which have no Conductor Guard, the primary duty of the Guard in charge is to look to the safety of lady passengers."

2. Other Railways have been informed of the steps taken by the North Western Railway, and the matter has been referred to the Indian Railway Conference Association to consider if they can suggest any further measures in this respect.

Statement.

The Bengal and North Western Railway Company Limited.

(Incorporated in England.)

Traffic Manual.

Addition and alteration Memo. No.

Page 34, Chapter II. Add the following as para. 3-XIV.

XIV. Care of Lady Passengers travelling in upper class compartments alone during

Attention of Guards and Assistant Guards is drawn to the instructions at page 2 paras. 8 and 9 of the Appendix to Working Time Table reproduced below :—

(a) 8. Ladies' Compartments :—

The doors of 1st and 2nd class ladies' compartments must be locked by Guards of trains at night if so desired by the occupants. Guards should also show passengers how to use the window and door fasteners, and be

prepared to unlock the doors when required. This matter must receive special attention.

(2) Ladies with 1st or 2nd class tickets travelling alone at night may be permitted to take into the compartment with them one servant holding a third class ticket.

9. Care of passengers :—

(1) Attention is drawn to General Rules 138, 183, 194 and 195 of Part I, and 4 of Part II and Subsidiary Rules thereto. The staff are directed to carry out the orders laid down therein most carefully, station masters and others in authority instructing the staff under them. The greatest care must be taken to see that these orders are carried out and that the safety and welfare of passengers are considered and attended to.

(2) All cases of criminal assault on passengers in trains or on station premises, whether committed by fellow passengers or by the Company's staff, should be reported at once by telegram to Government Railway Police, Traffic Inspector, District Traffic Superintendent, Traffic Manager and Agent. The District Traffic Superintendent must at once take up the matter, have it enquired into and report to the Traffic Manager.

(3) In conducting the enquiry, special attention must be directed to see :

(a) that all rules of the Railway for the protection of passengers have been duly observed.

(b) That every effort has been made to bring the offender to justice, and

(c) that every point brought to light in the enquiry has been duly communicated to the Police.

(b) When taking over charge of night trains, Guards must examine all door and window fasteners of upper class carriages and should any of them be found defective the carriage examining staff should be requested to put them right before starting.

(c) If it is not possible to put them right in the time available, a special report should be made in the Guard's Journal giving number of the carriage and particulars of the defects, and a wire sent to the carriage Examiner at destination giving a copy to the District Loco. Superintendent concerned.

(d) Should any ladies be travelling in upper class carriages at night they should be directed to a compartment in which the fasteners are in good order but should this not be possible owing to lack of accommodation the Guard must exercise particular vigilance at every station at which the train stops.

J. D. WESTWOOD,

Traffic Manager.

TRAFFIC MANAGER'S OFFICE,
Gorakhpur, 25th July, 1934.

Mr. Gaya - Prasad Singh : Sir, the Honourable Member has been reading out his answer with the rapidity of a mail train. Do I understand him to say that instructions have been issued to other Railways to take similar precautions ?

Mr. P. R. Rau : Instructions have been issued on the North Western Railway, and copies have been sent to other Railways to take similar action.

IMPORT OF CUT-PIECES FROM JAPAN.

413. *Mr. B. Das : (a) Have Government received a representation from the Ahmedabad Millowners' Association on the excessive import of standard cut-pieces (so-called fents) from Japan ?

(b) Is it a fact that Japan is sending to India cut-pieces of standard sizes of three yards and six yards to avoid higher tariff thereon?

(c) What is the total yardage of such standard cut-pieces imported so far from Japan and what is the total loss of revenue thereon?

(d) What steps are Government taking to stop the import of such cut-pieces under the guise of fents?

The Honourable Sir Joseph Bhore : (a) Yes, Sir.

(b) Statements to this effect have been made in the representations received by Government on the subject.

(c) and (d). Figures relating to the imports of fents of three yards and six yards are not available. I would, however, state that fents over four yards in length are liable to the same rate of duty as cotton piece-goods and are included in the quota fixed for Japanese cotton-piece-goods under the Indo-Japanese Commercial Convention. Government have already issued instructions to the Collectors of Customs to the effect that the lower rate of duty on fents should be applied only to job lots of varying lengths and sizes, not exceeding four yards, rejected by mills on account of their defective weaving or dyeing or other substantial damage. Such fents would invariably be bundled (as distinct from the packing adopted for piece-goods) and invoiced by weight. There is therefore no reasonable scope for any evasion of customs duties.

Mr. K. C. Neogy : Has the Honourable Member received representations that there are similar cases of evasion of customs duty on the part of Japan in respect of some other items of cotton textiles, particularly hosiery?

The Honourable Sir Joseph Bhore : I should like to have notice of that question, Sir. My only recollection is that a representation was made that evasion was taking place by shipment to Indian State ports. That matter is receiving the attention of the Government of India.

Mr. K. C. Neogy : Have no complaints been received with regard to hosiery?

The Honourable Sir Joseph Bhore : I shall look into that matter.

Mr. B. Das : Do I understand the Honourable Member to say that instructions have been issued to Collectors of Customs to the effect that when piece-goods come in sizes of three yards but are packed like ordinary piece-goods, they should be assessed a heavier duty?

The Honourable Sir Joseph Bhore : The point really, Sir, is this, that the mere fact that a piece of cloth is four yards in length, does not bring it under the definition of fent. Collectors of Customs have been given full instructions to see that despite the fact that a piece of cloth may be four yards in length, if it does not fulfil the description which I have just read out, they should treat it as ordinary piece-goods which will be included in the quota which has been allotted for Japanese piece-goods.

Mr. B. Das : What steps will Government take to safeguard the problem of three yard cut-pieces coming into the market by paying a lesser duty?

The Honourable Sir Joseph Bhore : I made that point perfectly clear.

Mr. President (The Honourable Sir Shanmukham Chetty) : Instructions applicable to four yard lengths will be applicable to three yard pieces also.

CHANGE IN THE TIMINGS OF THE ARMY HEADQUARTERS SPECIAL TRAIN
RUNNING BETWEEN SUMMER HILL AND SIMLA.

414. ***Sardar G. N. Mujumdar :** (a) Will Government please state whether it is a fact that the Army Headquarters special train which used to leave Summer Hill at 9-27 A.M. is now timed to leave that station at 9-5 A.M. from the 24th July, 1934?

(b) Will Government kindly state whether the change in the timings was notified to their Secretariat staff?

(c) Will Government also please state the reason for this sudden change in the timings?

(d) Are Government aware that the men living in Summer Hill quarters have to leave home before 8-45 A.M. to be in time to catch the train and so have hardly any time to take their meals, bath, etc.?

(e) Are Government aware that the bulk of the residents in the Summer Hill quarters are the Government of India Secretariat staff and Members of the Assembly and the Council of State, and do Government propose to run the train to its original timings or re-arrange the arrival time of the 8-30 up to 9-30 or 9-45? If not, why not?

Lieut.-Colonel A. F. R. Lumby : (a) The Honourable Member's information is correct, except that the change took effect from July 23rd, 1934.

(b) and (c). The Honourable Member does not perhaps realise that his train has been arranged for some years past by the Army Department, to bring members of the staff of Army and Royal Air Force Headquarters resident in Summer Hill, to their work in Simla and is paid or by that Department. The reason for the recent change in timings was that, when the train left Summer Hill at 9-27 A.M., it was delayed by an earlier train, with the result that the clerks referred to arrived late in office. The change was certainly notified to the staffs concerned and Government have no reason to believe that other persons affected were not aware of it in good time.

(d) So far as the Army and Royal Air Force Headquarters establishments are concerned, the changed timings entail no hardship.

(e) For the reasons just given Government regret that they cannot agree to take the action suggested.

Mr. Lalchand Navalrai : What about their taking meals in time?

Lieut.-Colonel A. F. R. Lumby : They seem to manage it, according to my information.

APPOINTMENTS OF SUPERINTENDENT AND DEPUTY SUPERINTENDENT, WATCH AND WARD DEPARTMENT, EAST INDIAN RAILWAY.

415. *Sardar G. N. Mujumdar : (a) Is it the policy of the Railway Board that the appointment of Superintendent and Deputy Superintendent, Watch and Ward Department, East Indian Railway should be held only by Imperial Police Officers ?

(b) If the answer to part (a) be in the negative, why was it considered necessary to obtain the services of an Imperial Police Officer to act as Deputy Superintendent, Watch and Ward Department, East Indian Railway, when the permanent incumbent of the post was on leave in 1933 ?

(c) Has this Department been in existence for ten years ? If so, are there no officers or senior subordinate officers fit to act or to be promoted to a higher grade ?

(d) Is it more economical to obtain the services of Imperial Police Officers to act in such vacancies, or are there surplus Imperial Police Officers ?

(e) Is it a fact that the Imperial Police Officer brought in to act in a leave vacancy in 1933, when relieved, proceeded on leave on average pay which was higher than his pay in the Police Department ?

(f) Is the average pay in such cases debitable to Railways ?

Mr. P. R. Rau : (a) No.

(b) In the interests of the public service.

(c) The answer to the first part of the question is in the affirmative. The number of officers in the department being small, selection from a wider range was considered desirable.

(d) No question of economy is involved.

(e) Possibly, his leave salary would be calculated according to the ordinary rules.

(f) The distribution of leave salary in such cases will be according to the ordinary rule governing loans of an officer from one Government to another, which is contained in Article 183 (2) of the Audit Code, Volume I.

FUNCTIONS AND DUTIES OF YARD SUPERVISORS AND YARD INSPECTORS.

416. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : (a) With reference to the answer given to starred question No. 391, dated the 6th March, 1934, will Government be pleased to state what the function and duties of the Yard Supervisor and Yard Inspectors are and in what material respects they differ from those of Assistant Yard Masters ?

(b) Is it a fact that Indian Yard Supervisors, in big yards like Khanalampur, Ghaziabad, Delhi and Lahore, etc., perform the same duties as European and Anglo-Indian Assistant Yard Masters on the East Indian Railway and on a lower scale of pay ?

(c) Is it a fact that Number-Takers, after the necessary training, have been and are promoted as Yard Foremen and Yard Supervisors on the

North Western Railway and are found capable of coping with the work of the Yard, and a similar practice obtains on the Oudh and Rohilkhand Railway Section of the East Indian Railway as well ?

(d) Is it a fact that the request of Head Number-Takers to be tested for Assistant Station Masters' examination and to permit them to pick up the work of the post of Assistant Yard Masters, has been turned down on the plea that they cannot aspire to these posts in the East Indian Railway Sections ?

(e) Is it a fact that, in contrast to this, the Divisional Superintendent, Lucknow (old Oudh and Rohilkhand Railway section) has held that the natural avenue of promotion of a Head Number-Taker lies to the post of Assistant Yard Master and, in pursuance of this policy for the second time in the Lucknow Division, has permitted a Head Number-Taker to learn the work of an Assistant Yard Master and given him an officiating chance ?

(f) What answer did the Divisional Superintendent, Lucknow, give on this point to the Agent, East Indian Railway ?

(g) Are Government aware whether, at the time of permitting the Head Number-Taker at Lucknow to pick up the work of an Assistant Yard Master's post and subsequently giving him an officiating chance, the claims of other Senior Head-Number Takers, who were refused these facilities, were considered ?

(h) In view of the Railway Board's letter No. 5153-E., dated the 20th May, 1934, stating that the normal channel of promotion for a Head Number-Taker was provided to the post of a Yard Supervisor, and Government's reply to question No. 391, referred to in part (a) above, stating that the Agent, East Indian Railway, is unwilling to provide facilities to them for their promotion to the posts of Yard Masters and Assistant Yard Masters, will Government please now state to what higher posts must the staff in the Number Takers' category look for their promotions, and what is their normal avenue of promotion ? Is it a fact that the post of Yard Supervisor is non-existent on the East Indian Railway ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to this and the following question together. I have called for information and will lay a reply on the table of the House in due course.

Mr. Gaya Prasad Singh : Will the Honourable Member also inquire whether, on the East Indian Railway, Number-Takers are not promoted as Yard Foremen and Assistant Yard Masters ?

Mr. P. R. Rau : I shall be pleased to do so.

PROMOTION OF NUMBER-TAKERS ON THE EAST INDIAN RAILWAY.

417. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Is it a fact that the Number-Takers on the East Indian Railway have submitted a joint appeal on the subject of their promotion to the posts of Yard Masters and Assistant Yard Masters through their Divisional Superintendents, and if so what answer has been given to this appeal ?

For answer to this question, see answer to question No. 416.

(b) What objection has the Agent, East Indian Railway, to get suitable and deserving Head Number-Takers to go through a course of training at the Railway School at Chandausi to make them eligible for promotion to higher posts? What is the use of maintaining this School, if it is not to qualify staff for higher posts and make them more efficient in their work?

(c) Is it not the recognised policy of Government to keep an avenue of promotion to higher posts in the upper subordinate cadre open for staff in each category? If so, why is staff in the category of Number-Takers deprived of this opportunity for promotion when the same is open to clerical staff in other categories?

(d) Is it a fact that A class Guards are permitted to pick up the work of the post of Assistant Yard Master, prior to their promotion to these posts? Is this facility refused to Head Number-Takers?

(e) Is it a fact that as a result of this policy Anglo-Indian and European guards with only a few years service have been promoted as relieving Assistant Station Masters and to Assistant Yard Masters' posts, and that senior Indian Head Number-Takers and Indian Assistant Station Masters have remained blocked on their maximum of Rs. 110 and retired from that post?

PAY, ETC., GRANTED TO THE OLD OUDH AND ROHILKHAND RAILWAY STAFF ON PROMOTION.

418. *Rai Bahadur Lala Brij Kishore : With reference to the answer given to starred question No. 746, dated 17th April, 1934, will Government be pleased to state definitely whether the old Oudh and Rohilkhand Railway staff in the old Oudh and Rohilkhand Railway grades of Rs. 78—3—90 and 75—5—100, after their transfer to the East Indian Railway Section, will on promotion get the East Indian Railway grade of Rs. 105—5—120 or old Oudh and Rohilkhand Railway grade of Rs. 104—6—140 and whether similarly the old Oudh and Rohilkhand Railway staff in the old Oudh and Rohilkhand Railway grade of Rs. 104—6—140, after their transfer to the East Indian Railway Sections will get their promotion to old Oudh and Rohilkhand Railway grade of Rs. 220 or the East Indian Railway grade of Rs. 200?

Mr. P. R. Rau : I have called for information and will lay a reply on the table of the House in due course.

ALLOTMENT OF ORTHODOX AND UNORTHODOX CLERKS' QUARTERS IN SIMLA.

419. *Mr. Bhuput Singh : (a) Is it a fact that A type orthodox clerks' quarters in Simla are four-roomed blocks, and is it a fact that such four roomed blocks are allotted to persons getting a salary of Rs. 300 and above?

(b) Is it a fact that there are A type unorthodox quarters which are styled as four-roomed blocks, and is it a fact that such four-roomed blocks are allotted to persons getting a pay of Rs. 450 and above?

(c) Is it a fact that B type orthodox clerks' quarters in Simla are three-roomed blocks, and is it a fact that such three-roomed quarters are allotted to persons getting a salary of Rs. 150 and above?

(d) Is it a fact that there are B type unorthodox quarters which are also in some cases styled as three-roomed quarters, and is it a fact that such three-roomed quarters are allotted to persons getting a pay of Rs. 300 and above?

(e) Is it a fact that C type orthodox clerks' quarters in Simla are two-roomed, and is it a fact that such two roomed quarters are allotted to persons getting a pay upto Rs. 150?

(f) Is it a fact that there are C type unorthodox clerks' quarters in Simla which are also in some cases styled as two-roomed quarters and is it a fact that such two-roomed quarters are allotted to unorthodox men getting pay upto Rs. 300?

(g) If the reply to the preceding parts be in the affirmative, will Government be pleased to state the reasons, why unorthodox people getting higher pay, are allotted quarters with smaller accommodation than those allotted to their orthodox colleagues? Do Government propose to do away with this distinction—in the fixation of a minimum pay for the purposes of allotment of different classes of accommodation? If not, why not?

The Honourable Sir Frank Noyce : (a) to (f). Married clerks' quarters in Simla, both orthodox and unorthodox, are divided into A B and C classes according to the accommodation provided. The three classes of unorthodox clerks' quarters at Summer Hill are sometimes referred to as 4 roomed, 3 roomed and 2 roomed quarters, but this is not an official designation and is not applied to quarters elsewhere than at Summer Hill.

The quarters are allotted as follows :

Orthodox.

A class to officers drawing over Rs. 300 but less than Rs. 600 a month.

B class to officers drawing Rs. 150 and over but not more than Rs. 300 a month.

C class to officers drawing less than Rs. 150 a month.

Unorthodox.

A class to officers drawing over Rs. 450 but less than Rs. 600 a month.

B class to officers drawing Rs. 300 and over but not more than Rs. 450 a month.

C class to officers drawing less than Rs. 300 a month.

(g) The pay limits were settled in consultation with the Imperial Secretariat Association, and Government do not propose to make any change. The limits for unorthodox quarters are considerably lower than those which were in force prior to 1925, and were designed to ensure a fair distribution of the accommodation available. Moreover, the unorthodox accommodation is on the whole better than the orthodox accommodation, and this in itself is a justification for the distinction to which the Honourable Member refers.

UNORTHODOX QUARTERS IN SIMLA.

420. *Mr. Bhuput Singh : Will Government be pleased to state separately the number of each of the A, B and C types of unorthodox quarters at Kaithu, Summer Hill and Tuti Kandi ?

The Honourable Sir Frank Noyce : I lay on the table of the House a statement giving the information asked for by the Honourable Member.

Statement showing the number of different classes of unorthodox clerks' quarters at Kaithu, Summer Hill and Tuti Kandi, Simla.

	A Class.	B Class.	C Class.
Kaithu	2	4	38
Summer Hill	45	30	10
Tuti Kandi	1	..	2

UNORTHODOX QUARTERS IN SIMLA.

421. *Mr. Bhuput Singh : Is it a fact that there are only four B type quarters and two A type quarters as against 38 C type quarters in Kaithu ? If so, do Government propose to convert some of the C type quarters into B type by some additions and alterations ? If not, why not ?

The Honourable Sir Frank Noyce : The reply to the first part of the question is in the affirmative. As regards the second part, Government do not consider it desirable to make any change, as the proportion of quarters, available at Summer Hill, Kaithu and Tuti Kandi to total demand, is greater for B than for C class, and the C class demand for quarters at Kaithu and Tuti Kandi is more than adequate.

UNORTHODOX QUARTERS IN SIMLA.

422. *Mr. Bhuput Singh : (a) Are Government aware that practically all the men, entitled to A and B types unorthodox quarters under the present scales of pay, fixed for the different types of quarters, will have no chance of being allotted Kaithu quarters ? If so, do Government propose to amend the rules in such a way that all will have a fair chance of being allotted quarters in Kaithu ? If not, why not ?

(b) Are Government aware that under the existing scales of pay fixed for B types, once a man in the second division of the Secretariat or a man in the first division of the Railway Board gets one such quarter in Kaithu, he blocks the claims of others to these quarters and no one would be able to obtain such quarters till such a man retires from service ?

(c) Do Government propose to amend the allotment rules in such a way by which either the maximum pay limit or a maximum number of years' stay in a particular type of quarter, whichever is earlier, should debar the men to Government quarters until they are entitled to a higher type of quarter by virtue of their increase in pay ? If not, why not ?

(d) Is it a fact that, in the matter of exchange of one unorthodox quarter to another in Simla the longer stay in the unorthodox quarter

has been made the criterion in the allotment rules ? Is it also a fact that men have been compelled under the rules to adopt the same type, either orthodox or unorthodox, both in Delhi and Simla ?

(e) Is it also a fact that the European quarters in Delhi were declared unorthodox on the 16th January, 1924, whereas the European quarters in Simla were declared unorthodox only in December, 1931 ?

(f) Are Government aware that men who were really unorthodox occupied such quarters in Delhi before 1926 when the men had to pay minimum fixed rent for such unorthodox quarters in Delhi, irrespective of pay ?

(g) Is it a fact that since that minimum fixed rent has been substituted by the 10 per cent. rent on the basis of pay, many people who were not keen before have styled themselves as unorthodox for the purposes of better accommodation ? If so, do Government propose to amend the rules for exchange of unorthodox quarters in Simla in such a way that the continuous longer stay in the unorthodox quarters since 1924 in Delhi should be made the criterion of getting preference for such exchanges either in Simla or Delhi ?

(h) Are Government aware that those men who occupied unorthodox quarters in Delhi before the introduction of the rent on the 10 per cent. of pay basis, suffered heavily by way of rent ? If so, will Government be pleased to state the reasons why the men who have suffered financially and gave Government better revenues for all those years before 1926, should not be given some preference in the matter of allotment of quarters in Kaithu ?

The Honourable Sir Frank Noyce : (a), (b) and (c). Government are aware that as there are only two A class and four B class unorthodox quarters at Kaithu, and as persons to whom the quarters are allotted remain in occupation until they become "out of class", the chances of any individual applicant obtaining quarters at Kaithu are comparatively small. Government are not, however, prepared to change the rules relating to lien which have worked satisfactorily.

(d) The reply to the first part is in the affirmative. The Honourable Member will find a copy of the rules in the Library. With regard to the second part, no Government servants have been compelled to adopt any particular style of living either in Delhi or in Simla. Applicants for Government accommodation are, however, expected to be consistent, and those who are consistent are, under the orders of Government, given preference over those who wish to change their style of living.

(e) I am prepared to take it from my Honourable friend that the European quarters in Delhi were declared to be unorthodox in 1924. The decision was probably one of the New Capital Committee, which no longer exists. The change was made in Simla in October 1931.

(f) I cannot say whether the men who occupied unorthodox quarters in Delhi before 1926 were really unorthodox or not. The percentage rates for the rent of all quarters, (which were very favourable), were uniform, except during the years 1920-21 and 1922-23, when slightly higher rates were charged for unorthodox quarters.

(g) Government have no information as to the first part of the question, and do not think that any useful purpose would be served by the amendment of the rules in the manner proposed.

(h) The fact that certain persons may in the past have paid higher rent for unorthodox quarters in Delhi than they would have paid for orthodox quarters, does not justify the grant to those persons of any special concessions in Simla or elsewhere.

CONGESTION IN THE ROOMS OCCUPIED BY THE CLERICAL STAFF IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

423. *Mr. Sitakanta Mahapatra : (a) Is it a fact that the office of the Accountant General of Posts and Telegraphs has been located in some rooms allotted to the office of the Director General of Posts and Telegraphs ? Is it a fact that separate accommodation was provided for the former ?

(b) If the reply to part (a) be in the affirmative, will Government please state under whose order this was done ?

(c) Is it a fact that in consequence of this arrangement the staff of the office of the Director General of Posts and Telegraphs has been greatly inconvenienced ?

(d) Do Government propose to look into the matter and see that the congestion in the rooms occupied by the clerical staff in the office of Director General, Posts and Telegraphs is removed ?

The Honourable Sir Frank Noyce : (a) The fact is not exactly as stated ; a portion of the accommodation occupied by the office of the Director General of Posts and Telegraphs was found to be in excess of the standards prescribed by the Government of India. This excess was utilised for the accommodation of some of the Branches of the office of the Accountant General, Posts and Telegraphs, in the interest of efficiency and economy.

(b) The arrangement was made by the Director General, Posts and Telegraphs, and the Accountant General, Posts and Telegraphs, in consultation.

(c) No.

(d) Does not arise.

OFFICE ACCOMMODATION ALLOTTED FOR THE OFFICE OF THE ACCOUNTANT GENERAL OF POSTS AND TELEGRAPHS IN THE NEW DELHI SECRETARIAT.

424. *Mr. Sitakanta Mahapatra : (a) Is it a fact that the office of the Accountant General of Posts and Telegraphs has been shifted in the summer months of this year from Old Delhi to New Delhi ?

(b) If so, will Government please state (i) what office accommodation was allotted for that office in the New Delhi Secretariat and (ii) whether the accommodation provided is being used by that office ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) (i) 3,231 square feet of floor area and a record room.

(ii) Yes, except that it has been possible to surrender a room with a floor area of 1,089 square feet, originally provided for that office, by accommodating certain sections of the Office of the Accountant General, Posts and Telegraphs, in surplus space available in the office of the Director General, Posts and Telegraphs.

CHANGE IN THE TIMINGS OF THE ARMY HEADQUARTERS SPECIAL TRAIN RUNNING BETWEEN SUMMER HILL AND SIMLA.

425. *Mr. Sitakanta Mahapatra : (a) Are Government aware that the timing of the Army Special Train, which used to start from Summer Hill at 9-35 A.M. before, has been changed to 9-5 A.M. ?

(b) Are Government aware that this change in the timing is causing great inconvenience to the small school-going children of the employees of all the Civil Offices of the Government of India who have been provided quarters at Summer Hill ?

(c) Will Government be pleased to state the number of gentlemen and lady clerks and assistants taken together who are employed in the Army Headquarters and have been officially allotted Summer Hill Government quarters for the year 1934-35 ?

(d) Do Government propose to place on the table of this House a statement showing the names of the clerks and the numbers of the respective quarters allotted to those employed in the Army Headquarters who are required to attend office at 10 A.M. ? If not, why not ?

(e) Will Government be pleased to state the total number of clerks and assistants taken together, who are employed in the Civil Departments of the Secretariat and other offices of the Government of India and who have been officially allotted Government quarters at Summer Hill ?

(f) Do Government propose to place on the table of this House a statement showing the names of the clerks and assistants and the numbers of the respective quarters allotted to those employed in the Civil Departments and offices of the Government of India whose office hours are 10-30 A.M. ? If not, why not ?

(g) Will Government be pleased to state the total number of free railway passes which have been issued by the Army Headquarters to the clerks and assistants of the Army Headquarters and the number of free railway passes issued to their children residing in Summer Hill quarters, for their conveyance between Summer Hill and Simla ?

(h) Will Government be pleased to state the total number of monthly season tickets which have been issued by the North Western Railway between Summer Hill and Simla during the current month ?

(i) Will Government be pleased to state the total number of free railway passes issued by the Railway Board and the North Western Railway administration between Summer Hill and Simla during the same period as in part (h) ?

(j) Is it a fact that the total number of passengers holding monthly tickets on payment and railway free pass-holders, whose office and school hours are 10-30 A.M., is greater than the number of passengers holding Army Headquarter passes, whose office and school

hours are 10 A.M. or earlier? If so, will Government be pleased to state the reasons for ignoring the conveniences and inconveniences of a larger number of the travelling public by changing the timing of the Summer Hill Special?

Lieut.-Colonel A. F. R. Lumby: (a) Yes.

(b) to (j). The attention of the Honourable Member is invited to the reply I have just given to Sardar G. N. Mujumdar's question No. 414. Having regard to the explanation given in that reply, Government do not consider that any useful purpose would be served by collecting the information asked for by him.

FREE CONVEYANCE TO ONE CLASS OF GOVERNMENT SERVANTS.

426. *Mr. Sitakanta Mahapatra: Will Government be pleased to state the reasons why they should allow free conveyance to a class of Government servants and refuse the same to the Secretariat and other civil offices staff?

The Honourable Sir Henry Craik: The Honourable Member's reference to free conveyance to a class of Government servants is presumably to the free railway train service between Summer Hill and Simla for the employees of Army Headquarters, a concession which is not at present allowed to the members of the Civil Secretariat and their Attached Offices. The question of granting this concession to the staff of the latter has been considered more than once on representations from the Imperial Secretariat Association, but in view of the differences between the pay and leave terms of the staff of Army Headquarters and that of the other offices, Government see no justification for extending the concession to the civil offices.

DISPOSAL OF INCOME-TAX OBJECTIONS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

427. *Mr. Sitakanta Mahapatra: (a) Is it a fact that the proviso to section 45 of the Income-tax Act is considered a dead letter by the Income-tax authorities in Bihar and Orissa, and the discretion vested therein is refused as a rule? Are Government aware that the Income-tax officers in Bihar and Orissa make a demand within the year in all cases in their charge, summarily under section 23 (4)?

(b) Are Government aware of the huge amount of interest that the tax-payers lose on account of the actions of the Income-tax officials in Bihar and Orissa? If so, do Government propose to issue necessary instructions to expedite disposal of objections in all cases in which big amounts of tax are involved or collected?

The Honourable Sir James Grigg: (a) As regards the first part of the question, the answer is in the negative. As regards the latter part, it is not understood what is meant, as under the Income-tax Act, all assessments including those under section 23 (4) are expected to be made during the year concerned and demands in respect thereof are to be made as soon as they are completed.

(b) All the evidence at my disposal goes to show that the Honourable Member's allegations are unfounded and the question of issuing instructions does not, therefore, arise.

CASES REMANDED OR RE-OPENED UNDER CERTAIN SECTIONS OF THE INDIAN INCOME-TAX ACT.

428. *Mr. Sitakanta Mahapatra: Will Government please lay on the table a statement showing the number of cases remanded under section 31 or 33, or re-opened under section 27 of the Indian Income-tax Act, in the years 1931-32, 1932-33 and 1933-34, the total amount of tax found refundable thereon, and the number of them in which more than six months elapsed between the date of actual collection of the tax and the date of actual refund?

The Honourable Sir James Grigg: The required information is not available.

JUDGMENT OF THE PATNA HIGH COURT IN THE CASE OF RAGHUNATH MAHADEO.

429. *Mr. Sitakanta Mahapatra: (a) Has the attention of Government been drawn to a judgment of the Patna High Court in the case of Raghunath Mahadeo, reported in All-India Reporter 1925-Patna, page 694, and the remarks made therein by the then Chief Justice in the following words?

"The facts as set out in the petition and as stated by Mr. Jayaswal on behalf of the assessee are that the accounts produced in support of the cloth, gold, silver and jute businesses, although not balanced or not closed in the sense I have already referred to, undoubtedly show by taking very slight trouble and carrying out a very simple sum in arithmetic what the actual profits made for the year in question were. If that is so it seems to me quite clear that the Income-tax Officer was negligent in his duty in failing to carry out that simple matter himself and so ascertain what was the effect of the books. He cannot shirk his duty by merely stating that the account is not balanced if the result of that balance can be ascertained by taking small amount of trouble. The books were there but he apparently refused to accept them merely upon that ground. In my opinion he was not entitled to act in that way."

What steps, if any, were taken against the officer concerned to stop repetition of such cases in future?

(b) Are Government aware that such abuse of powers against all rules of fairness, justice and consideration of the established principles of law, are only too common among the Income-tax authorities in Bihar and Orissa? If so, will Government please state if and how they propose to redress these every day grievances of the tax-payers in Bihar and Orissa?

The Honourable Sir James Grigg: (a) The case referred to was decided nine years ago, and as Government do not preserve records pertaining to matters of this kind for so long a period, the required information is not available.

(b) The answer to the first part of the question is in the negative and in consequence the latter part does not arise.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether he is aware that this practice is going on all over India where the Income-tax Officers on small grounds throw away the account books that are produced before them, because they are not closed. If they only go into them, they will know what the account really is. That is the complaint throughout India, and this instance having been cited, will the Honourable Member kindly issue a circular to the effect that the Income-tax Officers must take the account books as they are produced

before them and find out for themselves by a little bit of calculation what the result of the accounts is ?

The Honourable Sir James Grigg : I would certainly consider issuing a circular if the Honourable Member would produce to me some verification of his statement that there have been complaints of this practice all over India. If there had been such complaints, it is very surprising that the Central Board of Revenue have no information as to that.

Mr. Lalchand Navalrai : May I inform the Honourable Member that I myself have raised such questions, but unfortunately the Honourable Member was not here in those days. In those days complaints have been made and these are in the office and could be found out by the Central Board of Revenue.

The Honourable Sir James Grigg : If that is so, I shall look into it.

PETITIONS UNDER SECTION 66 (2) OF THE INDIAN INCOME-TAX ACT IN BIHAR AND ORISSA.

430. ***Mr. Sitakanta Mahapatra :** (a) Will Government please lay on the table a statement showing the number of petitions under section 66 (2) of the Indian Income-tax Act filed and the number of them actually referred to the High Court, the number rejected by the Commissioner, and the number withdrawn or decided under section 33 thereof in Bihar and Orissa in each of the years 1931-32, 1932-33, 1933-34 and 1934-35 (up to date) ?

(b) Are Government aware of the inordinate delay made by the Commissioner in dealing with petitions under section 66 (2) of the Act and the loss of interest caused to the assessee thereby ?

The Honourable Sir James Grigg : (a) A statement giving the required information is laid on the table.

(b) No. As regards loss of interest, for the information of the Honourable Member, I would add that in the case of references to a High Court under section 66 (2) of the Income-tax Act, when an assessee is successful, the amount of tax paid is refunded with interest as per section 66 (7) of the above Act.

Statement showing the number of petitions filed under section 66 (2) and the number actually referred to High Court, the number rejected by the Commissioner and the number withdrawn or decided under Section 33 in Bihar and Orissa in the years 1931-32 to 1934-35 (up-to-date).

Year.	Number of petitions filed under Section 66 (2).	Number actually referred to High Court.	Number decided and rejected by the Commissioner.	Number withdrawn by the assessee.
1931-32	71	4	47	20
1932-33	51	8	30	13
1933-34	51	6	34	11
1934-35 (up-to-date).	29	Nd	Nd	Nd

JUDGMENT OF THE PATNA HIGH COURT IN THE CASE OF SETH BANSHIDHAR PADDAR.

431. ***Mr. Sitakanta Mahapatra :** (a) Has the attention of Government been drawn to a recent judgment of the Honourable the Patna High Court in the case of Seth Banshidhar Paddar, published in All-India Reporter, 1931, Patna 46 and the remarks of the Honourable the Chief Justice therein, deprecating the procedure adopted by the Commissioner of Income-tax in Bihar and Orissa, in starting an inquiry after the order of the High Court directing him to state a case, in the following words ?

"The procedure adopted by the Commissioner in starting an inquiry after the order of the High Court directing him to state a case is to my mind to be deprecated in this particular case, because it is clearly a hurried inquiry undertaken in order to bring the case within the law as stated by the Privy Council. The assessee was all along under the impression, as was indeed the Court, that the matter to be dealt with was the state of facts which led up to the appellate order and materials upon which the appellate order founded the decision. At the last minute to conduct a sudden inquiry even if that were a legal inquiry is hardly a procedure in accordance with the principle of fairness to the assessee nor has the inquiry, itself, such as it is, resulted in any further finding of fact which is of assistance in determining the point before us."

(b) If the reply to part (a) be in the affirmative, do Government propose to stop such misuse of powers by the head of the Income-tax Department in Bihar and Orissa, and insure justice and fairness to the common tax-payer ?

The Honourable Sir James Grigg : (a) The answer is in the affirmative.

(b) Government do not admit that there was any "misuse of power", as the Commissioner of Income-tax thought it advisable to make further enquiries in the case, simply because in his opinion, all the facts required to state the case properly before the High Court were not available.

REPORTS OR REMARKS WHEN CALLING FOR INCOME-TAX CASES UNDER APPEAL IN BIHAR AND ORISSA.

432. ***Mr. Sitakanta Mahapatra :** (a) Are Government aware that instead of refraining from asking for reports or remarks when calling for the records of cases under appeal, as directed in the instructions issued by the Central Board of Revenue in 1927, the appellate officers in Bihar and Orissa as a rule not only call for such reports in all cases without exception but also insist invariably on the presence of either the Income-tax Officer or the dealing Inspector Accountant at the time of the actual hearing of appeals ?

(b) If the reply to part (a) be in the affirmative, do Government propose to stop this malpractice ? If not, why not ?

(c) If the reply to part (a) be in the negative, do Government propose to make an enquiry into the matter ?

(d) Is there a printed form for calling for such reports in appeals and if so, what was the total number of such forms used by the different Assistant Commissioners in Bihar and Orissa in 1932-33 and 1933-34 ?

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The Honourable Sir James Grigg : (a), (b), and (c). Reports are called for by appellate officers, to give the assessing officer an opportunity of commenting on the various allegations made in the appeal lodged, which seems to me quite fair and reasonable. The assessing officer is present during the hearing of an appeal, only when the appellate officer considers it necessary to have an explanation as regards any statement in the Assessment Order the meaning of which may be doubtful. As the explanation is given in the presence of the appellant, there can be nothing unfair in this procedure.

(d) Yes. The number of forms used was 3,371 for 1932-33 and 3,140 for 1933-34.

QUOTATION OF FOREIGN OUTWARD STATION TO STATION GOODS RATE ON THE NORTH WESTERN RAILWAY.

433. *Mr. D. K. Lahiri Chaudhury : (a) Is it a fact that an experiment to facilitate the quotation of foreign outward station to station goods rate was started on the North Western Railway in 1929 and is still in the experimental stage ?

(b) Is there anything in the nature of the work of the experiment on account of which it has continued as an experiment for such a long period ?

(c) Is the Railway over which it is working now in a position to say whether the experiment is a success or not ?

(d) How much has been spent upon this experiment so far since the beginning of it ? What are the recurring expenses of the experiment ?

(e) Is it a fact that the Agent, North Western Railway, had submitted his final report on the working of the experiment, recommending that the scheme may be placed on a permanent basis ? If so, on what grounds has the Railway Board decided to continue it as an experiment for two years more ?

Mr. P. R. Rau : (a) Yes, except that the registers were not issued to stations till the close of year 1930.

(b), (c) and (e). The Agent, North Western Railway, has reported favourably on the experiment but his report was based only on six months experience during which period changes in rates have been comparatively few. The Railway Board have decided to continue it as an experimental measure for two years, in order to obtain further data to arrive at a decision whether the cost incurred is justified.

(d) The total cost, including cost of compilation and maintenance up to the end of 1933-34, was Rs. 2,90,261. The recurring expenditure is estimated at about Rs. 39,000 per annum.

FUNCTIONS, DUTIES AND SCALES OF PAY OF JOURNEYMEN EMPLOYED IN THE VARIOUS DEPARTMENTS OF THE NORTH WESTERN RAILWAY.

434. *Bhai Parma Nand : (a) Are the functions, duties and scales of pay of all journeymen employed in the various Departments of the North Western Railway similar ?

(b) Is it a fact that the new Leave Rules issued in the Railway Board's letter No. 8373/E., dated the 20th February, 1930, and enforced on the North Western Railway, with retrospective effect from the 1st April, 1927, have deprived the journeymen of the Mechanical Workshops of the North Western Railway of the privileges of leave that the said journeymen were entitled to enjoy previous to that date ?

(c) Is it a fact that whenever Government have had the occasion to revise schemes, overhaul systems and frame new rules, it has never been the object to deprive any one of the privileges enjoyed by him under the old set of rules ?

(d) Is it a fact that the journeymen employed in the sheds and the journeymen chemists and monthly rated mechanical staff other than journeymen employed in the shops, having their scales of pay much lower than that of journeymen, e.g., Train Examiners, Block Maintainers, etc., are all allowed to enjoy the privilege of leave admissible to the supervisory staff ?

(e) Is it a fact that those of the apprentices of the Mechanical Workshops of Moghulpura and Sukkur who, after the completion of a five years' course of practical and theoretical training, are retained as journeymen in the scale of Rs. 100—10—170, are treated as "inferiors" and "labourers" for the purposes of the new Leave Rules ? Is it a fact that the illiterate mistries knowing only thumb rule methods are promoted as "junior chargemen" in the same scale of pay as that of journeymen, but are treated as supervisors and thus given the benefit of privilege leave ?

(f) Is it a fact that the practice in the Electrical Branch of the North Western Railway is *vice versa* to that mentioned in question (e) ?

(g) Is it a fact that the duties actually performed by the journeymen in all the shops are either of supervisory or of clerical nature or of both, but the North Western Railway Administration are always trying to maintain that the journeymen are mere labourers ?

(h) If the answers to parts (a) to (g) be in the affirmative, do Government propose to abolish the distinction between the "journeymen" and other staff employed on the same scale of pay in the various departments of the North Western Railway in the matter of the application of Leave Rules ?

(i) Has any representation to the above effect been made to the Railway Board by the Railwaymen's Federation ?

(j) Have Government taken any action in this behalf ? If not, do Government propose to take any action in this connection, and if so, when ?

Mr. P. R. Rau : I have called for certain information necessary to enable me to reply fully to the question and will lay a reply on the table of the House in due course.

Mr. Lalchand Navalrai : I believe they will be presented in the next Assembly !

(No answer.)

RECRUITMENT OF PROVINCIAL CIVIL SERVICE MEN AS ASSISTANT SECRETARY, UNDER SECRETARY, ETC., IN THE GOVERNMENT OF INDIA OFFICES.

435. *Khan Bahadur H. M. Wilayatullah : (a) Will Government be pleased to state if Provincial Civil Service men are recruited from the Provinces for appointment as Assistant Secretary, Under Secretary, etc., in the offices of the Government of India ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state how many such officers were recruited and appointed during the last ten years, and from what Provinces?

(c) Was a member of the Provincial Civil Service from the Central Provinces ever recruited for these appointments? If not, are Government prepared to consider the desirability of making a selection in future from the Central Provinces also?

The Honourable Sir Henry Craik: (a) I would refer the Honourable Member to the answer to part (a) of Mr. Lalchand Navalrai's starred question No. 90, on the 20th January, 1930. The position briefly is, that in some Departments the posts of Secretary, Joint Secretary, Deputy Secretary, and Under Secretary are reserved for Indian Civil Service officers. Posts of Assistant Secretary are ordinarily filled from the Imperial Secretariat Service.

(b) I lay on the table a statement giving the information desired.

(c) The reply to the first part is in the negative. As to the second part, I would point out that posts of this nature must be filled on the basis of merit and suitability, not on provincial considerations.

Statement showing the number of Provincial Civil Service officers recruited during the last ten years to the posts of Assistant Secretary, Under Secretary, Deputy Secretary, Joint Secretary and Secretary in the Government of India offices.

Department.	Assistant Secretary.	Under Secretary.	Deputy Secretary.	Joint Secretary.	Secretary.	Province and year.
Finance	1	1	1	1	1	Punjab, 1932-33.
Education, Health and Lands.	1	1	1	1	1	Punjab, 1931-32.
Legislative	1	1	1	1	1	Madras, 1925-26.
	1	1	1	1	1	Bombay, 1928.
	1	1	1	1	1	Madras, 1934.
Imperial Council of Agricultural Research.	1	1	1	1	1	Madras, 1929.
Home (Dy. D. P. I.)	Deputy Director of Public Information.					U. P., 1932.
Foreign and Political	None.					
Commerce	Do.					
Railway	Do.					
Industries and Labour	Do.					
Legislative Assembly	Do.					
Army	Do.					
Financial Adviser, Military Finance.	Do.					
Reforms	Do.					

ALLEGED COERCION IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

436. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that coercion is the order of the day in the Moradabad Division, East Indian Railway?

Mr. P. R. Rau: So far as Government are aware, the answer is in the negative.

STAFF FORCED TO ACCEPT POSTS ON LESS EMOLUMENTS IN THE TICKET CHECKING BRANCH, MORADABAD DIVISION.

437. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the staff are forced to accept posts carrying less emoluments than they are drawing in the Ticket Checking Branch of the East Indian Railway, Moradabad Division?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 437, 438 and 440 to 447 together.

I have called for certain information and will furnish replies in due course.

WITHDRAWAL OF MILEAGE ALLOWANCE FROM CERTAIN TRAVELLING TICKET INSPECTORS POSTED AS TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

†438. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the staff are told that the *ex-gratia* Consolidated Allowance sanctioned by His Excellency the Viceroy to compensate the loss by the withdrawal of Mileage Allowance from the old Travelling Ticket Inspectors will not be paid to them, if and when, they are posted to stations as Ticket Collectors on the East Indian Railway, Moradabad Division?

MILEAGE ALLOWANCE OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

439. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the question of mileage allowance of the Travelling Ticket Inspectors, East Indian Railway, is under disposal?

Mr. P. R. Rau: Certain memorials, from the Travelling Ticket Examiners of the East Indian Railway, are at present under consideration.

POST OF ASSISTANT HEAD TICKET COLLECTOR, MORADABAD DIVISION, EAST INDIAN RAILWAY.

†440. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the post of Assistant Head Ticket Collector, Moradabad Division, East Indian Railway, is scaled Rs. 120-10-140?

(b) Is it a fact that to the post of Assistant Head Ticket Collector, Moradabad (Rs. 120-10-140) Travelling Ticket Examiners on Rs. 160 plus Rs. 50 Consolidated Allowance are posted? If so, will Government state where the economy lies and whether average is not taken?

†For answer to this question, see answer to question No. 437.

(c) Will Government please state whether Travelling Ticket Examiners of the Accounts Departments will get the same emoluments under Operating Department, if and when, posted as Assistant Head Ticket Collectors? If not, why not?

CADRE OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†441. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the cadre of Travelling Ticket Examiners, Grades I and II, on the East Indian Railway is one independent unit under class "Ticket Checking of Commercial Group" as provided in the rules for the recruitment and training of subordinate staff?

TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

†442. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the cadre of Ticket Collectors, Grades I, II and III, Assistant Head Ticket Collectors and Head Ticket Collectors, Grades I and II, is as a whole one unit on the East Indian Railway under class "Ticket Checking of Commercial Group" as provided in the rules for the recruitment and training of subordinate staff?

TRAVELLING TICKET INSPECTORS OF THE ACCOUNTS DEPARTMENT ON THE EAST INDIAN RAILWAY.

†443. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the cadre of the Travelling Ticket Inspectors of the Accounts Department (now under Operating Department) is one independent unit on the East Indian Railway?

ALLEGED HARASSMENT OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†444. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that under the Operating Department the Travelling Ticket Examiners on the East Indian Railway in general and Moradabad Division in particular work under threat and harassment by the Transportation (Traffic) Supervising Staff?

WORK OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†445. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that under the Operating Department the work of the Travelling Ticket Examiners on the East Indian Railway is not independent?

CHECK OF THE TRAINS AT CERTAIN PLACES ON THE EAST INDIAN RAILWAY.

†446. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that sometime in April, May or June, 1934, an independent check of the trains was conducted by the Inspectors of the Accounts Department, East Indian Railway at Arrah, Dinapore and Gaya? If so, will Government please lay on the table their report and the remarks of the Operating Department thereon? If not, why not?

†For answer to this question, see answer to question No. 437.

CHECK OF THE TRAINS AT CERTAIN PLACES ON THE EAST INDIAN RAILWAY.

†447. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Will Government please state the result of the independent check of trains conducted some time in April, May or June, 1934, by the Inspectors of the Accounts Department, East Indian Railway at Arrah, Dinapore and Gaya respectively?

(b) Are Government satisfied with the independent check of trains other than the Operating Department? If not, why not?

CHECK OF TRAINS CONDUCTED BY THE WATCH AND WARD AND THE ACCOUNTS DEPARTMENTS ON THE EAST INDIAN RAILWAY.

448. *Maulvi Sayyid Murtuza Saheb Bahadur: Will Government please state the reason why the Operating Department, East Indian Railway, failed to achieve the requisite result which has hitherto been achieved by the independent checks conducted by the Watch and Ward and the Accounts Departments as reported by the Agent? If not, why not?

Mr. P. R. Rau: I regret I have been unable to understand clearly what my Honourable friend is referring to. If he refers to the additional temporary checks imposed on the East Indian Railway last year, the reason was explained by me in my reply to question No. 189, asked by Khan Bahadur Haji Wajihuddin, on the 23rd July, 1934.

SEPARATION OF THE TRAVELLING TICKET EXAMINERS, EAST INDIAN RAILWAY, FROM THE OPERATING DEPARTMENT.

449. *Maulvi Sayyid Murtuza Saheb Bahadur: Do Government realise the necessity of separating the Travelling Ticket Examiners, East Indian Railway, from the Operating Department and placing them under an independent Audit Department? If not, why not?

Mr. P. R. Rau: Government do not consider it necessary to transfer the Travelling Ticket Examiners from the Operating to the Audit Department.

Maulvi Sayyid Murtuza Saheb Bahadur: Will the Honourable Member be pleased to ascertain the reasons for this?

Mr. P. R. Rau: I think the onus of proving that a change is necessary rests on my Honourable friend who proposes it.

ALLEGATIONS AGAINST THE TRANSPORTATION (TRAFFIC) INSPECTOR OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

450. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that the zealous and honest Travelling Ticket Examiners working conscientiously are avenged on by the Transportation (Traffic) Inspectors when placed in power or authority?

(b) If the reply to part (a) be in the negative, will Government please state whether it is a fact that the Transportation (Traffic) Inspector, of Moradabad Division, East Indian Railway, on 21st April, 1934,

†For answer to this question, see answer to question No. 437.

accompanied by hill girls (without tickets) travelled in Second Class from Moradabad to Delhi by 3 MD Train ?

(c) If the reply to part (b) be in the negative, (i) what were the movements of this Inspector on 21st April, 1934, (ii) what business had he on that date at Delhi; (iii) what were the ticket numbers of second class tickets held by these girls *ex-Moradabad to Delhi or ex-Kashipur, Ramnagar or Haldwani to Delhi*; (iv) what was the report of his enquiry or inspection held at Delhi on that date submitted by him; and (v) who were these girls, relatives or friends, who travelled with him on his duty pass ?

(d) Was the said Inspector placed to officiate as Assistant Superintendent Transportation (Commercial), Moradabad Division, during June, 1934 ? If so, will Government please state : (i) the total number of punishments inflicted by him during his short period on the Ticket Checking staff, (ii) the nature of offence committed individually by and the punishment awarded to the Ticket Checking staff, (iii) the number of a gazetted officer to inflict fine on the staff; and (iv) the persons amongst the Ticket Checking Staff to whom he sanctioned enhanced increments ?

(e) What were his movements during his short period of officiating as a gazetted officer ?

(f) What was his movement on 1st July, 1934 ?

(g) Do Government propose to make an independent inquiry into the conduct of the said Inspector ? If not, why not ?

Mr. P. R. Rau : (a) Government have no reason to believe that such is the case.

(b) to (g). Information is being obtained and will be laid on the table in due course.

MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE EAST INDIAN RAILWAY AT CALCUTTA.

451. *Haji Chaudhury Muhammad Ismail Khan : Will Government be pleased to state the number of Muslims employed in the Head Offices of the East Indian Railway located at Calcutta ? How many of them are Bengal Muslims and how many belong to other provinces ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply questions Nos. 451 to 456 and 482 together. Government regret they are unable to supplement, with further detailed figures, the information in regard to communal representation in Railway services which is contained in the Annual Administration Reports of Indian Railways, copies of which are in the Library of the House.

MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE BENGAL NAGPUR RAILWAY AT CALCUTTA.

†452. *Haji Chaudhury Muhammad Ismail Khan : Will Government be pleased to state the number of Muslims employed in the Head Offices of the Bengal Nagpur Railway located in Calcutta ? How many of them are Bengal Muslims and how many belong to other provinces ?

†For answer to this question, see answer to question No. 451.

MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE EASTERN BENGAL RAILWAY AT CALCUTTA.

†453. *Haji Chaudhury Muhammad Ismail Khan : Will Government be pleased to state the number of Muslims employed in the Head Offices of the Eastern Bengal Railway located in Calcutta ? How many of them are Bengal Muslims and how many are Muslims from other provinces ?

NON-BENGALI MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE THREE RAILWAYS LOCATED IN CALCUTTA.

†454. *Haji Chaudhury Muhammad Ismail Khan : Is it a fact that in the Head Offices of the three important railways located in the capital of Bengal there are a large number of Muslims belonging to provinces other than Bengal, and are Government aware that there is acute unemployment amongst the educated Muslims of Bengal ?

BENGALI MUSLIMS EMPLOYED IN THE OFFICES OF THE NORTH WESTERN RAILWAY AT LAHORE.

†455. *Haji Chaudhury Muhammad Ismail Khan : Is it a fact that there are no Bengal Muslims employed in the offices of the North Western Railway located in Lahore ? If not, what is the total number of Muslim employees in those offices and how many of them are Bengal Muslims ?

BENGALI MUSLIMS IN THE HEAD OFFICES OF THE BENGAL NAGPUR RAILWAY AND THE GREAT INDIAN PENINSULA RAILWAY AT BOMBAY.

†456. *Haji Chaudhury Muhammad Ismail Khan : Is it a fact that there are no Bengal Muslims in the Head Offices of the Bengal Nagpur Railway and Great Indian Peninsula Railway located at Bombay ? If so, will they be pleased to state the number of Bombay Muslims employed in the Head Offices of the different railways located in the capital of Bengal ?

APPOINTMENT OF BENGALI MUSLIMS IN THE COMMERCE DEPARTMENT.

457. *Haji Chaudhury Muhammad Ismail Khan : Is it a fact that there are several first division and second division vacancies in the Department of Commerce of the Government of India, and that the Muslim organizations of the Punjab are trying to force Government to recruit only Punjab Muslims ? If so, do Government propose to recruit a number of Bengal Muslim graduates and M.As., now unemployed in Bengal, against such vacancies. If not, why not ?

The Honourable Sir Joseph Bhow : There are at present no vacancies in the First or Second Division in the Department of Commerce ; nor has any representation been received from any Muslim organisation in the Punjab urging the Department to recruit only Punjab Muslims. The latter part of the question does not, therefore, arise.

†For answer to this question, see answer to question No. 451.

SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO THE ARMY HEADQUARTERS STAFF.

458. *Mr. S. C. Mitra : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, that have been allotted to the men belonging to the Army Headquarters and the rent realized from them during the year 1933 and the rent to be realized in 1934 upto the end of September ?

The Honourable Sir Frank Noyce : With your permission, Sir, I propose to reply to questions Nos. 458, 459 and 460 together.

The information is not readily available and Government do not propose to collect it as the result would not justify the labour involved.

SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO MEN BELONGING TO OTHER OFFICES, EXCLUDING THE SECRETARIAT.

†459. *Mr. S. C. Mitra : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, that have been allotted to men belonging to other offices, excluding the Secretariat, and the rent realized from them in 1933, and the rent expected to be realized in 1934 upto the end of September ?

SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

†460. *Mr. S. C. Mitra : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, allotted to Government of India Secretariat staff and the total amount realized from them in 1933 and 1934 as house-rent by the forfeiture of house-rent allowances, to which such men were entitled under the Simla Allowances Code, in April and May of those years ?

PREFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.

461. *Mr. S. C. Mitra : (a) Is it a fact that at the last Public Accounts Committee meeting Government raised the question of very meagre yield of revenue from the house-rent realized on the basis of ten per cent. of pay, both in Delhi and Simla ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reasons why men of the attached offices and the Army Headquarters are being allotted quarters in Simla on the basis of six months' rental from the middle of May to the middle of October in preference to the men of the Secretariat Departments, from whom they realize the whole of their house-rent allowance ranging from Rs. 225 to Rs. 550, which roughly works out to about 20 per cent. of their pay if calculated on the same basis of six months' rental from the middle of May to the middle of October when these men live in Simla ?

(c) Do Government propose to amend the rules of allotment of clerks' quarters in such a way that Secretariat staff would get the first preference in the case of all Government quarters in Simla ? If not, what is the justification for Government losing revenue ?

†For answer to this question, see answer to question No. 453.

The Honourable Sir Frank Noyce : (a) I do not think that it is correct to say that Government raised the question of the inadequate realizations of rent in Delhi and Simla. A statement of the position was given by the Accountant General, Central Revenues, in paragraphs 12-16 of his report on the Appropriation Accounts for 1932-33 under the heading : "Administration of Residential Buildings", and this statement was naturally discussed by the Public Accounts Committee.

(b) This part of the question does not strictly speaking arise, but I may explain that, under the rules, allotments in Simla are ordinarily made for the financial year and that this arrangement was favoured by the Imperial Secretariat Association. An exception is, however, allowed in favour of men who receive no House Rent Allowance, and desire that the allotment should be for the season of seven months, (1st April to 31st October), only. Men of the Attached Offices and Army Headquarters ordinarily receive no House Rent Allowance, and, are, therefore, entitled to ask for seasonal allotments. I do not follow my Honourable friend's suggestion that these rent-paying tenants should be placed at a disadvantage as against men who either pay their rent from an allowance drawn from Central Revenues or pay no rent at all. The House Rent Allowance is not intended to be a source of profit, and I cannot accept the view that men who are given free accommodation in lieu of the allowance are unfairly treated.

(c) No. The rules already give a slight advantage to men who are entitled to House Rent Allowance, and no further preference can be shown to them.

Mr. S. C. Mitra : Do Government realise their responsibility of getting as much rent as possible for these quarters and not losing money by building costly quarters for the Government of India officials ?

The Honourable Sir Frank Noyce : Yes.

Mr. S. C. Mitra : Then how will he justify his decision, in view of the answer just given, by letting these quarters to people who only contribute less amount of the rent according to ten per cent. of their salary ?

The Honourable Sir Frank Noyce : I think that that question arises more naturally in connection with the reply I shall give in due course to the Honourable Member's question No. 463.

PREFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.

462. *Mr. S. C. Mitra : (a) Is it a fact that all the staff of the Army Headquarters living in Government quarters in Simla, who move down to Delhi, pay rent only for six months of their stay in Simla on the basis of 10 per cent. of their pay ? If so, will Government be pleased to state the reasons why such persons are allowed to retain their lien on their quarters in Simla when they do not pay rent for such quarters during the period when they are away in Delhi ?

(b) Is it a fact that the men belonging to the Secretariat Departments living in Government quarters in Simla are allotted quarters for the whole of the financial year in lieu of the annual house-rent allowances to which they are entitled ?

(c) Do Government propose to amend the Simla allotment rules in such a way that at the next allotment all quarters from which Government realize only six months' rent at 10 per cent. basis from the men belonging to offices other than the Secretariat, should be allotted to the Secretariat staff first? If not, why not?

The Honourable Sir Frank Noyce : (a) The reply to the first part is in the affirmative, but the summer season is the period from 1st April to 31st October, and not a period of six months as stated by the Honourable Member. In dealing with question No. 461, I have explained that the men concerned are rent-paying tenants and Government see no reason why they should not retain their liens from year to year.

(b) Quarters are allotted for the financial year. Men entitled to House Rent Allowance at the old rates draw the allowance in cash, and pay rent in the ordinary way. Men entitled to House Rent Allowance at the new rates occupy their quarters rent free, and do not draw the allowance.

(c) No. I may remind the Honourable Member that the object of providing Government servants with residential accommodation is administrative rather than commercial.

Mr. S. C. Mitra : Do Government take into consideration the commercial side of this question? Are they guided by merely administrative reasons as regards realisation of rent? Do they not care in the least whether there is loss of money or not?

The Honourable Sir Frank Noyce : I venture to think that that question, if I may say so with all respect, comes rather curiously from a Member of this Assembly who gets his own accommodation at what is very far from being a commercial rate.

Mr. S. C. Mitra : And the Executive Councillors get it free almost. They pay only Rs. 5, for their tennis grounds. The Honourable Member knows it, and his Department is in charge of these things.

The Honourable Sir Frank Noyce : The Honourable Member is under a misapprehension.

Mr. S. C. Mitra : He is not.

The Honourable Sir Frank Noyce : If he is willing to go into this question with me, I think he will find that there is no question of getting more rent for these quarters. As far as I can understand him, he seems for some reason or other to think that members of the staff belonging to Attached Offices are favourably treated. That is not the case. They are the only class who pay rent from their own pockets.

Mr. S. C. Mitra : Is it not a fact that in assessing rent for the Government quarters of Executive Council Members, no rent is charged for the ground, and the Honourable Members' bungalows are provided with large compounds which are not taken into account in assessing rent, and is it not a fact that the Honourable Members only pay Rs. 5 for their tennis grounds?

The Honourable Sir Frank Noyce : Whether rent is charged for the compounds attached to Honourable Members' houses or not, I can assure the Honourable Member that, in my opinion, and that of my Honourable colleagues, we pay an enormous rent for the accommodation we get.

REFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.

163. ***Mr. S. C. Mitra :** Are Government aware that by allowing the men of other offices than the Secretariat to retain their quarters, Government lose heavily by way of house-rent, which was complained of by the Auditor General at the last meeting of the Public Accounts Committee? So, do Government propose to remedy these defects immediately? If not, why not?

The Honourable Sir Frank Noyce : No. The men, against whom the Honourable Member proposes to discriminate, pay rent from their own pockets, while the members of the Secretariat staff receive an allowance from Central Revenues to enable them to pay their rent. I have already explained that residential accommodation is provided for administrative rather than commercial reasons, and that Government could in no circumstances agree to exclude a large class of its employees from the benefits of the housing rules. I must add that I am not aware that any complaint was made by the Auditor General at the last meeting of the Public Accounts Committee.

Mr. S. C. Mitra : Does the Honourable Member in deciding administrative questions not take into consideration the commercial aspect at all?

The Honourable Sir Frank Noyce : Yes, Sir. Obviously the commercial aspect is taken into consideration, but there are certain circumstances in which the administrative aspect is much more important than the commercial. If the Honourable Member can establish to my satisfaction that the Government will obtain an increased revenue by the course which he proposes that Government should adopt, I shall be happy to consider his proposal. I have gone very carefully into this question, and I can assure him that there is no question of financial advantage involved.

ALLOTMENT OF QUARTERS IN SIMLA.

64. ***Mr. S. C. Mitra :** Is it a fact that the allotment of quarters has been framed in such a way that they may help the Anglo-Indian staff of the offices other than the Secretariat to retain the Government quarters in preference to the men of the Secretariat? If not, do Government propose to take steps to increase the Government revenue by bringing all quarters on a 12 months' basis so that those who will move to Delhi would be compelled to pay for the whole of the 12 months at 10 per cent. pay basis? If not, why should the Secretariat staff be made to forego the whole year's house-rent allowance in lieu of Government quarters?

The Honourable Sir Frank Noyce : The reply to the first and second parts of the question is in the negative. As regards the third part of the question, I understand that the Honourable Member refers to Government servants of the Secretariat staff who are entitled to the Simla House Rent Allowance at the new rates and are allotted Government accommodation rent free instead of drawing the allowance in cash. I would point out that the allowance can, in no circumstances, exceed the amount actually paid, and that so far as Government servants in this category are concerned, the period of allotment is immaterial.

Mr. Vidya Sagar Pandya : May I put a question ? How does this basis of ten per cent. on the salary work out at the rate of six per cent. return on the outlay on these buildings ?

The Honourable Sir Frank Noyce : I must ask for notice of that question.

CREATION OF THE INDIAN ARMY CORPS OF CLERKS.

465. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state the reasons which have now led them to create the Indian Army Corps of Clerks in the Army and Royal Air Force Headquarters for all the new entrants ?

(b) Why was the necessity of such a kind of enlistment of the Indian establishment under the India Army Act never felt during the Great War period and before that ?

(c) Is it a fact that Indian Army Corps of Clerks was formed in 1923 or so ? If so, how is it that the Army Headquarters have after a lapse of twelve years, realised the necessity of introducing the Indian Army Corps of Clerks in the Army and Royal Air Force Headquarters ?

Lieut.-Colonel A. F. R. Lumby : (a) The reason, which led Government to form a section of the Indian Army Corps of Clerks for new British and Indian entrants to the ministerial establishment at Army and Royal Air Force Headquarters, was that the previous constitution of that establishment had failed to meet military requirements in the matter of general efficiency.

(b) Before and during the Great War military clerks predominated in Army Headquarters. At that time the number of Indian clerks in these offices was very much less than it is now. More recently an experiment was made at civilianizing the military portion of the establishment. This has not proved successful, and it has now been decided to revert to a military organisation.

(c) The reply to the first portion of this question is in the affirmative ; as regards the second portion the experience of the last ten years has led to the view that the introduction of a military organisation into what are after all military offices would make for efficiency.

Mr. Gaya Prasad Singh : Is it a fact that those who get themselves enrolled in the Indian Army Corps of Clerks will have to execute a bond for service for a stipulated period—say ten years ?

Lieut.-Colonel A. F. R. Lumby : That is the case. The terms of the bond go to show that, if their services are satisfactory, there is no reason why they should not be allowed to serve up to the age of fifty-five.

Lieut.-Colonel A. F. R. Lumby : They are liable to be discharged if their services are unsatisfactory ; but I think it is made quite clear in the bond that they have to sign that, if their services are satisfactory, they will be allowed to serve on, as I say, until the age of fifty-five.

Mr. Gaya Prasad Singh : Is it also a fact that enrolment in this Indian Army Corps of Clerks confers none of the privileges attaching to a military status, such as free quarters and other allowances ?

Lieut.-Colonel A. F. R. Lumby : No. The basic pay and the twenty per cent. extra over the ordinary rates of pay laid down cover all the privileges that they get.

Mr. Gaya Prasad Singh : On the civil side—I am asking for information—(Laughter)—there is no point in trying to raise a cheer at my expense—(Laughter)—is it a fact that those who enrol themselves on the military side as Indian Army Corps of Clerks are put at a disadvantage in the matter of free quarters and house allowances, or not, as compared to the civil side ?

Lieut.-Colonel A. F. R. Lumby : If the Honourable Member is referring to clerks in Civil Departments, I do not think there is any disadvantage. If he is referring to clerks of the Indian Corps of Clerks in other stations, the clerks at Army Headquarters do not get these other concessions, but they do receive a twenty per cent. addition to their pay.

Mr. Gaya Prasad Singh : Twenty per cent. in addition to the pay which the clerks on the Civil side get ?

Lieut.-Colonel A. F. R. Lumby : A twenty per cent. addition to the pay laid down in Army Regulations for clerks in the various grades of the Indian Army Corps of Clerks, that is, 20 per cent. more than clerks serving, say, at Ambala or Rawalpindi.

Mr. Gaya Prasad Singh : Is it not a fact that they are put at some disadvantage as compared with the clerks who are serving on the Civil side, even with this additional pay ?

Lieut.-Colonel A. F. R. Lumby : I do not think that there is any greater disadvantage than there was as compared with the rates of pay both categories drew before.

Mr. T. N. Ramakrishna Reddi : Do people discharged after ten years get their proportionate pension or Provident Fund ?

Lieut.-Colonel A. F. R. Lumby : I think I am right in saying that, if they are discharged after only ten years' service, they are not entitled to pensions.

Mr. Gaya Prasad Singh : Is it not also a fact that those employed in the Civil Secretariat and Attached Offices are given higher scales of pay and allowances than those employed in the Army and Royal Air Force Headquarters ?

Lieut.-Colonel A. F. R. Lumby : Yes, they always have been.

Diwan Bahadur A. Ramaswami Mudaliar : I understood from the Honourable the Army Secretary's answer that the experiment of civilianizing this staff has proved a failure and that the Government have reverted to the "military clerk" system. May I know in what respect this experiment proved a failure ?

Lieut.-Colonel A. F. R. Lumby : The experiment of civilianization only affected the British portion of the staff, because previously that was its only military portion. We found we did not get the best men from regiments because at Army Headquarters they had not such satisfactory prospects as in their own regiments.

Diwan Bahadur A. Ramaswami Mudaliar : Is it a fact that the Army Retrenchment Committee proposed, and with the concurrence of the military authorities, that civilianization should go on with reference to this Corps?

Lieut.-Colonel A. F. R. Lumby : I am afraid I cannot give an answer off-hand.

NEW CONDITIONS OF SERVICE AND NEW SCALES OF PAY IN THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.

466. ***Mr. S. C. Mitra :** (a) Is it a fact that the new conditions of service together with the new scales of pay have been sanctioned, with effect from January, 1934, for the new entrants in the Army and Royal Air Force Headquarters?

(b) Will Government please state if the Public Service Commission, while notifying their decision to hold the examination for recruitment to ministerial establishment of the Government of India Secretariat and Army Headquarters in 1932 and 1933, ever mentioned in any of their notifications that those candidates who would be employed in the Army Headquarters, will be required to enrol themselves under the Indian Army Act?

(c) If the reply to part (b) above be in the negative, how do Government now justify their action in asking the candidates employed on the result of the above mentioned competitive examinations, to enrol themselves? Is it a fact that due to their enrolment, they would be placed in a much inferior and disadvantageous position than their contemporaries on the civil side?

Lieut.-Colonel A. F. R. Lumby : (a) Yes.

(b) No, Sir.

(c) As regards the first portion of the question, the attention of the Honourable Member is drawn to the reply given in the Legislative Assembly on the 2nd March, 1934, to Mr. Uppi Saheb Bahadur's starred question No. 304. Government do not admit that the statement contained in the second portion of this question is correct.

APPOINTMENTS IN THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.

467. ***Mr. S. C. Mitra :** (a) Are Government aware that the men, who have been appointed in the Army and the Royal Air Force Headquarters, as a result of the examinations held by the Public Service Commission in 1932 and 1933 and who were never given any warning at the time of examinations, are now being forced to enrol themselves?

Force Headquarters, who were asked to enrol themselves, have since then resigned and gone away?

(d) In view of the facts mentioned in the preceding parts, do Government now propose to enrol those men only who will be taken as a result of the examinations for which the Public Service Commission will announce the new conditions of service in the Army and the Royal Air Force Headquarters, and to exempt the men, who have been employed as a result of the examinations held in 1932 and 1933, from enrolment under the Indian Army Act? If not, why not?

Lieut.-Colonel A. F. R. Lumby : (a) to (d). Government have received representations from the clerks of the category mentioned in part (a) of the question and these are now receiving considerations.

SCALES OF PAY FOR NEW ENTRANTS ENROLLED UNDER THE INDIAN ARMY ACT.

468. ***Mr. S. C. Mitra :** (a) Will Government please state the scales of pay which will be given to the new entrants enrolled under the Indian Army Act?

(b) Will Government also state the scale of pay they propose to give to those entrants who might be exempted from enrolment? Will it be the scale that has been given to new entrants in the Civil Secretariat and its attached offices, together with house rent and compensatory allowances? If not, why not?

(c) Have Government any proposal to further reduce the rates of pay that will be given to the entrants who will be enrolled in the Indian Army Corps of Clerks? If so, what are those rates?

Lieut.-Colonel A. F. R. Lumby : (a) The attention of the Honourable Member is drawn to the reply given to part (c) of his starred question No. 56 in the Legislative Assembly on the 30th January, 1934.

(b) I am afraid I cannot answer a hypothetical question of this kind.

(c) These rates of pay will be subject to any general revision that may be decided on for the pay of personnel paid from the Defence Services estimates.

COMPENSATORY ALLOWANCE AND HOUSE RENT FOR NEW ENTRANTS IN THE ARMY HEADQUARTERS.

469. ***Mr. S. C. Mitra :** Are Government aware that the new entrants in the Civil Secretariat and Attached Offices, whose pay has been revised, are given compensatory allowance and house rent, and that no such allowances have been sanctioned for the new entrants in the Army and the Royal Air Force Headquarters? If so, why have Government kept the Army Headquarters establishment on a different footing even on the introduction of the new scales of pay? Is it a fact that the scales of pay in the Secretariat and its Attached Offices have become uniform altogether?

Lieut.-Colonel A. F. R. Lumby : Government are naturally aware of the terms of service of all establishments under their control. The reason for the differentiation referred to by the Honourable Member is the dissimilarity in the conditions of service and nature of work of the two categories. The reply to the last portion of the question is in the affirmative.

OPTION GIVEN TO NEW ENTRANTS IN THE ARMY AND ROYAL AIR FORCE HEADQUARTERS TO ENROL THEMSELVES OR NOT.

470. *Mr. S. C. Mitra : Is it a fact that Government have given the new entrants in the Army and Royal Air Force Headquarters the option to enrol themselves or not ? Will there be any difference between the rates of pay of both the categories ?

Lieut. Colonel A. F. R. Lumby : The reply to the first part of the question is in the negative. The rest of the question does not arise.

SELECTION OF A MAN FOR APPOINTMENT TO THE POST OF W. I. X. ON THE NORTH WESTERN RAILWAY.

471. *Bhai Parma Nand : (a) Is it a fact that a letter (No. 925 E.1111, dated the 27th May, 1933) was issued from the Divisional Superintendent's Office, Delhi, for the selection of a man for appointment to the post of W. I. X. in the grade of 150—10—190 ?

(b) Is it a fact that the posts of Divisional Inspector, Assistant Inspector, and Sub-Inspector, Watch and Ward, were abolished and a post of W. I. X. newly created ?

(c) Is it a fact that no mention about the selection for the post of the Head Watchman was made in the letter quoted in part (a) ?

(d) Is it a fact that the post of Head Watchman was not newly created but is the same as it was prior to retrenchment ?

(e) Is it a fact that Altaf Hussain, Abdul Gani and Chandi were selected as Head Watchmen under cover of the same selection held for the post of W. I. X. in the grade of 150—10—190 ?

(f) Is it a fact that abovementioned demotees were junior to demotees Pirthi Singh, Ganga Parshad and Alamgir Khan according to entries on the waiting list at the time of selection ?

(g) Is it a fact that the recommendations of the Court of Enquiry, *vide* North Western Railway Gazette Extraordinary, dated the 20th June, 1932, appointed by the Government of India, *vide* North Western Railway Gazette Extraordinary of February 1933, were ignored and the senior men mentioned in part (f) were not selected ?

(h) Is it a fact that Government had assured the demotees to re-instate them in the order of seniority, *vide* paragraph No. 9, of the North Western Railway Extraordinary Gazette, dated June 20, 1932 ?

(i) Is it a fact that the staff employed as Head Watchmen on the Karachi Division was given preference over the confirmed hands of Delhi Division ?

(j) Will the Honourable Member in charge of the Railway Department explain why this was done ?

(k) Will the Honourable Member also explain why the seniority basis was not kept in view while re-instating the Head Watchmen, as was done in all the other categories on the North Western Railway as directed by the Government of India ?

Mr. Lalchand Navalrai : No. 472. Was this in abeyance ?

The Honourable Sir James Grigg : The next one or two I have not yet answered.

STOPPAGE OF ISSUING NEW COINS TO THE PUBLIC BY THE BOMBAY CURRENCY OFFICE.

472. *Mr. Lalchand Navalrai : Will Government be pleased to state :

(a) whether it is a fact that the Bombay Currency Office, has stopped issuing new coins and particularly new copper coins to the public ;

(b) if so, the date from which the issue of new coins has been stopped and the reasons therefor ;

(c) whether there have been complaints from the members of the public that the coins issued by the Currency Office, Bombay being over-used, great difficulty is felt by them in exchanging the same ;

(d) if the reply to part (c) above be in the affirmative, the reasons why such over-used coins are not sent to the Mint as uncurrent coins ?

The Honourable Sir James Grigg : (a) No. New coin is issued when old coin is not available.

(b) Does not arise.

(c) One such complaint was recently received but was found to be groundless.

(d) The issue of a larger amount of new coin would of course involve increased expenditure, and in view of the answer to (c) there appears to be no sufficient reason for altering the existing procedure.

Mr. Lalchand Navalrai : Why is it that new coins are not issued ?

The Honourable Sir James Grigg : Because they are not needed and because it would be much more expensive to hand them out. (Laughter.)

REMITTANCES OF OLD COPPER COINS FROM THE TREASURY OFFICE TO THE BOMBAY CURRENCY OFFICE.

473. *Mr. Lalchand Navalrai : Will Government be pleased to state :

(a) the total amount of remittances of old copper coins from the Treasury Offices to the Bombay Currency Office since January, 1934 ;

(b) whether the coins thus remitted by the Treasury Offices were surplus or whether new coins were issued in exchange thereof ;

(c) whether such remittances during this period were abnormal for this season ; if not, the special reasons for such remittances ;

(d) the total expenditure on the remittances to such of the Treasury Offices from which the old coins were received and to which new coins were sent in exchange ;

(e) whether the expenditure on such remittances could have been avoided by issuing new copper coins to the public from the Bombay Currency Office ;

(f) if the reply to part (e) be in the affirmative, whether they propose to issue orders to avoid such expenditure ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given to Mr. S. G. Jog's question No. 304, which is recorded in the Proceedings of the 30th of July, 1934.

NEW COPPER COINS MADE DARK.

474. *Mr. Lalchand Navalrai : Will Government be pleased to state whether any new copper coins were purposely made dark by some process to avoid the circulation of new coins to the public ? If so, what was the extra expenditure incurred on this account, and the total number of new copper coins made dark by this process ?

The Honourable Sir James Grigg : I would invite the Honourable Member's attention to the reply given to Mr. S. G. Jog's question No. 304, which is recorded in the Proceedings of the 30th of July, 1934. The total value of the coin which was subjected to this mechanical process is Rs. 6,100.

Mr. Lalchand Navalrai : May I know from the Honourable Member if it is a fact that the coins are being made dark by some process to avoid circulation ?

The Honourable Sir James Grigg : No, Sir. As I said, as an experimental measure, certain very small numbers of coins were made dark by a mechanical process. That experiment is being discontinued, and the Honourable Member can draw what conclusion he can from the fact that it is being discontinued.

Mr. Lalchand Navalrai : What was the object of doing that—to make them dark ?

The Honourable Sir James Grigg : Because I understand that the demand for new coins is a demand which grows by what it feeds on. The experiment is being discontinued, and I think we will not repeat it.

Mr. Lalchand Navalrai : Was it not deceitful ? (Laughter.)

The Honourable Sir James Grigg : That is an expression of opinion.

Dr. Ziauddin Ahmad : Is it not a very salutary example in which attempts are made to show new things as old while people always generally try to make old things appear new ?

The Honourable Sir James Grigg : I merely think it was an attempt to carry out the Scriptural injunction not to mix up old and new wine. (Laughter.)

NON-ISSUE BY THE BOMBAY CURRENCY OFFICE OF COPPER COINS WORTH LESS THAN RUPEES FIFTY.

†475. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state whether the copper coins worth less than Rs. 50 are not issued to the public from the Currency Office, Bombay ?

†For answer to this question, see answer to question No. 392.

(b) Is the practice in other currency offices in India the same as the one in Bombay ? If not, what is the practice in other currency offices ?

(c) What are the special reasons for adopting a special practice in Bombay ?

EXCHANGE OF SMALL COINS BY THE BOMBAY CURRENCY OFFICE.

†476. *Mr. Lalchand Navalrai : Will Government be pleased to state :

(a) whether the Currency Office, Bombay, accepts for exchange from the public, small coins worth less than Rs. 100 ;

(b) whether on account of this rule the members of the public have to pay commission to the Marwaris for exchanging small coins for less than Rs. 100 ;

(c) the authority for fixing this minimum of Rs. 100 ;

(d) the practice obtaining in other currency offices in this respect ;

(e) whether it would not be possible in the interest of the public to change the practice prevalent in Bombay in favour of accepting small coins of any amount ?

REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE RULES REGARDING PAYMENT OF THE VALUE OF THE LOST CURRENCY NOTES.

477. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Has the Expert Committee appointed to examine the question of the rules regarding payment of the value of the lost currency notes referred to in the Honourable the Finance Member's speech on the 31st August, 1933, submitted its report ? If so, when ?

(b) Have Government taken any action on the recommendations of the Expert Committee ? If so, to what extent ? Will Government be pleased to place the report and other connected papers on the table ?

(c) Do Government propose to publish the recommendations of the Committee for public criticism before taking final action ?

(d) Will Government be pleased to state whether they are prepared to look into hard cases that had occurred in the past and in particular the case of the Bank of Hindustan, Limited, Madras, and others out of which arose the discussion in the course of which the Honourable the Finance Member made the speech referred to in part (a) above ?

(e) Has the Expert Committee recommended any substantial reduction in the cost to the public of remitting money through :

(i) Post Office—

(1) Money Orders, and

(2) Insured letter post,

(ii) Supply Bills,

†For answer to this question, see answer to question No. 392.

- (iii) Currency Telegraphic transfer, and
(iv) The Imperial Bank of India ?

What progress has been made in carrying out the Committee's recommendations in each case ?

(f) Are Government aware that Insurance Companies are in a position to protect parties against losses of currency notes sent through insured post at rates which are substantially the same as the cheapest rates of the Imperial Bank of India ? If so, are they prepared to consider the grant of cheaper remittance facilities to the public ?

The Honourable Sir James Grigg : With your permission, Sir, I shall answer questions Nos. 477 and 478 together. The Expert Committee which was appointed to examine the Currency Notes (Refund) Rules submitted their report on the 11th of May, 1934. Their recommendations have been under the consideration of the Government of India, and I hope that it will be possible very shortly to publish the report and to make an announcement on the subject.

Government have no information regarding the rates offered by insurance companies for protection against the loss of currency notes.

Mr. T. N. Ramakrishna Reddi : Is the report of the Committee unanimous ?

The Honourable Sir James Grigg : I am not sure whether the Honourable Member on the Honourable Member's left did not make a certain reservation. Anyhow, the report will be published as soon as it is possible to do so.

Mr. Vidya Sagar Pandya : Government issued a communiqué, dated the 6th June, 1934, evidently based on the report of the Expert Committee, and, again on the 11th July, 1934, the same has been cancelled. I should like to know what is the object of that ?

The Honourable Sir James Grigg : In order that the recommendations of the Committee may be dealt with as a whole.

Mr. Vidya Sagar Pandya : Are they going to take up the matter soon or will it be taken up only after the formation of the Reserve Bank and when the Bank begins to function ?

The Honourable Sir James Grigg : I am sorry I did not hear the Honourable Member.

Mr. Vidya Sagar Pandya : Is it the object of the Government to issue these final rules after the Reserve Bank has been constituted and after consultation with the Bank, or before that ?

The Honourable Sir James Grigg : I should like to have notice of that question. But speaking off-hand, and I can confirm it if a question is put down, I think it is not proposed to wait until the constitution of the Reserve Bank. As I said, we shall publish the report very shortly and also make an announcement on the subject.

The Honourable Sir James Grigg : Surely, Sir, I am not expected to go beyond what I have already said at this moment, namely, that we will publish the report very shortly and also make an announcement on the subject. I hope the Honourable Member would not insist on our making a piecemeal announcement on this subject as he has already called attention to the fact that we started off by making a piecemeal announcement and then had to withdraw it.

Mr. Vidya Sagar Pandya : What I wish to know is whether the hard cases which have occurred in the past are likely to be considered ? That is the main question.

The Honourable Sir James Grigg : I am sorry I could not hear the Honourable Member.

Mr. Vidya Sagar Pandya : I wish to know whether the hard cases that have occurred in the past will be considered as promised by the Honourable Member's predecessor ?

The Honourable Sir James Grigg : Presumably they will be considered, but I cannot make any announcement on the subject.

REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE RULES REGARDING PAYMENT OF THE VALUE OF THE LOST CURRENCY NOTES.

†478. ***Mr. Vidya Sagar Pandya :** In view of the statement made by the Honourable the Finance Member on the 31st August, 1933, "that if as a result of the work of the Expert Committee (regarding Currency Notes Refund) it was possible to devise clearer and more restricted rules which would regulate the position for the future then the Government might be willing to consider looking into hard cases that had occurred in the past", are Government prepared to consider such hard cases (including that of the Bank of Hindustan, Limited, Madras) now that the said Committee has submitted its report ?

TRAFFIC INSPECTORS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

479. ***Bhai Parma Nand :** (a) Is it a fact that out of five Traffic Inspectors in the Moradabad Division, East Indian Railway only one was a Hindu ?

(b) Is it a fact that on account of the recent decision of Government the Divisional Superintendent, Moradabad, appointed a Muslim as Traffic Inspector ?

(c) Is it a fact that soon after, another post of Traffic Inspector was created and given to an Anglo-Indian, and that the claims of the Hindu candidates were ignored ?

(d) If the replies to parts (a) to (c) above be in the affirmative, will Government be pleased to state if this was in accordance with the intention of their decision ?

Mr. P. R. Rau : (a) to (d). Government have no information about the particular cases referred to by the Honourable Member, but have no reason to believe that their policy about recruitment to railway services

†For answer to this question, see answer to question No. 477.

is not followed by the East Indian Railway. As I have pointed out more than once in this House, it is impossible to give communal considerations any place either in promotions or in the staffing of individual offices.

DUTIES OF SUB-ASSISTANT SURGEONS IN THE CIVIL HOSPITAL, DELHI.

480. *Haji Chaudhury Muhammad Ismail Khan : (a) Is it a fact that Sub-Assistant Surgeons in the Delhi Civil Hospital are deputed to attend to emergent cases in the nights ?

(b) Is it a fact that the Assistant Surgeon in that Hospital is in receipt of an allowance of Rs. 50 per mensem and has also been allotted a residential quarter in the Hospital compound with the sole object of being made responsible to attend to such cases ?

(c) If the reply to part (b) above be in the negative, will Government please explain what this allowance and the allotment of a residential house within the Hospital compound are intended for ?

(d) Is it a fact that Sub-Assistant Surgeons required to attend to emergent cases at night are made to work constantly for 28 hours ?

(e) Is it a fact that none of the Sub-Assistant Surgeons so deputed is residing within the Hospital compound ?

(f) Are Government aware of the inconvenience caused to these Sub-Assistant Surgeons in consequence of this unusually lengthy period of duty and the fact that their families have to live alone during this period ?

(g) Is it a fact that after completing the 28 hours' duty at nights, these Sub-Assistant Surgeons are required to do the normal outdoor duties ?

(h) Will Government please state if this prolonged duty is not in contravention of the ordinary rules intended for Government servants, so far as their hours of work are concerned ?

(i) What action do Government propose to take for the amelioration of the condition of the Sub-Assistant Surgeons concerned ?

(j) Do Government propose to consider, with a view to remove the grievances of the present staff, the question of the appointment of one more residential medical officer to attend to emergent calls at nights and to act as leave reserve when necessary ?

Mr. G. S. Bajpai : With your permission, Sir, I shall answer questions Nos. 480 and 481 together. The information has been called for, and replies will be furnished in due course.

MEDICAL DEPARTMENT OFFICERS EMPLOYED IN DELHI FOR THE MEDICAL INSPECTION OF SCHOOLS.

481. *Haji Chaudhury Muhammad Ismail Khan : (a) Is it a fact that some officers of the Medical Department are employed in Delhi (City) solely for the medical inspection of schools ?

†For answer to this question, see answer to question No. 480.

(b) If the reply to the preceding part be in the affirmative, will Government please supply the following information in connection with those officers :

(i) the number of part time officers so employed, or the number of those who are in receipt of an allowance for the work in addition to their pay ;

(ii) the number of the whole time officers so employed, and the pay and allowances granted to them ; and

(iii) the total expenditure incurred by the State ?

(c) Is it a fact that the schools in the rural areas in Delhi Province are medically inspected by the medical officers of the respective Ilaqas ? If so, will Government please state why a similar arrangement cannot be made in Delhi ?

(d) Is it a fact that no arrangement similar to that existing at present in Delhi is in operation in the Punjab ? If so, will Government please state why this arrangement is being continued in Delhi at an additional expense ?

(e) Will Government please state whether, with a view to curtailing the expenditure, they are prepared to consider the advisability of reducing the appointments of Medical Inspectors of Schools in Delhi ?

MUSLIMS, EUROPEANS, ETC., IN CERTAIN APPOINTMENTS ON THE NORTH WESTERN RAILWAY.

482. *Haji Chaudhury Muhammad Ismail Khan : (a) Will Government be pleased to state the number of Muslims, Europeans and other non-Muslims in the following appointments on the North-Western Railway :

(i) Traffic Inspectors,

(ii) Station Masters in Grades II, III, IV, V, VI and VII,

(iii) Assistant Station Masters in Grades II, III, IV and V, and

(iv) Assistant Controllers ?

(b) Will Government be pleased to state the number of vacancies that occurred in the appointments referred to in part (a) above during the years 1931, 1932 and 1933, and the number of Muslims who were recruited in each appointment in those vacancies ?

(c) Will Government be pleased to state the number of Muslims at present on the waiting list for the appointments referred to above ?

(d) Is it a fact that the number of Muslims at present holding some of the above appointments is shortly going to be reduced ? If so, why ?

REDUCTION OF PAY OF SUBORDINATES ON THE NORTH WESTERN RAILWAY.

483. *Haji Chaudhury Muhammad Ismail Khan : (a) Is it a fact that the scales of the Senior and Junior Subordinates on the North Western Railway have been reduced ?

†For answer to this question, see answer to question No. 451.

(b) Is it a fact that the reduction in these scales was effected when a few Indians were admitted to these services?

(c) If the answers to parts (a) and (b) above are in the affirmative, is it a fact that the admission of Indians has resulted in the reduction of pay of these appointments?

Mr. P. R. Rau : (a) I presume my Honourable friend is referring to the new scales of pay introduced for all new entrants into the subordinate services on the North Western Railway from the 1st August, 1934; if so, the answer is in the affirmative.

(b) and (c). No.

FALL IN INCOME-TAX REVENUE OWING TO THE EARTHQUAKE IN BIHAR.

484. ***Mr. Sitakanta Mahapatra :** (a) Are Government aware that there will be a fall in Income-tax revenue, under the head 'property' owing to the earthquake in Bihar? If so, what is the expected deficit to the estimated income-tax revenue from Bihar and Orissa?

(b) Do Government propose to grant remissions of income-tax revenue to the people in the area affected by the earthquake?

The Honourable Sir James Grigg : (a) Yes, but it is not possible at present to give any reliable estimate of the short fall.

(b) A notification has been already issued granting an increased allowance on account of repairs in the case of house property situated in the affected area.

Mr. Gaya Prasad Singh : May I know what the Finance Department of the Government of India, especially the Central Board of Revenue, is going to do towards those affected by the earthquake in Bihar as regards the remission or suspension of income-tax?

The Honourable Sir James Grigg : If the Honourable Member wants to know the views of the Government of India on a general question like this, I shall be very grateful if he will put it down on paper. This specific question relates to granting an increased allowance on account of repairs in the case of house property situated in the affected area. That point has already been dealt with.

and Orissa, and whether there is any such minimum fixed in other provinces?

(d) Will Government please state the total number of requests for leave made by Income-tax Officers in Bihar and Orissa during the years 1932 and 1933, and the number of them that were granted leave?

(e) Are Government aware that this sense of insecurity in service, as well as the insistence of longer hours of work at the cost of the health of the staff of the Income-tax Department in Bihar and Orissa was expressed in a Resolution passed by the Bihar and Orissa Income-tax Officers Association? If so, what steps have Government taken to remove those grievances of the staff of the Income-tax Department in Bihar and Orissa? If they are not aware, do Government propose to inquire into the service conditions of that Department in Bihar and Orissa?

The Honourable Sir James Grigg : With your permission, Sir, I propose to answer questions 485 and 486 together. Enquiries are being made and the result will be laid on the table in due course.

STANDING COUNSEL TO THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

†486. ***Mr. Sitakanta Mahapatra :** (a) Are Government aware that the present Standing Counsel to the Income-tax Department in Bihar and Orissa was also implicated along with the present Commissioner of Income-tax, Bihar and Orissa in the sensational allegations made by Maharajadhiraja of Dharbhanga in the suit filed by him against the Income-tax authorities in Bihar and Orissa in 1928?

(b) Is it a fact that the present Commissioner of Income-tax is responsible for the selection of the present Standing Counsel in succession to the Honourable Justice Agarwala, when he was promoted to the Bench?

RETRENCHED HANDS OF THE BIHAR AND ORISSA INCOME-TAX DEPARTMENT.

487. ***Mr. Sitakanta Mahapatra :** Will Government please state if the names of retrenched hands in Bihar and Orissa Income-tax Department are retained on a waiting list for reinstatement for being offered posts against vacancies that occur, according to their assurance given to the men retrenched from the Railways, and particularly when the Honourable the Finance Member stated on the 20th April, 1934, in his reply to my question No. 792 that retrenchment is not punishment?

The Honourable Sir James Grigg : The answer is in the negative.

Mr. Sitakanta Mahapatra : Do not Government propose to treat the retrenched officers of the Income-tax Department in the same way as the retrenched railway officers?

The Honourable Sir James Grigg : As a matter of fact, I have made inquiries into this matter and the explanation is this that the retrenchment of Income-tax Officers in Bihar and Orissa was confined to those whose work was consistently unsatisfactory, and that is the reason why they will not be re-instated.

Maulvi Muhammad Shafee Daoodi : Will Government make further inquiries in view of the representations recently made by some of those who have been retrenched?

†For answer to this question, see answer to question No. 485.

The Honourable Sir James Grigg : Certainly, but there can be no question of re-instating those officers whose work was found to be consistently unsatisfactory.

Mr. Gaya Prasad Singh : Am I to take it that the work of all these officers who have been retrenched in the Province of Bihar and Orissa has been uniformly unsatisfactory ?

The Honourable Sir James Grigg : That is my information.

Mr. Sitakanta Mahapatra : May I ask, Sir, whether these officers have been retrenched as a punishment ?

The Honourable Sir James Grigg : I did not say that at all, but obviously commonsense requires that if you are retrenching officers in a Department you should get rid of the most unsatisfactory first.

Maulvi Muhammad Shafee Daoodi : In view of the persistent complaint made in regard to the injustice done to the retrenched officers of the Income-tax Department in Bihar and Orissa, will the Honourable Member see his way to look into this matter once again ?

The Honourable Sir James Grigg : I have already, in connection with this question, made inquiries into the matter and certainly, as I said before, I will not be a party to the re-instatement of people whose work has been consistently unsatisfactory.

Diwan Bahadur A. Ramaswami Mudaliar : Does the Honourable Member realise that if a Government servant is to be removed for unsatisfactory conduct, a charge has to be framed and an opportunity has to be given to him to show that the charge or the orders passed are justified ? In the present case, no charge has been framed and no explanation has been taken, and if the Honourable Member now says that they have been retrenched because of their unsatisfactory work, does it not really mean that they have been dismissed without the elementary principles of justice being satisfied ?

The Honourable Sir James Grigg : The explanation given by me does not mean anything of the sort. There is a world of difference between officers who have been retrenched and those who have been dismissed as a consequence of a specific charge.

Maulvi Muhammad Shafee Daoodi : Can a member of the service, drawing a high salary and having served for a number of years, be retrenched without giving any reason whatsoever, and when vacancies are being filled now, his case is not being considered at all ?

The Honourable Sir James Grigg : I do not quite understand the point of the question. As I said, a certain number of officers were retrenched and the Department chose quite sensibly to retrench those who were least efficient and most unsatisfactory. Obviously, it will be a folly to re-instate in the service, when the vacancies arise, people whose work was consistently unsatisfactory.

Mr. Gaya Prasad Singh : But the fact that the work of these officers has been consistently unsatisfactory was brought to the light of the Central Board of Revenue only at the time of the retrenchment. Was there any bad record of these officers previously also ?

The Honourable Sir James Grigg : I imagine that the Central Board of Revenue were perfectly well aware of the unsatisfactory nature

of their work but it did not amount to its being so unsatisfactory as to justify their dismissal on disciplinary grounds or on grounds of incompetency, but quite naturally when you have to get rid of officers, you should get rid of the least efficient.

Mr. Lalchand Navalrai : May I ask, Sir, if there are no more unsatisfactory officers in the Income-tax Department ?

The Honourable Sir James Grigg : I would not like to give a categorical answer to a question of that nature.

Dr. Ziauddin Ahmad : In view of the fact that this is not a solitary example and there has been similar examples in other Provinces to which the attention of the Finance Department has already been drawn before the present Finance Member came to India, namely, that retrenchment has been misused by the Departments and that persons, against whom the Government did not like to frame charges, were retrenched, will Government inquire into such cases ?

The Honourable Sir James Grigg : What I am going to say now will illustrate the point of my reply to my Honourable friend, Diwan Bahadur Mudaliar's question. When these people were retrenched, they presumably got compensation or pension under the ordinary retrenchment terms. They were in fact people who were not so unsatisfactory as to justify dismissal. They have got full compensation for their services, and the only thing is that we are not going to put them back into service again.

Mr. S. C. Mitra : Was there any inquiry, departmental or otherwise, before these people were retrenched for uniformly unsatisfactory work, and whether they were given any chance to refute those charges ?

The Honourable Sir James Grigg : No charges were brought against them. They were retrenched and given full compensation for their services. All I say is that presumably the quality of their work was perfectly well known to the heads of their Departments. It would be an act of gross folly to put back people whom we regarded as incompetent.

Mr. Gaya Prasad Singh : The quality of their work was perfectly well known to the officers. Am I to understand from this that there was evidence on record to show that their work was uniformly unsatisfactory from before the time they were given orders of discharge ?

The Honourable Sir James Grigg : In the case of every officer there is a confidential record of his work kept every year throughout his service.

Sir Abdur Rahim : Is it the case of the Honourable Member that retrenched officers were men whose work was found unsatisfactory ?

The Honourable Sir James Grigg : Does the Honourable Member mean generally or specially ?

Sir Abdur Rahim : Generally.

The Honourable Sir James Grigg : I could not possibly give any categorical answer.

Mr. B. R. Puri : If it had not been on account of retrenchment consideration, would you have framed charges against these people on account of their uniformly bad work ?

The Honourable Sir James Grigg : I have not said any such thing. Everybody knows that there are always border-line cases in an office of people who are uniformly inefficient, but who have not committed any offence or any wrong and whose inefficiency would not justify their being dismissed out of hand without any compensation or pension.

Mr. B. R. Puri : What I should like to know is this that, if their work was uniformly bad and if the question of retrenchment had not come in and you wanted to get rid of that lot, would you or would you not have framed charges against them and give them an opportunity of explaining those charges ?

The Honourable Sir James Grigg : I cannot answer a hypothetical question like that.

Mr. B. R. Puri : That is not a hypothetical question. It is a very concrete question.

The Honourable Sir James Grigg : This is certainly a hypothetical question. "Would I have done a certain thing if a certain thing had happened" is certainly a hypothetical question.

Mr. B. R. Puri : How long was this uniformly bad work on the part of these people known to the Department ?

The Honourable Sir James Grigg : It varies in the case of the different officers.

Mr. B. R. Puri : Was it or was it not known to the officers in charge of these people long before retrenchment came in ?

The Honourable Sir James Grigg : In some cases at any rate, yes.

Mr. B. R. Puri : Then why were they not got rid of earlier ?

The Honourable Sir James Grigg : I have answered that earlier that their work, though unsatisfactory, yet was not so unsatisfactory as to justify their dismissal out of hand without any compensation or pension.

Mr. K. C. Neogy : Do I take it that it was the unsatisfactory condition of the Government finances that aggravated the unsatisfactory character of their work ? (Laughter.)

The Honourable Sir James Grigg : That is a question which does not arise out of this.

Maulvi Muhammad Shafee Daoodi : May I know why one Mahesh Prasad Chaudhury, who had very satisfactory work throughout his 13 years service, was retrenched ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Obviously that question cannot be answered off-hand by the Finance Member.

Maulvi Muhammad Shafee Daoodi : There are only three cases which are under discussion and no more than that. I am asking a particular question, because the Honourable the Finance Member has been evading replies to questions. That is the reason why I am asking this particular question. Is it not a fact that one Mahesh Prasad Chaudhury had a good record of work for 13 years and he has been highly spoken

of by officers of his Department and still he was retrenched without being given any chance for showing that he was not inefficient ?

The Honourable Sir James Grigg : As pointed out by you, Sir, I am afraid I cannot answer any questions of this particular nature on this subject.

ORIYAS EMPLOYED IN THE TELEGRAPH DEPARTMENT IN THE ORISSA CIRCLE.

***488. Mr. Sitakanta Mahapatra :** Will Government please state the number of Oriyas employed in the Telegraph Department in the Orissa Circle ?

The Honourable Sir Frank Noyce : I presume that the Honourable Member is referring to the Bihar and Orissa Circle. The information has been called for and a reply will be placed on the table of the House in due course.

EMPLOYMENT OF UNQUALIFIED MEN IN THE GOVERNMENT OF INDIA OFFICES.

489. Mr. Sitakanta Mahapatra : (a) Will Government please state the number of permanent and quasi-permanent (e.g., vacancies caused by men on leave pending retirement) posts in the ministerial establishment of the Government of India Secretariat and its attached offices, which are shown in the registers of the Accountant General, Central Revenues, as lying unfilled or having been filled temporarily or in an officiating capacity ?

(b) Is it a fact that a number of permanent, deputation and temporary vacancies in the Railway Board, Office of the Director General, Posts and Telegraphs, Home, Foreign and Political, Finance, Industries and Labour Departments and the Imperial Council of Agricultural Research are at present being held by unqualified candidates ? If so, will Government please state the number of these vacancies and the period for which they have been existing in the respective offices and have been held by unqualified candidates ?

(c) Is it not a fact that the Public Service Commission have been holding regular examinations for the recruitment of ministerial staff since 1931, and have been supplying the offices with lists of candidates who are qualified for temporary appointments ? If so, will Government please state how these unqualified men could be appointed in preference to the men on the lists of the Commission and why no steps have been taken to replace them ? Are Government not under a moral obligation to provide those candidates who appear at and pass their examinations to the vacancies existing, permanent or otherwise ?

(d) Is it permissible to appoint unqualified men to officiate in permanent vacancies or to appoint such men in long period temporary or deputation posts when qualified men are available ? If so, under what rules ?

The Honourable Sir Henry Craik : (a) and (b). The information is being collected and will be supplied to the House in due course.

(c) and (d). The answer to the first part of clause (c) is in the affirmative. As regards the right of Departments to employ unqualified men in temporary vacancies, I would invite the Honourable Member's attention to the reply given to parts (c) and (d) of Sardar Sant Singh's question No. 212 on the 21st February, 1934.

REVISED SCALES OF PAY FOR THE CLERICAL ESTABLISHMENT OF THE ATTACHED OFFICES.

490. *Mr. Sitakanta Mahapatra : (a) Is it a fact that Government have announced the revised scales of pay for the clerical establishment of the attached offices ?

(b) Is it a fact that under that announcement all clerks in the lower division of attached offices are to be classed as second division clerks and that a third division shall be introduced gradually in those offices through fresh recruitment ?

(c) Are Government aware that there already existed two divisions, viz., second and third divisions, under two different sources of recruitment in the lower division of attached offices before the announcement was made ?

(d) Is it a fact that as a result of this announcement many clerks who were recruited on the results of the Second Division Examination have been placed in the third division while many clerks who were recruited as a result of the third division examination have been placed in the second division and that the latter class of clerks have thus gained an advantage not only over the former class but also over their confreres in the third division of the Secretariat ?

(e) Are the third division clerks in attached offices, who are thus classed as second division clerks, to receive preference over or equality with those clerks who were recruited as a result of the second division examination and who continue to remain in the second division along with them in matters of seniority and promotion ? If not, do Government propose to issue clear instructions on this point ?

(f) In making the announcement, was there any reason not to recognise the two divisions in the lower division of the attached offices which were in existence at the time of the announcement and on the basis of which recruitment had been made upto that time ? If there was any reason, what was it ?

(g) Is it not a fact that the net result of the new announcement has been to benefit the old third division, that is to say the typists and routine clerks at the expense of other clerks who are qualified for the first and second divisions of the Secretariat ? If not, why not ?

(h) Are Government aware that the latter class of clerks in the attached offices have already doubly suffered in comparison with their confreres in the Secretariat by being given a third division rate of pay which has also been the pay for the third division clerks in their offices and lesser scope of promotion to the first division ? If so, do Government propose to ensure that the rights and privileges of the old second and the first division qualified clerks in matters of promotion, etc., at least continue as they were at the time of the announcement ? If not, why not ?

The Honourable Sir Henry Craik : (a) and (b). The reply is in the affirmative.

(c) Prior to the re-organisation effected in conjunction with the introduction of rates of pay for new entrants to Attached Offices, there were only two Divisions in such offices, namely the First and the Second.

The latter, however, contained two categories of men, viz., those who had qualified for the Second Division and those who had qualified for the Routine Division.

(d) No. The orders provide that all those in the old Second Division will remain in the new Second Division. No existing members of the Second Division are to be placed in the new Third Division which is to be formed by future recruitment.

(e) to (h). I find it difficult to understand the point of these clauses, but I may say generally, that it is not proposed to disturb the existing orders fixing the proportionate basis of recruitment to the First Division. If the Honourable Member will let me have the details of any particular case or cases he has in mind I will have them examined.

COMMISSIONED OFFICERS SERVING IN THE INDIAN ARMY, THE INDIAN AIR FORCE AND THE INDIAN MARINE.

491. *Sirdar Harbans Singh Brar : (a) Will Government please state the total number of commissioned officers serving in the Indian Army, the Indian Air Force and the Indian Marine ?

(b) Will Government please state the average number of annual retirements in each of these branches ?

(c) Will Government please state the average number annually recruited to the commissioned ranks of these services ? How many of them are to be British and how many Indians according to present arrangements ?

Lieut.-Colonel A. F. R. Lumby : (a), (b) and (c). The number of King's Commissioned officers, at present serving in the Indian Army, is 2,990. The average number of those who have retired during the last three years is 110. During that period the same average number has been recruited annually, made up of 90 British and 20 Indian officers. When the Indian Military Academy begins to turn out its full quota the number of Indian officers recruited annually will increase to about 60. I presume that the Honourable Member is not asking for information regarding the Viceroy's Commissioned officers of the Indian Army as he has put down a separate question on this subject.

The number of commissioned officers at present serving in the Indian Air Force is nine. It is impossible to estimate the average wastage in a service which has only been in existence for a little over a year. Six Indian cadets are now receiving training at the Royal Air Force College, Cranwell, to which normally two Indian cadets are sent each year. The British officers at present serving with the Indian Air Force have been loaned to it from the Royal Air Force to supervise its formation. Its establishment will ultimately be entirely Indian.

Information regarding the Royal Indian Marine is being obtained and will be laid on the table at an early date.

Sir Abdur Rahim : It appears from the answer given by the Army Secretary that he is not quite sure that 60 will be the output of the Military College at Dehra Dun this year or every year. Is that the position ?

Lieut.-Colonel A. F. R. Lumby : There may always be a certain amount of wastage. Some cadets may not qualify for commissions ; so I qualified my statement by saying "about 60". I hope there will be the full 60.

Sir Abdur Rahim : What will be the exact number ? I think he is in possession of it.

Lieut.-Colonel A. F. R. Lumby : I believe 23. We were not able to make good the wastage during the first term as you can well understand.

RECRUITMENT OF VICEROY'S COMMISSIONED OFFICERS.

492. ***Sirdar Harbans Singh Brar :** (a) How many Viceroy's Commissioned officers are generally recruited in one year ? Is the recruitment to continue or not ? If not, when will it stop ?

(b) How many Viceroy's Commissioned officers are to be retired annually from now onwards and when will this service become extinct according to the present plans of Government ?

Lieut.-Colonel A. F. R. Lumby : (a) and (b). Viceroy's Commissioned officers are not generally recruited direct, but are usually promoted from the non-commissioned ranks of the Army. The average number of Viceroy's Commissions, granted during the past three years, is 328. This figure excludes those appointed to Pioneer Battalions which have been disbanded.

The existing system of granting Viceroy's Commissions will continue for the present except in the case of units which are being Indianised. The non-commissioned ranks of such units will still be eligible for promotion to Viceroy's Commissioned rank in units which are not being Indianised.

Approximately 300 Viceroy's Commissioned officers, now serving in Indianising cavalry and infantry units, will be retired between January, 1935, and the end of 1940, but the exact annual proportion is not yet certain.

The rank of Viceroy's Commissioned officer will not become entirely extinct until the Indianisation of every part of the Indian Army is complete. As regards the extension of the policy of Indianisation beyond the existing programme, I would refer the Honourable Member to the answer to part (c) of question No. 63, asked in the Council of State, by the Honourable Rai Bahadur Lala Jagdish Prasad, on the 20th February, 1933.

Captain Sher Muhammad Khan Gakhar : May I ask if Government have made any arrangement for the young Indian officers who will be replaced by the cadets from Abbottabad from the Indianised units ? Are there not young Indian officers who have not completed the service for pension ?

Lieut.-Colonel A. F. R. Lumby : I want notice of that question. There is certainly no intention of getting rid of any Viceroy's Commissioned officers prematurely without compensation.

Sir Abdur Rahim : If the Indian Viceroy's Commissioned Officers are gradually eliminated, does it not mean that it will require practically double the number of officers from Dehra Dun than would be otherwise under the present system in which Viceroy's Commissioned officers are to be found in the Indian Army ?

Lieut.-Colonel A. F. R. Lumby : The Honourable Member is perfectly correct. The figure of 60 which is the present output of the Indian Military Academy is based on the figures of the officer establishment of the division which His Excellency the Commander-in-Chief has announced is to be Indianised first of all. The officer establishment of that Division is reckoned on the basis of 28 Indian Commissioned officers for an infantry unit and the full establishment of Indian Commissioned officers in every other kind of unit.

Sir Abdur Rahim : What will be the increased cost under the new system that is proposed ?

Lieut.-Colonel A. F. R. Lumby : To take an Indian infantry battalion, I understand the saving will be somewhere in the region of Rs. 20,000 a year.

Sir Abdur Rahim : If the Viceroy's Commissioned officers are replaced by the Dehra Dun officers, then will there be a saving or an increase in the cost ?

Lieut.-Colonel A. F. R. Lumby : I am referring to the time when the new establishment is complete and there are no British officers, but a full establishment of Indian Commissioned officers paid at the rates which are being fixed for new entrants to the Indian Army.

Sir Abdur Rahim : Even taking into account the fact that there will be no more Viceroy's Commissioned officers ?

Lieut.-Colonel A. F. R. Lumby : Even taking that fact into consideration, and even taking into consideration the fact that the establishment is to include some nine warrant officers who will be more highly paid than any non-commissioned rank at present serving in an Indian regiment. These warrant officers will be paid nearly as much as a *jamadar*, and still there will be a saving.

Lieut.-Colonel Sir Henry Gidney : Is it not a fact that the gradual and ultimate complete extinction of the Viceroy's Commission does not meet with any approval amongst the Indian officers ?

Lieut.-Colonel A. F. R. Lumby : There is at least one *ex-Indian* officer in this House who approves of it.

Lieut.-Colonel Sir Henry Gidney : Does one constitute the whole lot ?

Sir Abdur Rahim : Will not the saving be effected by considerably lowering the pay of the officers of the Dehra Dun Academy ?

Lieut.-Colonel A. F. R. Lumby : The initial rate of pay was announced in 1932. The starting pay is Rs. 300 a month instead of the present rate of Rs. 400.

Sir Abdur Rahim : Will the scale of pay be lower throughout and also the pensions ?

Lieut.-Colonel A. F. R. Lumby : Yes, Sir. The idea is to base the scale of pay on purely Indian standards. This, I understand, it is

proposed to do, throughout the Indian services. The rates of pay proposed are practically identical with the rates of pay that are at present drawn by officers of the British army serving in England.

Sir Abdur Rahim : Was any inquiry made by the military authorities before embarking on this experiment of reducing the scale of pay of future officers ?

Lieut.-Colonel A. F. R. Lumby : I am not quite clear from whom the inquiry was to be made.

Sir Abdur Rahim : From officers who are there and from public bodies generally ?

Lieut.-Colonel A. F. R. Lumby : I think I am correct in saying that, when the reduced scales were being framed, it was understood that this was being done in accordance with the wish of Indian public opinion that future scales of pay should be less than they are at present.

Sir Abdur Rahim : Was that public opinion ascertained by any specific inquiry or investigation ?

Lieut.-Colonel A. F. R. Lumby : I am afraid I cannot say how the inquiries were made, or indeed whether we made any inquiries.

Mr. Vidya Sagar Pandya : Was it not also public opinion that the British service and salaries should be curtailed ? If one part of public opinion is carried out, why should not the other part also be carried out ?

EUROPEANS RECRUITED TO THE COMMISSIONED RANKS OF THE ARMY.

493. ***Sirdar Harbans Singh Brar :** Will Government please state the number of Europeans who are at present annually recruited to the commissioned ranks of the Army, and the number which will be recruited if the Indian Army Act is passed into law and the recruitment to the Viceroy's Commission is discontinued ?

Lieut.-Colonel A. F. R. Lumby : With your permission, Sir, I propose to answer questions Nos. 493 and 494 together.

I would refer the Honourable Member to the answer which I gave today to his question No. 491.

As a member of the Select Committee on it, the Honourable Member should be aware that the Bill he refers to deals with discipline and kindred matters and will not, if passed, have any effect on recruitment. Similarly, the decision gradually to discontinue the grant of Viceroy's Commissions will have no effect on the number of Indian Commissioned officers recruited ; on the contrary the pace of their recruitment will regulate the number of Viceroy's Commissions to be granted.

Sirdar Harbans Singh Brar : Is it not a fact that by the extinction of Viceroy's Commissions, the number of King's Commissioned officers who are recruited in those Divisions which ought to be Indianised will be doubled, while the rate of Indian Commissioned officers appointed to those Divisions will remain stationary ?

Lieut.-Colonel A. F. R. Lumby : I do not understand where the difference comes in. The Indian Commissioned officers recruited from

Dehra Dun will gradually replace the Viceroy's Commissioned officers and the British officers in the establishments of infantry units which will gradually be expanded to a strength of 28 Indian officers.

Sirdar Harbans Singh Brar : Are you going to increase the Indian Commissioned officers in the same proportion as the Viceroy's Commissioned officers are to be reduced in addition to the present number of Indians recruited as Commissioned officers ? Is it not a fact that at present every Regiment has 14 King's Commissioned officers and 18 Viceroy's Commissioned officers, but in future there are to be no Viceroy's Commissioned officers, but only King's Commissioned officers 28 per regiment instead of 42 ? Are Government prepared to allot all these additional 14 vacancies in each Regiment for Indians in addition to the present recruitment of 60 Indian Commissioned officers per year ?

Lieut.-Colonel A. F. R. Lumby : As I have already said in answer to another supplementary question, the figure of 60, which is to be the output of Dehra Dun, is based on the Indianisation of one division, the officer strength of which is worked out on the increased establishments of Indian officers.

INDIANS RECRUITED TO THE COMMISSIONED RANKS OF THE ARMY.

†494. ***Sirdar Harbans Singh Brar :** Will Government please state the number of Indians now recruited to the commissioned ranks of the Army annually and the number of Indians which will be recruited annually if the Indian Army Act is passed into law and the recruitment to the Viceroy's commission is discontinued ?

INDIANISATION OF THE COMMISSIONED RANKS OF THE ARMY.

495. ***Sirdar Harbans Singh Brar :** Will Government please state the number of years within which the commissioned ranks of the Army in India will be wholly Indianised at the present rate of Indianisation ?

Lieut.-Colonel A. F. R. Lumby : The attention of the Honourable Member is invited to the last sentence of the answer I have just given to his question No. 492.

Sirdar Harbans Singh Brar : Will I be correct in assuming that the answer of Government is that it is never going to be Indianised ?

Lieut.-Colonel A. F. R. Lumby : The answer of Government is, as I have said twice before this morning, that the figure of 60 as the output of the Indian Military Academy is based on the proposal to Indianise one Division only. It was never the intention that the figure of 60 should Indianise the whole Indian Army. It certainly could not.

Sir Abdur Rahim : Will that take nearly 20 years ?

Lieut.-Colonel A. F. R. Lumby : I find that it was estimated that the time it would take to Indianise one complete Division, taking into account the Indian officers that we have at present and the output from Dehra Dun, was about 18 years.

†For answer to this question, see answer to question No. 493.

Sir Abdur Rahim : And supposing the output is reduced to 23 as in the case of the very first year, how much longer will it take ?

Lieut.-Colonel A. F. R. Lumby : The reason for the reduction to 23 in the very first term is that it was impossible in the first term to fill up the vacancies caused by cadets who fell out. In future, there should only be the wastage that happens at the end of each term, because cadets fail to qualify at the end of the course. Every vacancy that occurs during the course is filled up at the latest at the beginning of the term after it occurs.

Sir Abdur Rahim : Is it not a fact that there are ten times as many applications as there are vacancies in the Academy and that you had a selection out of that number this year ?

Lieut.-Colonel A. F. R. Lumby : The applicants are many, but I do not think they are quite as many as ten times the number of vacancies. They were considerably more on one occasion. But the numbers who qualify are not very many more than the vacancies which have to be filled.

Sir Abdur Rahim : Are there not six Divisions in the Indian Army ?

Lieut.-Colonel A. F. R. Lumby : Actually the organised Divisions are four, but you could probably, if you tried, make more than four. You could probably squeeze out the infantry of as many as eight.

MARRIED LADY CLERKS IN THE RAILWAY BOARD'S OFFICE.

496. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state the number of married lady clerks in the office of the Railway Board ?

Mr. P. R. Rau : One lady stenographer is married and one lady clerk is a widow.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 223, asked by Mr. Bhuput Sing on the 25th July, 1934.

PROVISION OF A TURNSTILE GATE AT THE GARHI HARSARU RAILWAY STATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

The Agent, Bombay, Baroda and Central India Railway, replies as follows :

(a) Yes.

(b) Hardly a large number.

(c) No.

(d) There is a third class passenger waiting shed with an area of 720 sq. ft. to accommodate 80 passengers at 9 sq. ft. per passenger. There are, so far as we are aware, no ferocious wild animals or dacoits.

(e) Our information is that a Dharamshala was provided at a cost of Rs. 20,000 for the use of any one whether travelling by rail or not.

(f) Our policy is not to allow outsiders to supply water to passengers in trains or on platforms. As a special case, however, one Seth Kishanlal has, at his own request, been allowed to send 4 men to supply water to passengers. But they are actually superfluous, as besides the travelling watermen in

STATEMENTS LAID ON THE TABLE.

trains there are two Hindu watermen and one Bhisti during the hot weather and one waterman and one Bhisti at other times.

(g) Yes.

(h) Possibly so, but on further consideration the applicant was advised by this Railway's Traffic Superintendent that it was not proposed to provide the gate.

(i) The applicant was asked by this Railway's Departmental officers to agree to pay, for the facility asked for, the usual annual rental payable in similar cases as per this Company's Rules.

(j) Yes.

(k) Yes, but as an opening already exists in the Railway fencing for the convenience of passengers and it was considered that the travelling public going to and from the Dharamshala and the station were not put to any undue hardship by using it, the request for a separate gate in the fencing opposite the Dharamshala was refused.

(l) No. Government consider a further enquiry unnecessary.

Information promised in reply to starred questions Nos. 251 and 252 asked by Seth Haji Abdoola Haroon on the 30th July, 1934.

WATCH ON THE ACTIVITIES OF YOUNG MEN IN BALUCHISTAN WHO READ NEWSPAPERS.

Question No. 251.

No.

PERMISSION TO CERTAIN GENTLEMEN TO ISSUE NEWSPAPERS FROM BALUCHISTAN.

Question No. 252.

Applications from these persons are at present under the consideration of the local officials.

Information promised in reply to starred question No. 300 asked by Mr. S. G. Jog on the 30th July, 1934.

EXTENSIONS GRANTED IN THE CURRENCY OFFICE, CAWNPORE.

(a) Yes.

(b) and (c). Extensions have been granted to three persons only since 1925.

(d) One in the Cawnpore Office and three in other Currency Offices in India.

ELECTION OF A MEMBER TO THE FUEL OIL COMMITTEE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that up to 11 A.M. on Monday, the 6th August, 1934, the time fixed for receiving nominations for the Fuel Oil Committee, only one nomination was received. As there is only one candidate for the vacancy, I declare Mr. F. E. James to be duly elected.

THE INDIAN ARMY (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Army Act, 1911, for certain purposes.

THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir Henry Craik (Home Member) : Sir, I beg to move :

“That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration.”

This legislation is largely of a formal character and is of a class with which this House is familiar as it has passed several Acts of a somewhat similar character. The necessity for the Act arises out of the fact that, in March of this year, the Assam Legislative Council passed an Act conferring on certain officers certain special powers for dealing with terrorism and that Act contained two sections which were *ultra vires* of the Local Legislature. Section 15 conferred on persons convicted by certain Special Tribunals set up by the Act a right of appeal to the High Court; and section 29 abrogated the powers of the High Court under section 491 of the Code of Criminal Procedure. As the House is well aware, a Local Legislature is not competent to pass any legislation modifying or adding to the jurisdiction of the High Court as laid down in the Letters Patent, and, therefore, those two sections of the local Act are of no effect, and unless this Supplementary Bill is passed, persons convicted by these Special Tribunals will have no right of appeal to the High Court. It may be asked, why the Local Legislature passed these two sections which they were not competent to pass. I am afraid that, as regards that, the debates in the Assam Legislature do not throw any light. I tried to find out whether the point of the competence of the Local Legislature was raised in the course of the debate, but apparently it was not. Section 15 of the Assam Act was passed without any debate at all, and section 29 was passed after only a short debate and not a debate on this particular point.....

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Then why not refer it back and keep the thing pending ?

The Honourable Sir Henry Craik : What is the good of referring it back ? They cannot pass these sections, they are admittedly not competent to pass them. I do not think it is necessary for me to say anything more about this Bill ; as I have said, this Central Legislature has on more than one occasion passed Bills of almost exactly similar character to cure deficiencies or to supplement *lacunae* in local Acts, and I hope that the House will accept the same principle and agree to the passage of this Bill. Sir, I

THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL. 1153

referred to the abrogation of section 491 of the Criminal Procedure Code which is a very valued right, viz., the right of Habeas Corpus.

The Honourable Sir Henry Craik : Sir, I did refer to that. I explained that section 29 of the local Act purported to abrogate the powers of the High Court, the Habeas Corpus powers : I am not quite sure that I apprehend the Honourable Member's point. I did explain that the local Act purported to abrogate those powers and that that was not within the competence of the Local Legislative Council. This Bill purports to do exactly the same thing, which the Local Legislative Council did without having the authority to do it. I hope that is clear.

Mr. T. R. Phookun (Assam Valley : Non-Muhammadan) : Sir, I think it is usual to have the original Act before the Members : on other occasions it has been done, but, unfortunately, I do not find the original Act to which this is going to be an amendment ; and before the House is asked to judge about the matter, I hope the Honourable the Home Member will think about it as it was done by Sir Harry Haig on a previous occasion.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, the same question was raised on a similar occasion and I think you gave a direction ; and it will be doing an injustice to the House if we are asked to pass a legislation on subjects of which we are quite ignorant, and I hope that some direction from the Chair will rectify this. There have been repeated complaints about this. We are not in a position to judge the Supplementary Bill unless we are supplied with the main Act.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair explained the other day that, where we have got an amending Bill, it is not possible to supply to every Member of the House a copy of the original Act of which this is an amendment. But, what the Chair undertook was that it would see that a sufficient number of extra copies were kept in the Library of the House for reference purposes, and, in accordance with that, there are lying on this very table extra copies : if any Member had cared to look, or ask for it, it would have been supplied.

Mr. T. R. Phookun : I think it should have been supplied to Members in good time so that they could have studied it : simply putting it on the table just now does not make up for the deficiency I am speaking of.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is it the contention of the Honourable Member that, if there is a Bill to amend the Civil Procedure Code, for example, the whole of the Civil Procedure Code should be given to every Honourable Member ?

Mr. T. R. Phookun : The Act we are going to amend is not the Civil Procedure Code—it is an Act of another Legislature and we must know its provisions : we merely know that the Assam Council has passed a measure which neither the Government there nor the Members knew that they had any jurisdiction to pass.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair undertook to see that a sufficient number of extra copies were placed in the Library. Beyond that, how is the Chair to give a direction generally that copies of the original Act should always be given whenever there is an amending Bill ?

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Copies of the Bengal Act were supplied to Members, if I remember aright. In matters with which the House is familiar, like the Civil Procedure Code or the Criminal Procedure Code, there is no necessity. But when there is an amending Bill, and the Act sought to be amended is of an abscure nature, not known to the House, and is not very bulky, I think the Government might consider whether they could not distribute copies to every Member.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, may I explain what happened ? If these copies had to be distributed, they would have been distributed by the Legislative Assembly Department. On the last occasion, when this question was discussed, as soon as the question was raised, as many copies as were available were supplied to Members, and it was said that if there was any demand for any Act which was being discussed, as many copies as were available would be supplied. This Bengal Act and the Assam Act appeared on the agenda on the same day ; I think these have been appearing on the agenda for the last 15 days, and during these last 15 days not one Member has made any application either to the Legislative Department or to anybody, nor did they show the least anxiety to have a copy of this Act. That is why it has not been possible to supply copies.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, so far as I am concerned, I have got a copy.

Sir Abdur Rahim : It was said just now that the Legislative Department did supply a few copies of their own motion.

The Honourable Sir Nripendra Sircar : Yes, because there was a demand for them, and it was also stated that if, in respect of any Act there was a demand, as many copies as were available would be supplied, and not that copies would always be supplied to each of the Members.

Sir Abdur Rahim : They had supplied a few copies without application ?

The Honourable Sir Nripendra Sircar : A grievance was made that copies were not made available, but that is not correct.

Mr. T. R. Phookun : It is understood that even copies of the proceedings of the Assam Legislative Council are not available in the Library. How are we to judge then of the effect of this measure ? It may be that one particular Member is interested in it, and, therefore, is going abegging, but should others ? When a measure of such importance is going to be placed before the Assembly, I think the Departments concerned should not mind a little trouble or expense in getting ready as many copies of the Act as possible for the use of Honourable Members. Now, Sir, in this particular case, not even the proceedings of the Assam Legislative Council are available in the Library of the House, not to say that no copy has been placed on the table of the House. Therefore, I would urge that Honourable Members who do not know much of Assam or who do not take much interest in Assam should be made fully aware of how things are going on there, and as many copies of the proceedings and also of the Acts which will be discussed here should be made available for use of Honourable Members.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I went to the Library to ask for a copy, and I was told that there was only one copy,

and Mr. Neogy pinched it in my presence. I do not know how many copies were supplied to the Library by the Department concerned.

Mr. President (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member ask for a copy in the Library ?

Mr. B. Das : There was only one copy in the Library, and it was taken away by another Member.

Mr. President (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, want a copy and he was not given a copy ?

Mr. B. Das : Because there was no other copy available.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has asked a specific question.

Mr. B. Das : The Librarian told Mr. Neogy in my presence that only one copy was available.

Mr. President (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, ask for a copy in the Library and he was refused ?

Mr. B. Das : The only copy available was given to Mr. Neogy.

Mr. President (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, want a copy, and it was not given to him ?

Mr. B. Das : Because there was no other copy available.

Mr. President (The Honourable Sir Shanmukham Chetty) : Was a copy of the Act refused to him ?

Mr. B. Das : The Librarian told Mr. Neogy in my presence that only one copy was available.

Mr. President (The Honourable Sir Shanmukham Chetty) : Therefore, the Honourable Member says that sufficient copies were not available.

Mr. B. Das : There was only one copy in the Library.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is that correct ?

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : The Librarian told me when I went there for a copy that there was only one copy available.

Mr. Amar Nath Dutt : Sir, my copy was taken away by Mr. S. C. Mitra, and I was deprived of it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair is told that the Legislative Assembly Department asked for a sufficient number of copies to be placed on the table, and the Legislative Department were not in a position to supply those copies.

Mr. G. H. Spence (Secretary, Legislative Department) : No such request was made to me. If any such request had been made to the Legislative Department, it is very improbable that it would not have come to my knowledge.

Mr. President (The Honourable Sir Shanmukham Chetty) : Here is the endorsement—"Copies of this Act have not been printed, and, therefore, these have not been received."

Mr. G. H. Spence : I do not know anything about the request for copies of this Act.

Mr. President (The Honourable Sir Shanmukham Chetty) : We are referring to the Assam Act as passed by the Assam Legislative Council.

Mr. G. H. Spence : I take it that somebody from the Legislative Assembly Department approached somebody in the Legislative Department for copies and received the reply that you have read out, but the matter was not brought to my notice.

Mr. K. C. Neogy : Sir, may I make a correction? What I find in my hand was given to me as a copy of the Assam Act, and it is merely a copy of the Bill. I do not know whether this represents the Act as finally passed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The complaint is perfectly clear now. Let us hear what the Honourable the Home Member proposes to do in the light of the discussion that has taken place.

The Honourable Sir Henry Craik : Sir, I would like to point out that this Bill merely purports to amend only two sections. (Laughter from the Opposition Benches.)

Mr. K. C. Neogy : The Honourable Member should not stare at us like that. Why is the Honourable Member ruffled by the laughter? This is not the Punjab Council.

The Honourable Sir Henry Craik : Sir, I was going to say that two sections only of the Assam Act are affected by this Bill, and those two sections are firstly section 15. Section 15 of the Assam Act is exactly the same as clause 2 of the Bill, except that there is only one change. In the Assam Act, the Code of Criminal Procedure is referred to as "the Code"; and in this Bill it is referred to as "the Code of Criminal Procedure, 1898". That, I think, is the only difference. In fact, it merely re-enacts section 15. It is merely proposed to re-enact section 15 of the Assam Act in identical language. Then, the other section of the Assam Act affected is section 29 which dealt with two things. It ran as follows :

"No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith....."

There was no suggestion to amend it.....

Mr. S. C. Mitra : Sir, unless we know what is in the Act, how are we to judge of the provisions in the Supplementary Bill?

The Honourable Sir Henry Craik : We are not proposing to amend it at all. The Bill has no effect on that at all,—and the section then goes on :

"and the powers conferred by section 491 of that Code shall not be exercised in respect of any person.....under this Act."

Now, Sir, clause 3 of the Bill.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Perhaps the Honourable Member will please resume his seat for the moment. The Chair does not think at this stage he need go into the explanation relating to the provisions of this Bill. What the Chair wants to know first is this. It is now clear that copies of the Assam Act are not available in the Library, and therefore, are not available to Honourable Members. In view of that, the Honourable Member, Mr. Phookun, proposes that the consideration of

this motion should be postponed until the copies of the Assam Act are made available. The Chair wants to know from the Honourable the Home Member what he has to say on that point.

The Honourable Sir Henry Craik : I am quite prepared to meet the wishes of Honourable Members on that matter, but I hope that this measure can still be passed in this Session. The point is, I understand, that certain trials are going on under this Act in Assam, though none, so far as I am aware, have been concluded yet.....

Mr. W. L. Scott (Assam : Nominated Official) : Two, Sir.

The Honourable Sir Henry Craik : Until our Bill is passed, if any persons are convicted, they will have no right of appeal there. However, if we pass it this Session, it will be all right. Anyhow, if clause 4 is passed, the question of limitation will not arise.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, after consultation with my Honourable colleague, the Law Member, I am able to say that I think it will be possible to print the Assam Act and circulate it to Honourable Members at a very early date, and in that case we can take up the consideration of this measure perhaps on Monday.....

Mr. Gaya Prasad Singh : What about the fact.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Let the Honourable the Leader of the House finish what he has to say.

The Honourable Sir Joseph Bhore : I think a proposal like that should meet the wishes of the House, and if the Chair agrees, we shall get a fair number of copies printed, and circulate them as soon as possible.

Mr. Gaya Prasad Singh : What about the fact that even the debates in the Assam Legislative Council on the original Bill are not available in the Library of the House?

Mr. President (The Honourable Sir Shanmukham Chetty) : As a matter of fact, the debate has just been received, but that will not perhaps be a sufficient ground for asking a postponement of consideration of the Bill. The Chair thinks it will meet the general desire of the House if the consideration of this motion is postponed till Monday next. In the meantime, the Chair hopes steps will be taken to make available the Assam Act to Honourable Members.

THE INDIAN CARRIAGE BY AIR BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration."

This Bill has emerged unscathed from the Select Committee and it is, therefore, unnecessary for my remarks on it to be anything but very brief. There are one or two points which have been raised with regard to it. The first was the representation of India at the Conference at Warsaw, the outcome of which is embodied in the Schedule attached to

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the Bill. The meeting at Warsaw took place in 1929 at a time when civil aviation in India had not advanced to the degree that it has reached now. We were invited to send representatives to the Conference but it was thought sufficient to entrust Indian interests to the British representative. The House knows, as well as I do, the progress that we have made in respect of civil aviation in recent years, and I have no doubt whatever that, should a similar occasion arise and an International Conference in regard to the regulation of civil aviation be convened, India will have its own representative. That, Sir, deals with the first point. In the Select Committee certain doubts were expressed in regard to one clause of the Convention which is embodied in sub-clause (2) of article 20 of the First Schedule to the Bill. That sub-clause reads as follows :

"In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage."

The point of my remarks will be seen when it is realised that under the terms of the Convention the carrier is not liable for damage to goods and luggage ; he is liable to damages for injury to passengers. As often happens, this sub-clause, in the form in which it emerged from the Convention, represents a compromise between two different points of view. The British point of view which was supported by the French representatives was that the carrier should not be responsible for any mistakes made by the pilot whether in regard to passengers or to luggage. That is the British point of view in regard to marine law, and the British representatives naturally wished the same principle adopted in respect of the law of aviation. I imagine that the British practice arose from the fact that British requirements in regard to the qualifications of ships' captains and similarly of air pilots, are so high that they did not consider it desirable to impose the further obligation on carriers that would follow if the sub-clause applied to both passengers and goods and luggage. Russia, on the other hand, which is not a maritime nation, pressed for the view that the liability should apply in respect of both passengers and goods and luggage. The sub-clause in the form in which it appears in the schedule is, as I have already said, a compromise which is as put forward by the German representatives. I hope, Sir, that sufficiently explains the point. It is quite obvious that at International Conferences there must be give and take, and that the countries which subscribe to the Convention have to adopt it as a whole whether they like all its detailed provisions or not. I think that is all I need say, and I commend the motion to the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, the unique feature about this Bill is that it has come out of the Select Committee with a unanimous verdict and without even the change of a comma, or semi-colon in it. It is a fact that the high contracting parties are very big nations and India too is roped with them and thus the Select Committee is no doubt to be congratulated at their

report. My idea is that the Members, who attended the Select Committee or who were members of the Select Committee, did not read the Bill beforehand or there was some mystery about it that no amendment is made. The personnel too is such that none of us here on this side of the House at least could ever think that there could be any likely change in the Bill, and our hopes have been realised to the full. The Bill has the hearty support of every one of us inasmuch as there are no great political or economical questions of importance to India involved in the Bill and I do not think that at present there are any Indian or Asiatic companies who are undertaking this great adventure. I hope that this Bill, when it is enacted, will be a great encouragement to Indians and that the Government will come forward to give all kinds of encouragement to Indians to undertake to form an aerial company. Sir, with these remarks I support the motion.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-madan) : Sir, this Bill seeks to implement certain rules and conventions which were adopted by the International Convention held at Warsaw in 1929. India was not represented at that conference, but those present adopted these rules and the Government of India think that they are quite suitable for our adoption. As a member of the Select Committee, I may say that on the whole the Bill is not open to any serious objection. It was pointed out to us that we must adopt the whole set of rules or we may not adopt them at all. There was no question of making any changes in the Bill, because that was the set of rules adopted by the International Convention. It was for that reason that we could not suggest any changes in the Bill. No changes are also necessary. There was only one point which I raised myself in the Select Committee and which has been referred to by my Honourable friend, Sir Frank Noyce, and that relates to Article 20 of this Bill, in which negligent pilotage or negligence in the handling of the aircraft or in navigation is being sought to be indemnified. This is a point which is open to objection because in the case of every public carrier, for instance, the railways, if there is negligent driving which results in damage to goods or injury to persons, then the man who suffers is entitled to get some sort of compensation and so on, but this particular sub-clause seeks to prevent any person suffering damage either in limbs or property from getting compensation from a public carrier and is, therefore, open to objection ; but as it was clearly understood that England and other international powers have accepted it we must also accept it *in toto* or reject it *in toto*. It was on this that we accepted it. On the whole, after the explanation which has been given by my Honourable friend, I do not think any serious harm will be done if this clause is retained as it is. There is only one little point to which I should like to make a reference, and it is contained in clause 33 of the Bill which reads as follows :

"Nothing contained in this Schedule shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this schedule."

This also, as I pointed out, is open to some objection, because a public carrier should not be given the option of refusing to carry a person without assigning any reason, if he is prepared to pay the fare and so on. Under the Railway Act, for instance, the railways are not given power to refuse to carry a person who purchases a regular ticket and so on, but

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here power is sought to be given to air carrier to refuse to carry a person without assigning any reason. This is open to objections. I hope in practice it will not be necessary to exercise this power. But as I stated at the outset, we had to adopt the whole set of rules *in toto* or to reject them *in toto*. These two points, I admit, are not of very serious importance, and so the Select Committee thought it proper to adopt the whole set of rules. I am glad that the Government of India has after all decided to adopt the International Convention relating to this subject. India has been in its infancy, so far as this subject of aviation is concerned, and I think the Government of India will not lag behind in giving the proper impetus to the development of Civil Aviation and the training and appointment of Indians, so that in later times it may not be said that no suitable Indians are available to take up the important superior appointments in this new service. With these few words, I support the motion which is before the House.

The Honourable Sir Frank Noyce : I do not think that I have very much to say in regard to the point raised by my Honourable friend, Mr. Gaya Prasad Singh, whose keen interest in Civil Aviation is well-known to this House. I am not quite clear whether I understood him correctly in regard to the exact meaning of sub-clause (2) of Article 20. As I endeavoured to explain, this sub-clause only applies to goods and luggage and, if a passenger is injured, he is entitled to compensation.

Mr. Gaya Prasad Singh : I stand corrected to that extent.

The Honourable Sir Frank Noyce : It is a point of some importance and that is really the only reason why I have got up to speak. I have no doubt whatever that, when another International Conference comes to consider the working of the Warsaw Convention, all the points that have been mentioned will receive due consideration in the light of the experience of the working of the Convention in the interval.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

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

The First Schedule and the Second Schedule were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : I move :

"That the Bill, as reported by the Select Committee, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill, as reported by the Select Committee, be passed."

THE INDIAN AIRCRAFT BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as reported by the Select Committee, be taken into consideration."

This Bill was not quite so fortunate in the Select Committee as the one in regard to which I have just made a motion, but as a matter of fact the changes made by the Select Committee were very few and unimportant or rather comparatively unimportant, having regard to the subject matter of the Bill and its importance in connection with the control of Civil Aviation in India generally. There were only three changes. Clause 5, as originally worded, empowered the Governor General in Council to make rules prohibiting or limiting the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft. The Select Committee felt that this was giving the Governor General in Council rather drastic powers and that it was advisable to omit the words "prohibiting or limiting". That amendment the Government were very willing to accept as they felt that the power of regulation left in the clause should be sufficient for all practical purposes. Then, in clause 6, it was originally provided that the compensation could be determined by such officer as the Governor General in Council might appoint in this behalf. The Select Committee felt that it was desirable to make a provision that the determination of the amount of compensation might be left to Courts and they have, therefore, provided that it should be determined by such authority as the Governor General in Council might appoint. The Select Committee also felt that as the provisions of this Bill deal with a comparatively new and rapidly developing branch of activity, it was desirable that any rules which it is proposed to make should be given wide publicity and that ample notice should, therefore, be given in order to enable criticisms to be submitted and duly considered. They, therefore, inserted in the Bill a provision requiring that the period for which draft rules should be published before being taken into consideration in accordance with the procedure set forth in the General Clauses Act should not be less than three months. Those, Sir, are the changes which were made by the Select Committee, and, as I have said, they cannot be called extensive. There was, however, one point raised in the Select Committee on which I promised to make a statement to this House when moving this motion. The Select Committee naturally wanted to know exactly what the position of Indian States was, *vis-a-vis* the Government of India, in regard to the control of Civil Aviation. I am glad to have this opportunity of explaining that position, and, it is especially desirable that I should do so, in view of the fact that the settlement of the exact relationship took a very long time to effect, and that it was really because it took such a long time that it was not possible to place this Bill before the House at an earlier stage. The problem was considered by the Standing Committee of the Chamber of Princes for no less than eight years—from 1923 to 1931—in consultation with representatives of the Government of India. At long last, a summary of principles was evolved and was formally adopted at a meeting of the Chamber of Princes in March, 1931. It was only after that, that we were able to get on with the formulation of this measure. The main principles adopted by the Chamber of Princes were these. The Princes were recognized to have sovereignty over the Air in their States, in the same measure

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as their sovereignty over the territory of their States is recognized. The Princes recognized that the International Convention for the Regulation of Air Navigation, 1919, was signed on behalf of India as a whole. They recognized that the Government of India have the responsibility of implementing this Convention for the whole of India, British India and the States alike. In order to secure compliance with the International Convention, the States agreed that aircraft should be registered and certified and provided with log books, and aircraft personnel licensed by arrangement with the Government of India. They also agreed to the investigation of accidents and the inspection of aerodromes and aircraft factories in State territory by representatives of the Government of India. It was agreed that the States were entitled to declare prohibited areas in their territory after consultation with the Government of India. They may also, in order to safeguard their fiscal rights, establish customs aerodromes in their territory. Finally, every State has the right to reserve to its national aircraft the carriage of persons and goods for hire between two points in its territory. In accordance with these principles, a working arrangement was made with the Jodhpur Durbar in November, 1931. This arrangement has been found a suitable model and has been adopted by other States which have since become concerned with aviation in their territories. The essence of the arrangement is that, in all matters of routine, including the registration and certification of aircraft and the licensing of personnel, correspondence is carried on directly with the Director of Civil Aviation as if the aircraft and personnel concerned were located in British India. On all technical matters, the appropriate authorities in the States communicate directly with the Director of Civil Aviation. On all matters of policy or principle, communication passes through the normal channel—the Agent to the Governor General or the Resident and the Foreign and Political Department of the Government of India. Sir, I trust I have said enough to convince the House that our relations with the States in this matter have been placed on a very sound and satisfactory basis, and that the States have shown a very gratifying willingness to co-operate with the Government of India in all respects. I think that is all I need say in support of this motion, and I would commend this Bill to the favourable consideration of the House. I should like to add that although the changes made by the Select Committee have been very few, the Select Committee took a very great deal of trouble over the Bill and spent a whole afternoon in examining its provisions very carefully.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as reported by the Select Committee, be taken into consideration."

Mr. Gaya Prasad Singh (Muzaffarpur, cum Champaran : Non-Muhammadan) : Sir, this Bill has been conceived on right lines. In 1919, there was an International Convention for the regulation of aerial navigation to which India was a signatory, and this Bill is intended to give effect to the conclusions arrived at at that Conference. So I have nothing very important to say on this Bill except on one or two points which I should mention presently. Reference has already been made by my Honourable friend Sir Frank Noyce, to clause 5, a few words of which were deleted

by the Select Committee. But even as the clause stands at present, I think it is open to a certain objection. The clause reads as follows :

"The Governor General in Council may, by notification in the Gazette of India, make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft."

This gives too wide a power to the Governor General in Council ; but we did not carry our opposition to the point of recording a minute of dissent in the Select Committee, on the clear understanding that the Governor General in Council would certainly exercise his discretion in the proper manner, especially in view of the fact that aerial navigation is in its infancy in this country and requires encouragement ; but I personally should have thought that the powers which this Bill seeks to confer on the Governor General in Council should have been curtailed a little more if possible. Then, Sir, I come to clause 6 of the Bill, which also purports to give great powers to the Governor General in Council. I will read out the relevant portion of this clause :

"If the Governor General in Council is of opinion that in the interests of the public safety or tranquillity the issue of all or any of the following orders is expedient, he may, by notification in the Gazette of India,"

do certain things, and these certain things comprise the cancellation or suspension of licenses or certificates issued under this Act ; he may prohibit or regulate the flight of all or any aircraft or class of aircraft over the whole or any portion of British India ; he may also prohibit, either absolutely or conditionally, or regulate the erection, maintenance or use of any aerodrome, aircraft factory, flying-school or club, etc. ; he may also direct that any aircraft or class of aircraft or any aerodrome, aircraft factory, flying-school or club, etc., together with any machinery, plant, material or things used for the operation, manufacture, repair or maintenance of aircraft shall be delivered, either forthwith or within a specified time, to such authority and in such manner as he may specify in the order, to be at the disposal of His Majesty for the public service. I could understand such wide powers being taken by the Governor General in Council during times of war, or certain grave emergencies, but the Bill is not intended to limit the operation of this clause to that contingency. It only says that if in the interests of public safety or tranquillity it was necessary, the Governor General in Council may exercise all these powers. Sir, we can say from our own experience in the past that wide powers, which have been granted by law to executive officials, have been often misused. Now, for instance, I will mention the case of section 144 of the Criminal Procedure Code. This section was intended to be applied in particular circumstances, but it has within the last few years been misapplied to cases to which it was never intended to apply, in checking, for instance, certain acts connected with the Non-Co-operation Movement, and so on. I am, therefore, of opinion that even as this clause stands it gives the Governor General in Council very extensive powers, inasmuch as in the interests of public safety or tranquillity he is authorised to give all or any of the directions which I have already mentioned. Personally, I would have wished that these powers should have been curtailed or the wording was changed suitably to indicate that these powers, or such of them as may be necessary, to be exercised would be exercised only during the time of war or grave emergency. Then Sir there is

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clause 14 of the Bill to which I should like to refer for a minute. This clause says :

"Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months."

The Select Committee added the period of three months. But, even as it is, there is no provision in this clause to indicate how public opinion is to be elicited. I would have been glad if in this clause, or somewhere else, some definite provision had been made asking the public to send in their views which would be considered by the Governor General in Council. This is, after all, a minor point, but the other points which I have mentioned are of some substance. As, however, no one has tabled an amendment on this point, and as the report of the Select Committee has been an agreed one to which I was a party, I did not think it proper to give any notice of any amendment, but I hope that in actual practice the apprehensions, to which I have given expression on the floor of the House just now, will not be realized and the law will be operated in the best manner possible so as to be conducive to the expansion of Civil Aviation in the country. With these few words I support the motion.

The Honourable Sir Frank Noyce : Sir, I am very glad indeed that my motion has received, if not a satisfactory measure of vocal support, a satisfactory measure of implicit support from the House. Mr. Gaya Prasad Singh has objected that the powers, conferred under this Bill, are very wide, but he has not carried his objections sufficiently far to propose amendments. I am glad that he has sufficient trust in myself and in my Department to believe that we shall endeavour to work the rules with as little friction and harassment as possible. As regards his remarks on clause 6, I would point out that this clause only applies in times of trouble and that there are ever more extensive powers in the existing Act. Mr. Gaya Prasad Singh has expressed the hope that we shall go ahead with Civil Aviation and do all we can to foster it. I am very glad indeed that he has given me an opportunity of doing what this House so often asks the Members on these Benches to do and that is to take it into their confidence. We have, for some time past, had under our consideration extensive proposals for capital expenditure on Civil Aviation. We hope before long to place before the Standing Finance Committee proposals which I trust will not frighten them for very substantial expenditure on the improvement of our principal routes. We hope, in the first instance, to take up the trans-India route, and the Karachi-Bombay-Madras-Colombo route. On those routes, our programme is to consolidate runways on important aerodromes, to enlarge and generally improve the aerodromes, to provide additional hangars and additional emergency landing grounds, and to floodlight the Karachi-Calcutta section, a point to which my Honourable friend attaches considerable importance and on which he has raised questions in this House from time to time. We also hope to provide observatory buildings and quarters for meteorologists.

Mr. Gaya Prasad Singh : What about the training of Indians on these lines ?

The Honourable Sir Frank Noyce : I should like to finish what I have to say on this subject before passing on to the point my Honourable friend has just raised. As I have said, the two main routes will be taken

up in the first instance, and when we have finished with them, we shall go on to the Bombay-Calcutta, Calcutta-Madras and Karachi-Lahore routes. These proposals are now being worked out, and, I hope, that we shall be in a position to place a skeleton programme before the Standing Finance Committee before the close of this Session. If the Standing Finance Committee agree to our going ahead with this capital expenditure and also if this House approves, we shall go forward as rapidly as we can.

My Honourable friend, Mr. Gaya Prasad Singh, has raised the question of the training of Indians. I think he knows, as well as I do, that I have explained very frequently in this House, that we do all we can to train Indians in every possible way, for all possible openings, in the Civil Aviation Department and we shall go on doing so. I cannot repeat off-hand exactly what we have done or are doing, but my Honourable friend knows that we are doing our best and I shall be very glad to give him any information on the subject that he may require.

Mr. Gaya Prasad Singh : Can a statement, as was called for in the Select Committee, be published, showing the progress of Indianisation in this particular department ? I think my friend, Mr. Tymms, at that time undertook to do so. It may be done at a later stage but a full statement as to how Indianisation is progressing in this branch would be very welcome to Honourable Members of this House.

The Honourable Sir Frank Noyce : I shall be very glad indeed to attach a statement of that character to the memorandum that we hope in due course to be placing before the Select Committee. I would once again thank the House. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 20 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : Sir, I move :

"That the Bill, as reported by the Select Committee, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved.

"That the Bill, as reported by the Select Committee, be passed."

Sir Leslie Hudson (Bombay : European) : Sir, not only the House, but the country at large, will have heard with great satisfaction the news which the Honourable the Member for Industries and Labour has given us this morning, that there is the intention of providing a large scheme for the improvement of aviation requirements in this country. We have been told that India is as suitable for aviation as, say, America or Canada, and we all hope that aviation will increase far quicker after the provision of these amenities to which the Honourable Sir Frank Noyce referred. There are at the present time only four or five companies operating in aviation in India and there is plenty of room for more. My Honourable friend, Mr. James, who has just come back from America, tells us that there is an hourly service between Chicago and New York, an hourly

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plane service between these two big cities. We can hardly hope for an hourly service between Bombay and Calcutta in the near future.

Mr. B. Das (Orissa Division : Non-Muhammadan) : We will welcome it.

Sir Leslie Hudson : But I think we can hope at any rate for a daily mail service between the great cities in India. (Hear, hear.)

I think the chief reason why expansion in commercial aviation has been slower than it has been in other parts of the Empire is due to two causes. The first is the inability of the commercial aviation firms and the Government to agree on terms for the carriage of mails, such carriage being necessary for the success of any service of that sort, and the second is lack of up-to-date and altogether adequate ground facilities. In order to effect an increase in aviation generally and, more particularly, commercial aviation, the first absolute necessity is the provision for full facilities for night flying over the main routes. I am not here to detain the House by going into details of the particular routes, but there is no doubt that provision for night flying, at the earliest possible moment, is a great desideratum. Increased speed and saving of time can only be obtained by further provisions of ground services, flood-lighting and so forth and adequate provisions for safety which must go hand in hand with progress in the other branches. The ground organisation requires to be developed to the full by the provision of wireless stations as well as the flood-lights emergency landing grounds and so forth. Sir, I support the motion for passing the Bill into law.

Mr. Gaya Prasad Singh : Sir, I join Honourable friend, Sir Leslie Hudson, in congratulating my Honourable friend, Sir Frank Noyce, for the proposals which he has adumbrated and which will be shortly placed before the Standing Finance Committee in connection with the development of civil aviation. In this connection, I should welcome the formation of as many public air-carriers as practicable, aviation companies and so on ; but there is one point which should not be lost sight of, and it was a point which was specifically laid down by this House in earlier years, namely, that in the formation of these companies, care must be taken to limit them only to those who are nationals of this country, and that the capital which they subscribe must be rupee capital, with a majority of Indian Directors. That is a point on which we lay special emphasis. That is a point which, if I remember aright, was also emphasised by the predecessor of the present Member in charge of the Department of Industries and Labour, I mean Sir B. N. Mitra. Therefore, I would urge that all encouragement should be given to the formation of these companies with this reservation and stipulation which we have mentioned. We are all grateful to this department for what is being done in the way of encouraging civil aviation, but I must again point out that the position of Indians must be carefully safeguarded in this branch of national activity. I hope that my Honourable friend will spare no pains in practically carrying out all that he has said on the floor of the House this morning.

The Honourable Sir Frank Noyce : Sir, there is just one point made by my Honourable friend who has just spoken, to which I should like to refer. I have just got a statement of what my department has done and is doing about the training of Indians and have been informed that this statement was given to the Standing Finance Committee in ac-

cordance with a promise made to my Honourable friend himself at its meeting three weeks ago. This will be printed up in the proceedings of the Standing Finance Committee, and, I will also take care to have a copy of it sent to him at once so that he may satisfy himself on the question. As regards his further point about the formation of public companies in connection with civil aviation, that of course is a point which will be borne in mind. I would only remind the House that the Indian National Airways Company which is working in very close co-operation with Government fulfils the conditions which he has laid down.

Mr. Gaya Prasad Singh : They are doing very well indeed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is—

“That the Bill, as reported by the Select Committee, be passed.”

The motion was adopted.

The Assembly then adjourned for Lunch till Thirty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

The Honourable Sir James Grigg (Finance Member) : Sir, I beg to move :

“That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be taken into consideration.”

Perhaps I might say a very few words in regard to the alterations which have been made by the Select Committee. Those in clause 4 and clause 9 are simple and self-explanatory alterations reducing the amount which may be recovered by way of penalty, and they are not very important. The definition has been amended in order to exclude spark producing toys used by children. The Committee satisfied itself that the definition was not wide enough to include some of the simple implements used by aboriginal tribes for producing ignition. The main alteration in the Bill is the reduction of the excise duty and of course the additional customs duty by eight annas. The view was expressed in the Committee that Rs. one would be sufficient. The view taken by the Official Members of the Committee was that Rs. two was the proper figure. The Committee was very much divided but the majority was in favour of maintaining the original figure of Rs. two ; in order, therefore, to produce a unanimous report on this subject, Government offered to reduce the duty to Rs. 1-8-0. I am not very comfortable over this. It is quite clear that at Rs. two the excise duty would be sufficient to ensure the purpose which we have in view, which was to protect the indigenous match industry and the revenue from the match excise, but we are taking a certain risk in proceeding on the basis of a duty of Rs. 1-8-0. However, Government are prepared to take the risk, but of course, if the duty proves to be insufficient to secure the object in view, we shall have to come back to the Assembly, on a later occasion, to raise it. I do not think, Sir, at this stage I need say anything more. There are one or two amendments down and I have no doubt it

[Sir James Grigg.]

may be necessary to say something on those specific amendments. At the moment I only move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be taken into consideration."

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muham-madan Rural) : Sir, I was one of the members of the Select Committee, and I thought it desirable that I should rise a little early in this debate and speak out the point of view which I have expressed in the Select Committee and in which the majority of the Members of that Select Committee could not see eye to eye with me. Before dealing with that point I should like to make one general observation. The Government of India, with the consent of this House, imposed an excise duty upon matches. They have also imposed an excise duty on sugar ; and at the present moment the Select Committee on the Steel Bill are considering whether an excise duty should be imposed upon steel. But in all these cases the duty of an excise has taken the shape of a duty on production. I do not know whether in pursuance of this policy of imposing duties on production and in view of the great increase of population in this country, as disclosed in the last census report, the Government of India are considering the desirability of imposing an excise duty upon the production of children ! But, Sir, in all those cases while Government were pursuing a policy of imposing an excise duty upon production, in this particular case I find that it is not exactly a case of imposing a duty upon production. This Bill has taken the shape of a birth control, because there is no such industry as a mechanical lighters industry in this country as yet. I am a conscientious objector to birth control, and I do believe that in this point of view the principle at any rate will be accepted by my Honourable friend, Raja Bahadur Krishnamachariar, representing the Sanatanists and my Honourable friend, Dr. DeSouza, representing the Catholic community in the country. But, unfortunately, both of them are absent from their seats now. Sir, I say that it is rather remarkable that we should be called upon to impose a duty before the industry has established itself, and, therefore, I expressed this opinion which Honourable Members might not have noticed as it was printed on the other side of the page. It runs as follows :

"I am of opinion that as there is as yet no established indigenous industry in the manufacture of mechanical lighters, it would be sufficient if this legislation were to be permissive. To bring this legislation into immediate operation, before the industry is able to establish itself in the country, is I consider premature. The duty on imported lighters is sufficient for the present to protect the match interests and the Government revenue."

To this point of view the majority of the Members of the Select Committee did not express any reasons why they could not accept it, but they merely stated that they could not accept it. I daresay, some of them will give reasons why we should not adopt it as a permissive measure ; not because there is any virtue in this measure being permissive that I recommended it, but I recommended it for the reason that the Legislative Assembly, in sending this Bill to the Select Committee, did accept the principle of imposing an excise duty. Subject to that principle it was not open to me in the Select Committee to ask for no excise duty at all. While my view so far as this excise duty is concerned is that it should not be imposed for the simple reason that there is no such industry as yet estab-

lished in this country, I took the other alternative available to me, namely, that it should be at least a permissive measure. That is to say, we pass the Act, but give the Governor General the power to bring it only into operation by a subsequent notification, if necessary. That is to say again, the Governor General will have power, under the provisions of this Act which you now may pass, by which he can at any time bring into operation the provisions of this Act should conditions arise to justify that course. By postponing the operation now he would give a reasonable time for an industry to establish itself and when that industry grows into a menace he will exercise the powers vested under these provisions. For these reasons I thought that it would be more reasonable if this Bill were to be merely permissive, giving the necessary power to the Governor General in Council to bring it into operation at such time as he may deem fit if he were to find that by that time the industry had established itself and has produced enough lighters in order to constitute a menace to either the revenue of the Government or to the match industry itself.

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : Sir, at the outset I may say that I have no difference of opinion with that expressed by the Honourable the Finance Member as to the object of the Bill as stated by him on the 19th July, 1934. With your permission I may read a small passage from his speech : he said :

"It is to protect the revenue from the excise on matches and it is also to protect the indigenous match manufacturing industry from the abnormal development of the use of mechanical lighters which would otherwise result from the imposition of an excise duty on matches."

For myself I wish to see the expected revenue from matches fully protected, as on the realisation of that revenue depends the refund of a portion of the jute duty to the Government of the Province to which I have the honour to belong, and I may frankly say that I quite agree with the Honourable the Finance Member's statement where he desired to protect the indigenous match manufacturing industries from the abnormal development of the use of mechanical lighters. I would request the House specially to mark the words of the Finance Member "abnormal development of the use of mechanical lighters". As far as I am aware this House is at one with him and this House would have no objection to adopt methods by which the development of abnormal use of mechanical lighters may be stopped. At the earlier stages of the Bill when Government accepted my motion for circulation of the Bill, I think I made my position clear. As far as I think the method required for the stoppage of the development of the use, and not manufacture, is to stop the importation of the article. But I for one cannot understand how the present Government, which claims to be a civilised Government before the international world, can with equanimity bring forward the suggestion of an excise duty on an article, which, according to the very objects and reasons of the Bill, is not manufactured in India at the present moment. I wonder how the Government can, without a blush, bring forward the suggestion of an excise duty for an industry not yet in existence in India but which may be hoped to come into being at some future date. It sounds as paradoxical as to pass a judgment of internment on a man who is yet to be born, or the passing of a judgment of hanging or heavy fine on a person yet to see the light of day. But that is not all. We are also asked to be a party to such a novel idea which would appear to be most stupid to any man in the whole world having a grain of common sense. At the time when I made the motion for circulation, I expected that strong objection would be

[Mr. Bhuput Sing.]

taken by most of the parties consulted to that part of the Bill which related to excise, and I will presently show from the opinions received that my expectations have been realised. The Honourable the Finance Member the other day, in moving the motion for reference of the Bill to Select Committee, termed the Bill to be a simple measure. I do not think it is so simple as it has been pictured. This House is being asked to put its foot into a trap, probably unknowingly or unconscientiously. This House is being asked to be a party for creating a very dangerous precedent, that is, to pass a legislation on future industries not yet born. Here I challenge the Finance Member about his statement which he made the other day about his universal experience in other countries about the imposition of excise duty on mechanical lighters. I would request him to prove that such an excise was levied in those countries before the industry for the production of mechanical lighters was established in such countries. I would ask him to give one example of any civilised Government, worth the name, where such an excise duty was imposed where there was no industry of mechanical lighters already in existence. I pause here for a reply from him. But no reply is forthcoming. (Laughter.)

An Honourable Member : The pause was not sufficient !

Mr. Bhuput Sing : As I said before, if this House agrees to this Bill being passed into law in its present form, it will be creating a very dangerous precedent and who knows that such a procedure would not be adopted in future for checking the birth of any new industry in the country. I may state here, in the very words of the Finance Member, that it is a matter of practically universal experience that an excise duty is never levied, by any independent country, on any of its industries, except on very rare occasions for raising revenue in very difficult times, provided always that such a duty does not kill the industry.

Now, I come to the opinions received, and I am glad to note that most of the opinions support my view that the proposal of an excise duty is altogether unnecessary as there is no concern in India at the present moment producing mechanical lighters. I may inform the House that if we analyse the opinions we find the following results. In Paper No. 1 there are altogether 51 different opinions received, of which 12 are from non-official bodies. Out of these 12, two are from non-commercial bodies and ten are from commercial bodies and Chambers of Commerce in different parts of India. Of the two non-commercial bodies one is strongly opposed and the other one, of which my friend, Sir Henry Sidney is the representative, has given their support to the excise duty. Of the ten commercial bodies, six are strongly opposed to the excise duty and two are neutral and the remaining two support the principle of an excise duty. Out of the 39 officials, who should have dittoed their master's view, there are as many as 12 Government officials, including some Directors of Industries, who have condemned the principle of excise duty on an industry not yet born. With your permission, Sir, I shall read a few of them. The Commissioner, Assam Valley Division, says :

"My personal opinion is that the danger of a flood of mechanical lighters has been greatly exaggerated, and that there is no necessity for such a Bill. I regard the rate of duty proposed as exorbitant."

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : The rate of duty has been reduced.

Mr. Bhuput Sing : Exorbitant does not mean that the reduction of eight annas from Rupees two is sufficient. Then the Deputy Commissioner, Bhandara, says :

".....Further it would be a tyrannous interference with trade to prohibit the manufacture or import of mechanical lighters in the manner and for the purpose contemplated in the Bill. I consider the Bill should be abandoned."

Then I read the opinion of the Director of Industries, Punjab. He gives the opinion of the President, Simla Trades' Association, and of the Honorary Secretary, Indian Chamber of Commerce, Lahore. Both are against the Bill. The President of the Simla Trades' Association says this :

".....The Bill is uncalled for in that the industry has not yet developed in India and a verdict of the kind proposed should not be passed."

The Honorary Secretary, Indian Chamber of Commerce, Lahore, says this :

"It is added that mechanical lighters making industry is not yet in existence in India, and the imposition of high duty in anticipation of its establishment is most objectionable. No case has been made out for killing the industry before it is started."

Then he gives his own opinion. This is what he says :

"In my opinion, the proposed measure would not affect an existing established industry, but it is bound to prejudice the starting of a new one for the manufacture of mechanical lighters."

Sir, out of the remaining 27 officials, as many as 18 are neutral and have no remarks to offer. In Paper No. II there are two opinions, and both are strongly opposed to the Bill.

In Paper No. III, there are 46 opinions out of which four are from commercial bodies and the rest from officials. Of the four received from commercial bodies, one is from the Indian Merchant Chamber, Bombay, which is also strongly opposed, and with your permission, Sir, I shall read a few sentences from it. This is what they say :

"They feel that there is no justification for the imposition and collection of an excise duty on Mechanical Lighters. Even on Government's own admission, there is not as yet in the country any established industry for the manufacture of these lighters. There is therefore no justification for presuming that Government revenue will be affected by the establishment of such an industry, and for forestalling the same by the imposition of any excise duty. My Committee are also opposed to excise duty on principle, as they consider it detrimental to industries. The proposed legislation, if accepted, will prevent the initiation and development of this industry. My committee are, therefore, strongly opposed to the proposal for the excise duty."

Then it goes on to say this :

"My Committee are, therefore, of opinion that Government should confine themselves, for the present, to the proposal for an import duty and abandon the proposal for an excise duty."

One is neutral and one has given a conditional support. The only one amongst the commercial bodies which has given unconditional support to the Bill is the Chamber of Commerce, Bombay, consisting entirely of European members.

Sir, it appears to me all the more strange that out of the 42 opinions received from officials who are all Government officers not less than 15 have given their opinion against the views of their own masters, the Government of India, to whom they have to look up for their future

[Mr. Bhuput Sing.]

prosperity. Sir, they went against the Bill, as conscientiously they believed that the proposed excise duty on a future industry, which may come into being in India, is altogether absurd and untenable. If one goes through the opinions carefully, he will find that in most of the cases where even a favourable opinion has been expressed, it has been so expressed that a duty proposed in the Bill is necessary for checking the development of the use of mechanical lighters. In most cases they have not understood the actual principle of the Bill as in almost all such cases they have overlooked the fact that the development of the use of mechanical lighters in India, at the present moment, may be checked by the levy of an excise duty on an article which is not at all manufactured in this country. Now, the next argument by Government that has been adduced is that the industry for the manufacture of mechanical lighters may immediately be developed in the country. Sir, to think that India, which could not develop the industries for the manufacture of her necessities even after 250 years of British rule, would develop an industry for these lighters which are nothing but luxuries immediately, can only be believed by men of no common sense. The development of such an industry requires the importation of necessary machinery, and the necessary production of raw materials. It will further require skilled labour and trained technical experts. (Is it so easy to get together all these things in the twinkling of an eye? Is it an Alibaba's "Open Sesame"?)

Lastly, Sir, before I conclude, I would request the Government to wait and see at least the establishment of one such concern in this line of industry in India, and if and when such an industry is established, Government will be in a better position to fix the excise duty on the basis of the data that would be available about the cost of production of such a lighter. I am asking the Government only not to put the cart before the horse. I do not even for a moment disagree with Government that an excise duty would not be required if and when such industries are established, but, at the same time, what I protest against is the Government's policy in not allowing India to develop such an industry.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I believe the principle of the Bill is to impose and collect an excise duty on mechanical lighters, and when this Bill was committed to the Select Committee, I believe that principle was accepted, and, therefore, I think it will be quite irrelevant now to quote opinions from several bodies to the effect that an excise duty should not be imposed.

Now, Sir, coming to the Bill itself, I do realise,—and I am very strong on that point,—that the industries of India should be protected, and that their development should not be hampered in the least degree. With that end in view, I did my utmost in the Select Committee to see that this industry, which is not yet in existence now, but which may be likely to come into existence soon,—I wish it came into existence very soon,—should not be affected in a manner that its growth and development may be impeded. Sir, I lent my support in the Select Committee to the conclusion which the Committee came to in the matter. When this Bill was sent to the Select Committee, I submit, certain objections were raised, and I was very keen to see that those objections were fully met. On that point the first question raised in the House was

3 P.M.

with regard to the definition of mechanical lighters. It was urged in the House that the definition was too wide, that it might include such articles which should not properly come under the definition of mechanical lighters. It was apprehended that coils producing spark, which children generally use for play, might come under this definition. It was also feared,—and the Honourable Mr. Jadhav referred to it,—that even stones, which give fire when they are brought in contact with another article, might come under this Bill. Then our attention was also called to a kind of rope, which is generally hung in Calcutta and other places outside shops which sell cigarettes, and which generally ignite, so that any passer by might light his cigarette in front of these shops. All these points were placed before the Select Committee, and they came to the conclusion that it was not proposed to include all these things in the definitions. With that, view the Select Committee amended the definition, and this is what they say :

"We are satisfied that the terms of the definition as now amended exclude the separate stone and steel employed by aboriginal tribes for the purpose of producing ignition, and exclude also such contrivances as the ropes of cocoanut or other fibre which when themselves ignited are employed in some parts of India for conveying a means of ignition from one place to another or for maintaining a temporary source of ignition."

I know, that the question of principle was very vehemently and hotly discussed in the House but so far as objections were concerned, they were not lost sight of in the Select Committee.

Then, Sir, the second question raised by my friend, Mr. Raju, is that the duty should not be fixed now, that Government should have waited till this industry came into operation and that when this industry developed, only then it should be imposed. That means in other words it should be a permissible measure. The idea was to see that the revenue from the match industry was not in any way affected, and the Government apprehended that there might be a great flow of a small number of concerns manufacturing these mechanical lighters and it would be wrong on their part if no forewarning was given. We were also anxious to see that the duty should not be such that it should affect the development of the mechanical lighter industry. What happens in these small industries is this, that when a man begins an industry, other people like sheep follow him and start a number of similar concerns, with the result that the whole industry is destroyed. Therefore, this is a caution against such a contingency, and, from that point of view, I agree to the imposition of the excise duty. But there was great contest with regard to the amount of the duty. Some Members were of opinion that it should be less than the match excise duty, because the match industry is already established whereas this is a new industry which has yet to come to this country. With that idea we tried to reduce it to one rupee. There was a division, and there were seven Members on one side and six on the other, and it was lost by a majority of one vote. Though we lost it, I am glad to say that the Honourable the Finance Member then came forward, and there was a mutual understanding to make it Rs. 1-8-0 and it was unanimously agreed to. If this duty is considered oppressive or affects the industry adversely, then I submit it will be left to the House to reduce it or to bring it to the notice of the Government, and, I am sure, the Honourable the Finance Member, if he is there, will certainly consider it, because he knows that we are absolutely against putting a heavy excise duty on the industry.

[Mr. Lalchand Navalrai.]

Therefore, I submit that this Bill, as it has emerged from the Select Committee, is such that it should be accepted. Coming to the question—I find my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, laughing at something. I do not know if he laughs at this.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : I was not listening to the Honourable Member at all I am afraid.

Mr. Lalchand Navalrai : I never thought that Honourable Members do not listen. I always think that Honourable Members listen to what an Honourable Member says in this House, whether the ideas expressed by him do or do not meet with their views ; listening is very necessary in the House.

Then, there was another question, very small though, about the penalty in case the duty is not paid. Four times the duty was provided in the original Bill and it was reduced with the consent of the Honourable the Finance Member to three times. I find the Bill as it has emerged from the Select Committee is not objectionable. The principle having been accepted, we had to see whether the duty should be one rupee or Rs. 1-8-0 or even less and that is an open question. I support the motion that the Bill be taken into consideration.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : During my last five years experience of the Assembly, I have been noticing that the Government of India have been suffering from periodical fits. When I first arrived in this House, I found that they were suffering from the fit of Imperial Preference, and the result was that some of the most distinguished Members had to resign their seats on the Assembly as they could not stand the fit. When the scene changed and the new Assembly was formed, a new fit arose, and that was the fit of retrenchment and we have had a good deal of experience of this new fit. We discussed several cases this morning, and probably we will discuss many more later on. This fit continued for over two years, and I am not sure whether the Government of India have quite overcome this fit of retrenchment ; at least in certain departments it is still continuing.

An Honourable Member : There has been a relapse.

Dr. Ziauddin Ahmad : Now, this year, the Government began to suffer from a new fit, and it is the fit of excise duty. We first noticed that when an excise duty was proposed to be levied on sugar, it was pleaded that the duty was levied merely to correct a mistake that was committed in 1931 in increasing the duties by 25 per cent. through-out. It was said that the mistake committed then should be rectified by putting an excise duty on sugar. We noticed the fit again on the occasion of the match excise duty. Then there is an excise duty on steel ingots which are really the prime product of the whole steel industry. This is due to the fact that they want a certain amount of revenue and they said, "let us put a duty all round, let us put some excise duty and let us put some revenue duty so that the two things may balance each other." So far, the action of the Government was to a certain extent reasonable, but when in the fit they lose their conscience, then their

actions, as Dr. Dalal would say, cannot be justified. They can levy a duty on articles which exist, but now they go a step further in their fit and levy a duty on articles which do not exist, on hypothetical articles. The Government argues in their hysteria that some factories may possibly be established in India, in this century or in the next, and it is useful to keep an Act ready for future exigency. I have said before that in this fit the Government have lost their senses and they are now going to levy a duty on an imaginary article which may or may not come into existence at all. When we ask questions, the Members on the Treasury Benches often rebut in their replies, "this is a hypothetical question and we are not bound to answer". We have been accustomed to hear this reply. Now, here we are going to levy a duty on a hypothetical article, which does not exist in this country, and we on this side of the House reply the Government in their own coin, and say that we are not bound to consider a question of levying duty on a hypothetical commodity, which does not exist in this country. The other day I was reading a pamphlet discussing whether the meat of *Buraq*, which is an animal, that will wait on our graves on the day of resurrection to take us to paradise, is lawful or unlawful to eat.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Take you or take us also ?

Dr. Ziauddin Ahmad : We will not discuss that point. The present company is excepted. The whole discussion in this pamphlet related to the question—*buraq ka gost halal hai ya haram*. The whole question was whether it is lawful or unlawful for a pious Muslim to eat the meat of *buraq* and there were all kinds of arguments. The discussion on this Bill is practically of the same type—whether it is lawful to levy a duty on this industry which does not exist. The discussion here is practically equivalent to the discussion in this particular pamphlet. I, therefore, see no justification to introduce this particular excise duty here. It is argued that it did not matter very much if the duty is levied. No harm will be done to any person. But, Sir, the principle underlying this Bill is very harmful, and in this connection I will just relate a story. The fowl of a person died in his house, and he began to cry and weep. Then the neighbours came and asked him what happened. The man said that his fowl died. Then the neighbours said, why are you crying. It costs only eight annas and we will give you a rupee. He said, the death of the fowl did not matter, but what matters is that the angel Izrael, the angel of death has seen the house ; today it is fowl tomorrow it may be any inmate of the house. Today they are taxing this commodity. Tomorrow it may be some other industry. We are not so much afraid of this particular industry. My friend, the Finance Member, and his staunch supporter, the Commerce Member, have both taken upon themselves to levy all sorts of taxes upon the consumers of this country. We do not know on what industry the tax will be levied tomorrow. If an industry was in a flourishing condition, I could have understood, but by no stretch of imagination can you levy a duty on an article which has not come into existence. It is really the surest way of killing an industry before it is born. If this principle is adopted, then I am afraid the industries of this country will enormously suffer.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : You were in favour of the excise duty on sugar. It was an infant industry ?

Dr. Ziauddin Ahmad : Certainly—and there were good reasons for it. Those people who opposed it did so for entirely personal reasons. My misfortune is that I am neither influenced by propaganda nor by selfish arguments. We did give sugar the same protection which the Tariff Board recommended. What we did was to rectify the mistake which the Legislature made in 1931. Here you are levying a duty on an article which does not exist, an article which may or may not come into existence in the future. That is the important point, and here I say that the angel of death has seen the house and we do not know what may happen.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : This is not the first visit. You are accustomed to such visits for many long years.

Dr. Ziauddin Ahmad : That may be my friend's experience but it is not my experience.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the motion of my friend, the Honourable the Finance Member. In the first place, I should say that the title of this Bill is improper. It is to provide for the imposition and collection of an excise duty on mechanical lighters. The Honourable the Finance Member with the assistance of this House may impose an excise duty on mechanical lighters, but I am quite sure that his ingenuity and the ingenuity of all the officers under him will not bring in a pie into the coffers of Government from the realisation of this excise duty. Therefore, the title of this Bill is not a proper one.

Of course, he will make some money by the operation of the last clause, clause 16, by which he levies a higher import duty on mechanical lighters coming from outside. But that ought to have been put in the title, instead of this imaginary levy or collection from excise. I may assure him that no officer is required to collect any excise duty now, nor in future, because I do not think that any manufacturer will be foolish enough to invest his capital in the manufacture of mechanical lighters. The more honest thing would have been to prohibit the manufacture of mechanical lighters altogether. In clause 6, powers have been taken for preventing the import of mechanical lighters from Indian States. A similar section would have done as well, that no mechanical lighter should be manufactured within British India and that would have saved the trouble of drafting all these elaborate clauses for the levy of excise duty and collecting it.

It is the primary object of the Government to protect the income or revenue from matches, and I think that is a legitimate object and for that purpose it was necessary to check the excessive use of mechanical lighters. Latterly, the import of the latter has increased no doubt and, therefore, an import duty on mechanical lighters is a step in the right direction. But in order to balance it, an excise duty on mechanical lighters is levied, and this is simply, I think, in order to provide some weight in the other scale of the balance. On a previous occasion, I pointed out that no revenue would be collected from this source and therefore I raise a voice of protest on this occasion too that this clause ought to be done away with, and there should be put on a prohibition on the manufacture of mechanical lighters. I am not much

interested in the amount of the duty—whether it is Rs. 1-8-0 or Rs. 2—because the purpose is the same, viz., to discourage the starting of factories for mechanical lighters. And, Sir, the manufacture of mechanical lighters is a very minor industry, and we need not mourn the loss of it. There are other industries which one can take to with greater advantage to the country, but, then, as my Honourable friend, Dr. Ziauddin Ahmad, has said, the angel of death has seen the house and we are all afraid, Sir, that the Finance Member may come forward to propose excise on any industry which is started or is likely to be started, and in that way cripple the industrial advancement of this country. I hope, Sir, that an assurance will be given by the Honourable the Finance Member that there are no reasonable grounds for this apprehension.

The Honourable Sir James Grigg : Sir, I am a little shocked at the spectacle of Dr. Ziauddin shedding gallons of crocodile tears over our proposal to put a tax upon an imaginary article. Sir, what has he been doing all his life but pursuing the square root of minus one—I think that is an imaginary quantity! (Laughter)—into more and more rarefied regions where ordinary mortals cannot follow him?

Dr. Ziauddin Ahmad : My friend probably knows—he is a better mathematician than myself—that this imaginary number is of greater importance than a real number. Real numbers represent points on a line, while complex numbers represent points on a plane.

The Honourable Sir James Grigg : My Honourable friend cannot get away with it like that. It is quite definitely an imaginary quantity. Incidentally, on his point of “what on earth are you doing, putting an excise duty on an imaginary article?” I should rather like to know whether he is prepared to go to the wheat growers of the Punjab and hear what they will say to him if he proposes to remove the duty on the imaginary imports of wheat! I rather fancy his tears would be rather more real than they are on this occasion. Sir, I am not sure whether it would be proper of me to follow my Honourable friend, Mr. Sitaramaraju, in the somewhat indelicate illustration that he gave in connection with this proposal. He expressed himself, I think, as strongly opposed to birth control; but, as far as I can see, throughout the whole of his argument he was quite prepared for a subsequent illegal operation or at any rate for an infanticide. But, Sir, I do not want to pursue that particular metaphor, I will change it. My objection to the arguments brought forward against this Bill is that Honourable Members opposite are only prepared to lock the stable door after the horse has been stolen. Mr. Bhuput Singh said: “Could I ever give examples of countries where a precautionary duty had been imposed?” Certainly, Sir,—the United Kingdom; but in any case even if there were no examples, there are two very good examples of locking the stable door after the horse is stolen. Burma is one; I do not want to elaborate that; I referred to that at length on the motion to refer the Bill to a Select Committee. But since then I have been furnished with information as to what happened in the case of Java where the neglect or the delay in imposing an excise duty has absolutely ruined the revenue from the excise duty on matches. To prevent that, Sir, is our whole purpose. I quite agree that we ought not in ordinary circumstances to kill, at whatever stage of its life we do it, an industry which might be developed in this country. But the House has gone too far already over that. The Indian match industry, which is

[Sir James Grigg.]

a very large industry, has been established by a scheme of protection which has cost the consumer in this country crores of rupees and which yields to the Government of India a very considerable revenue. Is it not really rather absurd to expose an industry of such magnitude to the chances of extinction in the desire to develop what can never be anything more than a very puny infant? Even if an industry for the manufacture of mechanical lighters could be established in this country, it would be of inconceivably small importance in comparison with the existing match industry. And now if I may just end by going back to some of the lethal metaphors that have been used, the proposal of those who object to this Bill is that you should allow a rather sickly infant to grow up and that you should encourage people to spend money on fostering it. But once it gets into a position where it can be impertinent or even a nuisance to its grown-ups, you can bring down a bludgeon on its head and kill it stone dead. But, Sir, the unfortunate features of that are two. First of all, it is extremely wasteful to spend money in bringing up a child that you are going to kill anyhow, and apart from that and much more than that, if this wicked child in the meantime is going to kill a healthy adult, the extravagance and folly of nurturing it are all the greater. That is all I have to say, Sir. I hope the House will now accept the motion to take the Bill into consideration.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair intends taking clause 3 first. The question is :

“That clause 3 stand part of the Bill.”

The amendment of Mr. Bhuput Sing is not in order. That cuts at the root of a principle to which this House has already subscribed. It is perfectly open to the House to reject the clause, but the Honourable Member cannot move his amendment.

Mr. Bhuput Sing : Sir, if the Preamble were amended, as suggested in my amendment, then that would be in order?

Mr. President (The Honourable Sir Shanmukham Chetty) : As a matter of fact, the Honourable Member's amendment to the Preamble is a consequential amendment. If clause 3 is omitted, then that amendment will follow as a consequential amendment.

The question is :

“That clause 3 stand part of the Bill.”

Mr. Bhuput Sing : Sir, I beg to move :

“That in clause 3 of the Bill, the words ‘and eight annas’ be omitted.”

My purpose in moving this amendment is that the duty as proposed in the Bill is exorbitant. The price of the lighters generally varies from annas four to Rs. 2 or even more, so the duty of Rs. 1-8-0 on a small lighter costing annas four seems to be very exorbitant. The Government

said that these lighters will be extensively used by the masses, but these lighters require petrol which is not stocked by common people, and also they require frequent change of flints which also costs something. Therefore, the Government position, that the people will go using these lighters, is rather over-estimated, and I think that a duty of one rupee will be sufficient to protect the match industry and also the loss of revenue from the match excise duty. Therefore, I move the duty be reduced to one rupee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“That in clause 3 of the Bill, the words ‘and eight annas’ be omitted.”

The Honourable Sir James Grigg : Sir, I have dealt with this question in anticipation, and I have very little more to say. The Government are a little uneasy that they may have overshot the mark in reducing the duty from Rs. 2 to Rs. 1-8-0, and certainly they would not feel safe if the duty were reduced any further. If, at a later stage, it does become clear that the duty is fixed too high, the Government can reconsider the matter. But the fact remains that a duty of Rs. 1-8-0 is the equivalent of three-quarters of a gross of boxes of matches of the ordinary size and that, I think, will not be an excessive measure of the efficacy of a mechanical lighter in relation to matches. Now, if you fix the duty so low that it is still very much cheaper to use a mechanical lighter than to buy matches, the whole purpose of the Bill will be defeated.

Dr. Ziauddin Ahmad : Sir, I do not know in what way these calculations were made.

The Honourable Sir James Grigg : Mathematically.

Dr. Ziauddin Ahmad : I am told that this duty should be the same as the duty on the three-quarters of the gross of matches because the age of this mechanical lighter will be approximately the same and it will serve the same purpose as the three-quarters of a gross of matches. But there are certain factors which my friend entirely forgot in his mathematical calculations, and those are that the mechanical lighter may be lost. These mechanical lighters are just like the fountain pens which really never see the end of their life. They are lost much earlier than the time at which they would cease to function. So, he entirely forgot that by the time another man will use only one dozen match boxes, this mechanical lighter would have disappeared altogether. Another point about these mechanical lighters is that they go wrong, and when they do go wrong due to some misuse, they cannot function at all. These are really two important points which were not taken into consideration at the time the calculations were made. Then, Sir, this is not the only ground on which I stand. I stand on an entirely different ground. It is an accepted principle of the Government that the excise duty is always lower than the import duty on the same article. As an example, I will mention kerosene. On kerosene, the excise duty is less than the excise duty on the imported kerosene. If my friend stands on the ground that the excise duty and the import duty may be the same, then it is his duty to present a Bill tomorrow to equalise the excise and import duty on kerosene. And if he does that, we can get a crore of rupees to the public chest. Again, Sir, we have seen in the case of the Steel Protection Bill that whatever the duty may be, we always say $1\frac{1}{2}$ and $1\frac{1}{2}$ of the excise duty plus....

Mr. A. J. Raisman (Government of India : Nominated Official) : May I point out that the customs duty will be considerably higher than the excise duty ? It will be higher by no less than 50 per cent. of the value of the imported article.

Dr. Ziauddin Ahmad : But in the case of the duty mentioned in the Steel Bill we have seen everywhere that the import duty will be $1\frac{1}{2}$ or $1\frac{3}{4}$ of the excise duty *plus* something which my friend, Mr. Raisman, has reminded me about. I consider it to be an established principle that the excise duty is slightly less than the import duty on that article, so that our manufacturers may have some advantage as compared to the manufacturers of the foreign countries. Therefore, this proposal of my friend is very reasonable, namely, whatever duty you may impose as a kind of import duty for matches, the excise duty should be slightly less than this import duty. With these words, I beg to support the amendment moved by my friend, Mr. Bhuput Singh.

Mr. B. V. Jadhav : Sir, I am afraid my friend, Dr. Ziauddin Ahmad, is under some misapprehension. The excise duty is an imaginary duty and the import duty is a real one. Therefore, the excise duty is not equal to the import duty. An imaginary quantity cannot be equal to a real quantity. At the same time, the Honourable Member, Mr. Raisman, has pointed out that the import duty is to be added to 50 per cent. *ad valorem* duty. The Honourable the Finance Member has held out a promise that when Government realise that the excise duty is too high, they will come before this House and ask for its reduction. I am at a loss to know how Government are to come to that decision. Is it by the loss of all import duty or by the absence of any revenue from excise ? As a matter of fact, as I have pointed out just now, there will be no revenue from excise and some little revenue is expected from the import duty. So, when the imports have stopped altogether, will he come forward and ask for the reduction of the excise as well as the customs duty ? That is a question which is troubling me more.

THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 2 stand part of the Bill."

The Chair thinks that the amendments of Mr. Bhuput Singh have now become unnecessary.

The motion was adopted.

Clause 2 was added to the Bill.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That after clause 1 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

"2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine."

Sir, I hope the Honourable the Finance Member would see no objection to this particular amendment. The powers are there, but unfortunately the factories are not there, and my motion is that as soon as the factories come into existence, apply the law at once and do not follow the example of the *Buraq* which I have just stated. We say that if at any time this thing is available, then this rule should particularly apply. He has really done a great injustice in putting a duty on an imaginary article. He has asked us to pass a hypothetical Bill, to meet a hypothetical case in order to stop a hypothetical industry.

The Honourable Sir James Grigg : You are moving a hypothetical amendment.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : You will get a hypothetical revenue as well. (Laughter.)

Dr. Ziauddin Ahmad : My object is to make this hypothetical proposition a reality, a reality which can only come if we accept this amendment that to whatever really exists, we should apply the section immediately. Whatever may come in future, then this section should be applied on some later date. This is really my object in moving this motion and that is to take the Honourable the Finance Member out of this difficulty. I do not want to repeat all the arguments that I said on a former occasion, but I do implore the Honourable the Finance Member to consider seriously the question of keeping these clauses in abeyance and apply them, if and when the opportunity arises. I am sure that so long as this particular Bill is there the opportunity would never arise and the Governor General will be relieved of considering and framing an order. Sir, I beg to move my motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That after clause 1 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

"2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine."

The Honourable Sir James Grigg : I am afraid that Homer has nodded again. If he would look at section 16, he will see that section 16 has no reality, except in relation to the imposition of an excise duty.

[Sir James Grigg.]

Sir, if he proposes that section 16 of this Act shall come into force at once and the remaining on some subsequent date, then section 16 cannot possibly come into force either, so that in-effect either Homer has nodded completely or he has a deep laid scheme, an alternative form of raising again Mr. Raju's point, which is that this Bill should be permissive, and so not come into force until after the damage has been done which it seeks to remedy. I have already argued that and I do not think it is either necessary or desirable that I should do so again.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That after clause 1 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

'2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine.'

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir James Grigg : Sir, I beg to move :

"That the Bill, as reported by the Select Committee, be passed."

I think every conceivable point that can possibly arise on this Bill has been discussed already. I have no new points to make. I merely thank the House for the very patient way in which they have dealt with this matter, and I hope it will not be necessary for me to strain any more the patience of the House. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill, as reported by the Select Committee, be passed."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir (Applause), I do not know whom I shall congratulate, whether it is the Swedish match combine or the Japanese match combine that finance the Indian match factories in India, or the simple Simon-like faith of the Government of India, that they have found a remedy to what was advocated by the representatives of the Swedish match combine in the Select Committee on the Matches (Excise Duty) Bill. Sir, whenever this Government see a chance to collect some more revenue, they do it, but they forget their obligations to the tax-payer, to the people. They forget the obligations that are laid upon them by the report of the Indian Fiscal Commission or by the very Tariff Board that made enquiries about the protection to the match industry. Sir, sixty per cent. of the money that has been invested in India on match industry is foreign. It has been the complaint of this House that the Swedish combine should be controlled by the Government of India. It is true that there are one or two Indian Directors on the Swedish match combine.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul-Matin Chaudhury).]

But they are never called upon to attend meetings. The Indians do not hold shares in the Swedish companies, nor are Indian boys allowed proper training in the Swedish firms. Yet, when the Government of India in their benevolence or simplicity, I do not know what it was, or even the Select Committee—when they permitted the representatives of the Swedish match combine to give evidence, they suggested to the Government of India this new tariff on mechanical lighters and Government and the Select Committee in their simple faith swallowed the suggestions of the Swedish gentlemen who gave evidence before the Select Committee on the Matches (Excise Duty) Bill.

Mr. A. H. Ghuznavi : There were others also.

Mr. B. Das : I am coming to the Japanese shortly.

Mr. A. H. Ghuznavi : No, not Japanese. They were all Indians.

Mr. B. Das : But financed by Japan.

Mr. A. H. Ghuznavi : No, they are not financed by Japan.

Mr. B. Das : I shall be glad if my Honourable friend, for whom I have great respect and great friendship, will clear the suspicion that is in the minds of many of us that the Calcutta match firms and also certain firms on the West coast of Bombay are not financed by Japanese syndicates and they are not controlled by the Japanese people. Sir, at that time the House expressed the opinion that Government should exercise control over these foreign combines as was recommended by the Tariff Board, and the then President or Member of the Tariff Board, Sir Padamji Ginwala, wrote his minute of dissent on the match protection and he himself is now the Financial Adviser of this Swedish match syndicate itself. Sir, Krugar is dead ; Krugar swindled the European financial circles to the extent of two hundred millions sterling. I do not know whether England lost any money on it, but the spirit of Krugar, Krugarism is still prevailing in India, and it is this spirit which has so much enchanted the Government of India that the Government of India dare not ask these Swedish firms in India to come under the control of the Government of India in the line of the recommendation of the Indian Fiscal Commission, or in the line of the recommendations of the Tariff Board.

Now, Sir, I am glad to hear from my Honourable friend, Mr. Ghuznavi that certain Indian gentlemen owning match factories represented that these mechanical lighters should be taxed. But I should like to know from my Honourable friend what is the amount of Indian capital that is invested in the Indian match industry. My own view is that Indians have financed only the small match factories. But, Sir, if the Swedish people are exploiting, because they are the cousins of the Government of India or of the British people and they have got protection by the back door, so also the Japanese from the East have invaded and they are investing money. They are investing money and taking advantage of the protection that was given to the match industry. My Honourable friend, the Finance Member, is very anxious to safeguard the receipts of the Government of India. One of the complaints that was made against these foreign match manufacturers, was that they should not import foreign logs and foreign timber from Sweden or Japan, but that is still going on, and Government have as yet taken no steps to control these foreign match combines and stop the importation of foreign timber from Sweden or from Japan. So, what is the use of the Finance

[Mr. B. Das:]

Member trotting out before this House the plea that the Indian match industries have been protected by this? It is true that Indian labour is employed in these industries, but if and when any industry receives protection there are certain rules which the Honourable Member for Industries and Labour has laid down and sees to it that they are observed. One is that the raw materials should be Indian. All the chemicals come from outside. It is a shame that when the Government of India spend so much money on Indian forests and when timber is available in India to produce matches, these Swedish combines still import timber. And yet in simple Simon-like faith this Government bows down to the representatives of the Swedish match factories and perpetuates a piece of legislation by which the Government of India will be laughed at by the people of the world. For these reasons, Sir, I oppose the Bill.

Mr. Bhuput Singh : Sir, I do not want to go into details at this stage when the Bill is going to be passed into law. But I want to ask the Finance Member one question. He said that the criterion for the reduction of duty on mechanical lighters would depend on the reduction of duty on matches. I should like to ask him this. Supposing an industry is established in India for the manufacture of these lighters and it is found that this industry cannot compete with foreign manufacturers, will Government then be prepared to lower the duty on these lighters or will they still maintain that the duty has not been reduced in the case of matches and, therefore, the duty cannot be reduced in the case of mechanical lighters?

The Honourable Sir James Grigg : Sir, I admit that I was not very clear. What I meant was that Government would be quite prepared to consider reducing the duty on mechanical lighters when it is quite clear that they can safely do so having regard to the necessity of preserving the match revenue. I am afraid, I cannot be more specific than that.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be passed."

The motion was adopted.

my Honourable friend, Mr. James, to send with the Bill a short summary of the reasons which led up to its introduction, so that members of the public who wished to express an opinion on it should have a better realisation of the causes underlying it. The opinions that have been received are now in the hands of the Honourable Members, and, as far as I can see, they are generally favourable to the Bill. At any rate, the House can congratulate itself that no point of importance has been raised in them which has not already been discussed on the floor of this House during one or other of the previous debates on this Bill.

First, I want to deal with a point which was raised during the last debate by the Honourable Member, the Leader of the Opposition, and which has been referred to again in the opinions by a number of people. This concerns the form in which the Bill has been brought before this House. The complaint is that we have not introduced a self-contained measure. The reason lies in the amended section 66 of the Government of India Act which reads :

"Subject to the provisions of this Act, provision may be made by the Indian Legislature for the application to the naval forces raised by the Governor General in Council of the Naval Discipline Act, and so on."

It is held that the word "application" precludes us from doing more than we have done in the case of this Bill, and prevents us from producing a self-contained measure.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muham-
madan) : Will the Select Committee be precluded
 .4 P.M. from making amendments in the Bill, so as to make it
 a self-contained piece of legislation?

Lieut.-Colonel A. F. R. Lumby : I gather that the legal position is that the Bill can only be applied and that therefore it will have to come up in some such form as at present. It cannot be made into a self-contained measure.

Mr. Gaya Prasad Singh : Why not in the form in which we have got the Navy Bill in England with such suitable amendments as the Select Committee may think fit to incorporate? It can come as a self-contained Bill in that form.

Lieut.-Colonel A. F. R. Lumby : I gather that that would not be in keeping with section 66 of the Government of India Act which says :

"Subject in the application of the said Act to the forces and ships.....to such modifications and adaptations, if any, as may be made by the Indian Legislature to adapt the Act to the circumstances of India."

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadian Urban) : May I ask the Honourable Member another question which is really very vital? The Bill as placed before the House refers only to certain sections of the Naval Discipline Act. Is it open to the Select Committee to take up other sections not referred to in the Bill and modify them. The power to do so is certainly given in section 66 of the Government of India Act.

Lieut.-Colonel A. F. R. Lumby : That is so. The whole Naval Discipline Act will be before the Select Committee and they can suggest amendments other than those which have already been included in this draft Bill. What I was just going to say was that I understand that the

[Lieut.-Colonel A. F. R. Lumby.]

procedure we have proposed is that which has been adopted in the case of the self-governing Dominions. The Act has been applied to their navies in exactly the same way as it is proposed to apply it in this Bill; and if this is the only way in which we can get for the Indian Navy the increased prestige and status which its connection with the Royal Navy will give it, then I submit, Sir, that the advantage that will thus be gained will outweigh any administrative inconvenience that may arise from having the Bill in this form.

Next, Sir, I want to deal with the suspicion that was in evidence during the course of the two previous debates, and which I fear still lurks in the minds of some Honourable Members, that the main object underlying this Bill is to give Government the power to force upon India a large navy of large and expensive ships which will be available for Imperial purposes. I gather that the idea underlying this suspicion is that, since the Washington Agreement placed certain limitations on the various kinds of men-of-war, which they may maintain, His Majesty's Government are anxious to have in the Indian Navy a kind of reserve fleet upon which they will be able to call in time of war. Alas for this suspicion, the limitations agreed upon at Washington cover not only the Royal Navy, but also the navies of India and the self-governing Dominions, so that if India decided to build a battleship, it would mean that His Majesty's Navy would have to go short of a battleship to keep within the limitation figures. But even if this were not the case, the Bill that is now before the House gives to the Government no power to increase the naval forces of this country that they do not already possess and have possessed for years past.

I should like now to try and explain in a few words what the naval policy of the Government of India really is. This policy, which, of course, is co-ordinated with the naval policy of His Majesty's Government, does not concern itself with the building of any big ships. It aims at maintaining a small squadron of small and efficient ships for the local naval defence of India's coasts, harbours and shipping.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : Is that the future policy?

Lieut.-Colonel A. F. R. Lumby : There is no intention of changing the policy. That policy, when you come down to details, means the carrying out in time of war of such duties as the prevention of mine-laying by enemy ships, the sweeping up of mines that enemy ships have managed to lay, the chasing and destruction of enemy submarines, the conveying of ships from port to port, and things like that. Honourable Members will recollect that during the Great War a German mine-layer managed to lay a mine-field almost opposite the entrance to Bombay harbour, and that was not the only occasion on which a German raider managed to approach the shores of this country. If, as God forbid, the Empire is ever again engaged in a war against a maritime power, however distant from India, as sure as I stand here today, the danger that will threaten India's coasts and India's shipping will be just the same as threatened them during the Great War; and it is to provide protection against this danger, should it ever arise, that the naval policy of the Government of India is directed. I can assure the House that there is no intention that the carrying out of this policy, which is the policy at present in force, shall cost any more money than it does at present.

The main objections which have been raised at one time or another to this Bill fall under three heads—expense, Indianisation and constitutional. As regards expense, I have already explained how limited the policy of the Government of India is in naval matters and have assured the House that there is no intention that this policy shall cost more money than it does at present. Beyond this, I can assure the House that there is nothing in the Bill which will involve the addition of a single ship or a single man to the Indian Marine. The Bill itself is purely and simply a discipline Bill, but the important part about it is that, until it becomes law, it is impossible for the Royal Indian Marine to become the Royal Indian Navy; and, I may add, until then it will not be possible for the Government to put the finishing touches to the scheme for the re-organisation of the service which they started in 1927 in what they then considered, and are still convinced, were the best interests of India, and of India alone.

I turn now to Indianisation. Though prior to 1927 there was nothing to prevent Indian officers being recruited for the Indian Marine, it was not until the re-organization scheme formulated that year that Government first introduced a real plan for the Indianisation of the officer ranks of the service. In the next year, 1928, the first Indian officer was recruited direct to the service, and at the present moment there are three Indian officers serving with the squadron and eleven cadets under training who in the course of the next few years will take their places in the officer ranks. That gives a total of fourteen officers or officers-designate against a total officer cadre of only 117. I do not think that this is such a bad record for the short space of six years, seeing that it takes five years to train an engineer officer. During the course of the 1928 debate on this Bill much capital was made of the fact that we had estimated that our Indianisation scheme only meant the recruitment of one Indian officer to the service every year. Events, as I have said, have proved that estimate to be entirely wrong, but the point which I want to make is that the ratio of two British officers to one Indian, which is laid down in that scheme, has nothing sacred about it and can be altered at any time when events justify a change. At the present moment after all there are only three officers serving from whom we can judge, and it must surely be admitted that it would be difficult for Government to satisfy their own conscience from the experience they have gained from these three officers, however well they are shaping—and they are shaping well—that their system of recruitment and training and absorbing these officers into the service is on the right lines. In actual fact, we have had very considerable disappointments as regards the recruitment through the open competitive examination, and we have had to find alternative channels of recruitment from the Training Ship "Dufferin". Though that channel has proved distinctly satisfactory, at the same time we are not satisfied as to the keenness which Indian lads in general show to enter the service. I shall refer to this question of recruitment later on.

I turn now to the constitutional question which I know is at the root of the majority of objections which Honourable Members have raised at one time or another to this Bill. Not that there is anything in the Bill itself as far as I can see, which is particularly objectionable from the constitutional point of view, but because the Bill, if it passes into law, will cause the amendments made to the Government of India Act in 1927 to become operative for the first time; and those amendments have a very definitely constitutional bearing. What is the constitutional position today? At

[Lieut.-Colonel A. F. R. Lumby.]

the present time, under the Indian Marine Service Act of 1884, it is possible for His Majesty's Government to take over the Royal Indian Marine, lock, stock and barrel, without consulting the Indian Legislature, and without consulting the Government of India or the Governor General; and it is nowhere laid down that, if they choose to do so, it will be incumbent upon them to pay. I am not saying that His Majesty's Government would ever do such a thing, but that is the law and that is what they can do. Under the amendments to the Government of India Act, which, as I have said, will become operative if this Bill becomes law, the position is, as it seems to me, distinctly improved from the point of view of India. The relevant section of the Act reads as follows:

"Any naval forces and vessels which may from time to time be raised and provided by the Governor General in Council shall be employed for the purposes of the Government of India alone, except that if the Governor General declares that a state of emergency exists which justifies such action, the Governor General in Council may place at the disposal of the Admiralty all or any of such forces and vessels."

And India will only be liable to pay for that part of the navy which is placed at the disposal of His Majesty's Government for purposes other than the defence of India if such expenditure is agreed to by both Houses of Parliament. In addition, as was announced to the House during the last debate on this Bill, it is the intention of the Government of India to consult the Legislature in future, so far as may be possible, whenever any question arises of lending the Indian Navy to His Majesty's Government for operations other than in the defence of India. I assure the House that this is a definite pledge, and not merely a formula of words.

I know of course that the point of view, taken by some Members of the Opposition at any rate, is that, so long as the Indian Legislature, or at any rate a Federal Ministry, has no measure of control over India's naval forces, there is no great difference between the present position and the position as it will be if the amendments to the Government of India Act become operative. But, Sir, I have to go by the facts, and, if I cannot get hold of any facts, I have to go by probabilities; and I find that even on the other side of the House it is taken for granted that under the new Constitution the subject of Defence will be reserved to the Governor General. Now, Defence is a term covering the Army, the Navy and the Air Force, and, if it is reserved, it is impossible to split off any one of these three and place it under the control of the Legislature. That was the suggestion made by several Honourable Members in the last debate, and one of them, in making this suggestion, held out a particularly tempting bait to us. He suggested that, if the Navy were placed under the control of the Legislature, they would probably be prepared to vote two, or even three, crores of rupees for its upkeep instead of the 60 lakhs which is spent on it at present. I appreciate the spirit in which that suggestion was made, but I can only say again that, as long as Defence is a reserved subject, I do not see how such a proposal could be accepted. Let me put the case this way. There is always a limit to the amount of money which India can afford to spend on her defence, and if Defence is reserved, it will be the responsibility of the Governor General, with the expert advice of the Commander-in-Chief, to decide how the available money can be divided up most suitably and effectively between the three fighting services. If one of the fighting services, say, the Navy, is placed under the control of the Legislature and they decide to strike out a line of their own as suggested

by the Honourable Member, whose proposal I quoted just now, and to spend a crore or so extra upon it, then it merely means that the amount of money that will be available for the Army and the Air Force will be reduced by that amount; and that in turn will mean that the Governor General will not be able to carry out his responsibility in a proper manner. Any suggestion of this kind must be unfair to the Governor General and at the same time administratively unsound. In matters of this kind responsibility and authority must go hand in hand, and I, therefore, submit that, so long as Defence is a reserved subject, the Governor General must have control over its whole field. The only exception that I can imagine to this proposition is the occasion on which, as has already been stated, it is already the intention of Government to consult the Legislature, that is, when there is a proposal to loan a part of the Indian Navy to His Majesty's Government for purposes other than the defence of India. That kind of case, besides being considered by this House during the last debate, was also discussed at some length at the Round Table Conference, and I think we must presume that it is at present within the purview of the Joint Select Committee; that being so, it would hardly be appropriate for Government to make a further statement on the subject in anticipation of that Committee's Report. In any case the occasions on which such a proposal will arise will be few and far between, and I submit that the whole question resolves itself into this;—Is this House prepared to leave its naval forces with their present inferior status until such time as Defence ceases to be a reserved subject? Or are they willing to take this opportunity of giving them the increased prestige and status which the title of Navy would confer on them?

Last February, in moving for this Bill to be circulated, my friend, Mr. B. Das, said:

"When after circulation of this Bill, the Army Secretary satisfies us and takes us into his confidence that these natural suspicions of the Indians will be satisfied and even met, then it may be that the Bill will receive our sanction."

Sir, I have tried to satisfy the House that the suspicions which were raised in previous debates are groundless; I have explained how limited the naval policy of the Government is; and I have tried to give assurances on the various other points on which it seemed to me that there were doubts in the minds of Honourable Members in previous debates. I hope my explanations and assurances will persuade Honourable Members to prefer the second of the alternatives I have suggested, that is, to take this opportunity of giving the Royal Indian Marine the status of a Navy.

In deciding what their views will be on this Bill, I should like the House to consider it not merely from the constitutional aspect, but also from the point of view of the service, its efficiency and its contentment. In the last debate on the Bill, it was stated on behalf of Government that they were in no great hurry to pass this Bill, and that is still true. But if I urge Honourable Members to put from their minds any thought of delaying the decision on this particular matter, it is because I think that the effect of its passing into law will be to add to the contentment and efficiency of the service. I want to mention two facts in this connection. I referred earlier in my speech to the disappointments we have had with regard to recruitment by the open competitive examination. During the last few years, we have only had a total of 51 candidates, good, bad and indifferent, for the 13 vacancies that have been offered. I think it must

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be admitted that that number does not show a real and proper enthusiasm for entry into this service. The point was, however, made during the last debate on this Bill that the reason for this was that our publicity was not sufficient and that therefore the general public did not know anything about this examination. This open competitive examination for the Indian Marine is held in conjunction with the examination for entry into the Indian Military Academy and the Royal Air Force College, Cranwell, and is conducted by the Public Service Commission. It is given the same publicity as is given to any other examination run by that Commission. We get a good supply of candidates for the Army, and a good supply of candidates for the Air Force, but we do not get a good supply of candidates for the Indian Marine, and therefore I consider that the accusation made against us that this is due to our shortcomings is unfair. I will go further. I maintain that it is due to the fact that prospective candidates do not look upon the service as offering them a sufficiently attractive career. I go one step further again and say that if the service attains the added status of a Navy, our difficulties in this respect will disappear. I want to quote in support of what I have said the opinion of an *ex-officer* of the Royal Indian Marine, who comes from Mr. Das's own province, Orissa, which I think has a good deal of truth in it. What this officer says is as follows :

"I am convinced that successful Indianisation depends entirely on making the service a proper Navy in name as well as in deed. Indian youth is probably more sensitive than British youth and unless they feel that the service they are about to join is without bar or reproach, you cannot expect them to come forward with enthusiasm to join it."

Mr. Gaya Prasad Singh : Would you read the last paragraph of his opinion ?

Lieut.-Colonel A. F. R. Lumby : And there is another part of this same opinion which I want to quote in support of my second point, and that is this :

"The service has never ceased to desire the status of a Royal Navy from the very day the Indian Navy ceased to exist in 1862. I waited and hoped for twenty years to see such a day and finally was obliged to give up hope and retire. The service today is still waiting and hoping and I consider it hard to suggest that they should wait even longer."

Sir, as I have said, the officers and men of the Royal Indian Marine, when they heard our re-organisation proposals in 1927, felt that their ambition was at least about to be realised. They suffered a rude disappointment when this House in 1928 decided to reject this Bill. They waited for six years more and their hopes rose again, but last February they suffered a second disappointment when this Bill was sent for circulation. Only those in touch with the service have any idea how great a disappointment it was to them. And yet all this time, in spite of these disappointments, there has been no relaxation of their keenness or enthusiasm. First under the command of Captain Sir Edward Headlam, and more recently, under the command of that distinguished Admiral, Sir Humphrey Walwyn, who has been lent to India by the Admiralty until next November, they have striven their utmost to make the old non-combatant Marine into a first class combatant service.

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

In the short space of six years they have worked wonders and their success has been far greater than even the experts anticipated. I submit in all humility that these officers and men, both British and Indian, have deserved well of this country, and it is within the power of this House by passing this Bill to show that what they have done is appreciated. If they pass this Bill it will raise not only the prestige, but also the efficiency of the service, and I assure Honourable Members that, if they take this step, they will never have any cause to regret it. Sir, I move. (Loud Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee consisting of Diwan Bahadur Ramaswami Mudaliar, Khan Bahadur H. M. Wilayatullah, Mr. D. K. Lahiri Chaudhary, Mr. B. V. Jadhav, Mr. Gaya Prasad Singh, Kumar Gupteshwar Prasad Singh, Rao Bahadur M. C. Rajah, Sir Hari Singh Gour, Mr. S. G. Jog, Sir Leslie Hudson, Captain Sher Muhammad Khan Gakhar, Sir Abdulla-al-Mámin Sulurawady, Lieut.-Colonel Sir Henry Gidney, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadian Rural) : Sir, "In spite of the eloquent and instructive speech of my Honourable friend, the Army Secretary, I have to oppose the motion that he made just now. I venture to submit that never in the history of the Indian Legislature has a measure of such far reaching consequence been brought forward with so much unostentation and with so much innocence. When this House is asked to legislate for the discipline of officers and men of the Indian Navy, we might be pardoned if we ask the very simple question, 'When did this Navy come into existence and with whose consent was this Navy brought into existence ?' " Sir, these are not my words. These are the words of now Sir but then Mr. Shanmukham Chetty. With these words, you, Sir, opened the debate in 1928 in opposing this Bill. In opening that debate, you put yourself three questions. Who will pay for this Navy, you asked, and you answered that it was the Indian tax-payer. The next question you put yourself was, who will officer this Navy ? Sir, the Army Secretary has just now said that there is nothing to prevent Indians being there. They will be permitted to be there in the very small proportion they have been all along. The third question which you asked then was, who will control the Navy ? Sir, it was said, and you answered yourself in the words of the Government that it will be in the same position as our army is. In 1928, with these remarks, you substantiated your arguments in a very lengthy speech which I wish I could quote in full, but at this late hour I do not propose to quote the whole length of your speech. But with those objections you opened the debate, and the verdict of this House was that the Bill should be thrown out and it was thrown out. (Lieut.-Colonel Sir Henry Gidney : "By one vote.") It may be by one vote, or it may be by any number of votes, but the fact is that it was thrown out. If you take the opinion of the non-officials alone, I think Sir Henry Gidney would agree that it was overwhelmingly more than one vote. However that may be, it is unfortunate that today you are a non-combatant. I would like to ask at the very outset one simple question, what is the hurry for pushing on

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this measure with such a rush now at the fag end of this Legislature? At the last Session, the Army Secretary assured us that there was no particular hurry for pushing on with this measure, and, with that assurance, the Bill was sent to the country to gather opinions. Today it has come back like a bad penny. It did indeed gather some opinion, but like the opinions usually gathered on measures of Government they are opinions mostly of persons who are either their subordinates or their Local Governments, and the opinions that were gathered from the non-official Indians were all few. Would my Honourable friend, the Army Secretary, like to question that statement?

Lieut.-Colonel A. F. R. Lumby: I wish there were more. My regret is also that they were few.

Mr. B. Sitaramaraju: I am very glad for the admission, and I share the regret that they were very few. Now, I want to say that when we send the Bill for gathering public opinion, we really do mean that the opinion that is gathered there is the public opinion and not the opinion of the Government officials. Now, Sir, there was one reason on the contrary why the measure should not be pushed on in a hurry. The empty Benches on this side of the Opposition bears eloquent testimony to the fact that on the eve of the General Election a measure of this character should not be pushed through, especially when they consider that it is not a measure of such urgency that it should be rushed through at this juncture. I trust that I am not alone when I hold the view that there is undue haste on the part of the Government in pushing through this measure. I will quote an authority which even my friend on the opposite side will not question, an authority which is not vitiated by any bad motive or false sentiment. That is the opinion of the European Association. The British Indian Association of Calcutta says....

An Honourable Member: That is a zamindari association.

Mr. B. Sitaramaraju: I am sorry I thought it is an European Association. However, it is the same so far as the views are concerned. We always believe that the Zamindars and the Europeans go together in matters of this kind. This is what they observe:

"That such a Bill should not be rushed through in view of the impending constitutional changes in the centre which are likely to be vast and far reaching is not to be dismissed without bestowing on it the consideration it deserves. While being in full sympathy with the Bill, my committee would draw the attention of the Government to such a consideration. This is a contention which gains considerable weight from the fact that the Government is in no hurry with the Bill, as has been admitted by the Army Secretary speaking on behalf of the Government."

The other Indian opinions also, from such views as we have gathered, would go to strengthen that point of view. It says for instance here that there is no urgency or hurry in the matter and there is no harm in knowing exactly what is going to happen in the future in the Indian Constitution with regard to the control of the Indian forces generally and it would be the best thing for the Government of India and the Federal Legislature to bring forward a comprehensive scheme for the creation of the Indian Navy. If opportunities be given to Indians to defend themselves and to learn the art of defence, then everybody should welcome such a measure

Sir, whatever may be the opinion, the fact remains that we are on the eve of constitutional changes. I am sure, my Honourable friend, the Army Secretary, in spite of his assurance that this is a subject which is to be under the special care and control of the Governor General and not within the purview of the Legislature, would admit that he cannot be taken into the confidence of the Joint Parliamentary Committee which is sitting. It may be possible, if all that we hear is true, that there may be no real Legislature in this country. All our Acts may be passed hereafter in Great Britain, and it is quite possible that we will have nothing to do with the administration of the country. Can the Army Secretary say that he was taken into the confidence of the Joint Parliamentary Committee and can he give us an assurance on the floor of this House that they will respect the rights of the people in this country and will give the people some sort of responsibility, but only this particular responsibility, the Legislature will be deprived of. Sir, we are on the eve of legislative changes. We are apprehensive as to what those changes will be. In all fairness, I ask, is it right, is it proper on the part of the Government that a measure of this kind with such far-reaching consequences should be pushed through at the fag end of this Legislature, unmindful of the changes that are likely to be made, unmindful of the fact that no one can know exactly what relations we will have with institutions like Army and Navy. Sir, it is not my purpose to go over the ground that had been covered by Honourable Members since 1928. There is one point that was made by my Honourable friend, the Leader of our Group, Sir Abdur Rahim, on the last occasion, that this Bill was not a self-contained Bill. The Honourable the Army Secretary today was pleased to answer that objection when he stated that the provisions of the Government of India Act, as amended under section 66, would preclude us from making a self-contained Act of our own, but that it must be only as a supplement to an Act of Parliament and that it must be accepted as an Act of Parliament and that we in this House, if we want to make any changes, can only make such changes as we may deem fit in order to suit the conditions of the Indian people subject to the provisions of the British Act. This raises a very important constitutional question on which I have been devoting some of my time. I have ventilated my points of view on this matter in public print in a series of articles. I shall not attempt to go into any elaborate discussion of the question whether it is right, whether it is proper and whether it is legal on the part of the British Parliament to legislate for us now. It will take not only the few minutes left for me today, but several days. I therefore, propose to deal with that question as briefly as possible and that a little later. I offer now a few preliminary remarks upon the two other questions which are connected with this measure.

With regard to the question of Indianisation, it is not my purpose to say anything more than what has been already said or to repeat all that has been said to press for the claims of Indianisation. The little opinion that was gathered from the public of India shows how deeply dissatisfied they are with the policy pursued by the Government in the matter of Indianisation, and I need not add anything more than what was said then and now and all the time throughout the country.

With regard to the other question regarding our ability to find the necessary funds for a Navy, some people did express the opinion that, in the

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present financial circumstances of the Government of India, the Government of India might not be able to find the necessary funds to have even a decent Navy. My Honourable friend, the Army Secretary, just now said that under the Washington Conference Regulations it is not possible for us to increase the Navy.

Lieut.-Colonel A. F. R. Lumby : My point was that the Washington limitation figures cover the naval forces of the whole British Empire, and not only the Royal Navy. That was the point I wanted to make.

Mr. B. Sitaramaraju : It includes India also.

Lieut.-Colonel A. F. R. Lumby : It includes the whole of the British Empire.

Mr. B. Sitaramaraju : The British quota would include the Indian Navy also ; that was decided ; therefore, according to my Honourable friend, the Army Secretary, the British quota cannot be increased now by means of any increase in the Indian Navy excepting for the purpose of keeping such a small force as may be found to be necessary in order to safeguard the coast of India. Is not that so ?

Lieut.-Colonel A. F. R. Lumby : The second point I made was that, if it was decided, in accordance with the policy of Government, which, as I say, is co-ordinated with the policy of His Majesty's Government, to build, say, a battleship for the Indian Navy, then the British Navy or one of the Dominion Navies will have to go short of a battleship in order to keep within the limitation figure.

Mr. B. Sitaramaraju : Therefore, may I ask the Honourable the Army Secretary whether it is possible for us to build a Navy now under that Convention ?

Lieut.-Colonel A. F. R. Lumby : You cannot increase the total strength.

Mr. B. Sitaramaraju : Under these limitations, it is not possible for us to have a big Navy, a Navy even enough to safeguard and protect for defence purposes the two thousands and odd miles of our coast-line. But we will have the existing Navy and it will be called the Indian Navy ; and, as I have said, that Indian Navy we are now having is nothing but a mere apology for a Navy, as we all have known to our cost when the German cruiser the " Emden " was cruising in the Indian waters. It proved absolutely impossible for us to curtail the activities of the " Emden " in the Indian Ocean, as everybody knows and particularly as we of Madras know to our cost, in spite of all the resources of the mighty British Navy. In spite of the existence of that Navy, of which we have been allocated a little quota of our own for maintenance, that big, mighty Navy did not help us to save even the little part of Madras from being shelled by the " Emden ". Now, Sir, what hope can we have in future that if another " Emden " comes or if any other naval power threatens us that we will be in a position to maintain a Navy at least to defend our coasts ? The British Navy no doubt, Sir, is a very powerful Navy, but it is so far away from us and its usefulness in an emergency on our shores, as we know from actual experience, cannot be so real as is sought to be conveyed to us. Sir, we do attach considerable importance to the question

of a Navy. At any rate, that was my view ; I was always maintaining that the geographical position of India is such that our land borders are provided by God with such impregnable mountain ranges that it is not possible for a foreign invasion through the land frontiers excepting through the passes of Khyber and Bolan. (Lieut.-Colonel Sir Henry Gidney : " Question ".)

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : All the invasions have come from there.

Mr. B. Sitaramaraju : If my Honourable friend had the courtsey to allow me to finish my point, he would have understood what I was going to say about those two passes. Now, my Honourable friend, Colonel Sir Henry Gidney, interjected the remark " question " when I said that we had got impregnable mountain barriers on the north protecting our land frontiers. Sir, I am very sorry that in spite of his having travelled six thousand feet up in these heights, he has not realized that fact. (Laughter.)

Lieut.-Colonel Sir Henry Gidney : That is not a fact. If it were a fact, England would never have taken India from the Mughals who invaded India from the North Western mountain passes.

Mr. B. Sitaramaraju : My Honourable friend has not read the history of India properly. If he will read that history properly and afresh, he will find the answer himself.

Lieut.-Colonel Sir Henry Gidney : Not in the history of South India.

Mr. B. Sitaramaraju : With regard to the two passes, the only vulnerable portions are the Khyber and the Bolan through which foreign invaders did invade the country in the past ; but the passes which were found practically passable by the strong forces coming from the north in those by-gone ages would not be quite so passable now armed with up-to-date engines of destruction. The efficacy of the modern gun was not available then. I am sure, if we had placed our modern weapons in those passes, it would have been found impossible for those forces to advance through these passes. (Laughter.) If the present advances in scientific methods of warfare which manufacture the big guns that could shoot missiles even thirty miles ahead were available then, things would have been different. However, my point is this, considering the impregnable nature of our land barriers, we have been maintaining a very large army for which we have been spending an amount of money that we can hardly afford—an amount entirely out of proportion to our ability to pay. All that we have been maintaining—and I do submit—and I have always been submitting—with such a heavy cost—are not at all necessary for this country. On the other hand, what we do require, for our real defence purposes, is a bigger Navy ; and, therefore, I think any amount of money that we can find for Government for this would all be in the direction of a desirable object ; and I should not in the least hesitate to agree if a large portion of the amount that we have been spending on our army were proposed to be diverted for building a Navy. As our quota is already included in the British Navy, we cannot possibly have the necessary Navy. The question is not funds, but our ability to increase the quota or vary it. Regarding the question of funds, I think that it would not at all be a waste of funds if such an Indian Navy is to be built. I would welcome any expenditure in that direction, because I consider that an Indian Navy is essential for

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purposes of our defence. Sir, I do not want to refer to this question of discipline. We all know that the discipline which obtains in the British Navy is universally considered to be a model, and, if that system of discipline is incorporated into the Indian Navy, there is nobody in this House who will say no to it. We shall always welcome that, and we shall always copy Great Britain in the matter of discipline.

Now with regard to.....

Mr. President (The Honourable Sir Shanmukham Chetty) : How long is the Honourable Member going to take ?

Mr. B. Sitaramaraju : I shall take some time, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now adjourn till tomorrow morning at 11 a.m.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 8th August, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 8th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

INTRODUCTION OF AN AMENDED CANTONMENT BILL.

***Khan Bahadur Haji Wajihuddin** : Are Government aware that Cantonment people are very keenly watching the introduction of an Amended Cantonment Bill, proposing certain important reforms mutually agreed upon between the Government officials and the Cantonment representatives in an informal conference held some two years ago ; and, if so, will Government be pleased to state whether they are prepared to introduce a Bill during the life of the present Assembly ?

Lieut.-Colonel A. F. R. Lumby : It is true that Government are contemplating introducing legislation in the near future to amend the Cantonments Act in certain important respects. Their proposals are, however, still under consideration, and even if the pressure of other legislative business permitted such a thing, it would not be possible for them to introduce a Bill during the course of the present Session.

Mr. Gaya Prasad Singh : Are Government aware that the present Cantonment Act gives very wide powers to the Cantonment authorities and that they are turning out people from their private properties in many of the cantonment areas in the North-West Frontier Province ?

Lieut.-Colonel A. F. R. Lumby : Government are aware that there are many shortcomings in the Act, but I am not prepared to admit that the Act is defective in the respect to which my Honourable friend refers.

Mr. Lalchand Navalrai : May I ask, Sir, if that question will be considered when the Bill is framed ?

Lieut.-Colonel A. F. R. Lumby : I have no doubt that that question will also be considered.

Kunwar Hajee Ismail Ali Khan : May I know, Sir, when do the Government propose to introduce this Bill ?

Lieut.-Colonel A. F. R. Lumby : I hope it will be ready to be introduced in the next Session of the Assembly.

Mr. Gaya Prasad Singh : Are Government aware that the general dissatisfaction with regard to the provisions of the Cantonment Act was given expression to by a deputation which waited upon His Excellency the Commander-in-Chief sometime back ?

(1197)

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order : We cannot discuss the Cantonment Act now.

THE INDIAN NAVY (DISCIPLINE) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further discussion of the Naval Discipline Bill.

Mr. B. Sitaramaraju (Ganjam, *cum* Vizagapatam, Non-Muham-madan Rural) : Sir, yesterday I said that if this measure were to be a mere disciplinary measure, and that if it is intended to be brought into line with the disciplinary powers which the British Navy possesses, we in this House will not have the slightest objection to give such disciplinary powers. The only other reason which was advanced to commend this legislation to us is the status which it would give to the Indian Marine by being converted into the Indian Navy. As a matter of fact, strictly speaking, this Bill really does not convert the Marine into Navy, but merely puts its *dhobi* mark to a legislation that was already enacted in the British Parliament converting this Marine into a Navy. Sir, even assuming for a moment that we have got this satisfaction of joining our hands with those of His Majesty's Government in trying to convert this Marine into a Navy, I am afraid that would be ignoring the history of this problem since, at any rate, 1612. From 1612 right up to 1862, we had, as a matter of fact, an Indian Navy, and it was only in 1884 that it was converted into a Marine. Off and on, it used to be either a Navy or a Marine just as it suited the purpose of the then Government. Whenever they wanted a combatant force, it was a Navy, and whenever they were satisfied with a non-combatant force, it was kept as a Marine. It was a question of the expediency. Therefore, it is not a new discovery of the merits of a Navy that prompted this legislation in the present shape, and the Indian Marine is converted into a Navy. But it was converted into a Navy, as I said, recently under the Act of 1927 by the British Parliament. The British Parliament took that step without consulting this Legislature. Even in that House, a question was asked as to why the consent of this Legislature was not obtained before such a step was taken, and the Under Secretary of State, on behalf of the then Government, said that the Indian Legislature ought to have known the intentions of His Majesty's Government when they published their Departmental Committee's report. Sir, it is not necessary for me to comment upon such a remark. The fact, however, remains that this Legislature was not consulted and that there was absolutely no justification whatsoever for not doing so before they introduced the legislation in the British Parliament. It was said—perhaps very rightly,—that the original intentions of the British Government of 1884, when they converted the Indian Navy into the Indian Marine, did not exist particularly in view of the experiences of His Majesty's Government during the War in the light of the experience gained on account of the activities of the "Emden" as I remarked yesterday. They thought that it was necessary to have a combatant force in our waters to protect ourselves. Be that as it may, my point is this, that it is idle to say now that we have got a new status conferred upon us. The whole point, from our point of view, is, why did you make this change without consulting us? My Honourable friend, the Army Secretary, referred to the amended section of the Government of India Act, section 66, and said, on the

authority of that amended provision, that we have no right even to have a self-contained Act for ourselves even though that self-contained Act would be in accordance with the provisions of the legislation enacted by the British Parliament. He said that, was, the legal position. He said further :

"You have no right to have an Act for yourself; all that you have got to do is, if you have got anything to do in order to satisfy any requirements which are absolutely your own and which were not contemplated by the British Act that you may make such additional provisions as may suit your conditions to the Government of England's Act, but you have no right to have a separate self-contained Act of your own."

Sir, he also referred to the British Act of 1884 to emphasise that point of view, and when he referred to that, he thought that all that could be said have been said and nothing could be said further. Sir, I would like to invite the Honourable the Army Secretary to go a little earlier than 1884. I would like to invite him to go right from the beginning, from the year 1858. I said right from the beginning when I mentioned the year 1858, because, so far as the British Parliament and the British Sovereign are concerned, prior to 1858, in the words of Lord Palmerston, they themselves had no power. It was entirely vested in a certain mercantile community. Therefore, I start with the year 1858. In starting with the year 1858, I would like to say further that the proclamation of the Queen along with the enactment that was passed in the British Legislature are documents of great constitutional importance to us, because it would throw a light upon the terms, conditions and circumstances under which this country passed on into the hands of the Sovereign. In that connection I should like to read only a very short passage from the first Proclamation itself :

"We held ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects and those obligations by the Blessing of Almighty God we shall faithfully and conscientiously fulfil."

And there it was further said,—

"We hereby appoint Viscount Canning to be our first Viceroy and Governor General in and over our said territories and to administer the Government thereof in our name and generally to act in our name and on our behalf, subject to such orders and regulations as he shall from time to time receive from us through one of our Principal Secretaries of State."

"Assuming the direct Government soon after a bloody civil war and giving them pledges which her future reign is to redeem and explaining the principles of her Government, such a document should breathe feelings of generosity, benevolence, and religious feeling, pointing out the privileges which the Indians will receive in being placed on an equality."

mark the words,—

"on an equality with the subjects of the British Crown and prosperity following in the train of civilisation."

In referring to this document, I would like to say that, we acknowledged the Sovereign and the Sovereign had given us the right that She shall treat us with absolute equality with the other subjects of Her Majesty. In other words, this document does not give the right for the fellow subjects of Her Majesty to dictate to us and that we should be subordinate to her fellow subjects. We are all alike and equal before the Sovereign. With particular reference to the question of Army, I should like to read one particular passage from the speech of Lord Derby in

[Mr. B. Sitaramaraju.]

1858 on the Government of India Bill. The 55th clause of that Bill deals with the first of these subjects. He says :

"It has been objected to that clause that it appears to interfere with the prerogative rights of the Crown inasmuch as it provides that none of Her Majesty's forces maintained out of the revenues of India shall be taken except in cases of urgent emergency beyond the frontiers of that country without the previous consent of Parliament. Now, it has been thought—and I confess that the wording of the clause makes it open to a construction which was not intended by its framers."

They did not intend that Parliament should assume control and that the transfer of these soldiers should be in any way controlled by them in a manner to restrict the powers or the prerogative which the Sovereign possesses. Therefore, there was a strong opposition to that clause and the Mover of the Bill, Lord Derby, says as follows :

"But your Lordships will recollect that although there is no prerogative of the Crown more indisputable than that of making war or peace, the constitution has provided an equally indisputable check on the practical exercise of that prerogative by rendering it necessary for the Crown to come to Parliament for the supplies necessary to raise and maintain the troops, without which it would be impossible to carry on a war. But with regard to the troops in India there is, and there can be no such Parliamentary control."

Sir, on this last sentence I wish to lay stress. As I will presently deal, the ordering of the troops, the commanding of Navy and things like that are the exclusive prerogative powers of the Crown, but, so far as the powers of the Crown within the realm of the United Kingdom are concerned, those powers are curtailed as a result of the constitutional struggle which the English Sovereign and the English people have had for a number of years, but so far as the powers of the Crown with reference to the United Kingdom were concerned, there is no doubt as Lord Derby has said that those powers are maintained. But, as he says, so far as India is concerned, there is and there can be no such Parliamentary control. In some subsequent passages of his speech, he gave the reason why such a provision had to be made in the Act of the Government of India of 1858. The Queen was not only the Queen of India, but she was also the Queen of England. If the Queen were to engage herself in a war with another nation, she has the prerogative right to do so, but she must have money to carry it. If she were to depend for that on the revenues of the United Kingdom, the British Parliament had the power to withhold funds and limit the exercise of prerogative power. Therefore, it could exercise a check upon that sovereign right by refusing the supplies. But, in the case of India, as no such control vests in the British Parliament, they were afraid that if the Queen of England were to go and utilise her armies of India and engage in a European conflict, they, the people of the United Kingdom, as the subjects of that Queen, will be dragged into the conflict without their consent. They wanted some sort of protection for themselves against the exercise of that prerogative power with regard to India. That is the reason why, in the original draft Bill, they said that Her Majesty should not use the Indian troops beyond the limits of Asia. As even that was too wide, they subsequently modified it by enacting that she should not exercise that power except for the defence of India. They merely stipulated for a safeguard against being dragged into a European conflict with the help of Indian revenues and troops, transgressing the limitations imposed on her by the constitution of the United Kingdom. Therefore, they wanted that the prerogative power should be

restricted to this, that so far as India is concerned, she cannot utilise those Indian forces without the consent of Parliament for purposes beyond the defence of India. That being so, I should like to say that the present legislation, which interprets those provisions in a contrary way by putting the position the other way round, and I consider that a legislation of this description, if such a provision is enacted by the British Parliament, would constitute not only an invasion of the rights of the Crown vested in the Crown as its prerogative power, but it is equally, as I shall presently show, an encroachment upon our inalienable right. It may be asked, how our position is materially improved by this power being absolutely vested in the sovereign from its being shared by the sovereign with the British Parliament. It is not necessary for my present purpose to go into that question, but for which purpose it is necessary that I should briefly observe the powers of the Crown itself.

The Crown, generally like all Crowns, has all the powers vested in it. The powers of the Crown are all-embracing. The legislative, the judicial and the executive powers are all vested in the Crown. These triple powers of the State are all vested in the Sovereign absolutely. Now, of those three powers, I am now directly concerned with the legislative powers. The legislative powers, it cannot be denied, are absolutely vested in the Sovereign. There can be no Parliament without the Crown summoning it, there can be no Act of Parliament without the Sovereign's consent. There can be no Parliament without the Sovereign. Parliament means, Commons, Lords and the Sovereign. It cannot even function without the Sovereign's orders. But so far as the United Kingdom is concerned, the absolute powers which the Sovereign possessed with regard to the Legislature after a constitutional struggle between the Crown and its subjects in the United Kingdom were to a certain extent limited. It is not necessary for me to go into that limitation exercised by these subjects within the United Kingdom. From our constitutional point of view, the Sovereign has got the legislative power, but the Sovereign has no legislative function. I hope, Honourable Members will draw a clear distinction between the legislative power and the legislative function. So far as the United Kingdom is concerned, the legislative function was vested in the British Parliament, whereas, in possessions beyond the realm of the Kingdom of Great Britain, wherever the Sovereign has not created a Legislature, that legislative function is not satisfied, and, therefore, the legislative function is discharged by a vicarious authority, the British Parliament. I refer Honourable Members to Jenkins' "British Rule" and also to the leading cases on that subject noted therein. I particularly refer to the case, known as Sandy's case, where it was observed that where the sovereign creates a Legislature beyond the realm of the United Kingdom and vests in that possession a legislative body, the legislative function of the sovereign is satisfied. And what was more important for us was that it was clearly and specifically stated that even the Sovereign, which vests the legislative function in another legislature, had no power herself to withdraw those powers once vested. It may refuse to sanction her Acts, but cannot deprive the function once vested. Therefore, Sir, my submission is that there can be no doubt that that is the legal position and also the proper position and that is the legitimate attitude for any reasonable person to take, because there can be no two Legislatures in one State.

[Mr. B. Sitaramaraju.]

Either the British Parliament must legislate for us for all purposes or we must exercise those powers. There can be no partnership. If they exercise those powers and want to take us only into partnership, we respectfully submit that that is a position legally untenable, constitutionally improper and morally unjustified. In stating this position, I may mention that I am not the discoverer of this point of view. If Honourable Members only care to read the constitutional struggle which went on for nearly a hundred years between Great Britain and Ireland, between Britain and the Colonies, they will find that this is a point of view that was not only pressed hard on Britain but finally had to be conceded by the British Parliament. If Honourable Members look into the circumstances under which the Renunciation Act in the British Parliament was passed, so far as Ireland was concerned, the whole of the circumstances and the struggles which led to the passing of that Act by which the point of view had to be conceded that the British Parliament should not legislate for Ireland would be evident. Further, I do not refer to the question of the United States of America, because, the constitutional struggle between the United States of America and the United Kingdom did not take a peaceful course of a constitutional agitation, but a much more serious aspect. The result was the loss to the United Kingdom of a great empire in America; but with regard to the various small mushroom colonies that are scattered all over the world, the struggle was very bitter. Finally, in their case also, the struggle compelled the Government of England to withdraw the Registry Bill which they had enacted in the British Parliament, giving ultimately the success to the point of view that Parliament should not legislate for them. The position of India is even stronger than that of these colonies. I consider it as even parallel to that of Ireland than the colonies. No doubt the Honourable the Law Member is very much amused, but I would like to point out again that the whole point is this.

The Honourable Sir Nripendra Sircar (Law Member) : I can assure him that I am not amused; I am rather oppressed by the length of the Honourable Member's speech.

Mr. B. Sitaramaraju : The whole point is this : that with regard to the various colonies and the British people settled in different parts of the country the law is that though they might have migrated from England, their own native home, still they are under law bound by the laws of the United Kingdom and they are expected to owe allegiance to the British constitution. But so far as India is concerned (I can say that it holds an exact parallel to Ireland), there is no inherent right for the British people to legislate for us and expect us to owe allegiance to the House of British representatives. The way in which this country was transferred to the Crown and the pledges that had been given would only make us feel that any act of legislation, when once a full-fledged legislature is created in India,—as we are expecting will be created now,—then the British Parliament should not have any interference with our Legislative Rights. In presenting this point of view, my main purpose is to have it on record, because I do consider that the British Parliament could not be said to have been encroaching very much prior to the year 1919, because the British Parliament on two occasions,—one on the question of the opium revenue and the other on the question of the Indian Civil Service,—passed

two motions, the one in the year 1892 and the other in 1894; in those days, the Government of India, being a strong government, did not allow the British Parliament to interfere with them, and the two motions which were passed by the British Parliament were not accepted by the then Government of India. So much regarding Parliamentary control prior to 1919.

Of late, the Government of India are only holding a watching brief for the Secretary of State and His Majesty's Government. A new orientation had taken place from the year 1919. For the first time, in 1919, when the salary of the Secretary of State was transferred from the Indian Revenues to the British estimates, the first link of controlling this country by the British Parliament was forged and the subsequent legislation of which this Navy Act is an important piece, and the legislation that is now contemplated are further measures to bring in more provisions to effectively control this country and bring it under the subjection of the British democracy more and more.

Without detaining the House longer, I wish briefly to state that this point of view that the British Parliament should not encroach upon our legislative rights, the principle fought by Ireland and the Colonies in the past was not pressed by us so far because the justification or cause for it has been only forcing itself upon us since 1919. Therefore, I wish to point out that the more control the British Parliament try to exercise, the greater will be the incentive to press this point of view, and, I wish to have it on record that this point of view is not only legitimate, but is just. With these words, I oppose the motion.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : Sir, before I deal with this matter, I desire to offer my congratulations to the Army Secretary, Colonel Lumby, for his very excellent speech, and for the very lucid way in which he explained what has been to this House a sealed book, and also for the very fair and square manner in which he tried to dispel the suspicions that have been lurking in the minds of Members on all sides of the House. Having said this, Sir, let me remind Honourable Members that there is a common saying in colloquial English, when a thing is really not what it really is, i.e., when it is a gross exaggeration or incorrect statement, to retort : "Tell it to the Horse Marines". I was tempted to ask, in view of the Royal Indian Marine never having, in the past, played the part of a Navy, whether this saying had its birth in the Royal Indian Marine in the past—not in the present, which, under the present able Vice-Admiral, is an effective Force. This Bill to my mind is meant to change the name of Royal Indian Marine into the Royal Indian Navy and to give statutory effect to the Indian Naval Discipline Act and so afford the Flag Officer Commanding the Squadron power to deal with his own budget without being, in any way, subordinate to the Commander-in-Chief for the expenditure of his annual budget of 67 lakhs. This object of the Bill, I am sure, will find support from all parts of the House. But let us see what the Royal Indian Marine really is. Very few people know that its ships are known in Bombay as the white elephants of the Government of India. It has a number of sloops, five I believe, one Depot Ship and two patrol boats. It is doubtful whether a change of name is going to improve its efficiency and make it more attractive to the youth of India; I hope so. The Royal Indian Marine,

[Lieut.-Colonel Sir Henry Gidney.]

Sir, has had a very chequered career, as the last speaker pointed out. Indeed, history tells us that in the year 1830, it was called the Indian Navy. The present Royal Indian Marine had its life from, I think, 1686, when it was used to defend the trade of India against pirates, especially some very notorious pirates, one in particular named Angria. From that time onwards, it has been called by different names, until in 1929 a Bill was presented to this House, that had already passed both Houses of Parliament, but which was thrown out by this House by one vote. But despite that, the Indian Government, with the permission of the Home Government and the Admiralty, did effect certain changes in the Royal Indian Marine, in that it gave permission to its officers to wear the same uniform, but with different buttons to the Royal Navy, and His Majesty allowed the Royal Indian Marine ships to fly the White Penant and Ensign, and, so, we see the Royal Indian Marine as it presents itself today for improvement and conversion into the Royal Indian Navy. I mean its past position, almost like the Portuguese Navy consisting of Admirals and Captains and a host of other officers, but with no ships or men. But the Royal Indian Marine today, Sir, is a much improved and efficient arm of maritime defence. It has certain distinctive features and certain distinctive functions to perform. I think I am right in saying that its function is not a naval one. It is mainly employed in sweeping mine, for which they have a staff of officers which compares favourably with the Grand Fleet, and is also trained in signalling, gunnery and musketry training, and so forth, but to say that it is a Navy in the strict sense of the term is absolutely wrong. Sir, I will not weary the House by going into the details of the composition of the Royal Indian Marine, except to say that of the sloops it possesses today though most of them are seaworthy, they take no part in defending the coasts of India, which maritime defence has been entrusted, since 1869, to the Royal Navy. Now, in introducing this Bill, the desire of the Honourable the Army Secretary and the Government of India is to so improve the Royal Indian Marine that it will form the nucleus of an Indian Navy. The Honourable Member has explained to us, with great emphasis and force, that the Royal Indian Marine today is not very attractive to the Indian lad, that ever since it was thrown open to competitive examination, only 51 candidates have appeared as officers and three have been selected, and that the total of Indian officers and officers-designate is fourteen. Sir, in this connection, I would like to point out that the Officer-personnel of the Royal Indian Marine is 118. The total ratings is 1,011, which gives a proportion of one officer to ten men. Now, what I would like to point out to the Honourable Member is this,—much as I agree with him that it is necessary to improve the Royal Indian Marine and to make it more attractive to the youth of India, I think it would be much better, if one started the change not from the top, but from the bottom. We have in the Royal Indian Marine five sloops and three or four other smaller vessels, but this small Fleet has an officer-personnel out of all proportion and needs to its total strength of 1,011. Indeed it is so top-heavy with officers as to amount to financial profligacy and, in my opinion, could, without loss of efficiency, be halved. It has a Vice-Admiral and various other staff officers, as Chief of the Staff, etc., and it seems to me that this personnel is an extravagance. I would suggest that in this Bill, we of the Committee, should be allowed to modify it in such a

way that we might be able to create a Navy starting from the bottom, with more ships and more men and not such a surfeit of officers.

An Honourable Member : Where is the money ?

Lieut.-Colonel Sir Henry Gidney : I know, the Army Secretary will say, that this is impossible owing to financial stringency, but, then, why have a Navy in name and not in game. My desire is, if this Bill is to go to a Select Committee, that the Select Committee should be empowered to make modifications and recommendations which are outside the purview of this Bill. I think this will serve a very useful purpose. I, myself, think that we should really concentrate our attention more on the ships and their personnel, the lower personnel, than add to the cost of officers, as the cost is already hopelessly extravagant.

This Bill, when it was presented in 1928-29, was rejected by a margin, as the last speaker rightly pointed out, for various reasons, by a margin of one vote. The first reason was slowness of Indianisation. The Honourable the Army Member has rightly pointed out that the personnel of this fleet is so small that we cannot possibly satisfy all communal demands. That we will have 14 Indian Officers out of 117 officers in the immediate future, I think, shows a very rapid pace of Indianisation. I want Members on the Opposite Benches to realise that no Navy can be built in one day or a month or a year. It took hundreds of years for the British Navy to achieve its present perfect standard, and we must not think, when the pace of Indianisation is not to our liking, that the Government is not encouraging Indianisation. A too precipitous Indianisation would only ruin the object we all have in view. Sir, if we were to encourage and rapidly Indianise the Indian Navy as some Opposition Members demand, i.e., before they obtain their sea-legs, we would find most of the crew still suffering from mal-demere, or, to put it humorously, indulging in that naval song "a return of the swallow" (sea-sickness).

Sir, what we really want is a steady pace in Indianisation, because as in the Army so in the Navy, you must learn to crawl before you can walk, and you have to walk before you can jump. And we must not, in our desire to too rapidly Indianise the Navy, think that we can build a Navy all at once and recruit it entirely from Indians. Let us see what Indianisation of the R. I. Marine has really achieved. The lower ratings, about 900 strong, are entirely Indians. These Indian ratings are recruited mainly from two communities, Goanese and Muhammadans. The Muhammadans come from the Ratnagiri Coast and are the descendants of the old Mahratta pirates—they make excellent seamen. In this connection, may I point out to the Honourable Member, that he is recruiting Goanese from Goa, which is not a part of British India. I do not object to them. But by recruiting non-domiciled Goanese my Honourable friend is violating the order of the Home Department of the Government of India, which states that no foreigner can be enlisted in the Government of India without the sanction of the Home Department of the Government of India. I make this statement deliberately and purposefully, because, I ask, when you can get the best kind of recruits from Muhammadans in India, why should you recruit for the Royal Indian Marine from a country, Portuguese Goa, that is foreign to British India ? I should like the Army Member seriously to consider this point. The Government may talk about Indianisation, and try to do all they can in the new Bill, but the present Bill falls far short of the Air Force Act. The Air Force Act, when it was passed, gave us

[Lieut.-Colonel Sir Henry Gidney.] great hopes, with an assurance, that the personnel would be recruited entirely from Indians, and when eligible Indians were not available, the British Royal Air Force would loan us personnel. This Bill, as far as Indianisation is concerned, falls far short in comparison of the desire of all of us, because it still intends to recruit most of its personnel from England and it is not a true, but a camouflaged attempt at Indianisation of the new Royal Indian Navy. Let me give you another instance of this camouflaged Indianisation, and I do so with all respect to the Honourable the Army Secretary, because I know he is sincere in his desire to Indianise the Royal Indian Navy. This incident happened sometime ago, not during his tenure of office. A few years ago, in 1924, one superior and seven wireless operators for the Royal Indian Marine were lent by the Posts and Telegraphs Department, they consisted mainly of members of the Anglo-Indian Community. In 1928, it was suddenly discovered that these men,—many of whom had served in the wireless stations in the remote coasts of Burma and Persia and other remote parts of the Indian Empire and had proved useful wireless operators,—were inefficient and incapable of doing the work of Royal Indian Marine wireless operators, and the Director General of Posts and Telegraphs decided that they should not continue the work and they were, in 1931, replaced by ex-naval ratings who were brought out from England on a high salary of Rs. 250 per mensem plus Rs. 60 rations. Does the Army Member call this a serious attempt at Indianisation? I call it an insult to one's intelligence and unworthy of any Director General of Posts and Telegraphs to undervalue his men. I hope the Honourable Member will consider this in his future efforts of Indianising India's new Navy.

The second reason for rejecting the Bill in 1929 was the cost. I know that some Members in this House consider the cost of the Royal Indian Marine to be exorbitant, but the Honourable Member has assured us that there will be no additional cost by the passage of this Bill. That means, in other words, that the development of the Indian Navy will be static. There will be no advance or serious attempt to give India a real Navy. I do not think that any Member of this House would be against starting a Navy which is to be really an Indian navy, provided the cost is within reasonable limits. I think a Member in the 1929 debate said, that it did not matter whether it cost rupees two crores, he would be prepared to vote this amount for a navy on real lines and not a navy in name. Rs. 67 lakhs is the cost for the maintenance of the Royal Indian Marine and India gives an additional annuity of £100,000 to the British Government for the maintenance of the East Indian Squadron and the maritime protection of her enormous coast line. Personally, I think, that India receives a great deal for the little that she gives, because just conceive of the thousands and thousands of miles of Indian coast that the British Royal Navy is protecting at the ridiculous cost of only £100,000. But I am not complaining of that. What I am complaining of is that today we are maintaining two Navies for the protection of the shores of India, the Royal Indian Marine and the East Indies Squadron. The Royal Indian Marine is commanded by a Flag Officer Commanding who draws a salary, excluding a handsome sumptuary allowance, of over Rs. 3,000 per mensem, and the East Indies Squadron is under a Vice Admiral who draws a salary of over Rs. 4,000 per mensem. Here we have two navies in two watertight compartments. Can you conceive of any Indian Army consisting of two separate armies

in two watertight compartments? I think that we should in this committee realise that the time has come when India should make a serious and practical start to develop her own Navy and not maintain two navies. I mean a real Indian Navy of our own, trained, at first, by British Officers, but with a hope of complete Indianisation in the years to come.

But apart from the cost, the most serious objection to my mind that was expressed against this Bill in 1929 was the constitution, or, in other words, the control of the Navy. Mention has been made, both by the Army Secretary and by the last speaker, my Honourable friend, Mr. Raju, that this Navy Bill is before the Joint Parliamentary Committee. As a member who attended that Committee, I can assure the House that not a word was spoken about it in my hearing.

Mr. B. Sitaramaraju : I never said that it was before the Joint Parliamentary Committee.

Lieut.-Colonel Sir Henry Gidney : I speak subject to correction, but I think, my Honourable friend said that his reason for objecting to this measure was to this effect : why hurry to pass this Bill when the matter is before the Joint Parliamentary Committee, or words to that effect.

Mr. B. Sitaramaraju : What I said was that the Honourable the Army Secretary was not justified in anticipating the constitutional changes with regard to the control of the Army and Navy.

Lieut.-Colonel Sir Henry Gidney : If that be so, I stand corrected, but at the same time, the impression on my mind was this, that one of the chief objections the Honourable Member urged against the acceptance of this Bill was, why hurry with the measure when Government had already expressed their opinion that there was no necessity for such hurry? If he is serious in this objection, I ask the Honourable Member, why does he hurry for Indianisation of the Army, why not wait till the constitutional changes are known to India? Again why hurry for Indianisation of the Indian Air Force, why not wait till the new India Bill is passed? Surely, if you are really in earnest to Indianise the Navy and to get some control, why do you want to wait till the report of the Joint Parliamentary Committee is out, why not make a beginning at once, why waste time?

Mr. T. N. Ramakrishna Reddi (Madras Ceded Districts and Chittoor : Non-Muhammadan Rural) : Because the Indian tax-payer pays every pie of the expenditure for the Army and the Air Forces, that is why we want Indianisation.

Lieut.-Colonel Sir Henry Gidney : I am glad the Honourable Member interrupted me with his observation, because that is just my view. I am with him in his desire to Indianise, but I ask him and the Opposition why delay and put forth as an excuse : "Let us wait for the report on the White Paper and the New India Act?" Why not get a move now that we have this opportunity offered to us?

Mr. T. N. Ramakrishna Reddi : Let the Government promise that the whole of the recruitment for the Navy hereafter will be Indian, then we shall give our support to it.

Lieut.-Colonel Sir Henry Gidney : I am afraid that the Honourable Member does not realise that you cannot make or Indianise a Navy overnight and that it will take many years before you can get a completely Indianised Navy. (Ironical "Hear,

[Lieut.-Colonel Sir Henry Gidney.] (Hear, hear from the Opposition Benches.) Does the Opposition want a toy Navy as is the Royal Indian Marine today? Does it want Indian Admirals, etc., before they have even acquired their sea-legs? If so, such a Navy will be full of men who will spend most of their time indulging in the pastime, I have already referred to, viz., "a return of the swallow".

I see Mr. B. Das is loudest in his ironical "Hear, hear." I ask what does he—a land lubber—in particular, or any other in this House know about a Navy? We are laymen. But the Opposition in opposing this Bill are making use of the occasion, as a means to an end—regarding electioneering speeches and who stands more in need of such help than the camouflaged Congressite, Mr. B. Das?

Here, today, all of us are crying out for an Indian navy but the Honourable Member, Mr. Raju, in the course of his lengthy speech wants to delay the passage of this Bill, indeed to reject it. The Honourable the Army Secretary told us that the incompetency or rather the imperfections of the Royal Marine are largely due to the present state of things and that by passing this Bill he wants to make the Royal Indian Marine more attractive to Indian lads and more efficient. Then why on earth does the Honourable Member, Mr. Raju, indulge in dilatory tactics and ask the Government to wait for the report of the White Paper? You are not going to gain anything in that way at all. On the other hand, you are going to lose a lot.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Thanks to your membership of the Round Table Conference!

Lieut.-Colonel Sir Henry Gidney : Yes, Sir, and thanks in abundance to the absence of Mr. B. Das from these Conferences, or who knows, coming as he does from the land of earthquakes and fissures, he may have demanded an Indianised Navy for his Province, Bihar and Orissa.

My Honourable friend, Sir Abdur Rahim, when he spoke on this Bill last time, said that the Bill was not self-contained. At the same time he said that he was in favour of the introduction of British discipline into Indian Navy. That means to say that on its merits, my Honourable friend accepts the Bill and so I say any other reasons for its delay are not real and not substantial, but sentimental and artificial. It would be, I agree, much better if we had a Bill before us such as the 1887 Indian Marine Act, which was really self-contained and which was based, more or less, on the British Naval Discipline Act. But, Sir, this should not deter us from accepting this Bill and sending it to the Select Committee, where we can have opportunities of voicing our opinions and raise other matters than those contained in the Bill; in short that our amendments will not be strictly confined to the disciplinary clauses of the Bill, as presented to this House.

Another objection that has been raised, but one in which I do not think there is much weight is this: A fear was expressed by certain Members of the House that, by passing this Bill, it was the desire of His Majesty's Government to make use of the new Royal Indian Navy as part of the Imperial Naval forces for outside Imperial purposes. The Honourable the Army Secretary has honourably assured us that this is not so. Though in cases of emergency, it will be the duty of the Governor General to use his prerogative, but we are further assured that before the Indian Navy would be used for outside purposes, this House will be given an opportunity to express its views and give its consent. What else do we

want and after that assurance surely this suspicion should not exist? After all when one realises that the new Indian Navy will consist of a few sloops, with a small personnel and that the total power and personnel of the Indian Navy is not equal to one British warship, there is absolutely no substance in the fear expressed by the Honourable Members opposite and to express such a fear only expresses the weakness and hollowness of their opposition.

The Army Secretary has tried very sincerely and very candidly to dispel our suspicions. He has certainly dispelled my suspicion. (Laughter by Mr. B. Das.) I find my friend, Mr. B. Das, laughing in his usual inimical way. I do not care tuppence for Mr. Das's fear and suspicions. I personally have no cause to entertain any suspicions about the intention of Government. If you examine the outside opinions expressed on this Bill, it will be found it has earned the approval of many public bodies. The British Indian Association, which consists of the largest landlords of Eastern India, has, in its opinion, supported and given its blessing to the Bill and said that this is a move in the right direction. Indeed the Mahasabha has also supported it with certain stipulations. It certainly said that an Indian Navy, in reality and not only in name, was absolutely necessary for India. The Hindu Mahasabha in its report has certainly criticised certain aspects of this Bill, but, in the main it has supported its principles and admitted that such a move will give India its first step in the direction of creating and equipping its own Navy. Members on the opposite side who are opposing this Bill are, I venture to say, guided purely by sentimental and individual considerations. They do not seem to realise that, before India can acquire complete self-Government and be capable of undertaking her own defence, it must be in sole possession of its own Army and Navy. In stressing this point my desire is this: "to ask Members on the opposite side to dispel all suspicions left in their minds. My friend, Mr. Das, can talk more of earthquakes and things of that kind than of the Indian Navy, but I would ask even my friend, Mr. Das, to dispel all doubts and suspicions in his mind and wholeheartedly join the Government in its desire to give India its first step in the path of creating and maintaining its own Naval Force. I frankly admit that in changing the name of the Royal Indian Marine to that of the Royal Indian Navy will not avail us much. We do not want to start at the top and create a Board of Lords of the Admiralty. Let us have more ships and more men, but not more Admirals flying their flags on the heights of Simla, as in the past and as in the case of the Swiss Navy. I would ask my friends on the opposite side to view this matter not in an individualistic spirit, but in a national spirit, as I am trying to do. This Bill, if passed by this House, I am sure, would be to the eternal credit and blessing of India, and I do believe, even in its present form, that it presents no insuperable obstacle to the unanimous acceptance of this House to place it in the hands of a Select Committee, where we could but try our utmost to mould it to suit our needs. I, myself, feel that Government is to be congratulated on this its very helpful effort to assist us on our way to the attainment of self-Government in our country—India—whose interests we, in our own lights, are trying to serve. Sir, I support the Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, if I intervene in this debate, I do so with a full sense of my responsibility and I would ask Honourable Members on this side of the House, as well as on the other side of the House, to

My friend, Sir Henry Gidney, has told us that he was a Member of the Joint Select Committee of Parliament and not a word was said as to the future control of the Army and Navy of India....

Lieut.-Colonel Sir Henry Gidney : Not the Army.

Sir Hari Singh Gour : of the Navy of India. Sir, I wish to point out to the Honourable Members of this House that that it is the established policy of His Majesty's Government that the Navy in India should be subject to the same control as the Army in India. Now let me give you the exact words to which I wish to draw your attention. The Under Secretary of State, dealing with the same point, at page 1271, expressed himself in the following terms :

"Someone may ask what opportunity will be given to the Legislature in India to deal with the Bill. The opportunity will be this. In the first place, this Bill cannot come into effective operation in India without consequential legislation by the Assembly, and when that Bill is discussed by the Assembly, there will be full opportunity of discussing the whole question of the Indian Navy. In addition, this new Indian Navy will be in exactly the same position in relation to the Assembly as the Indian Army is at present."

Those are the words of the Under Secretary of State for India, and Honourable Members can now visualize what their predicament would be if they became a consenting party to the creation of an Indian Navy, in which case the position of the Legislative Assembly would be exactly parallel to the position in which they stand in relation to the Army in India. They will vote supplies, or if they do not, they will be certified, and if the strictly logical out-come of the Government of India Act is followed, the Navy Budget will be non-votable, as is the Army Budget. Now, Sir, I wish, therefore, to point out to this House that if it becomes a consenting party to the passage of this Bill, they will be creating an Indian Navy for which they will have no responsibility and over which they will exercise no control. My friend, Sir Henry Gidney, and other Members on this side of the House have been asking for the Indianization of the Navy. That does not disturb me in the least. If every member of the Indian Navy was an Indian, I should not feel happy so long as the Indian Legislative Assembly had no control over its own defence, whether the Army or the Navy or the Air Force. (Hear, hear.) What the Indian public demands is control over the Army, control over the Navy and control over the Air Force. The Indian Army Act has been passed by the Government of India without the consent of this House. We have got, therefore, no responsibility for the Indian Army. But would you be willing partners in the passage of the Indian Navy Bill, the result of which would be to exclude the Indian Legislative Assembly from all control over the Indian Navy? That is the short question that I ask my Honourable friend, Sir Henry Gidney? Is he prepared or is he not prepared?

Lieut.-Colonel Sir Henry Gidney : I do not quite follow you.

Sir Hari Singh Gour : I would ask any Member of this House whether he is prepared to give his *imprimatur* to the Indian Navy Bill on the condition which would apply to the Indian Navy, namely, that this House will have no vote or voice in the control of the Indian Navy, and that the Indian Navy will be treated exactly on the same footing as is the Indian Army at the present moment? (A Voice : "Indian Army is non-votable.") My friend says in helplessness that the Indian Army is non-votable. But will you create an Indian Navy, an offspring of the

[Sir Hari Singh Gour.]

elected majority of Indian Legislative Assembly, and consent to its becoming as non-votable as is the Indian Army? That is the question to which I would ask for a reply. Will any Member of this House get up and say that he is quite prepared to give to the Government of India, irresponsible as they are to this House, the power to bring into existence the Indian Navy which would be entirely independent of the vote of this House and irresponsible to its views? That, I submit, is the main question. I am not in the slightest degree perturbed by the question of Indianization or control or whether a few ratings were Indians or non-Indians. I am more concerned with the question of policy. So long as you have created an Indian Navy, you are responsible for it and not we, but when you come to us and ask us for our vote, and when after that vote you create an Indian Navy, you would then tell us tomorrow that this Indian Navy has been created not by us but by the vote of the Assembly, and that it knew that this Indian Navy would be exactly on the same terms and maintained on the same conditions as is the Indian Army of today. That, I submit, is a short question and let every Member in this House think over it. I appeal to every elected Member of this House, including Sir Henry Gidney.

Lieut.-Colonel Sir Henry Gidney: I am not an elected Member.

Sir Hari Singh Gour: Yes, you are not. But I ask every elected Member whether he is prepared to bring into existence a new force over which he will have no control whatever? That, I submit, is the genesis of this Bill. In the House of Commons, when section 66 of the Government of India Act was sought to be amended by the Conservative Government, loud protests were raised by Mr. Lansbury and by Mr. Wheatley. Let me give you two passages from the criticism of one of the Members of the House of Commons, and you will then realise that when they, your friends in the House of Commons, represented your views and challenged the Conservative Government to pass into a legislative measure a Bill which would exclude the Indian Legislature from any control over the policy of the Indian Navy, what did the Government say? In answer to him, the Under Secretary of State for India said:

"I did not want to bring this Navy Bill in the House of Commons, but I do so because the people of India want it."

That was the statement made in 1927, a statement which was challenged and successfully challenged by your predecessors in 1928. Mr. Wheatley, speaking on this Bill, said as follows:

"I submit that if the Government resists this amendment, then the title of the Bill is a misuse of words. The supreme control of the Navy surely indicates its ownership."

That is to say, the Indian Navy, which you will create and for which you will pay, will be under the supreme control of the British Admiralty. Let them create a Navy of their own, let them tax the people of India, but let it not be with the willing consent of the elected Members of this House. That is our only objection. We are powerless at the present moment to resist the actions of the Government of India, but we have a responsibility to our own people and, as elected representatives of the people, we must not forget that we are giving the irresponsible executive

a further power and control over the finances of this country. Mr. Wheatley further said:

"If the supreme control is to be vested in this House, then this Navy ceases to be an Indian Navy and becomes for all practical purposes a British Navy. It is surprising that the policy outlined here should emanate from the Conservative Party. India is to be asked to pay entirely for its ships and its Navy. Every penny of the cost is to be met from revenue collected from the poor Indian people. (Of whom you are the representatives: forget not.) The Conservative Party comes along and asks us to accept the principle that, although the Navy is paid for by India and according to all the rules of propriety should, therefore, belong to India, we should insist on the right, when it suited our purpose, to be entitled to confiscate this Navy."

In the time of war, and on any occasion, it will be a part of the British Navy although paid for by India and created by the willing co-operation of the elected representatives of the people of India. In another passage, Mr. Wheatley went on to say:

"I want to take this opportunity of entering a most emphatic protest against the provisions of this measure. I do not know what case was or could be made out for the Indian Navy, but I know that no case can be made out for an Indian Navy which is not under the control of the Indian people. What we are asked to do here is simply farcical."

So, you are asked to do here what is simply farcical. Vote for the Bill and create a Navy and then wash your hands of it. Sir, I cannot for a moment bring myself to believe that there will be one single Member in this House representing his constituency who would be a willing partner to the creation of such an Indian Navy and upon such terms. Now, listen to Mr. Wheatley's words:

"We are asked to subscribe to a situation in which there will be an Indian Navy which may be taken away by the very people, who in certain conceivable circumstances may be India's chief enemy, and used by these people, while they retain in their power the right to say who is to pay for the Navy during the time it is being used without the consent of the Indian people."

When this question was put, the Honourable the Secretary of State, I think with his tongue in his cheek, said this is the Navy which is being created with the consent of the people of India and if the people of India do not want it they will say so. This is the opportunity for you, the accredited voice of the people of India to say whether you want an Indian Navy upon these terms.

Lieut.-Colonel Sir Henry Gidney: Or do you want an Indian Navy at all?

Sir Hari Singh Gour: We do want an Indian Navy which we will control.

Lieut.-Colonel Sir Henry Gidney: May I ask my Honourable friend if he will tell me whether he knows of any Indian Legislator or Legislatures in India, possessing adequate knowledge to control and administer any Navy? To my mind, he knows what I say is correct.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadian Urban): Does the British Parliament possess that knowledge?

Lieut.-Colonel Sir Henry Gidney: There are duds there, but they have an Admiralty to advise them.

Diwan Bahadur A. Ramaswami Mudaliar: Here also there are some duds.

Sir Hari Singh Gour : Can my Honourable friend show me any part of the British Empire possessing the dignity which India does and which has an irresponsible Central Government like what we are blessed with here? (Laughter.)

An Honourable Member : Irremovable executive.

Sir Hari Singh Gour : It is the same as an irresponsible Central Government. Now, I wish to point out that the Under Secretary of State for India in answer to the criticisms which were hurled against him from the Labour Benches said :

"May I say in conclusion that I commend the Bill to the House for the reason that to the best of my belief,"

—mark the words, "to the best of my belief"—

and the belief of my noble friend, the Secretary of State for India, and of the Government of India, it is desired by the people of India."

The Under Secretary of State for India, in sponsoring this Bill for the creation of an irresponsible Indian Navy, permitted himself to say that he was acting as the agent of the people of India, and the Government of India in 1927 assured the Secretary of State that the people of India wanted such a Bill. Now, Sir, I need not comment upon this startling disclosure. Where did the people of India want to pay for an Indian Navy over which they will have no control, and which as it was pointed out in the House of Commons will be a part and parcel of the British Navy? Sir, Honourable Members on this side of the House have been raising various questions in connection with this Navy, and, on a previous occasion, the Army Secretary said that there is no large policy involved and that it is just a change in name. But I will ask the Army Secretary to answer one question. If we permit him to change the name, in view of the commitments made in the House of Commons and the purpose adumbrated by the Under Secretary of State for India speaking on behalf of the British Government in the House of Commons, should we not be committing ourselves to the creation of an Indian Navy which will be wholly irresponsible to this House? The second question that I wish to ask is this. It was said on the last occasion by the predecessor of our Honourable friend, Colonel Lumby, that there was nothing at all except a change of name and nothing further was intended or was implied. I have already pointed out to this House that that must have been a statement made under a misapprehension of facts. The object of it was very clearly stated in the House of Commons. The object of it was very clearly stated by the Departmental Committee over which Lord Rawlinson presided and, now, when the Army Secretary comes before us and says, it means no more cost beyond the cost that India is incurring and it simply means a change of name, we gasp for breath and ask ourselves one question. The Army Secretary of today may be succeeded by the Army Secretary of tomorrow and what will the Army Secretary of tomorrow say? This bright jewel, this diadem in the British Crown, calls itself as being the owner of an Indian Navy with two sloops, and nothing more Gilbertian and nothing more farcical than this is conceivable. You, gentlemen, have agreed to create an Indian Navy. I am naturally bound now to create an Indian Navy worthy of the name. (Hear, hear.) The future Army Secretary will say so and if such a question is put what answer will you give?

Diwan Bahadur A. Ramaswami Mudaliar : Non-

Sir Hari Singh Gour : You will conceal your head in shame when you walk into the beautifully prepared parlour of the Army Secretary who says, walk into this and enjoy yourself and do not live in the wilderness. Sir, if this Bill is enacted into law, it will create a precedent unparalleled in the history of British Parliamentary institutions in that it would create an institution irresponsible and uncontrollable by the Legislature which gave birth to it. I ask, therefore, every Member of the House, to seriously consider before he passes his vote in favour of this motion. Sir, it is not a mere change of name nor indeed it has no additional pecuniary commitments. The Indian Navy, as was stated by the Departmental Committee, must be self-contained and self-supporting. I am not here free to speculate but every reader of newspaper knows what is going on in the Disarmament Conference in Europe and what a pathetic sight India presents as a Member of the League of Nations which costs to India 14 lakhs per annum.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : India is an Original Member of the League of Nations.

Sir Hari Singh Gour : In 1921, India became, and was acclaimed to the world as a self-governing Dominion, and, therefore, an original foundation Member of the League of Nations. But where is the vote of India and who is responsible for the vote of India? Who casts the vote of India? It is the Secretary of State. (Laughter.) India has the pleasure and the honour of paying 14 lakhs per annum, but poor unfortunate India has never known the blessings of the League of Nations beyond paying an annual contribution of 14 lakhs. (Hear, hear.) The Disarmament Conference has been going on in Europe and will result in the establishment of a quota for Great Britain. If such a thing happens, we can well understand that India as a foundation Member of the League of Nations will be given two dreadnoughts or so many cruisers to be the possessor of the Indian Navy. And it will be said, before the Disarmament Conference, that this is the Navy of Great Britain and this is the Navy of India. Remember, Sir, India has suffered a great deal in the past by her glorification of status to an equality with the other self-governing Dominions of the British Commonwealth; but do not fall into this trap once more, because the moment you create an Indian Navy you will be liable to a certain quota, a quota for which you will pay and a quota for which you will not be responsible. I, therefore, feel that, when I see the environments around me, the powers in the East and the Far East arming themselves for the coming conflict, when I see the drastic and desperate efforts being made in the West for the limitation of armaments, that India may not, in a moment of hurry and scanty consideration, lend itself to a policy in which the revenues of India will be hypothecated but the people of India will gain nothing from the creation of an institution called the Indian Navy. I would ask every Member, occupying the Opposition Benches, to cast his vote against this motion. (Loud Applause.)

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this motion for reference to the Select Committee. This Bill has been seriously criticised on this side of the House and many Members have brought in your name and reminded the House that you took an important and leading part in opposing the Bill, when it came up before this House in 1929. But, Sir, it is well-known

[Mr. B. V. Jadhav.]

that much water has flown under the bridges since then and I do not know, whether if you had an opportunity now of sitting on the front Opposition Benches, you would have maintained the same attitude as you did on the last occasion. Men learn by experience and strong men are not unwilling to correct their wrong opinions formed on former occasions. One of my friends, who is an Executive Councillor in Madras, has recently given an instance in point. On former occasions, he had maintained that Andhra ought to be made a separate Province, but on this occasion, he reconsidered the whole position and re-examined all the facts and came to the conclusion that it would be disastrous to the interests of Andhra Province and to the Madras Presidency generally to separate that Province and other Provinces on a linguistic basis; and he had the moral courage to say that he had changed his opinion.

Much of the opposition has been based upon sentiment. As the Honourable Justice Din Muhammad has described in his opinion:

"The criticisms directed against the Bill, both when it was first introduced in 1928 as well as at the time of its present introduction, appear to me to be based more on sentimental grounds than on sound reason."

And I say, Sir, that even the principle of this Bill is based upon sentiment. What is the principle of the Bill? The principle is that the forces hitherto known as the Royal Indian Marine should henceforth be called the Royal Indian Navy. And the reason given is that it will add prestige to the men and officers in the Royal Marine, and so on. This again, I say, is a sentiment. Some may even ask, what is in a name and why change the name? But then, as it has been pointed out, it is a sentiment and I myself honour that sentiment. There is something in that name, and the change from the name of Royal Indian Marine to Royal Indian Navy means a great deal to the personnel of that force. Now, Sir, the opposition is based first on the ground that this House was not consulted by the Home Government, before they introduced legislation to amend section 66 of the Government of India Act in the British Parliament. The only way in which this House could have been consulted was to bring a Resolution for discussion in this House whether in the opinion of this House it was necessary to change the name of "the Royal Indian Marine" to the "Royal Indian Navy". I think that was the only course open, if it was intended to consult this House. The vote of this House could not have been taken on the introduction of a Bill for that purpose by the House, because this House at that time did not possess any authority to legislate on the navy question. The powers of this House are limited by the provisions of the Government of India Act, and until the amendment in section 66 of the Government of India Act was passed by Parliament, this House was not in a position to consider any question relating to the Indian Navy. From the tactical point of view, I do think that it would have been better for the Secretary of State and the Government of India to have consulted this House; but it is well-known in European politics that England is very blunt and is very wrong-headed in these respects. Had Lord Curzon, for instance, when he took over the lease of Berar from the Nizam, consulted the people of Berar as to whether they were willing to go under the administration of His Exalted Highness the Nizam, I am quite sure that the overwhelming majority would have voted in favour of not going under the administration of His Exalted Highness. But, Lord Curzon, as is well-known, was an Imperialist and

quite indifferent to the views of the public, and, therefore, without consulting the people or ascertaining their views he took over the perpetual lease of Berar from the Nizam. This has led to a number of difficulties all of which would have been avoided if he had taken a plebiscite or tried to ascertain the views of the people then. The result would have been the same. People would have remained under British administration; there would have been a few people—I should say, a microscopic minority—who would have voted in favour of the transfer, and Lord Curzon would have been justified in taking over the lease and that question would have been settled for ever. But as is well-known, the Englishman is rather clumsy, and, therefore, is rather callous or indifferent to the views of others. He thinks that as he is doing good in his own way for the welfare of others, they ought to be satisfied and grateful to him. There he commits a mistake, but I do not think that mistake can be cured by any criticism in this House.

Then, another objection to this measure is that the future Navy of India will not be under the control of this House. It is well-known that the three branches of defence, viz., Army, Air Force and the Navy ought to work as a united whole. It cannot be partitioned, especially in the matter of control. The control for all these services ought to be in one hand, and I shall be very glad when the whole control will be in the hands of the Government of India, responsible to this House. But until that time comes, I do not see that it will conduce to the discipline and well-being of any branch of the service to be separated in the matter of control—in fact to have divided control. The control over the Army at present is with the Government of India nominally, but really with the Army Council in England; and this condition, it is evident, is to continue for some time longer. A beginning has been made to Indianise the Army; but the pace has been kept so very slow, and the number of officers which will be required to Indianise the officer ranks has been increased to $2\frac{1}{3}$ times more, so that it is very difficult to calculate how many years it will take to Indianise the Indian Army. Then, there is the question of the British Army, and so on. The pace, I think, has been kept very slow in the Army, and so also in the case of this proposed Indian Navy, or as for the present day Royal Indian Marine, it is also very very slow. The Honourable the Army Secretary has promised that the pace will be quickened, but the chief complaint is that young men of the requisite standard do not come forward. He has admitted that for the lower ranks, for the lascars and so on, the material is very good and plentiful. But his complaint is that for the higher ranks the material is not sufficient. I may point out to him that, in the case of sea service, it will not be easy to find material ready at hand. People who have a liking for the sea are to be found on the sea coast and especially among the fisher folk. These communities are quite illiterate, and steps will have to be taken by the Government by granting scholarships and other methods to educate the young boys from among these classes. My friend, Mr. B. Das, whose Province of Orissa is on the sea coast will be of much help to Government if they care to consult him in this respect....

Mr. B. Das : I am going to oppose the Bill : you will see later on.

Mr. B. V. Jadhav : But do not oppose the education of the fisher folk.

Mr. B. Das : That will be a provincial subject : I will see to it.

Mr. B. V. Jadhav : In the Province of Bombay too, much can be done in this respect. The Indian Marine Department has recognised the qualities of the Mussalman fishermen and boatmen on the Ratnagiri coast and the lower ranks are almost wholly manned by them. The other Hindu communities, such as the Bhandaris, the Kharvis, and the Daldis, and the Mahrattas on that side too, have a good deal of knowledge of the sea, and, if proper encouragement is given, I do not think that they will fail to supply the right sort of material for the officers ranks in the future Indian Navy. At present, the selection is left to a body, which sits at Imperial Delhi and is disposing of matters affecting the sea. Let them hold the examination at Bombay, or Calcutta, or Puri or Madras, and perhaps they may find more plentiful material coming forward.

Indians in former times have had their navies. It is well-known that the ancestors of the Chief of Janjira were admirals in the service of the Great Moghuls, and the founder of the Mahratta Empire, Shivaji, started his own navy when he realised the importance of it. That Navy was guarding the western coast of India, and proved itself an eyesore to the East India Company. It was a pity, Sir, that that navy was allowed to be annihilated by the later rulers at Poona, and there they took the help of the East India Company in putting it down. The commanders of that navy and the captains of the ships were all Indians and were drawn from the western coast of India, and they had at that time proved themselves quite efficient and quite able enough to fight with the ships of the East India Company. The scions of those houses will be very proud indeed to continue the history of their past services, and if proper steps are taken, I do not think that there will be a lack of suitable material coming forward to officer the Indian Navy.

At present, the strength of the Royal Indian Marine is very small, and I agree with my friend, Sir Hari Singh Gour, that at some future time, the Government may come forward and ask for some money and more grants to enlarge it and to fit it for the exalted name of an Indian Navy. But, Sir, there is no standard laid down as to how many ships, big and small, should constitute a navy. Small States in Europe and America have got very small personnel in their navy, and still they call themselves nations with a navy of their own.

As for the danger that as India is a member of the League of Nations and that in the future Disarmament Conference India will be allotted a quota which she would have to maintain, I think the quota will not go by dominion, but it will be for the whole of the British Empire Navy. It is well-known that all the constituent parts of the British Empire have got their armies and they have also got their naval forces, but when an emergency arises, and the forces of the whole Empire are mobilised, all these forces are pooled together and used against the common enemy. Therefore, I do not think, Sir, there is any danger of our status at the League of Nations which we have acquired by paying an exorbitant price, and also by paying a subscription of about 14 lakhs a year, being a drag in our way or that it will tie round our neck a bigger navy. I am not enamoured of this membership of the League of Nations, and I think that India does not derive an adequate benefit from it, and it would not be to our great loss if India were allowed to withdraw from her membership of the League of Nations. But, I do not think that in the matter of the Navy the membership of the League of Nations will be prejudicial to us.

and that in any future decision that may be arrived at by the Disarmament Commission, if it ever succeeds, it will put down a quota of bigger ships and bigger equipment for India.

The Army Secretary, Sir, has assured us that for the present, for a few years more, there will be no increase in the expenditure on the Indian Marine. I am ready to accept that assurance. I see that the present personnel is paid on the same scale as corresponding officers of the Royal Navy, and, therefore, by the change in nomenclature, there need not be any extra expenditure. What will take place ten years hence, one cannot say.

As regards the control, I need not say anything further. It is a great constitutional question, and it will have to be fought out constitutionally, but for the present, I think, the change asked for may be allowed by this House.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : Sir, most of the previous speakers dealt at great length with the Bill from a legal and constitutional point of view, but my object in rising to speak on this measure is to make a few observations in support of the Bill, entirely from the defence of India point of view. Sir, the Bill under discussion had its origin as far back as 1925, when, as my friend, Sir Hari Singh Gour, said a departmental Committee was appointed by the Government of India under one of the greatest soldiers, I mean the late Lord Rawlinson, the then Commander-in-Chief, but my friend did not explain the object of the Committee. Sir, that Committee was appointed with the object of drawing up a scheme for the conversion of the Royal Indian Marine into a permanent fighting unit to be trained and employed on such service as that sort of force could undertake with that small strength and also without a considerable increase in the cost. At that time, it was also contemplated that by this means the nucleus of an Indian Navy more or less analogous to the naval forces of the Self-Governing Dominions would be provided for India and thus the reconstruction of the Royal Indian Marine as a combatant force would enable India to enter upon the first stage of her naval forces, and eventually to defend the coasts of India. That was the kernel of the whole problem. Now, this Committee presented its Report in 1925, and during the next two years the re-organization of the Royal Indian Marine force was carried out.

Sir, in 1927 a Bill was passed in Parliament amending section 66 of the Government of India Act which made provision for bringing into existence of the Royal Indian Navy, and this amending Act, amongst other things, enacted that the Indian Legislature would have power to apply with necessary modification the British Naval Discipline Act to the proposed Royal Indian Navy. In 1928, Mr. G. M. Young, the then Army Secretary, introduced this Bill to provide for the application of the Naval Discipline Act to the Indian Navy. The question of a navy is of national importance. Naval defence involves, firstly, the maintenance of a fleet of war for guarding the country's shores from hostile invasion and the other is the protection of Indian shipping in Indian harbours and the convoy of sea borne trade in Indian waters. The enormous coastline of India would be peculiarly vulnerable in war, if any power attacked the Indian shores. The Emden's visit in 1914 is sufficient to show what a tremendous damage can be done even by isolated raiders.

Mr. B. Das : What was the British Navy doing then ?

Captain Sher Muhammad Khan Gakhar : Many thousands of people of Madras fled away within a few days of the Emden's attack.

Diwan Bahadur A. Ramaswami Mudaliar : All foreigners, people from the Punjab and other places.

Captain Sher Muhammad Khan Gakhar : I hope that my Honourable friends from Madras would not delay the passage of this Bill, which raises an Indian Navy.

As regards Indianisation, the Army Secretary said that vacancies in the commissioned ranks would be entirely reserved for Indians if suitable candidates were forthcoming, and that facilities would be created by which the Indian youths of this country acquired the necessary training. The proportion of Indians he proposed was to be one-third for the time being, but when suitable candidates came forth, then this number would be increased. If we had at that time in 1928 allowed the free passage of this Bill, we could ask the Government now to increase the number of commissioned ranks to 50 per cent. or even more. But the Bill was delayed, and we are still in the stage of one Indian to two British officers.

Mr. S. C. Mitra : What about the Army ?

Captain Sher Muhammad Khan Gakhar : There is no denying the fact that you, Sir, in 1928, in your eloquent and instructive speech brought out many a logical argument, and the Bill was thrown out by a majority of one vote. But if I may say so, today you must be putting yourself this query : "Does India, with 5,000 miles of coasts and with the prospects of Swaraj, not require anything in the nature of naval defence ?" Yes, it must be as clear as day to us, when we have an Army and when we have an Air Force, why should we not have a Navy ?

An Honourable Member : Have you an Army ?

Another Honourable Member : Have you an Air Force ?

Captain Sher Muhammad Khan Gakhar : The so-called nationalists of India have glibly said, to quote the late Colonel J. D. Crawford, "You cannot hand over Government to us because you have emasculated us". Again, have not the same section of nationalists been crying against the arms and ammunitions protection Act ? The other day the Bengal Council tabled a resolution to raise a Bengal regiment. I welcome the idea of my friends in the Bengal Council and I hope that my Honourable friends from Bengal in this House will press upon the Government to raise a naval battalion instead of an infantry, because naval service is superior to army service. I would further support my Bengal friends if they ask, when the first warship is built, that it be named 'Bengal Tiger'.

interests of Japan are so clashing with those of our country ? Japan is today like the pre-war Germany simply bubbling with a spirit of chauvinism :

Mr. B. Das : Japan will attack America first and not India.

Captain Sher Muhammad Khan Gakhar : Therefore, the question on the anvil is of the greatest importance, the more so because we are on the threshold of the Constitutional Reforms. We must have an Indian Navy entirely officered by Indians if we aspire self-government. Without defence there cannot be any responsible government.

Before I conclude, the Honourable the Army Secretary mentioned in his speech three aspects of the Bill, expense, Indianisation and recruitment, and constitutional question. As regards the constitutional question, I leave it to the experts, but as regards recruitment, I must join with my Honourable friend, Mr. Jadhav, in his remarks about advertisement. The Army Secretary said that out of 51 applications 13 have been taken. I still say that there is lack of advertisement. There is good material and we can get many youths to come and take advantage of these opportunities. I may say that so far as my part of the country is concerned, very few people know about the prospects of this naval service. If my Honourable friend takes proper steps to advertise widely then prominent youths will certainly come in and they will fill the annual vacancies.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : As they did in the Army.

Captain Sher Muhammad Khan Gakhar : Yes, as they did in the Army. My Honourable friend, Mr. Raju, said, why is this hurry, let the Reforms come and then we can have our Navy. I would just tell him that, if this Bill had been passed in 1928, we would have got not 14 but 60 officers in the Navy. If this Bill is passed even now, within five years we will have about 50 officers in the Navy.

Sir Hari Singh Gour : Do you say this on behalf of the Government ? Shall we take this as an undertaking by the Army Secretary ?

Captain Sher Muhammad Khan Gakhar : I am speaking on behalf of my own. My Honourable friend, Sir Hari Singh Gour, spoke about the control of the Indian Navy. He said that so long as we have no control over the Indian Navy there is no use of passing this Bill, and he earnestly appealed to his friends, for God's sake do not give your vote. But I would ask him one question. There are three fighting forces, the Army, the Navy and the Air Force. The Air Force and the Army are already existing, and if he delays the passage of this Bill what will be his gain ? He won't have his own Navy, but as we have an Army and as we have an Air Force, why should we not have an Indian Navy as soon as possible ? He also said that the tax-payer of India pays the expense and they are raising the Navy for Imperial purposes. But my Honourable friend must remember that we are far behind in the matter of the Navy. Our Army is a first class Army in the world ; in the Great War they have proved that they are not inferior to any soldiers in the world. As regards the Air Force, we have just raised it, and I am sure that it will prove as worthy as the Army. Then, why should we not have our own sailors who will prove to the world

[Captain Sher Muhammad Khan Gakhar:] that India has as good sailors as she has soldiers? With these few words, I support this motion.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President (The Honourable Sir Shammukham Chetty) in the Chair.

Mr. B. Das : Lest it should be misunderstood that, while the Deputy Leader of the Democratic Party was speaking, he was reflecting the views of the democrats in this House, I rise to oppose the motion which has been moved so ably by my Honourable friend, Colonel Lumby. My Honourable friend, Mr. Jadhav, who belongs to a martial community, and whose people are very much engaged as subordinate officials, not only in the Army, but also in the Indian Marine, has got a soft spot for the Indianisation of the Army and the Navy. Naturally, he has expressed his views on the point of Indianisation. But we are all opposed to the principle of the Bill, on the same ground which my Honourable friend, Sir Hari Singh Gour, expressed in such vivid and glorious language. Sir, my Honourable friend, the Army Secretary, completed the picture that was left out by his predecessor, Mr. Tottenham. Mr. Tottenham mentioned everything, but he omitted to mention the considered view of the Government of India regarding the constitutional question. I listened most carefully to the carefully considered words which flowed from my Honourable friend, Colonel Lumby, about the constitutional aspect in regard to which, we on this side of the House have taken such strong exception. I find that my friend threw no new light nor could he explain away the suspicions or the points that have been raised by us, not only in the debate that took place last Session but also in that debate in which you took part in 1928. Sir, people talk of Indianisation. To me it matters little whether half a dozen Indian boys are buried in the service of the Indian Marine or buried in some shops in Delhi or Calcutta. I am not interested in seeing how they earn their living. It is not a national problem, nor is it a national issue. The problem is whether India is going to have any control over her Army or Navy, and the Army Secretary, my Honourable friend, the gallant Colonel, made it clear, although he wanted to throw a smoke screen, and said that there may be something hidden behind the report of the Joint Parliamentary Committee and the new Constitution Bill that will be introduced in the House of Commons. The question of the Army was made completely clear in the White Paper, and if I understand it aright the way of the gallant Colonel,—I mean the other Colonel, Sir Henry Gidney—he challenged us as the Opposition in this matter. My friend, Colonel Sir Henry Gidney's position is very peculiar, not only in this country, but on the floor of this House. He sits in the European Benches. Sir, I am grateful to my European friends. They seldom use the word opposition and make that distinction. They do identify themselves very often with us. My Honourable friend, Sir Henry Gidney, who travelled from Bangalore to Bewara and everywhere, received purses, and expressed his great gratitude to Sadrus and Javakars for having pleaded for the Anglo-Indian Com-

munity before the Joint Parliamentary Committee and reserved a system of special education for the Anglo-Indian community. He is a statutory Indian, but we shall soon hear my Honourable friend, Mr. James, on the Navy Bill, and I do not think my old friend, Mr. James, will address us as the Opposition. I was saying that the Army Secretary did not throw any further light about the constitutional position of the future Army in India as regards control of this Legislature. He rather said that there will be a Minister who will be in charge of the Army, and why should we be suspicious of the Governor General. As I conceive the White Paper, the Governor General will have two souls, one soul will be responsible to the responsible ministers, and the other will be to the army counsellors and the ecclesiastical counsellors and may be the political counsellors. If, we, elected representatives, are in this House, then it will be our duty to oppose tooth and nail the dual soul of the Governor General. The Governor General will administer the Indian Marine and the Indian Army under the dictates of the Army Council in Britain. This Indian Army is a mercenary one. This Army is maintained for the British Government, for British Imperialism. It is no pleasure to me, if my Honourable friend, the gallant Captain Sher Muhammad Khan, becomes a Captain, or as he dreams to be, the Commander-in-Chief of the Indian Army. It is no pleasure to me, because this Legislature and the nation will not be able to order the future Commander-in-Chief, Sher Muhammad Khan, to carry out certain military operation against a particular nation because the Army Council will order him to do something else.

It has been trotted out here that the Dominions have got navies and armies. Each Dominion might have a small navy and a small army. I call it an apology for an army when we consider the huge expenditure that we in India incur. I have got here the Defence Committee's Report, a committee of which my Honourable friends, Mr. Jadhav, Mr. Ramaswami Mudaliar and Colonel Gidney were members. Therein I find a statement giving the burden of military expenditure in different parts of the British Empire. Australia, which has got a receipt of 95 millions, both central and provincial, spends only 4.7 millions in net defence expenditure; Canada, with a total receipts of 96 millions, spends only 2.7 millions. The Irish Free State, out of an income of 31 millions, spends 2.2 millions. New Zealand, out of 25 millions receipts, spends only .9 on the army. South Africa, with a Government receipt of 33 millions, spends only .8 million on their respective defence, and India, with Government receipts of £131 million, spends £41 million and this comes to 62 per cent. of the Central expenditure, the latter being £66 million, and becomes 31 per cent. of the net total Central and Provincial expenditure; while in the case of the Dominions, they are all below ten per cent. Thus, in the case of Australia, cost of defence, is 5.8 per cent. in the case of Canada, it is 4.2 per cent. in the case of the Irish Free State it is 7.2 per cent., in the case of New Zealand, it is 3.9 per cent. and in the case of South Africa, it is 3.5 per cent. Yet, to hear Sir Henry Gidney saying that we must raise ourselves to the status of the Dominions, that we must have a Navy which will vie with the Dominion Governments, is absurd; and I do hope my Honourable friend, Colonel Lumby, will, when he speaks again, tell us what is the amount of expenditure of each of these Dominions in meeting the cost of their navy.

Captain Sher Muhammad Khan Gakhar : May I remind my Honourable friend that Canada has not a single enemy to contend with along the three thousand miles of her frontiers, while here in India, how many tribes we have got on our own frontiers?

Mr. B. Das : Wait and see Canada joining hands with the United States of America! Everybody knows what Canada is driving to; and as for Australia, does not the British Navy guard Australia, is not Australia every day threatened by Japanese encroachment and encroachment from America? But the British Navy guards it. Now we pay the British Navy a hundred thousand pounds, so it is the duty of the British Navy to guard us. I do not want to take a pride in the mere fact that there should be a so-called Indian Navy and in the fact that our boys can have some badges on their shoulders—"R. I. M." Does it flatter me to be a Member of this Legislature, which is at every stage flouted?

Mr. F. E. James (Madras : European) : Does it flatter the Legislature?

Mr. B. Das : How can it flatter the Legislature when, on every day, an irresponsible Government sits there and I cannot replace it, I cannot sit on the other side? Does it flatter me or even Mr. James, the democrat of democrats? No.

The Honourable Sir Nripendra Sircar : Would you like to sit on this side?

Mr. B. Das : I would like to sit on the Front Benches, certainly, (Hear, hear), and I would like the Front Benchers to sit here and listen to our arguments on the other side. (Applause).

Sir, my Honourable and gallant friend, the Army Secretary, voiced the feeling of the officers of the Indian Marine Service, and quoted a Captain of one of my Orissa ports, Captain Manfield. I very much sympathise with Captain Manfield but, while I sympathise with his little sorrows and little troubles, I have greater sympathies with my own sorrows and my own troubles. Sir, what we want here is complete control of the Army; we want control of the Navy; and while I was expecting in 1931, that I and my friends would occupy the other side, the Treasury Benches—and replace the front Benchers there, here in the year of grace 1934, I do not even visualize that in 1944 even, it will be possible for me to exchange places and to make this irresponsible Government responsible to the Legislature. So, Sir, when there is so much of disappointment to the nation, some people must suffer and, as we suffer, a few British officers when they accept service under Indians will have to accept them at a disadvantage, and knowing all that, if they accept service now, they will have to put up with it.

Sir, it was very sweet to hear from the Honourable the Army Secretary about the Washington Convention, which was dealt with by my Honourable friend, Mr. Sitaramaraju, so well, but I do wish to ask whether my Honourable friend, the Army Secretary, read the article in the *Statesman*, the second leader of this morning, where it shows the naval policy of the World Powers. The Washington Convention, whatever it may have been, was the pious idea of a pious lot of people who, after being chastised after the World War, thought they were settling down to peaceful habits and peaceful lives but, Sir, international diplomacy or

rather what is known as international bluff has failed; so, although these Foreign Office diplomats have bluffed one another, and World Powers were building their armies and navies, when they were tired out, they again bluffed one another at Washington, Versailles and other places that there should be world peace and that they should reduce their armaments; we know they cannot do that, and every day they are building more and more battleships and cruisers. Now they wanted to cripple Germany, but today Germany possesses an equal naval armament as any other foreign power possesses. (*An Honourable Member :* "Question".) If you know German naval secrets and German aerial secrets, you will realize that Germany is doing her utmost.

Mr. S. C. Mitra : It may be in respect of the army—not the navy.

Mr. B. Das : But Germany is trying to come up to the standard of Japan and the United States.

I was referring to the Washington Convention. I think it was the Right Honourable Srinivasa Sastri who was there, and who had the supreme privilege as a great Liberal Leader of India, to put his signature, with those of the representatives of the World Powers, to a document whereby the British naval quota is controlled by the Washington Convention. Sir, it is not, I say, controlled, and I still maintain that. Of course unconsciously, my friend, the Army Secretary, has replied to the various charges I often laid against the Government of India and the British Government that through the Indian Army and the Indian Navy the British Government are creating a force by which they will meet the Eastern menace, whether it is from Japan or from America or any other power. So that charge has not been met, and, however, innocently, the Army Secretaries may speak that this is not the intention of the Army Council in England, we will not believe them. Sir, one point has been raised; apart from the constitutional issue, the other issue is the expenditure that will have to be faced if, helpless as the Non-Official Members of this Legislature are, we give our sanction to this Bill for the creation of an Indian Navy. Sir, I shall now refer to Mr. Tottenham's speech wherein he said that, unless there is a popular demand, Government will not spend more money. Let me quote him.

"* * * Before the War, when the Royal Indian Marine was a non-combatant force, its cost amounted to about 68 lakhs of rupees a year.

The re-organised combatant force during the last three years or so has cost well under 65 lakhs, that is, less than what it cost before the War ;"

I thank the Army Secretary for having reduced this amount through the pressure of the Legislature and through causes of world depression. He further went on to say :

"and I think I can safely assure the House that there will be no large expansion or increase of expenditure on this force until and unless there is a popular demand for it. Personally, I think that a demand of that kind is bound to come sooner or later if India is to undertake her own naval defence."

It cannot come from this side. Of course, I find that my Honourable friend, Mr. Jadhav, has already made a demand like that this morning, but there are Captain Sher Muhammad Khans and Colonel Gidneys who will always make a demand for such things so that a few boys may be able to get jobs. My friend, Colonel Gidney, wants a further eight per cent. quota for the members of his community in the Indian Navy

[Mr. B. Das.] when it will be created. I know what my Honourable friend, the Army Secretary, will do in the next Session. He will simply introduce a Bill and carry it through by the help of the majority which Government always commands, because of these Nominated Members or those elected Members who are as good as Nominated Members. They will always speak on behalf of India and support the Navy to show that there is a national demand in India for the expansion of the Navy. Therefore, we will have to foot the Bill of two crores. And what has been India's demand? India's demand is that the defence expenditure should be reduced to a minimum of 30 crores, if it can't be reduced further. Until that is done, we will be no party to sanction any more frantic ideas of naval expansion or army expansion, which will commit our successors into heavy expenditure. Sir, I wish to say one thing more. If Britain finds it necessary to discharge a certain obligation to Australia, to Canada and to South Africa, why should it not discharge similar obligations towards India, until we have full control of our own household. Even the Dominions met at Ottawa. They meet at the various Imperial and Economic Conferences and what do they tell to England? They almost tell Britain "go to hell; we have nothing to do with you; we will follow our own policy". Sir, South Africa has its trade representatives in Germany and other places. I would like to know from the Army Secretary, when he rises to speak, whether the British Parliament has amended the Constitution of South Africa or Canada or Australia to such an extent that they would have to provide Navy for the relief of the mother country when the mother country will be in a fix as not to be able to send battleships to the Eastern Waters. Certainly not. The Dominion Secretary will not have the courage to bring forward such measures in the House of Commons. But anything is possible for India, and the Whitehall Mughal, the Secretary of State for India, brought forward such a Bill. Sir, we know what is the attitude of the British people towards India when they can pass such a measure. If the British Empire is to be maintained, it is the duty of Britain to guard the coasts of the whole Empire. If "Emden" came and threw a few bombs or fired a few shots on Madras City, it was due to the inefficiency of the British Navy. It is certainly not due to any fault of India. And how much Britain spends on the Army and the Navy? She spends 115 millions. This is the figure which I have taken from the Simon Commission's report for the year 1928. It shows an increase of 48.9 per cent. on her pre-war expenditure, which was 77.2 millions, while India, which was spending in 1913, 22 millions, spent 44 millions in 1928, which means an increase of 100 per cent. So, there is no justification in asking this House to sanction any measure simply because it might enhance our reputation or, as my Honourable friend, Mr. James, pointed out in the previous debate, India would have the privilege and honour of flying a white ensign at one end of the steamer, and the flag of India at the other end, if she did have her own Navy. Sir, these things do not appeal to me, nor do they give any pleasure when I know that millions of rupees will be squeezed out of poor India to maintain an Indian Navy and which will be used to fire shots at us whenever we will show patriotic signs anywhere. My Honourable friend, the present Army Secretary, and also Mr. Tottenham, made it clear and gave us the assurance, that if Indian Navy will be

used by Britain, they will pay for it. They have paid for it occasionally, when the Indian Army has been sent to China and other places, but we do not want that sort of thing. It is against our national dignity and national honour that we should maintain an Army and Navy, which should be used by Britain, to augment her imperialistic policy and to oppress Asiatic nations. That is against the very principle and sentiment and religion of the Indian nation and of Indian patriots. Mr. Tottenham in his speech said that he had no sinister and ulterior motives behind the Bill. Nor have we on this side of the House any sinister or ulterior motive against Britain. We want to be friends, but unfortunately at every step the cloven hoof and the mailed fist is shown to us.

Mr. F. E. James : You cannot see the cloven hoof !

Mr. B. Das : It is concealed in the boots. Sir, how can we be friends? They are always taking away something from us and never give anything. How can we show any friendship to England when we know our fate under the new Constitution? We are all grateful to the Honourable the Law Member for the very noble work that he did in the Joint Parliamentary Committee and, if he can open his lips and break the seal on his lips, he will reveal a different story, and he will be able to tell us that for 50 years nothing is coming to India, and for 50 years the British Army will remain in India as a mercenary army maintained at the cost of India and always ready to fire shots at the Indians. So, Sir, my appeal to my Honourable friend, the Army Secretary, is to withdraw this Bill. There is no urgency as his predecessor admitted. There is no urgency at all. If you want to take it by jingoistic methods, take every thing by force. We do not object, if it is taken by force. It is not taken with my sweet will. It is always taken, whether I am willing or not. If the Army Secretary and the British Government really want to have the sanction of the people of India, I throw them a challenge. Let them wait till the new Constitution comes into force, let there be a Federal Assembly here. There will not be any officials, but I know there will be a block of Princes, 125 people, sitting somewhere in that corner. They will be there but yet a majority of them will be Indians. There may be a sprinkling of European administrators from these Indian States. They will then apply their brain and their intellect to the problem, and when that time comes, and if we feel that Britain has been fair to us, we would like to be fair to Britain. (Applause.)

Honorary Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) : Sir, I join my Honourable friend, Colonel Sir Henry Gidney, in congratulating the Honourable the Army Secretary on the very lucid statement that he has made, while presenting this motion before the House. The motion has been thoroughly discussed on both sides. Today and yesterday, we have heard a very learned and well delivered speech from the Honourable Member from Madras, Mr. Sitaramaraju, and the constitutional point has been very ably set forth by my Honourable friend, Sir Hari Singh Gour, and it seems to me now that the opposition is based or rather is influenced by the decision of the predecessor of this Assembly in 1929. The Bill, as was pointed out by Colonel Sir Henry Gidney, was thrown out by a majority of one vote

only. May I submit for the information of this House that the mentality of those days was different from the mentality of these days. (Hear, hear.) Even if those very Members had been present here to-day, their view point would have been different. In those days, the opposition was, as has been pointed out by Sir Hari Singh Gour, "we will not have a Navy in name, but we will have a Navy in game". In other words, the position then was, that either we will have a full dose or no dose at all. But now the position is different as is apparent from the move that has been taken by the Congress.

Mr. B. Das : On behalf of the Congress, I may tell my Honourable friend that they will oppose tooth and nail such Bills.

Honorary Captain Rao Bahadur Chaudhri Lal Chand : As was pointed out so ably by my Honourable friend, Captain Sher Muhammad Khan, the Indian Navy is in its infancy and as was so ably explained to the House by Colonel Sir Henry Gidney, the Navy and the Army cannot be formed in the twinkling of an eye, and it takes years and years to develop the traditions that are necessary to form an army or a navy. I say the navy is in its infancy and we should not take up the position that we should have either a full-fledged navy today or we reject this. It will come to this. We take up the position that a calf should be killed simply because it is not a bull. In course of time, we will see this infant navy develop into what is before the mind's eye of the Opposition. So, I think the best position for us would be to accept what is laid before us and to look forward to the future Assembly that is coming with such vigour to ask for something more. My Honourable friend, Mr. B. Das, has brought in the question of expenditure, and he has pointed out the general proposition, as is his hobby, when he says: "we are not going to give more than 30 crores to the Army". On that point, I think, though it is not very relevant to this Bill, I have to say that if there is any department of the Government of India which has shown economy, it is the Army Department. Did we not see a big fall in the last years' budget and is not that the result of a very great economy in all the branches of the Army? In one respect,—and this is not the first time when I am saying this—the Army Department has given a lead in Indianisation. Indianisation is not of much use for the general tax-payer if the expenditure remains the same. In the Army Department, they have given us this lead, that while Indianising the Indian Army, they are reducing the expenditure in giving our Indian officers a lower scale of salary, than used to be given to their predecessors. I think all should admit that, in the interest of the general tax-payer, Indianisation should mean that the Indians when occupying the places of Englishmen should get less salary. So when that mentality comes and when the Opposition moves that resolution and forces the present Government to give effect to this principle in the Civil Departments, then I say on the floor of the House, that I will be with the Opposition and I will vote for less salary to Indians.

been challenged. My Honourable friend, Mr. Raju, has very lucidly pointed out that, so far as the discipline sections are concerned, the Bill is based upon the discipline that is being observed in the English Navy and there is nothing to be said against it. With these few words, I congratulate the Army Secretary on having brought forward this Bill, and I support it.

Diwan Bahadur A. Ramaswami Mudaliar : Sir, the opposition to the Bill is not due to any lack of advocacy on the part of my Honourable friend, the Army Secretary. I must in fairness state that the Army Secretary has done his level best to put forward in a lucid speech before the Assembly a case for which he is not in the main responsible and the defects of which are not due to any laches on his part. If there is opposition on this side of the House to the Bill, it is due to circumstances over which the Army Secretary has no control, to the intervention of Parliament, and particularly to the unlucky speech of an Under Secretary of State who boasted in the name of the people of India that he had their support when such was not really the case. My Honourable friend, Sir Hari Singh Gour, has explained in the course of a lengthy and brilliant speech that the opposition to this Bill is due to the fact that this House does not want to sanction the establishment of a Royal Indian Navy when it has not got the power to control either its financial position or its ultimate destiny. It may be, and the Army Secretary in the course of his speech has pointed it out, it may be that some Indians were willing, as a transitory measure in the new constitution, to have the defence services reserved in the hands of the Viceroy; it may be that they were willing to do so, and the Army Secretary is perfectly justified in pointing out that if the defence services are reserved then your opposition to the Bill on the ground that you do not control the Indian Navy, which will be constituted in the future, is not quite well founded.

But apart from the position that Sir Hari Singh Gour has taken up, I should like to refer to another aspect of the case. It is no use taking one part of our demands and putting that prominently before the House when you are not prepared, your principals are not prepared, to take the whole of the case that we presented either at the Round Table Conference or before the Joint Parliamentary Committee. What is happening today? Some Non-Official Members, who went from India to these Round Table Conferences or the Joint Parliamentary Committee, trying to get a practical solution of the problem, the very great problem which faces both countries with reference to the future constitution of the country, were prepared in certain eventualities, in certain contingencies and in certain circumstances that the defence services should be a reserved subject. You take hold of that demand and you say: "Here you are, you are yourselves willing to concede that defence should be a reserved subject in the future constitution; and that being so, how comes it that you object now to an Indian Navy which, *ex hypothesi*, you are prepared to grant, is a reserved subject?" But I say again, have you taken the other side of the picture? Have you accepted all our recommendations with reference to other departments? Have you accepted our recommendations with reference to finance? Have you accepted our recommendations with reference to various safeguards? The White Paper came out, and this House had a full discussion on it and by a majority this House resolved that the White Paper was thoroughly unacceptable to this House and to

[Diwan Bahadur A. Ramaswami Mudaliar.]

the country and to public opinion in India, unless it was radically altered in many particulars. A deputation went out and delegates from this Assembly went out, prominent Leaders of Parties went before the Joint Parliamentary Committee, with the only hope that, by their advocacy or by their pointing out the practical issues that arise, by their pointing out the feeling in the country with reference to these issues, they will be able to modify some of the recommendations of the White Paper and get the Joint Select Committee to take a practical view of the case and modify those recommendations in favour of a greater and more popular advance so far as India and Indians were concerned. What is the present position? It does not require a prophet to say,—and I do not think any Member on the Non-Official side, European or Indian, elected or nominated, will deny it,—that the report of the Joint Parliamentary Committee is very likely to be a retrograde report, a report which will make the White Paper even worse than what it is. With that record, an absolutely certain record, if I may say so, from all the prognostications that have appeared in the papers, how can you come before us and say, “You have agreed to defence being a reserved subject, and, therefore, we bind you to the pound of flesh”? That is not fair, Sir. If you had accepted the other part of our case also, if you had widened the basis of reforms for this country, if you had accepted our proposals with reference to financial autonomy, if you had accepted our proposals even with reference to provincial legislatures and their powers over the provincial executives, if you had accepted even the diluted proposals with reference to this defence itself, granting for once that it was a reserved subject, those diluted proposals that I had the honour and the privilege of adumbrating before the Second Session of the Round Table Conference, and which had been so admirably summed up in the memorandum which the twelve Indian delegates had presented to the Joint Parliamentary Committee, then it was open to you in fairness to yourselves and in fairness to us to come forward and say: “Here is a matter which you have yourselves conceded is a reserved subject, and we have come to the logical expansion of this idea and now we place this Bill before you”. Further, I have no apology to tender for the attitude that my Honourable friend, Sir Hari Singh Gour, and most of us are prepared to take on this Bill on this side of the House. I have no apology to tender. On the other hand, I feel that we are fully justified and thoroughly justified in taking up this attitude that, if we cannot have that part of the case which we presented to Parliament, we will not have that part of the case which suits Parliament and which suits the Government of the day. Now, that leads me to another question. The Army Secretary,—I am referring to Mr. Tottenham now,—gave an assurance in his speech, and that assurance, he said, was with the approval of the Secretary of State, in the following words:

“I am, therefore, authorised to announce that it is the intention to consult the Indian Legislature, so far as may be possible, whenever any question arises of lending the Indian Navy to the Admiralty for operations other than in the defence of India. I can assure them that we intend to carry out that pledge not only in the letter but in the spirit.”

Many Honourable Members cheered the Army Secretary, when that assurance was given. I see from the opinions collected here that many of the gentlemen who have advocated the passing of this measure have been influenced in their views by this assurance of the Army Secretary. Now, I ask a plain question and I ask those who have

been following movements in Great Britain today, specially within the last few months, to give me a plain answer. What is this assurance of the Secretary of State worth to us? Can any Honourable Member say that this assurance is final, that it will be honoured, that it is a pledge which will be redeemed? Why, Sir, representatives of the King-Emperor himself have given assurances standing on that dais there. What do Members of Parliament, of the House of Commons, say with reference to those assurances? Viceregal pledges are asked to be treated as scraps of paper. I have been in England and following public opinion there. I have listened to speeches, not made merely by opportunist politicians like Mr. Winston Churchill, but made by much more responsible members of the Conservative Party, by men and women who hold official positions in the Conservative Party of England. And what have they said? They say that, unless Parliament was prepared to endorse those pledges, no pledge of the Viceroy was worth anything at all, no pledge of the Secretary of State is worth anything at all. I remember addressing a gathering of Members of Parliament, men and women, who were interested on Indian questions, in Westminster Hall, a meeting which was arranged by the kindness of that extremely courteous gentleman whom you, Sir, know very well, Sir Howard D'Egville. And I said that time after time the promise has been held out to this country that Dominion Status should be its goal and that the British Government and the British Parliament will work to the attainment of that goal for India. Then I quoted chapter and verse, beginning with the famous declaration of the 20th August, 1917, going through the declaration of His Majesty King George V himself, the declaration of His Royal Highness the Duke of Connaught, His Royal Highness the Prince of Wales and of successive Viceroys from that time. When I quoted all this to them, up came a Member, a very respected and honoured Member of the House of Commons, and high in the ranks of the Conservative Party, and said: “We are not bound by these declarations”. Do you want the name of the gentleman or lady who said that? It was a lady, the Duchess of Atholl. (Laughter by Mr. F. E. James.) I do not know why my Honourable friend, Mr. James, laughed. And the gentlemen there said that Parliament alone is the ultimate arbiter in these matters; that all these pledges and promises were given without the authority of Parliament and were, therefore, not binding on Parliament; that Mr. Baldwin as the head of the Conservative Party had given a definite assurance to Conservative partymen in private conferences that they will have a clear hand, unhampered by any pledges whatsoever, to deal with the Indian question, and to do what they liked with reference to the India Bill, when it came before the House of Commons. If that is so, then I ask, what is the worth of these assurances given by any Secretary of State or given by any Viceroy? We have been repeatedly told, and it has been brought home to us time after time during the last few months,—and as Mr. Das said, my Honourable friend, the Law Member, if only he could have his lips unsealed for a moment, can bear me out when I say this,—that the great constitutional, practical and vital fact is that Parliament is the ultimate arbiter in these matters, and that pledges of any person, howsoever high he may be situated, are worth nothing before the ultimate decision of Parliament. Therefore, it seems to me that there is no use of placing these assurances before us; there is no use of quoting any Secretary of State. We had belief in these

[Diwan Bahadur A. Ramaswami Mudaliar.] things. We are a very simple people, Sir, and we Indians are naturally not suspicious. My Honourable friend talked of suspicion about this Bill. No, we start with the position that we will take everything at its face value. We are not a suspicious people,—our whole record speaks about it. If we were a suspicious people, we would have started our suspicion from the days when Sir Thomas Roe landed on these shores and said he had only come to trade with us. It is because we are not suspicious, it is because we have taken you at your face value, it is because we have accepted every sentiment that you have expressed from time to time and accepted every proposition that you have placed before us,—it is for those reasons that we find ourselves in the unenviable position in which we are today. We are not suspicious; on the other hand the biggest and best of us, the greatest politicians from Mahatma Gandhi downwards, if I may say so, or upwards, if I may say so alternatively, all of us, have said from time to time, “The Viceroy has said so, Lord Irwin said so, Lord Reading said so, Lord Chelmsford gave this pledge, Mr. Montagu gave that other pledge and Mr. Chamberlain gave this other pledge”, and you find men after men, whether it is in the Congress or in the Liberal Party or in the Justice Party or anywhere else, getting up and quoting these authorities, and saying, “Oh, the British Government will not go beyond these pledges and beyond these statements”. Does that show suspicion on our part? We have swallowed your statements even when some of you never meant what you said (Opposition Laughter); I am telling you, quite frankly, the position as it appears to me. What has been the result? Our confidence is nearly gone, almost blasted by the agitation that is going on in your own country, by the speeches that have been made by responsible men, by the defence which your Secretaries of State have had to enter during the past few months. We do not know the result. You may turn round and say, “Mr. Winston Churchill represents a very small minority: he has no official position in the country”. We on the other hand take your big men to be very much bigger than they really are in your own country: that is perfectly true. Mr. Winston Churchill is a name to conjure with. I am sometimes extremely depressed when I see the nationalist Press in this country seriously taking Mr. Churchill’s utterances and thinking that Mr. Churchill’s utterances count for anything in your country. That is perfectly true; but my countrymen go by the record. They cannot imagine that a gentleman, who has been for 20 years a Member of the Government in one capacity or another, who has held every important position in your country short of the Prime Ministership, that such a gentleman would be expressing irresponsible views. You taunt us with irresponsibility on every possible occasion and say: “Here are a set of people who do not have any sense of responsibility”. And now, we are bound to admit, that your greatest man, your Chancellor of the Exchequer, under whom my Honourable friend, the Finance Member, served for five years from 1924 to 1929, is the very quintessence of irresponsibility. (Opposition Laughter.) That must be your case when you want me to believe that this agitation means nothing. That must be your hypothesis if you want me seriously to think that all this agitation means nothing. But it does not. It means something more. Mr. Winston Churchill has succeeded and has succeeded to an extent to which he did not dream he would succeed. It is perfectly true that the extraordinary and extreme statements that he has made from time to time, the die-hard attitude that

he has taken up, may not be adopted by the Joint Select Committee, but I think, it does not require any very great intelligence to realise that, because of that extreme attitude, the Joint Parliamentary Committee has had its attitude shaped, modified and to a certain extent formed. I do not think it is beyond the wit of man to realise that if the Joint Select Committee is going to put forward reactionary proposals, as it is feared in this country it will, it is largely because this unheard of die-hard agitation has gone on in Great Britain and has brought about results already manifest in the attitude that the Joint Select Committee is understood to be taking. Therefore, I venture to state that after all, if we look with suspicion on this Bill, it is not altogether unfounded. Why, Sir, who has not looked with suspicion on this Bill? I call to my evidence to corroborate what I am saying, Sir Henry Gidney himself. What was his statement? That he looked with suspicion on this Bill and that he was only satisfied after the Army Secretary’s speech that his suspicions were unfounded. Therefore, *prima facie* my Honourable friend, Sir Henry Gidney, started with the same suspicion that I started with with reference to this Bill....

Lieut.-Colonel Sir Henry Gidney: On a point of personal explanation; I never said that. What I said was, with all respect to the Honourable Member, that this Bill has been looked at with suspicion from all sides of the House. As I was in the centre of the House and was not sitting on any of the sides, no suspicion lurked in my mind.

Diwan Bahadur A. Ramaswami Mudaliar: My Honourable friend is evidently shaping his views according to the geographical position in which he finds himself in the Chamber....

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member has no sides: he has only circumference. (Laughter.)

Lieut.-Colonel Sir Henry Gidney: Thank you very much, Sir: I am not the only one here who is like that. But might I amplify your remarks, Sir? I have not only circumference, but longitude, latitude and magnitude.

Diwan Bahadur A. Ramaswami Mudaliar: We all know that Sir Henry Gidney is a very charming man and he does not put on any side at all. That is the position in which we find ourselves today. Then there is the second point which is not an irrelevant or unimportant point. Why should we not have a self-contained Bill? If we are to pass the Bill at all in this Legislature, why should we merely be driven to this course of adapting an Act passed by the English Parliament? Why should we not have a complete legislation passed by this House? Why is not this House trusted to do that? Can it not do it? Is there anything wonderful in the Naval Discipline Act that has been passed by Parliament? I have gone through these sections, as carefully as I can, and I find that as much intelligence is available in this House to pass the remaining sections, as was available in the House of Commons to pass these particular sections of the Naval Discipline Act. Why is it that we are asked to pass half the provisions alone and have to refer constantly to the British Act for implementing the provisions of this Act? My Honourable friend, the Army Secretary, quoted with great effect the opinion of an officer who hails from Orissa, the Province of my friend, Mr. B. Das,—the Port Officer, Orissa Ports—and he practically read the

[Diwan Bahadur A. Ramaswami Mudaliar.]

whole of that opinion. But there was one portion which my Honourable friend, with a *naivete* that I do not usually associate with members of the Army, omitted to read. I shall make good that omission. This officer accepts the Bill as very good, it will encourage Indianisation; it has been looked forward to by the officers of the Royal Indian Marine for years; this officer particularly has himself been very much disgusted that in his lifetime this did not come into effect and he did not wear the uniform of the Royal Navy of England: all that he says. But there is only one criticism which he offers and that one criticism the Army Secretary has chosen to ignore. He says:

"I have only one criticism to offer regarding the Bill itself and that is its present form. As a simple sailor I should hate to have to unravel this confused mass of figures and inverted commas. Why cannot the Bill be printed plain and straightforward from beginning to end using exactly the wording of the Royal Navy Act, but with the corrections and alterations embodied in the very Act itself, instead of as proposed in the Bill now circulated? To administer the Act in its present form will be extremely difficult. The Act is what I should describe as 'unseamanlike'."

And it is this unseamanlike performance that my friend, the Army Secretary, is presenting to the future Indian Royal Navy. I protest against that. I do not think it is necessary that this Bill should be in this truncated form, absolutely devoid of any sense if it is to be read by itself, but only making some sense if, with the greatest diligence and effort, you co-ordinate this Bill with the corresponding English Naval Discipline Act.

That leads me to another point on which I should like to have your ruling, Sir. When the Army Secretary spoke yesterday, I intervened with an interpellation and asked whether it would be possible in the Select Committee to take up any other section of the English Act which was not referred to in this Bill and to incorporate it in this Bill, either in its original form or in an amended form. The Army Secretary said that it would be perfectly open to the House to do so. Now, I should like to have your ruling, Sir, whether on this Bill it would be open to refer to sections which are not referred to in this Bill, but which are contained in the corresponding English Act and to suggest modifications and adaptations to those sections, or even to incorporate wholesale and bodily some of those sections in this Bill. It is an important matter, and if this House carries the motion that it should be referred to the Select Committee, my willingness to serve on the Select Committee will certainly depend upon the consideration whether I have a free hand to deal with the sections which are not in this Bill, or whether I should confine myself to alterations and amendments of the sections which the Army Secretary has chosen to bring forward as suitable for embodiment in this Bill.

May I have your ruling on this point, Sir?

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would like to hear the Honourable the Law Member first.

The Honourable Sir Nripendra Sircar: As I understand the point, Sir, my Honourable friend is asking us as to whether he can refer to other sections of the British Army Act. When this matter goes up before the Select Committee, he can by way of an amendment bring in any section from any Act. So why can't he refer to other sections of the Army Act relating to discipline? Probably I have not followed my friend.

Diwan Bahadur A. Ramaswami Mudaliar: May I explain myself, Sir? Ordinarily, if only a few sections of a big Act, an original Act, are affected by an amending Bill, then any amendment that is suggested in the Select Committee must relate only to those sections or to other sections which are consequential. Supposing you want to amend a particular section of the Code of Criminal Procedure, it certainly will not be open to me to take up some other section of the Criminal Procedure Code and say that that section requires an amendment, and, therefore, I should like an amendment to be made to that section. On the other hand, Sir, this Bill stands in a peculiar position. Section 66 says that the entire Naval Discipline Act can be amended by us, or modified by us, or as it says, adapted by us. Therefore, the whole of the British Naval Discipline Act is open before us, and it is for this Legislature to pick and choose whatever sections it likes out of it and suggest amendments. Now, in the peculiar form in which the Bill has been brought forward, I want to have the position cleared up, as to whether we are not at liberty to refer to other sections of the Naval Discipline Act of England and to suggest amendments.....

Mr. President (The Honourable Sir Shanmukham Chetty): The Bill before the House is not an amending Bill. According to section 66 of the Government of India Act, the Indian Legislature is empowered to adapt the Naval Discipline Act of England, with such modifications to suit Indian conditions as the Indian Legislature may deem expedient. Therefore, when this Bill is before the Select Committee, it would be perfectly open to any Member in the Select Committee to ask for the incorporation of any section of the Naval Discipline Act, either wholesale or with such modifications as he wants to make. (Applause from the Nationalist Benches.)

Diwan Bahadur A. Ramaswami Mudaliar: I am very grateful to the Chair for elucidating the position.

Now, Sir, I have only one or two more remarks to make with reference to this Bill. Supposing this Bill is thrown out, what happens? Each individual Member has imagined, according to his own likes and dislikes, all sorts of dangers and disasters which will overtake the Royal Indian Marine. Somebody suggested that Indianization will not take place. Another Member said that the Royal Indian Marine will not be in existence. A third person said that "Emdens" will come and shower bullets upon us and play havoc in the country. I think the Honourable the Army Secretary must have been laughing up his sleeves all the time listening to these very relevant and intelligent speeches. Now, Sir, what will happen if this Bill is thrown out? Will the pace of Indianization be less? They have already accepted the rate of one to two, that is to say, there will be one Indian for every two English officers, and they will continue to be recruited to the Royal Indian Marine, instead of to the Royal Indian Navy. The name will be different. That is all. The service will continue; our 60 lakhs will continue to be placed at the disposal of the Royal Indian Marine. The amount even can be increased if the Viceroy and the Government of India think that it should be increased, and Indianization will go on just as before. It is a combatant service now. It is prepared to take its part in any defensive operations it is called upon to undertake, and, therefore, there is no danger that either Indianization will stop or that the country will be showered with bullets from all sorts of imaginary enemy maritime countries. No, Sir, my friend, the Army Secretary, was more

[Diwan Bahadur A. Ramaswami Mudaliar.]
 cautious than that. He said that, somehow or other, he came to ascertain the views of these old gentlemen from Orissa,—and many of these old gentlemen who gave evidence came from Orissa (Laughter),—he has ascertained from these old gentlemen from Orissa, that Indians are not attracted to the Royal Indian Marine simply because it is not the Royal Indian Navy flying the White Ensign, but it is only called the Royal Indian Marine. On that point, I should like to have the opinion of my friend who represents the Congress opinion in Orissa, as to whether it is a fact, and whether Indian boys are not attracted to this service merely because the name is not changed. Sir, my friend, the gallant Captain, was more to the point, he was more correct, when he said that recruits are not coming to the Royal Indian Marine because of the inadequacy of advertisement on the subject, because it is not well-known that the service exists. As a matter of fact, many of us, before we came to this Legislature, were unaware that there was a Royal Indian Marine on a combatant basis, and that Indian boys could be recruited to it. It is perfectly true that the Public Service Commission sends out one of its occasional and elaborate advertisements. But publicity cannot be given on the same basis as the Indian Civil Service or the Indian Army; these things have received enough publicity, and that is why people are wide awake with regard to recruitment to the Army. So many Committees have been appointed beginning with the Skeen Committee, the Chetwood Committee and so on; the question has been debated at the Joint Parliamentary Committee, and also at various Sessions of the Round Table Conference, and the Indian public are wide awake to the fact that it is desirable to send young boys to the Army; but there has not been as much publicity in this country with regard to recruitment to the Royal Indian Marine, and perhaps even the Army Secretary will realise that this somewhat prolonged debate on a Bill which merely tries to repeat some of the sections of the Indian Naval Discipline Act will have done good in its own way, in that it would have given a certain amount of publicity to the existence of the Royal Indian Marine as a combatant force, to its future possibilities, and to the desirability of sending as many Indians as possible to this service as cadets. Therefore, even if we take the extreme step of rejecting this Bill, I can assure my Honourable and gallant friend, Sir Henry Gidney, that no such disaster will overtake either the members of his community or the members of my own community, that we shall be able to enrol our boys into the Royal Indian Marine, get the same pay, have practically the same status, be as useful in combating the raids of the “Emden” as on the reformed basis which my friend, the Army Secretary, has suggested, and that there will be no loss whatever to the country.

Now, Sir, one last point, and I shall have relieved the House of this tedium. It has been said that this Royal Indian Marine, converted even into the Royal Indian Navy, will be of such small dimensions that it will be practically negligible, and that all this talk of its being used outside Indian Waters, for purposes unconnected with Indian defence, is talk in the air, talk which does not mean anything at all, talk which does not take into consideration the actual realities of the situation. It is perfectly true that any armageddon such as we had from 1914 to 1918, a great European war, or if two great maritime powers like Japan and some other State,—I do not want to mention the name,—are involved, this small Navy will be of no use whatever; it will not be sufficient even to maintain the

defence of this coast line. It may have to get assistance from His Majesty's Navy. But the point of its being used outside Indian Waters is not exactly that. We do not suggest that in a great war this will be taken away. Probably when such a contingency arises, even the leaders of the Congress may be willing to stake whatever resources we have, so that the people and the country may be free from any disaster which will overtake a great war. But the sort of thing we are contemplating is quite different. Supposing there is some trouble to vested interests in Shanghai, and you want this Indian Navy to proceed there. That is a sort of difficulty which confronts us, if this Indian Navy is to be used for that purpose, without the sanction of the Legislature. It is there that India comes in conflict with friendly Asiatic powers without her own volition in the matter. Sir, at a conference which I recently attended, there was a good deal of discussion as to when a Dominion can be at war with any power with whom Great Britain is at war. There is a good deal of talk of indivisibility of sovereignty, that the King cannot declare war on behalf of one Dominion and peace on behalf of another Dominion. But, leaving aside the somewhat metaphysical question of the divisibility or indivisibility of sovereignty, I think it was fairly clear that so far as self-governing Dominions were concerned, their active volition must be there. Their express consent must be there if they should be drawn into active hostility with any power with which Great Britain is at war. We have asked repeatedly that the same condition shall prevail with reference to India, not that India is not willing to go to war with any country with which Great Britain is at war, but that, before any active hostility, before the theoretical hostility, which is established by the declaration of war by His Majesty King George, becomes a reality by active participation of the Dominions concerned, India should be in the same position and on the same level as any other Dominion; that is, its active consent through the Legislature of that country should be taken before it can participate in that war. That is the point of view from which many of my colleagues on this side of the House object to the Indian Navy being utilised without the consent of the Legislature in any active participation in any war.

I trust that I have made our position quite clear. We consider that this Bill is premature. We consider that the proper time, at which its consideration can be taken up, is after we exactly know the picture, to use a very hackneyed phrase, and we know exactly the Constitution which is going to be adopted for this country. We consider that it is only then that we will be in a better position to decide whether we should have an Indian Royal Navy or go on in the way in which we are going on now. If our political status is such that neighbouring countries and other Dominions would laugh at us, it does not matter whether the status of the Royal Indian Marine remains where it is now and is not enhanced to that of a Royal Indian Navy. We consider that with reference to the user of that navy there ought to be the active acquiescence of the Legislature of this country. We believe that in the unsettled state in which English public opinion finds itself today, with reference to the constitutional progress of this country, the assurances of Secretaries of State, however inclined we were in the past to abide by those assurances, are worth nothing to us and we should like to have assurances from the only body which is capable of giving those assurances if the interpretations of British statesmen are correct, the House of Commons itself. And in those circumstances, we have no alternative but to recommend to our

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countrymen, and to recommend to those of my colleagues here on this side of the House who are prepared to hear the voice of reason and to utter forth the voice of public opinion,—we have no alternative but to recommend them to see, that this Bill is rejected. (Loud Applause.)

The Honourable Sir Nripendra Sircar : Sir, I had no desire to speak on this Bill, but the insistent request of my Honourable friend, Mr. B. Das, and my Honourable friend, Diwan Bahadur Mudaliar, and their question as to why I am keeping my lips closed, compels me to rise, because I do not want, by keeping silent, to be taken as agreeing to anything which has fallen from them.

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As regards my Honourable friend, Diwan Bahadur Mudaliar's request, who added that if I but open my lips, I could tell this House something about what happened in the Round Table Conferences. My Honourable friend is in a much better position than myself, but he knows and I know, and we all know to our humiliation and to our sorrow that, when he asks Colonel Lumby : " why don't you admit ' our case ' ? "—he knows and I know that " our case " is meaningless. So far as the people who were present at the Round Table Conference were concerned,—and my Honourable friend is referring to them—there is no such thing as " our case ", because there is no part of the case where there was unity. There was no part of the case which was not opposed by some sections. Just as a famous association has now said on something which I am not going to mention, " We shall neither accept nor reject "—why, because some section of the community wants it—that is exactly the position with reference to everything which was presented at the Round Table Conferences. Does not my Honourable friend know that, whatever is now being strongly objected to, a fairly considerable section wanted that very thing which has now been described as an evil to be inserted ? Whether it is the Governor's powers, whether it is the safeguard, I ask my Honourable friend to cast back his mind and to say if I am not right in saying that there was no " our case " and that on every part of the case there was terrible dissension. The Hindu case was not the Muslim case, the Muslim case was not the Sikh case, the case of the majorities was not that of the minorities, and so on. I do not forget for one second that the people who were outside, many of them, said : " Oh, those who have gone to the Round Table are a set of toadies, *jo-hookums* and selfish people who have gone there for the sake of titles, and so on " . They may be right, or they may be wrong, but the question which was put to me by Diwan Bahadur Mudaliar referred to " our case " which was presented there in England by the people who had gone for the Round Table and the Joint Select Committee. Take up any matter. Take, for instance, a thing which has been most objected to, that is the power.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : On a point of order. May I know whether we are debating about the Round Table Conference and the Joint Parliamentary Committee's report on the Navy Bill ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable the Law Member was challenged by more than one speaker to say what he observed at the Round Table Conference. The insinuation was that if he did not speak, there might be something uncomplimentary to some one or other. The Honourable the Law Member is on his defence.

Mr. Amar Nath Dutt : My position is this. Is this the place where we can have challenges and counter-challenges ? It is on that point that I appeal to the President.

The Honourable Sir Nripendra Sircar : I shall not take up very much more time. Obviously my Honourable friend, Mr. Amar Nath Dutt, is not liking what is falling from me. If he does not like challenges and counter-challenges, why did he not object to those challenges to me being made ? Why did he not ask Mr. B. Das not to put forward such a challenge, and rise to a point of order. However, as I said, I do not propose, especially as some Members dislike being told the truth, to say anything more about the Round Table Conference. That is not relevant, but, Sir, you will excuse my saying so, from 11 to 4 o'clock, if you put down on a piece of paper what has been said today, if you find even .01 of that relevant, I shall be surprised.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : It is for the Chair to decide whether it is relevant or not.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has already prefaced his speech by saying that he can make a joke. (Laughter.)

The Honourable Sir Nripendra Sircar : I am obliged to the Chair for coming to my rescue, but, Sir, I may assure you, that I do not take my friend, Mr. Lahiri Chaudhury, seriously at any time. I have very little to add. I have been asked to open my lips. I have opened my lips. What has come out is not very palatable, but everybody knows the truth and nothing but the truth. Now, as regards the Bill (Laughter), I find I have made a bad mistake, because at least in one sentence I have referred to the Bill, while others have not even done that. (Laughter.)

Mr. S. C. Mitra : I had no intention to take part in this debate, after the very excellent speech of my Deputy Leader, Diwan Bahadur Ramaswami Mudaliar, but the speech of the Honourable the Law Member just now in which he twitted Mr. B. Das has forced me to say a word or two.

(At this stage, the Honourable the Law Member was seen leaving the House.)

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : He is making a hasty retreat. (Laughter.)

Mr. S. C. Mitra : I do not want to go into detail, I only want to say a few words about the remarks that he made about my friend, Mr. B. Das. The Honourable the Law Member is a new Member to this Legislature and so, I think, the House will not mind his little lapses or his jokes, however irrelevant they may

[Mr. S. C. Mitra.] be. Sir, it is well-known to every student, who knows even the elementary principle of politics, how Party Systems prevail all over the civilised world. on what basis the Parties are formed, how the Party generally maps out and fixes the course of actions for the Members. On vital questions, individual Members, if and when they disagree, they generally resign from their Party, but so long as they are in the Party, they carry out the mandates of the Party. To belong to a Party is no slur. It may appear to be so to Members who have no knowledge of political science or the Parliamentary system that prevails the world over, but I think it cannot be a matter for ridicule or reflection on the conduct of my Honourable friend, Mr. B. Das, who is an old Member of this House. To be in a Party, and to generally follow its dictates, is no reflection on him ; it is not like carrying out Government orders blindly.

Sir, I like further to say that Orissa formed part of Bengal from time immemorial. We Bengalis were proud and we were anxious to keep the Oriyas with us in the same Province. We are not ashamed of having them. We never say, even in jokes, that the Oriyas are lacking in politeness or culture. Sir, I dissociate myself from what the Honourable the Law Member said. If he said that in a joke, I think it was an ill-mannered one.

Mr. B. Das : May I remind my Honourable friend that he started as a Munsif in one of the sub-divisions of Orissa, and that he often goes to the Puri temple to purify his soul in religious matters.

The Honourable Sir Nripendra Sircar : That is so. I started at Orissa and whatever defects my friends will find in me are due to my having been in Orissa. (Laughter.)

Mr. S. C. Mitra : It may be that lack of courtesy was imbibed early, but not from Orissa ; but I know, an eminent lawyer that he is, when he is in the wrong, he will begin abusing the opposing counsel, and in this spirit he has done his best to take Mr. Das to task. As regards the Bill itself, the point has been discussed at great length. I really wanted to know what was the principle of this Bill to which the House will be committed by this motion. If it is merely that there should be discipline in the Indian Navy, I think there is not the least doubt that nobody on this side of the House will object to that, but as I understand it, and the point has been exhaustively discussed by my friend, Diwan Bahadur Mudaliar, if we are here merely to register our views on some supplementary points, the main ground being covered by the British Act, then the House will naturally hesitate to record its vote without proper scrutiny. Your ruling, Sir, has now made that point clear that in the Select Committee we shall be at liberty to take any section of the main Act of the British Parliament and may alter it and adapt it to suit Indian conditions. Then some of our objections will be eliminated. In these circumstances, I shall not go into further detail at this stage.

ruling, Sir, has made it clear that the whole of the Naval Discipline Act will be before the Select Committee, and that, as my Honourable friend, Mr. Mitra, has said, makes a very distinct difference. I am no constitutional lawyer and I could not, even if I tried, pick holes in my friend, Mr. Sitaramaraju's exposition of constitutional law, but I have no doubt that there must be a flaw somewhere in his argument, or else it would not have been possible to apply this Act to the Australian Navy.

I do not propose to go back into ancient history beyond 1928, and I am not prepared to start arguing whether we were wrong, or only tactless, to bring a Bill to create an Indian Navy before the House in those days without previous consultation. You, Sir, certainly considered that we were not only tactless, but wrong. My point, however, is that six years have passed since we took that action, whether it was tactless or wrong, and what we did then would no longer be a valid reason for opposing this Bill today, however valid a reason it may have been when the Bill was originally thrown out, largely, Sir, through your instrumentality.

In my speech yesterday, I tried to allay the suspicions of the House regarding expense and Indianization, and I said that I realized that the main objections, which this House felt to the Bill, lay in the constitutional position. I quoted the revised section 44A of the Government of India Act to show, that the amendments made to that Act in 1927, which will become operative if this Bill is passed, represent a very considerable advance from India's point of view. I would like to read that section again :

" Any naval forces and vessels which may from time to time be raised and provided by the Governor General in Council shall be employed for the purposes of the Government of India alone."

There was nothing of that kind in the Act of 1884, which gave His Majesty's Government complete power to take over the service in times of emergency. In addition, I referred to the intention of Government to consult the Legislature in cases where it was proposed to loan ships of the Indian Navy, to His Majesty's Government for purposes other than the defence of India. It was in what I said next that my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, did not perhaps quite catch my meaning. I went on to say that I had to deal with the probability that Defence under the new Constitution would be a reserved subject. I did not wish to imply that there was any suggestion of taking advantage of those Members of the Indian Legislature who went to the Round Table Conference and agreed to such a limitation ; I was merely stating a fact. And from that fact, I drew the inference that, there were only two alternatives before the House—either to stand still as regards the Navy, or to go forward. I said : " Is it the desire of this House that the naval forces of this country should retain their present inferior status until Defence ceases to be a reserved subject, or should advantage be taken of the present opportunity of obtaining for them the full status of a Navy ? " Sir, there is really no difference between the points of view of any of us, except in the matter of time. We all of us want the Indian Marine to become the Indian Navy ; it is merely a question of when this step should be taken. I urged the House to accept the second of my alternatives, and to take the present opportunity of giving the service the added status

[Lieut.-Colonel A. F. R. Lumby.] of a Navy, largely because this step has got to be taken sooner or later, for it is the first step in building up the Indian Navy of the future. If it is not taken now, it will merely mean that the clock will be stopped for a number of years. For that reason, I personally feel very strongly that there is a great deal to be said for overlooking the undoubted constitutional disadvantages and accepting the fact that the passing of this Bill will give the Marine itself an increased status, and its personnel a benefit which they have been looking forward to for a long time and which will undoubtedly do good to the service as a whole. It is because I think that the passing of this Bill will be of advantage, not only to the service but also to India, that I say that I cannot accept my friend, Mr. Das's challenge to withdraw this motion. (Loud and Prolonged Cheers.)

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I wish to inform the House that Khan Bahadur H. M. Wilayatullah is not here (*Voices* : "Louder, please ; we cannot hear you"), and I should like to move that Maulvi Shafee Daoodi's name may be substituted for that of Mr. Wilayatullah.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The question is :

"That in place of Khan Bahadur Wilayatullah's name, the name of Maulvi Shafee Daoodi be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee consisting of Diwan Bahadur A. Ramaswami Mudaliar, Maulvi Muhammad Shafee Daoodi, Mr. D. K. Lahiri Chaudhury, Mr. B. V. Jadhav, Mr. Gaya Prasad Singh, Kumar Gupteshwar Prasad Singh, Rao Bahadur M. C. Bajaj, Sir Hari Singh Gour, Mr. S. G. Jog, Sir Leslie Hudson, Captain Sher Muhammad Khan Gakhar, Sir Abdullah-al-Mamun Suhrawardy, Lieut.-Colonel Sir Henry Gidney and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Grigg, The Honourable Sir James.
 Dockenhull, Mr. F. W.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Kamaluddin Ahmad, Shams-ul-Ulema
 Mr.
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
 Lee, Mr. D. J. N.
 Lindsay, Sir Darcy.
 Lumby, Lieut.-Colonel A. F. R.
 Metcalfe, Mr. H. A. F.

Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Sher Muhammad Khan Gakhar, Captain.
 Singh, Mr. Pradyumna Prashad.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Studd, Mr. E.
 Talib Mehdi Khan, Nawab Major Malik.
 Trivedi, Mr. C. M.
 Zakaullah Khan, Khan Bahadur Abu
 Abdullah Muhammad.
 Zyn-ud-din, Khan Bahadur Mir

NOES—34.

Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Azhar Ali, Mr. Muhammad.
 Badi-uz-Zaman, Maulvi.
 Bhuput Singh, Mr.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Gunjal, Mr. N. R.
 Jog, Mr. S. G.
 Lahiri Chaudhury, Mr. D. K.
 Lalehand Navalrai, Mr.
 Liladhar Chaudhury, Seth.
 Mahapatra, Mr. Sitakanta.
 Mitra, Mr. S. C.
 Mody, Mr. H. P.

Mudaliar, Diwan Bahadur A. Ramaswami.
 Murtuza Saheb Bahadur, Maulvi Sayyid.
 Neogy, Mr. K. C.
 Pandian, Mr. B. Rajaram.
 Pandya, Mr. Vidya Sagar.
 Patil, Rao Bahadur B. L.
 Phookun, Mr. T. R.
 Rastogi, Rai Sahib Badri Lal.
 Reddi, Mr. T. N. Ramakrishna.
 Roy, Rai Bahadur Sukhraj.
 Sen, Mr. S. C.
 Shafee Daoodi, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Thampan, Mr. K. P.
 Uppi Saheb Bahadur, Mr.
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 9th August, 1934.

APPENDIX.*

Mr. N. E. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : Sir, I strongly support the Bill to repeal Regulation III of 1818 which is brought forward by the Honourable Mr. Amar Nath Dutt.

In the year 1818, the Mahratta Kingdom of Poona came to an end, and the Union Jack was hoisted up on the Shaniwar Wada and the *Bhagwa Zanda* was brought down. It was with the help of Shrimant Balaji Pant Natu that the British were able to proclaim their rule over the Maharashtra and the whole of India. The descendants of those very persons who helped Government then and other patriots are now subjected to the oppression of this law. The law was made when the present day Councils had not come into existence.

Government has expressed a surprise that this side of the House should have supported abolition of this Regulation when the terrorist movement and other like movements are active in the country. I would say in reply that this argument of the British Bureaucracy is only an indication of their physical weakness. Have they no strength to crush down terrorism with the help of their mighty police ? They already have enough laws and judges at their disposal.

But, with laws alone Government cannot curb the terrorist movement ; because it may be said, that the repressive laws themselves give rise to terrorist principles. I am of the opinion that, if Government have a real desire to put a stop to these outrages, they should respect public opinion.

Fourteen years have elapsed since the death of Lokmanya Tilak, my political *guru* : I remind Government of what he said regarding these repressive laws. He said : " These repressive laws are antiquated and one-sided ; and, if in these days of advanced civilization such laws are brought into use, the British Bureaucracy shall have to bear the consequences ". Sir, the late Honourable Mr. Gokhale also characterized these actions of the Bureaucracy of oppressing eminent Indians under antiquated and one-sided laws as puerile.

The Honourable Captain Lal Chand has opposed this Bill. I do not, however, attach any value to his opposition, since he is only a nominated Member, but I would warn Mr. Anklesaria, an elected Member as he is, to mind the consequences of his opposition. We, elected Members, ought to represent the views of the people of the country, although the Government happens to command a majority in the House at present.

As far as my memory goes, a Resolution recommending the repeal of this Regulation was moved and passed by this House in 1924 ; and an opportunity was afforded to Government to lessen the rigour of this law ; unfortunately the Government did not avail of it. Not only that, they have made use of this measure more freely than was recommended by the Repressive Laws Committee. It is a mere hypocrisy on the part of Government now to oppose this Bill. If you don't keep your promises, people cannot repose confidence in you.

With these words, I support this Bill on behalf of the Nationalist Party and the Maharashtra country.

* Translation of a speech delivered in Marathi on 2nd August, 1934 (*vide* page 942 of these debates).

LEGISLATIVE ASSEMBLY.

Thursday, 9th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

EUROPEANS AND INDIANS SERVING IN THE OFFICES OF THE SECRETARY OF STATE AND HIGH COMMISSIONER FOR INDIA.

497. *Sirdar Harbans Singh Brar : Will Government please state the number of Europeans and Indians serving in the offices of the Secretary of State for India and the High Commissioner for India, who are in receipt of over Rs. 300 per mensem ?

The Honourable Sir Joseph Bhoré : The information required, in respect of the office of the Secretary of State for India, is not available. As regards the office of the High Commissioner for India, information is being collected and will be furnished to the House in due course.

Mr. Lalchand Navalrai : Is not the information already known to the Government of India ?

The Honourable Sir Joseph Bhoré : No, Sir.

STAFF IN THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

498. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state the total strength of the staff employed by the Imperial Council of Agricultural Research, which is paid from the annual grant given by Government, or from the grant of the funds at the disposal of the Imperial Council of Agricultural Research ?

(b) Will Government be pleased to state how many of them are Mussalmans ?

(c) Will Government be pleased to lay on the table a statement showing the names and salaries of all the persons employed by the Imperial Council of Agricultural Research ?

(d) Do Government propose to give effect to the recent Resolution of the Home Department regarding the 25 per cent. proportion of Muslims in Government service ?

Mr. G. S. Bajpai : (a) The strength of the staff on the Administration side which is paid for from Central Revenues is 51, and on the Research side which is paid from the funds of the Council is 111.

(b) Sixteen on the Administrative side and forty-one on the Research side.

(c) Statements are laid on the table.

(1247.)

(d) In the ministerial and inferior ranks, this percentage has been exceeded. In the gazetted ranks, both on the technical and administrative side, there is a deficiency. Every endeavour will be made to rectify this.

Statement showing the names and salaries of officers and establishments employed under the Imperial Council of Agricultural Research Department as on the 4th August, 1934.

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
GAZETTED OFFICERS.			
1	D. R. Sir T. Vijayaraghavacharya, K.B.E., Vice-Chairman.	Pay Rs. 3,208 5 4 Pension 791 10 8 4,000 0 0	
2	Mr. B. C. Puri, C.I.E., M.B.E., I.A.S., Agricultural Expert.	Pay 2,750 0 0 O.P. 113 6 8	
3	Colonel A. Oliver, C.B., C.M.G., F.R.C.V.S., Animal Husbandry Expert.	Pay 2,750 0 0 O.P. 113 6 8	
4	R. S. Malik Charan Das, I.S.S., Secretary.	Pay 1,160 0 0	
5	R. S. Tej Bhan Bahl, B.A., Superintendent.	640 0 0	On leave till 16th November, 1934.
Ministerial Staff.			
1	Mr. Bazul Karim	400 0 0	Officiating as Superintendent vice R. S. Tej Bhan Bahl, on leave (acting pay Rs. 590).
2	Mr. P. M. Sundaram	260 0 0	
3	Mr. Mohammed Shafi, Librarian	365 0 0	
4	Mr. P. S. Sundaram	245 0 0	
5	Mr. T. S. Krishnamurti	230 0 0	
6	Mr. Amar Nath, Cashier	300 0 0	Plus S. P. Rs. 50.
7	Mr. Shams-ud-Din	180 0 0	
8	Mr. V. Padmanabhan	196 0 0	Plus P.P. Rs. 8.
9	Mr. M. R. Sultan	124 0 0	
10	Mr. H. C. Thapar	132 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
Rs. A. P.			
11	Mr. M. Y. Burney	108 0 0	
12	Mr. N. R. Srinivasan	106 0 0	
13	Mr. Kasturi Lal	106 0 0	
14	Mr. Nazir Ahmad	106 0 0	
15	Mr. B. Chatterji	106 0 0	Plus P. P. Rs. 8.
16	Mr. Mohammed Sanaullah	106 0 0	
17	Mr. Sardar Mohammed	122 0 0	
18	Mr. Ajudhia Prashad	102 0 0	
19	Mr. Ramji Das Mohindra	106 0 0	
20	Mr. Shanti Lal Dung	125 0 0	Employed in a temporary post created for a period of 4 months.
21	Mr. M. L. Chatrath, Stenographer.	237 8 0	
22	Mr. Abdul Gazi	225 0 0	
23	Mr. Harnam Singh	312 8 0	
24	Mr. E. Parthasarathi	225 0 0	Plus D. A. Rs. 50.
Inferior Staff.			
1	Bija Ram, Record Sorter	37 0 0	
2	Ahmad Din, Duftry	22 0 0	
3	Mohammed Din, Duftry	19 0 0	
4	Amar Singh Duftry	19 0 0	
5	Gya Pershad, Jemadar	30 0 0	
6	Purbi Din, Jemadar	27 0 0	
7	Debi Ram, Jemadar	26 0 0	
8	Kesru	22 0 0	Officiating 2nd class Jemadar vice Sadhu Ram on foreign service.
9	Debi Din	16 0 0	Officiating Dafadar vice Kesru.
10	Chandu	16 0 0	
11	Paras Ram	15 0 0	
12	Mohammed Ismail	15 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
13	Mohammed Ali	15 0 0	
14	Durga Ram	15 0 0	
15	Chingoo	14 0 0	
16	Mohammed Nazir	14 0 0	
17	Musaddi	14 0 0	
18	Gulam Mohammed	14 0 0	
19	Ganga Pershad	14 0 0	
20	Durga Ram II	14 0 0	
21	Abdul Wahid	14 0 0	
22	Madan Singh	14 0 0	

Statement showing the names and salaries of officers and establishments employed under the Imperial Council of Agricultural Research as on the 4th August, 1934.

I. Staff employed at the Headquarters of the Council.

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
1	GAZETTED OFFICERS. <i>Technical.</i> Mr. A. M. Livingstone, Marketing Expert.	2,500 0 0 Plus O.P. £ 13 6 8	
2	Mr. R. D. Kapur, Chief Economist	600 0 0	
3	Mr. M. Vaidyanathan, Statistician	600 0 0	
	NON-GAZETTED OFFICERS. <i>Technical Staff.</i>		
1	Mr. K. P. R. Kartha	230 0 0	
2	Mr. Subramanyam Iyer	190 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934	Remarks.
		Rs. A. P.	
	<i>Ministerial Staff.</i>		
1	Mr. Shyam Swaroop, Accountant	420 0 0	Appointed by the Accountant General, Central Revenues, as his representative as a primary auditor of the research accounts of the I. C. A. R. (The Council pays only average cost of the post, viz., Rs. 379-10-0.)
2	Mr. B. B. Saksena, Assistant ..	200 0 0	
3	Mr. Baksh Illahi, Assistant Accountant.	167 8 0	
4	Mr. A. A. Shakir, Assistant ..	140 0 0	
5	Mr. N. S. Lakshmanan (on leave). (Mr. Nadir Shah, offg. on Rs. 60 per mensem).	125 0 0	
6	Mr. V. N. Kohli, Clerk ..	120 0 0	
7	Mr. T. R. Rajagopalan ..	120 0 0	
8	Mr. Mahfooz Hussain ..	100 0 0	
9	Mr. Abdul Rahim ..	80 0 0	
10	Mr. Man Mohan Singh Manchanda	75 0 0	
11	Mr. V. Rangacharia ..	75 0 0	
12	Mr. Amar Nath ..	75 0 0	
13	Mr. Mohd. Din ..	75 0 0	
14	Mr. Hans Raj Bahl ..	75 0 0	
15	Mr. Pran Nath ..	75 0 0	
16	Mr. C. S. A. Subramanyan ..	75 0 0	
17	Mr. Nihal Chand ..	75 0 0	
18	Mr. Nasrat Ullah ..	60 0 0	
19	Mr. Chaman Lal ..	60 0 0	
20	Mr. K. V. Nanjundiah ..	60 0 0	
21	Mr. Hamid Ali ..	60 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
	<i>Inferior Staff.</i>		
1	Sadhu Ram, Jamadar ..	26 0 0	Plus compensatory allowance Rs. 4-8-0 and H. R. allowance Re. 1.
2	Dip Ram	16 0 0	
3	Tara Singh	16 0 0	
4	Gulam Ahmad	16 0 0	
5	Sant Ram	15 0 0	
6	Sadar Din	15 0 0	
7	Khuda Bux	15 0 0	
8	Jamna Dhar	15 0 0	
9	Chandu	15 0 0	
10	Man Singh	15 0 0	
11	Paras Ram	15 0 0	
12	Paras Ram	14 0 0	
13	Allah Diya	14 0 0	

II. Staff employed under the Sugar Technologist, Imperial Council of Agricultural Research.

	GAZETTED OFFICER		
	(Technical).		
1	Mr. R. C. Srivastava, Sugar Technologist.	1,900 0 0	
	NON-GAZETTED OFFICERS.		
	<i>Technical Staff.</i>		
1	Mr. J. P. Mukerjee (Engineer) ..	150 0 0	
2	Mr. K. M. Sadhu (Draftsman) ..	144 0 0	
	<i>Clerical Staff.</i>		
1	Mr. M. N. Mehta, First Assistant	170 0 0	
2	Mr. R. N. Prasad, Head Clerk ..	127 8 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
3	Mr. L. P. Sinha, Stenographer ..	127 8 0	
4	Mr. S. N. Gupta, Second Assistant	95 0 0	
5	Mr. Subha Singh	88 0 0	
6	Mr. J. N. Prasad	88 0 0	
7	Mr. Amir-ul-Hasan	80 0 0	
8	Mr. Sukhdev Thakur	70 0 0	
9	Mr. J. P. Sinha	70 0 0	
10	Mr. M. P. Misra	70 0 0	
11	Mr. Asghar Ali	50 0 0	
12	Mr. Ganga Prasada	50 0 0	
	<i>Inferior Staff.</i>		
1	Kalicharan	16 0 0	
2	Imam Khan	12 0 0	
3	Abdul Hafiz	12 0 0	
4	Din Dial	12 0 0	
5	Umeshankar	12 0 0	
6	Ram Prasad Bajpai	12 0 0	
7	Chandu Lal	10 0 0	
8	Chandri Khan	10 0 0	

III. Staff employed under the Locust Research Entomologist, Imperial Council of Agricultural Research, Karachi.

	GAZETTED OFFICER (TECHNICAL).		
1	Rao Sahib Y. Ramachandra Rao, Locust Research Entomologist.	Pay .. 1,000 0 0 L. A. .. 60 0 0	
	NON-GAZETTED OFFICERS.		
	<i>Technical Staff.</i>		
1	Dr. K. R. Karandhikar, Assistant Locust Research Entomologist.	370 0 0	
2	Mr. K. D. Baweja, Locust Research Assistant.	350 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
3	Mirza Ahmad Ali Khan, Locust Research Assistant.	Pay .. 160 0 0 L. A. .. 15 0 0	
4	Mr. D. R. Bhatia, Research Assistant.	Pay .. 160 0 0	
5	Mr. A. C. Sen, Research Assistant.	Pay .. 160 0 0 L. A. .. 75 0 0	
6	Mr. M. Taqi, Research Assistant.	125 0 0	
	<i>Clerical Staff.</i>		
1	Mr. Abdul Ghani	Pay .. 124 13 0 L. A. .. 12 8 0	
2	Mr. Chandar Prakash	Pay .. 67 0 0 L. A. .. 10 0 0	
3	Mr. Shanti Lal	Pay .. 67 0 0 L. A. .. 10 0 0	
4	Mr. Mohd. Ramzan	Pay .. 52 0 0 L. A. .. 7 8 0	
5	Mr. Abdul Halim	52 0 0	
6	Mr. H. G. Sheikh	Pay .. 35 0 0 L. A. .. 5 0 0	
	<i>Inferior Staff.</i>		
1	Mohd. Sharif, Fieldman	41 0 0	
2	Mohd. Aslam, Fieldman	41 0 0	
3	Nasurullah, Fieldman	41 0 0	
4	Abdul Hamid, Fieldman	41 0 0	
5	Khushi Mohd., Fieldman	41 0 0	
6	Norata Singh, Fieldman	40 0 0	
7	Abdul Qadir, Fieldman	Pay .. 31 0 0 L. A. .. 10 0 0	
8	Mohd. Rashid, Fieldman	30 0 0	
9	Deoki Nanadan, Fieldman	30 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
10	Narayan Behari, Fieldman	31 0 0	
11	Shanti Swarup, Fieldman	30 0 0	
12	Peshawari Singh, Fieldman	30 0 0	
13	Didar Singh, Fieldman	31 0 0	
14	Girdhari Lal Amar Chand, Fieldman.	20 0 0	
15	Abdul Latif, Fieldman	31 0 0	
16	Mohd. Shafi, Fieldman	30 0 0	
17	Swali, Fieldman	21 0 0	
18	Malik Mohd., Fieldman	21 0 0	
19	Borak Ram, Peon	18 0 0	
20	Sita Ram, Peon	18 0 0	
21	Ata Mohd., Peon	18 0 0	
22	Mohd. Ismail, Peon	17 0 0	
23	Khadim Hussain, Peon	17 0 0	
24	Bhag Singh, Peon	15 0 0	
25	Hans Raj, Peon	15 0 0	
26	Faiz Baksh, Messenger	12 0 0	
27	Ganesh, Messenger	12 0 0	
28	Brij Mohan, Messenger	12 0 0	
29	Maloo, Messenger	12 0 0	
30	Dhogar, Messenger	12 0 0	
31	Gopal Singh, Messenger	12 0 0	
32	Rahmat Ali, Messenger	12 0 0	
33	Sukhidai, Messenger	10 0 0	
34	Rahmat, Messenger	10 0 0	
35	Mohd. Ismail, Messenger	10 0 0	
36	Murad Ali, Messenger	10 0 0	

INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

499. *Dr. Ziauddin Ahmad : (a) Is it a fact that 57 States are members of the League of Nations ?

(b) Is it not a fact that India contributes 56 units out of 1,013 units to the funds of the League of Nations, which is equivalent to 5.5 per cent. ?

(c) Is it not a fact that there are only five countries which contribute more than India ? What are the names of those countries and what are their contributions ?

The Honourable Sir Nripendra Sircar : (a) and (b). The answer is in the affirmative.

(c) The names of the five countries and the number of units contributed by them are as follows :

	Units.
(i) Germany	79
(ii) United Kingdom	105
(iii) France	79
(iv) Italy	60
(v) Japan	60

EMPLOYMENT OF INDIANS IN THE SECRETARIAT OF THE LEAGUE OF NATIONS.

500. ***Dr. Ziauddin Ahmad :** (a) Is it not a fact that the League of Nations employs over 700 clerks and secretaries whose names and nationalities are published on pages 1262—1293 of the official Gazette of the League of Nations ?

(b) Is it not a fact that out of this number only five are Indians, of whom four are temporary ?

(c) Have the Government of India taken any action to press on the authorities that the number of Indians in the Secretariat of the League of Nations and allied offices should be in proportion to their contribution, i.e., 5.5 per cent. ? If not, why not ?

The Honourable Sir Nripendra Sircar : (a) Government have no information additional to what is contained on the pages of the Official Journal. We have no further information beyond that.

(b) Six Indians are permanently employed and three are believed to be temporarily employed.

(c) Appointments in the League Secretariat being normally for terms of seven, 21 or 28 years, and appointments under the International Labour Office being normally for terms of 21 or 28 years with an age limit of 60, the Honourable Member will kindly understand that the possibility for effective action in this matter is extremely limited ; Government are at pains to take such action as is possible by causing India's delegates to the Assembly to ventilate the matter as often and as strenuously as is consistent with tactical considerations, and that has been done. I would like to disassociate myself from the suggestion that it would be practicable to introduce a precise correspondence between percentage of contribution and percentage of representation in the Secretariat.

Mr. Gaya Prasad Singh : As regards part (b), is it not a fact that the Indians are poorly paid as compared to their qualifications and as

compared to the salaries of the nationals of other countries who are employed in the League Secretariat ?

The Honourable Sir Nripendra Sircar : As regards their actual pay, the Honourable Member will find them in the pages referred to by Dr. Ziauddin Ahmad, namely, pages 1262—1293. We are not in a position to tell this House the exact educational and other qualifications of each. We have no materials in our custody.

Mr. Gaya Prasad Singh : Is it not within the power of the Government of India to find out the qualifications of their own nationals and to see that they are paid adequate salaries in proportion to their qualifications ?

The Honourable Sir Nripendra Sircar : It is quite within the power of the Government of India to get that information, and, if that information is required, that will be laid as soon as possible. But I think it is not within the power of the Government of India to compel any particular person to be paid any particular salary.

Mr. F. E. James : Is it not a fact that the Indian Members of the Secretariat do in fact receive the pay which is normally listed for the posts which they occupy and that there is no differentiation in the pay of those posts as between the nationals of different countries ?

The Honourable Sir Nripendra Sircar : That is so.

Mr. Gaya Prasad Singh : Have not the Government of India found out the qualifications of the nationals of other countries and the qualifications of their own nationals ? If they had not found out the qualifications of the individual members, then how did the Government answer the question in the affirmative ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The same post carries the same pay whoever might be the national. This point has been mentioned already.

Mr. Gaya Prasad Singh : My point was that a man holding a higher qualification should be appointed to the higher post.

Dr. Ziauddin Ahmad : May I ask whether the Government of India ever represented to the Secretary of the League of Nations that the Indian Legislature and the people of India are very much dissatisfied with the small proportion of Indians in the Secretariat ?

The Honourable Sir Nripendra Sircar : That was done, not by direct correspondence between the Government of India and the Secretariat of the League of Nations, but repeatedly through the members of the Delegation there.

Dr. Ziauddin Ahmad : Will the Honourable Member please convey to the Secretary of the League of Nations the feelings of the Indian Legislature that we would seriously consider the question of our contribution to the League of Nations if India was not properly represented on the staff of the League of Nations ?

The Honourable Sir Nripendra Sircar : I will not only do that, but I shall indeed be very pleased if anything comes out of that representation.

INDIA'S MEMBERSHIP OF THE COUNCIL OF THE LEAGUE OF NATIONS.

501. *Dr. Ziauddin Ahmad : (a) Is it not a fact that there are 13 members in the Council of the League of Nations (*vide* page 619 of the official Gazette of the League) ?

(b) How many of them are permanent members ?

(c) Is it not a fact that Japan and Germany, who were permanent members, have now withdrawn ?

(d) Did the Government of India apply for the inclusion of India among the permanent members on the ground that our contribution is sixth in the list and next to Italy and Japan ? If not, why not ?

The Honourable Sir Nripendra Sircar : (a) It is not 13, but 15. But I should explain what the actual number is. Japan having withdrawn, and nothing having been done by Japan within the two years for which notice has been given, the number 15 was put in by the League so that the exact number should be either 14 or 15, as the Honourable Member likes to have it.

(b) Five.

(c) Japan and Germany have given two years notice of their intention to withdraw from the League. They remain permanent members of the Council, pending expiration of the period of notice, though they are understood not to be actually attending the Council.

(d) The Honourable Member is referred to Sir Brojendra Mitter's reply to his own question, No. 1164, asked on the 27th November, 1933.

Dr. Ziauddin Ahmad : The reply to the last part "if not, why not" was not given.

The Honourable Sir Nripendra Sircar : I have got the reply. I think my Honourable friend is mistaken. The reply to "why not" may not be satisfactory to the House, but the reply to "why not" was given, and the Honourable Sir Brojendra Mitter explained that it was not possible to carry out the suggestions which were indicated, and I cannot add anything to the answers which were given on the last occasion.

Dr. Ziauddin Ahmad : May I ask whether the Indian Delegation or the Government of India ever made any representation that India ought to be a permanent member of the League of Nations in view of the fact that there are two vacancies ?

The Honourable Sir Nripendra Sircar : Is not that covered by the next question ?

Dr. Ziauddin Ahmad : Then I will discuss it later on.

INDIA'S MEMBERSHIP OF THE COUNCIL OF THE LEAGUE OF NATIONS.

502. *Dr. Ziauddin Ahmad : Did India ever offer herself as a candidate for election as an ordinary member of the Council of the League of Nations ? If not, why not ?

The Honourable Sir Nripendra Sircar : No. The Honourable Member is referred to the reply by Sir Brojendra Mitter to the Resolution

moved by the Honourable Sir Phiroze Sethna in the Council of State, on the 14th July, 1930.

INTEREST OF THE INDIAN LEGISLATURE IN THE WORK OF THE LEAGUE OF NATIONS.

503. *Dr. Ziauddin Ahmad : (a) Was the attention of the Government of India drawn to the proposal No. (1) of the Indian delegation to the League presided over by Sir Muhammad Habibullah ?

(b) What action have Government taken to increase the interest of the Indian Legislature in the work of the League ?

(c) Did Government ever give an opportunity to this House to discuss the reports of the Indian delegation ?

The Honourable Sir Nripendra Sircar : (a) The recommendations in question were addressed to, and could not fail to attract the attention of, the Government of India.

(b) The Honourable Member is referred to the reply by Sir Brojendra Mitter to the Resolution mentioned in my reply to the last question. Government are of opinion that Non-Official Members of the Legislature, desiring to interest themselves in matters pertaining to the League of Nations, might suitably establish and support an organization on the lines of the League of Nations Union Committee of the British Parliament.

(c) If the Honourable Member means to enquire whether Government have ever set apart an official day for discussion of the Report, the answer is in the negative. I would point out, that it has at all times been open to any Honourable Member, to give notice of a Resolution regarding anything contained in the Report which he desires to be discussed, but that to the best of my belief and information no notice of any such Resolution has ever been given.

Mr. F. E. James : With regard to the answer to (c), will Government consider the advisability, on their own initiative, of giving this House an opportunity of discussing the Report or Reports of the Indian Delegation or Delegations rather than leaving it to the chances of a ballot for Resolutions ?

The Honourable Sir Nripendra Sircar : Government are quite prepared to do that and will not take up an obstructive attitude.

Mr. President (The Honourable Sir Shanmukham Chetty) : The point of Mr. James was whether Government will set apart an official day for discussing the Report of the League of Nations Delegation.

The Honourable Sir Nripendra Sircar : My Honourable friend's question was whether Government will consider the advisability of doing that. I said we are prepared to do so.

Captain Sher Muhammad Khan Gakhar : Have the Government of India ever attempted to send a Member of this House to represent them on the League of Nations ?

The Honourable Sir Nripendra Sircar : I am not aware if any attempt was made, but if any were made, it was not successful. (Laughter.)

Mr. K. C. Neogy : On the question of the choice of delegates, is it a fact that the ultimate choice lies with the Secretary of State?

Mr. G. H. Spence : Questions have very frequently been answered on that point before. The position is that the delegates are appointed by the Secretary of State acting in consultation with the Government of India.

Mr. K. C. Neogy : That is certainly the formal position, certainly they must be ultimately appointed in the name of the Secretary of State, but have the Government of India a free hand in making the selection?

The Honourable Sir Nripendra Sircar : I thought the answer given by Mr. Spence was that the men are selected in consultation with the Secretary of State, which involves the idea that sometimes the Secretary of State yields to the Government of India and sometimes *vice versa*.

Mr. K. C. Neogy : Then, may I expect my Honourable friend to give us an idea about the considerations that govern the choice of the members of the Delegation so far as the Government of India are concerned?

Mr. G. H. Spence : I would suggest, Sir, that this question may wait. There is a substantive question now on the paper which will be answered in a few days' time which raises this very point.

Mr. Lalchand Navarai : May I know if Government are now prepared to make an attempt to send a Member of this House to the League of Nations?

The Honourable Sir Nripendra Sircar : Government will be prepared to consider that if we know the number of members who are willing to go and their qualifications.

Diwan Bahadur A. Ramaswami Mudaliar : Is that the basis on which they have so far selected Honourable Members for the different Delegations? Did they receive applications and did the applications contain the qualifications, and did the Government of India Members sit on those qualifications and decide them? Is that the complimentary way in which the League delegates have so far been treated?

The Honourable Sir Nripendra Sircar : A man cannot be sent there against his wishes, and, therefore, "application" does not mean something written on a piece of paper and signed and attested and witnessed. But an intimation may be conveyed in various manners, and Honourable Members of this Assembly do manage to convey their wishes in various matters as to what they are willing to do and what they are not willing to do. No deprecation of anybody was intended in that answer.

Mr. K. C. Neogy : May I know in what way the Honourable Member's predecessor conveyed that wish to the Government of India? Was it on stamped paper?

The Honourable Sir Nripendra Sircar : I have got to wait until I get a reply from my Honourable predecessor who is at Calcutta.

Mr. Lalchand Navarai : May I know from the Honourable Member whether he thinks that the Legislators on this side of the Assembly are less competent than the Members on that side, so that they cannot be sent?

Mr. President (The Honourable Sir Shanmukham Chetty): That is a matter of opinion.

Dr. Ziauddin Ahmad: May I ask whether these applications were invited by public notification?

The Honourable Sir Nripendra Sircar: If there had been a public notification, it could not have escaped the eagle eyes of Dr. Ziauddin Ahmad.

PERMANENT REPRESENTATIVE OF INDIA AT THE HEADQUARTERS OF THE LEAGUE OF NATIONS.

504. *Dr. Ziauddin Ahmad: What action, if any, did Government take to have a permanent representative at the headquarters of the League of Nations, as recommended by the delegations of 1933 and 1929? If none, why not?

The Honourable Sir Nripendra Sircar: The attitude adopted towards the recommendation of the Delegation of 1929 was stated in Sir Brojendra Mitter's reply to the Resolution mentioned in my reply to question No. 502. The renewed recommendation by the Delegation of 1933 is at present under consideration.

CIRCULATION OF REPORTS, ETC., OF THE LEAGUE OF NATIONS.

505. *Dr. Ziauddin Ahmad: Do Government circulate among the Members of the Central Legislature and the interested persons, the literature and printed reports they receive from the office of the League of Nations? If not, why not?

The Honourable Sir Nripendra Sircar: The Honourable Member is referred to the reply given in the Legislative Assembly on the 18th August, 1927, to question No. 21, asked by Mr. Ganganand Sinha.

Dr. Ziauddin Ahmad: Since circumstances have changed after the reply given in 1927, during the last seven years, may I ask whether they will consider again that the literature supplied to the Government of India may not be circulated among the Members of the Legislature?

The Honourable Sir Nripendra Sircar: If the question is whether they are prepared to consider, the answer is in the affirmative.

OFFICIAL OR CLERK TO DEAL EXCLUSIVELY WITH THE WORK OF THE LEAGUE OF NATIONS.

506. *Dr. Ziauddin Ahmad: Have the Government of India got any official or clerk to deal exclusively with the work of the League of Nations?

The Honourable Sir Nripendra Sircar: The answer is in the negative.

Dr. Ziauddin Ahmad: May I ask whether it is not a waste of time, and a waste of energy and waste of money to send our Delegation and be a member of the League of Nations when we have not got any staff here to deal with this particular question and to reply to our questions?

The Honourable Sir Nripendra Sircar: That is a matter of opinion.

Mr. Lalchand Navalrai: May I know why the reply is in the negative? Is the staff needed or not needed? It means that the Government of India have got no office dealing exclusively with the work of the League of Nations: I ask, why?

Mr. G. H. Spence: The answer is that the work done by the Government of India in connection with the League of Nations is more conveniently done by being done by a large number of people in addition to other duties than being done by one or more persons exclusively.

Mr. Lalchand Navalrai: Then the Government of India are not over-worked?

Mr. G. H. Spence: I do not think there is any implication in the answer I gave that the Government of India are not over-worked: I cannot subscribe to the suggestion that they are not over-worked.

Dr. Ziauddin Ahmad: Is it a fact that the way in which they treat this literature from the League of Nations is that they throw it into the waste paper basket?

Mr. G. H. Spence: It is not a fact.

Dr. Ziauddin Ahmad: If it is not a fact, did they ever circulate this literature among the Members of the Assembly?

Mr. G. H. Spence: If the Honourable Member would be good enough to refer to the earlier reply to which he was referred by the Honourable the Law Member in answer to a previous question, he will find that the position is that the Government receive from the League of Nations only sufficient number of copies for official use. The cost of printing and circulating this literature to Members of the Indian Legislature would be exceedingly heavy: the matter would be extraordinarily voluminous. On the date the answer was previously given, the Government were not satisfied that there was so lively a demand from the Members of the Indian Legislature to have access to the literature that they would be justified in incurring the considerable expense involved.

Dr. Ziauddin Ahmad: Did the Government of India ever demand of the League of Nations that sufficient number of copies should be sent, so that they may be circulated among the Members of the Legislature?

Mr. G. H. Spence: I am afraid that if any such demand were made, it would inevitably be refused.

Mr. K. C. Neogy: I understand my Honourable friend to say that the papers they receive are only for official use. May I know who are the officials among whom these papers are circulated?

Mr. G. H. Spence: We get only two or three copies and we send them to such administrative Departments as may be concerned with the subject matter of the paper.

Mr. K. C. Neogy: Who decides as to whether a particular Department is interested in a particular matter?

Mr. G. H. Spence: In the last resort that decision is probably by myself.

Mr. K. C. Neogy: My Honourable friend is the censor in this particular matter?

Mr. G. H. Spence : Not a censor, Sir : a post office.

Dr. Ziauddin Ahmad : The Honourable Member suggests that if the request is made to the League of Nations for more copies, it would be certainly refused : is it not a question of his opinion only, and is he justified in giving that opinion ?

Mr. G. H. Spence : It may in the last resort be a question of opinion, but I am tolerably confident that my opinion is correct.

Mr. Gaya Prasad Singh : Is it not a fact that this House sanctions money for the League of Nations, and are not the Members entitled to get a copy as asked by Dr. Ziauddin Ahmad ?

Mr. G. H. Spence : I have already stated that, when this matter was raised before, the position of Government was that they were not satisfied that the demand was so lively as to justify them in incurring the not inconsiderable amount of expenditure involved : I may say that a great bulk of League literature will be found in the Library.

Mr. Lalchand Navalrai : May I know if the Honourable Member's opinion is subject to correction by anybody ?

Dr. Ziauddin Ahmad : May I ask whether you will recommend on behalf of the Legislature to the Government of India that the future grant to the League of Nations should be stopped, because they are not even prepared to give us copies of their literature ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question does not arise out of this.

GIVING OF CONTRACT FOR RUNNING MUSLIM REFRESHMENT ROOMS.

507. *Khan Bahadur H. M. Wilayatullah : (a) Is it a fact that the contract for the running Hindu and Muslim Refreshment Rooms at the railway stations of Allahabad, Gaya and some other places, has been given to one man who is a Hindu ?

(b) Are Government aware that in the Hindu Refreshment Rooms *hatka* meat is used ?

(c) Are Government also aware that Muslims have very strong objections to eating *jhātka* meat ?

(d) Do Government propose to consider the desirability of giving a separate contract for running Muslim Refreshment Rooms to Muslim contractors only ?

Mr. P. B. Rau : (a) The contract for the Hindu and Muhammadan Refreshment Rooms at Allahabad is held by a firm in which Government are informed, the principal religions are equally represented. The Agent, East Indian Railway, understands, the firm consists of three partners, one a Hindu, the other a Muhammadan and the third an Indian Christian. At Gaya and all other stations, there is a separate Hindu and Muhammadan contractor for the Indian Refreshment Rooms.

(b) The Agent, East Indian Railway, reports that *jhātka* meat is not used in the Hindu Refreshment Rooms.

HARASSMENT TO THE MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE ANTECEDENTS OF THEIR FRIENDS.

*** 108. *Seth Liladhar Chaudhury :** (a) Are Government aware that the Criminal Investigation Department staff pester Honourable Members of this House for the antecedents of their friends ?

(b) Are Government aware that when a Member signs the applications for admission cards, he is responsible for the conduct and antecedents of the persons for whom applications are made ?

(c) Do Government propose to issue instructions to these men to stop harassment of Honourable Members in the future ?

The Honourable Sir Henry Craik : (a) No.

(b) Yes, in the case of special applications.

(c) Government see no necessity for such instructions.

Mr. K. C. Neogy : Will it surprise the Honourable Member if I were to tell him that I received a visit only yesterday from a police officer who came to inquire as to whether I was prepared to vouch for the conduct of a particular person for whom I had asked for a card—not that I knew him personally, but because he was introduced to me by another person whom I knew personally ?

The Honourable Sir Henry Craik : The Honourable Member asks me whether it would surprise me ?

Mr. K. C. Neogy : Nothing will perhaps surprise him !

The Honourable Sir Henry Craik : If the Honourable Member has any complaint to make regarding the conduct of the police, I should be very glad to look into it if he will speak to me outside the House.

Mr. K. C. Neogy : I do not want to make a complaint : that was furthest from my intention. But, under the rules, when we are permitted to ask for cards for persons whom we do not know personally, are we necessarily expected to vouch for the conduct of those persons ?

The Honourable Sir Henry Craik : No ; I do not think so ; but the police have a responsibility which they must discharge in some way or other ; and, in the discharge of their responsibility, I take it that they asked my Honourable friend to help them.

Mr. K. C. Neogy : I will speak to the Honourable Member outside the House.

The Honourable Sir Henry Craik : I shall be glad if the Honourable Member will do so.

Mr. Vidya Sagar Pandya : Even when the addresses are given and they are Government servants, the Members are asked to give further details about them ! I had an inquiry from the Department even when the full address was given, and it was a responsible Government servant for whom the card was given.

The Honourable Sir Henry Craik : There, again, if the Honourable Member will give all details of the case, I shall be very glad to look into it outside. It is rather difficult for me to answer these questions about specific cases without notice.

Mr. Gaya Prasad Singh : Are Government aware that sometime back a C. I. D. official came to my place to inquire about a certain individual for whom I had asked for a card and for whom I had written that I personally knew him ?

The Honourable Sir Henry Craik : I was not aware of that.

Mr. Lalchand Navalrai : May I know whether there are any specific orders to the police given by Government to go to Honourable Members to make such inquiries or whether the police do it at their own instance ?

The Honourable Sir Henry Craik : I must have notice of that. If the Honourable Member wishes me to look into the question of what instructions are issued, I am afraid I must ask for notice.

Mr. K. C. Neogy : May I inform my Honourable friend that with reference to the visit from the police I had yesterday, he read out from an official typed letter in which he was asked to make inquiries of me ?

The Honourable Sir Henry Craik : As I said, I shall be very glad to discuss the case with the Honourable Member.

Mr. B. Das : Will it surprise the Honourable Member that once when I arrived in Simla, the Punjab C. I. D. visited me and asked me to sign my name in a book and I referred the matter to the Honourable Member's predecessor, and the Punjab Government apologised through their Chief Secretary to me ?

The Honourable Sir Henry Craik : Perhaps it would surprise my Honourable friend to know that when I arrived in Simla a week ago, I had to sign that book. (Laughter.)

Mr. B. Das : Do I take it that a C. I. D. official of the Punjab Government visited the Honourable Member at Ava Lodge and asked him to sign his name in his note-book ? In my case, an official of the C. I. D. came to my residence and asked me to sign my name in his book.

Mr. President (The Honourable Sir Shanmukham Chetty) : They showed more courtesy to you than to the Honourable the Home Member. (Laughter.)

Mr. B. Das : Perhaps the Home Member is referring to the Tara Devi medical examination, but I was referring to the visit of a C. I. D. official at my own residence and asking me to sign in his note-book according to an order from the Home Department.

Mr. President (The Honourable Sir Shanmukham Chetty) : Or he wanted your autograph.

Mr. B. Das : The Punjab Government had to apologise through their Chief Secretary on behalf of their police.

Q. M. G., E.-in-C. and R. A. F., without their qualifying for the divisions for which they are drawing their present salary ?

Mr. H. A. F. Metcalfe : Permanent third and second division clerks in Army Headquarters may, if they wish, sit for the Public Service Commission examination for the second or the first division, provided they satisfy the ordinary rules for the examination. They are not required, however, to qualify by examination for the second division or the first division before being promoted into one of the vacancies set apart for departmental promotion. The rest of the question does not arise.

VICEROY'S COMMISSIONED OFFICERS SERVING IN THE INDIAN ARMY.

510. ***Sirdar Harbans Singh Brar :** (a) Will Government please state the total number of the Viceroy's commissioned officers now serving in the Indian Army ?

(b) How many years will it take according to Government's present plans for the total extinction of these officers from the Army in India ?

Mr. H. A. F. Metcalfe : (a) The number of officers on the 1st April, 1934, was 3,652.

(b) I would refer the Honourable Member to the latter portion of the reply given on the 7th August, 1934, to his starred question No. 492.

CELEBRATION OF THE JUBILEE OF HIS MAJESTY THE KING EMPEROR'S REIGN.

511. ***Sirdar Harbans Singh Brar :** Do Government propose to make a detailed statement as to the arrangements which are to be made for the celebration of the Jubilee of His Majesty the King Emperor's reign ?

The Honourable Sir Henry Craik : As the announcement regarding His Majesty the King Emperor's "Silver Jubilee" has only recently been made, the Government of India are not yet in a position to make any detailed statement, but they will make an announcement in due course. As was stated in the announcement, in the House of Commons, the question of the representation of India has been discussed by His Majesty's Government with His Excellency Lord Willingdon.

CONSTITUTION OF THE COMMITTEE FOR THE DELIMITATION OF CONSTITUENCIES.

512. ***Sirdar Harbans Singh Brar :** Will Government please state if they are in a position to make a statement as to when the committee for the delimitation of constituencies of Provincial and Central Legislatures is to be constituted ?

The Honourable Sir Joseph Bhole : The reply is in the negative.

Mr. B. Das : Sir, I have an authority from Lala Hari Raj Swarup to put his questions. He wrote to the Department long ago.

Mr. President (The Honourable Sir Shanmukham Chetty) : He has not.

COMPLAINT ABOUT THE INCIVILITY OF A MEMBER OF THE EAST INDIAN RAILWAY STAFF AT MEERUT.

513. ***Lala Hari Raj Swarup :** (a) Is it a fact that a complaint about the incivility of a member of the East Indian Railway staff at Meerut

station on the 3rd January, 1934, was made to the Chief Operating Superintendent on the 10th January, 1934 ?

(b) Is it a fact that no action was taken by the East Indian Railway authorities, though the incident concerned them only ?

(c) Is it a fact that no information as to the fact of that complaint was given to the passenger concerned ?

(d) Has any action been taken on the said complaint ?

Mr. P. R. Rau : Government have no information regarding the incident, but a copy of the question has been sent to the Agent, East Indian Railway, to consider what action is necessary.

TRAVELLING FROM STATIONS TO THE WEST OF ALLAHABAD TO BENARES *via* MOGHAL SARAI.

514. *Lala Hari Raj Swarup : (a) Is it a fact that passengers travelling from Allahabad can travel to Benares either *via* Janghai or *via* Moghal Sarai ?

(b) Is it also a fact that a passenger from Delhi, Cawnpore, or any other station to the west of Allahabad is not permitted to go to Benares *via* Moghal Sarai, though there is a clear proviso that passengers can travel by the quickest route ?

(c) Is it also a fact that ticket checkers have been charging from such passengers penalties and the fare from Allahabad to Janghai ?

(d) Is it also a fact that a similar case brought against a passenger in the Benares Courts by the East Indian Railway was dismissed against the East Indian Railway and even after that case the ticket checkers are charging the penalties from such passengers who go to Benares *via* Moghal Sarai ?

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

(b) A passenger from any station West of Allahabad can travel to Benares, *via* Moghal Sarai if he purchases a ticket by that route. I am not aware of the proviso referred to by my Honourable friend.

(c) The Agent, East Indian Railway, states that he is not aware of any such case having occurred.

(d) The Agent, East Indian Railway, states that in a case relating to a passenger holding a return journey ticket, the trying Magistrate dismissed the case brought by the Railway, holding that the rule was defective. The rule has since been amended. As regards the latter part of the question, the Agent states that he is not aware that ticket checkers are penalising passengers in the manner suggested.

(ii) the number of second division clerks, and

(iii) the number of third division clerks.

in the Railway Board's Office ?

(b) Is there any proposal now before the Railway Board to increase the strength of the office ? If so, why and for which branches ?

(c) If the reply to part (b) above be in the affirmative, how many additional assistants will be recruited, and will they be recruited by promotion from among the second and third division clerks ? If not, why not ?

Mr. P. R. Rau : (a) (i) Twenty-seven.

(ii) Forty-three.

(iii) Twenty-six.

(b) Yes, temporarily in Establishment, Finance, and Stores Branches, owing to the existing strength of the office having been considered inadequate.

(c) The number proposed is five. The method of filling the posts is still under consideration but it is probable that they will not all be filled from clerks in the Board's office, owing to the number of suitably qualified men being at present insufficient.

RECRUITMENT OF ASSISTANTS IN THE RAILWAY BOARD'S OFFICE.

43. Rao Bahadur M. C. Rajah : (a) Is it a fact that some additional assistants in the Railway Board's Office will be recruited from the Railways ? If so, why ?

(b) Are Government aware that there is a wide-spread discontent amongst the staff of the Railway Board on account of the proposed recruitment of the additional assistants from the Railways ?

(c) Is it a fact that a certain number of the staff represented to the Chief Commissioner of Railways against the proposed recruitment from outside and that their representations were returned by the Secretary without any remark or observation whatsoever, and that they never reached the officer to whom they were addressed ?

(d) Is it also a fact that in view of the Secretary's attitude, about a dozen representations were not forwarded to him by the Superintendents and the Branch Officers ?

(e) Are Government aware that the recruitment from outside will be a great injustice to the existing staff ?

(f) Is it a fact that there was a previous decision at a meeting of the Directors that recruitment from outside should be stopped and that this decision was endorsed by the Railway Board ? If so, why is it now proposed to act against that decision ?

(g) Is it a fact that recruitment of outsiders direct into the first division is in contravention of the policy and practice followed in the other Departments of the Government of India ? If so, why is this practice not followed in the Railway Board's Office ?

(h) Is it a fact that there are in the Railway Board's Office many clerks with suitable educational qualifications in the second and third divisions who have been receiving uniformly good reports and have been recommended by their Branch Officers as fit for promotion to the first division? If so, what is the reason for this attempt on the part of the Secretary to the Railway Board to import outsiders?

(i) Is it a fact that recruitment of Railway people is being made on the plea of getting experts for specialised work?

(j) Are Government aware that there is no specialised work in the ministerial establishment of the Railway Board's Office which a man with good general education, intelligence and experience cannot do? Are Government also aware that men are transferred from one branch to another and the work has been going on smoothly all these years?

(k) Do Government propose to stop recruiting men from Railways, and to give chances to the best men of the existing staff who have all along been reported to be fit for promotion to the first division and thus alleviate a real grievance?

Mr. P. B. Rau: (a) My Honourable friend is referred to the answers to part (c) of his previous question.

(b) No.

(c) Four representations from members of the staff were addressed to the Secretary, Railway Board, and one to the Chief Commissioner, asking that the applicants might be considered for the vacancies. These were placed by the Secretary before a Member of the Board.

(d) and (f). No.

(e) All men with suitable qualifications will be considered for promotion to these posts.

(g) The regulations for recruitment to the Railway Board's office are not identical with those for recruitment to the offices of the other Departments of the Government of India. Special regulations for the Railway Board's office were authorised by the Government of India as it is considered that it may be desirable in some cases that the Assistants' grade in the Board's office should be filled partly by direct recruitment of qualified persons from Railways.

(h) and (i). The Railway Board do not consider that there are at present a sufficient number of qualified clerks in their office to fill the additional posts of Assistants proposed, and the recruitment of persons from Railways is under contemplation for that reason.

(j) Certain work in the Board's office requires more specialised experience of railway working than is ordinarily possessed by persons who have had no experience outside the Board's office. In many cases men are transferred from one branch to another, but it has not been the practice to fill all vacancies in this way, as has been shown in the reply to part (g) of this question.

(k) Government do not propose to change the existing practice, but due consideration will always be given to the claims of the existing staff.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 251 asked by Mr. D. K. Lahiri Chaudhury on the 28th March, 1934.

STAFF ENGAGED FOR PAYMENT OF PENSIONS TO ARMY RESERVISTS.

The information regarding clerks and other staff engaged for payment of military pensions and their cost for 1933-34 is given below:

	Rs.
(i) Estimated number of clerks and other staff employed for payment of pensions	203
(ii) Estimated amount of pay, pensionary charges, cost of leave, cost of stationery, etc.	2,93,682

Information promised in reply to unstarred question No. 309 asked by Maulvi Muhammad Shafee Daoodi on the 4th April, 1934.

REPAIRS OF MOSQUES AND MAUSOLEUMS IN NEW DELHI.

(a), (b) and (c). A statement giving the facts with regard to the different items of the memorandum referred to by the Honourable Member is laid on the table. Mosques and mausoleums in New Delhi are subject to the bye-laws framed by the New Delhi Municipal Committee to regulate the erection and re-erection of buildings in the locality, within the meaning of section 3 (5) of the Punjab Municipal Act, and such erection or re-erection is in the interests of the safety and convenience of the public, required to conform to the requirements of those bye-laws before it can be approved. Applications must be judged on their merits, and the Chief Commissioner, Delhi, will be prepared to enquire into any complaint as to the manner in which individual cases are dealt with, but the Honourable Member will appreciate that unless the required prior sanction is duly applied for in all cases where it is required difficulties are bound to arise. No sanction is, however, required for repairs which do not involve the operations defined in section 3 (5) of the Punjab Municipal Act already referred to.

The sum referred to in the concluding paragraph of the memorandum has been earmarked by Government for a Muslim educational institution in Delhi.

Statement showing the results of Enquiries into Allegations made by the Secretary of the Managing Committee of the Juma Masjid, Delhi, in connection with the Repairs or Alterations of certain Mosques and Mausoleums in New Delhi.

Items of complaints.	Complaints and the names of the mosques.	Correct position.
1, 2, 4, 5, 23 and 24.	Masjid Barakhamba, New Delhi Requests for permission to effect repairs and make additions and alterations have been turned down.	Certain unauthorised work was carried out for which the offender was prosecuted and fined by the court.
3, 7 and 17 ..	Masjid Takia Abdulla Shah .. No shed upon praying platform permitted. Plans unapproved and sanction refused.	An application for the construction of a shed was received and rejected in accordance with the procedure laid down.

Items of complaints.	Complaints and the names of the mosques.	Correct position.
6, 22 and 31	<i>Masjid D Circus, New Delhi</i> - Additions or alterations disallowed.	The reference here appears to relate to the praying platform situated within one of the Connaught Place shops. Government have taken steps to preserve it by leasing the site rent-free to a Muslim who has accepted the conditions that while repairs can be carried out no additions or alterations will be permitted.
8	<i>Masjid Zabaganj, New Delhi</i> .. Maulvi of the mosque was prosecuted and had to demolish a wall. Sanction for repairs not granted.	The Maulvi was served with a notice for unauthorised construction and himself demolished the wall.
9, 11 and 18	<i>Masjid near Isa Khan Tomb at Nizamuddin</i> .. A 'Hamam' constructed within the mosque was ordered to be removed. Additions and alterations not allowed.	No orders for the removal of the unauthorised 'Hamam' were issued, but the Juma Masjid Committee were asked to regularise the matter, and were informed that the plan received was returned unapproved as it contravened the Municipal bye-laws.
10, 21 and 27	<i>Masjid platform at point Y at Gol Market graveyard, New Delhi</i> .. Removal of a Chaukidar's hut shed (other complaints are un-intelligible).	Certain unauthorised structures were constructed and occupied by a Muhammadan Fakir. Civil suits were filed by Government and subsequently a settlement was made with the Juma Masjid Committee who had the trespasser removed, and Government sanctioned the retention of the unauthorised platform.
12 and 15	<i>Mosque at cattle byre point I, New Delhi</i> .. Alterations and additions not allowed and plans for repairs not approved.	This appears to relate to the mosque near the cattle byre on the lower Ridge Road. Certain unauthorised works were carried out to the mosque which was also occupied without permission. A suit in this connection is proceeding in the Civil Courts.
13	<i>Masjid at Stoke Yard, Rakabganj, New Delhi</i> .. Additions and alterations are not allowed.	Proposals relating to the extension of the mosque are under consideration and the members who put up the proposals have been informed accordingly.
14 and 19	<i>Mosque at Race Course, New Delhi</i> .. Flower pots kept inside the mosque ordered to be removed. Additions or alterations not allowed. Repairs to a shed disallowed.	The Honorary Secretary, Juma Masjid Committee, was informed that sanction was necessary before any additional work could be carried out. No mention regarding removal of flower pots has been made in any reply given to the Committee.
16 and 28	<i>Masjid Curzon Road, New Delhi</i> .. Notice to remove surrounding walls of courtyard served by the New Delhi Municipal Committee.	An unauthorised construction was built in this mosque and a notice was served under the Municipal bye-laws. Sanction to carry out repairs has been given.
20	<i>Masjid Bacho Shah Wali near Railway Siding</i> .. Mosque stairs repaired without permission should be	Permission was granted for repairs and no demands were made for the demolition of the staircase.

Items of complaints.	Complaints and the names of the mosques.	Correct position.
25	<i>All mosques in New Delhi</i> .. If walls of mosques made without permission are not removed legal proceedings will be instituted.	No additions or alterations to mosques in New Delhi can be allowed without competent sanction. Some of these mosques are central protected monuments under the Ancient Monuments Preservation Act. They are open to Muslim public for saying prayers therein, but cannot be relinquished or made over to any private body. The Director General of Archaeology will however be pleased to consider any proposals for providing facilities to the <i>namazis</i> .
26	<i>Mosque at Asoka Road, New Delhi</i> .. Plastering of walls without sanction was questioned.	Repairs carried out were not disallowed, but the Juma Masjid Committee was asked to see that no additional work beyond that which was sanctioned should be given effect to.
29	<i>Mosque Sonchri Bagh</i> .. Verandah of mosque may be demolished.	An unauthorised verandah was erected and a notice was served under the Municipal bye-laws on the offender. The verandah was subsequently demolished by the offender, and a light-lean-to was thereafter sanctioned under the bye-laws.
30	<i>Mosque of Eibi Fatima, Siam</i> .. Imam prohibited to sleep in mosque.	An unauthorised structure was erected and offender was prosecuted and fined by court. Permanent residence within this mosque is undesirable, as owing to its locality which is void of services, it tends to create a nuisance.

Information promised in reply to starred question No. 116, asked by Mr. Gayo Prasad Singh on the 19th July, 1934.

ABSENCE OF AN ENCLOSED BATHROOM FOR THIRD CLASS WOMEN PASSENGERS AT PHULERA RAILWAY STATION.

Enquiries have been made from the Agent, Bombay, Baroda and Central India Railway, and the facts are as follows:

Certain technical matters in connection with the design for the proposed bathroom for women passengers at Phulera Junction Station have been under investigation and a revised design is under consideration. It is hoped that the work will be taken in hand shortly.

Information promised in reply to starred questions Nos. 318 and 319 asked by Mr. Sitakanta Mahapatra on the 31st July, 1934.

AVOIDANCE OF ASSESSMENT OF INCOME-TAX BY THE TRANSFER OF PRINCIPAL PLACE OF BUSINESS FROM BIHAR AND ORISSA.

Question No. 318.

The allegation in the first part of the question appears to be unfounded, and the second part does not, therefore, arise.

**AVOIDANCE OF ASSESSMENT OF INCOME TAX BY THE TRANSFER OF
PRINCIPAL PLACE OF BUSINESS FROM BIHAR AND ORISSA.**

Question No. 319.

(a) The required information for the past three years is laid on the table. Figures for years prior to 1931 are not available.

(b) I should be glad if the Honourable Member would furnish me with the evidence on which his allegations are founded. I do not consider that it would be justifiable to go to the labour and expense of collecting information to verify or disprove a charge for which no evidence has been produced. In any case the Government of India have no power under the Income-tax Act of interfering with inter-Provincial transfers.

Statement showing the Total Number of Applications filed for Transfer of Principal Place of Business out of Bihar and Orissa, District by District, during 1931, 1932 and 1933 and the Number of Successful Applications.

District.	1931.		1932.		1933.	
	No. of applications filed for transfer of principal place of business.	No. successful.	No. of applications filed for transfer of principal place of business.	No. successful.	No. of applications filed for transfer of principal place of business.	No. successful.
Purnea ..	1	1	2	2	2	2
Bhagalpur ..	3	1	..	..	1	1
Darbhanga ..	..	..	2	2	..	..
Muzaffarpur ..	..	..	1	1	1	1
Ranchi ..	1	..	..	..	..	..
Dhanbad ..	2	1	1	..	2	2
Cuttack ..	2	2	..	..	..	..
Balasore ..	2	..	..	..	..	..
Gaya ..	..	..	1	1	1	1
Patna ..	2	2	1	1	..	..
Monghyr ..	1	1	2	2	..	..
Champaran ..	..	..	2	2	..	..
Santal Parganas ..	1	1	1	1	..	..
Shahabad ..	1	..	1	..	..	..
Manbhum ..	..	..	..	..	1	1
Palamu ..	..	..	..	..	3	3

STATEMENTS LAID ON THE TABLE.

Statement showing the Total Number of Cases Transferred from other Provinces into Bihar and Orissa, during 1931, 1932 and 1933 excluding Cases of Salary Holders and House Property and Government Security Owners.

Year.	No. of cases transferred from other provinces into Bihar and Orissa (excluding cases of salary holders and house property and Government Security holders).	Remarks.
1931	3	
1932	6	
1933	2	

Information promised in reply to starred question No. 340 asked by Sirdar Harbans Singh Brar on the 1st August, 1934.

RULES REGARDING THE GRANT OF HONORARY RANKS IN THE ARMY IN INDIA.

The rules are contained in the regulations mentioned below :

Royal Warrant for the Pay, Appointment, Promotion, and Non-Effective Pay of the Army, 1931—Article 186.

Regulations for the Army in India—Paragraphs 122, 726, 732, 733 and Appendix XXX, paragraph 27-A.

Regulations for the Medical Services note to paragraph 59-B (ii) and paragraph 60.

Regulations for the Auxiliary Force, India, paragraphs 46, 47 and 48.

Regulations for the Indian Territorial Force, paragraph 23.

I shall be glad to show them to the Honourable Member if he will come to my office one day when the House is not sitting.

**RESOLUTION RE REPRESENTATION OF INDIAN CHRISTIANS
IN THE SERVICES AND COMMITTEES.**

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following Resolution moved by Dr. DeSouza on the 26th July, 1934.

“That this Assembly recommends to the Governor General in Council that the claims of the Indian Christian community for adequate representation in the services and for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the community may be affected, should be recognised.”

The Chair would like to hear from the Honourable Member, Sirdar Harbans Singh Brar, how his amendment is in order.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : I have to submit, Sir, that the Government Resolution, regarding the quota of representation in the services of minorities, is prejudicial to the interests of minorities generally including the Indian Christian community and the Sikh community, and, therefore, the claims of minorities which are affected by the so-called “Chhota Award” come within the scope of this Resolution.

Mr. President (The Honourable Sir Shanmukham Chetty) : The original Resolution deals only with the claims of the Indian Christian community for representation in public services, etc. That Resolution does not throw open for discussion the whole question of the representation of the various communities in India. The amendment of the Honourable Sirdar Harbans Singh Brar widens the scope of the Resolution in this respect, and is, therefore, out of order.

Lieut.-Colonel Sir Henry Gidney : Sir, before I deal with the Resolution before the House, I must offer my congratulations to Dr. DeSouza for the very forceful and very reasonable manner in which he presented his Resolution. Sir, Dr. DeSouza in his speech declared that he was not a communalist. I, on the other hand, approach his Resolution as a whole-hogger and a communalist of the first water, I do so because I am forced to this position. I think the speaker would have secured more had he worn the robes of a communalist instead of the threadbare garments of a camouflaged nationalist, and had his community done so, when their representatives gave evidence before the Simon Commission, I believe the economic position of his community would, today, have been much stronger.

An Honourable Member : Question ?

Lieut.-Colonel Sir Henry Gidney : The " Question " is answered by a repetition of my statement.

Sir, approaching this Resolution as a whole-hogger communalist, I would tell the Honourable Member who moved this Resolution that, if he had been truly democratic in his outlook and demand, in that efficiency was the only *sine qua non* for recruitment into public services, his educated and progressive community, would today be filling about 15 per cent. of all Government appointments as I shall show later on, instead of being in the position of mendicants asking for the crumbs that fall from the tables of others. Now, Sir, let me come to the Resolution.

I propose to take in the reverse order of demand. In it the Honourable Member has made two claims. His first claim is that : " the demand for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the community may be affected, should be recognised ". I presume this demand refers mainly to the absence of his community on the Third Round Table Conference and the Joint Parliamentary Committee, and, incidentally, on that very important Committee that visited India, the Lothian or Franchise Committee. Sir, I have great respect for the Honourable Member and I have great respect also for his community, among whom I have many of my best friends, but I feel that I should be doing a dis-service to his community if I failed to take advantage of this opportunity and frankly express my views on the present unfortunate position of his community as regards this. His complaint, I submit, is well placed, but I do not think he is entirely right in ascribing the absence of his community on these committees as being due to neglect of duty on the part of the Government. I think the reason for the absence of his community, on these Committees, lies largely at his own door, and it is with much regret that I have to implement my views by further observations on this matter. With all respect to his feelings, I think, the Honourable Member will agree with me, when I say that, the present religious cleavage,

that exists in the ranks of his community, is largely responsible for the absence of his community on the various Committees and its present economic apprehension. In my humble opinion, this is why his community was not represented at the Third Round Table Conference and the Joint Parliamentary Committee. Sir, I was a witness to the wide and apparently unbridgeable cleavage that was unfortunately exhibited by the two Indian Christian representatives, one a Roman Catholic and the other a Church of England, in their politico-cum-economic demands at the Second Round Table Conference. This, in my opinion, was why his community was not represented at the Third Round Table Conference and the Joint Parliamentary Committee. Whenever Mr. Pannirselvam, the Roman Catholic delegate, who very ably represented the cause of my friend's community and who has been rightly honoured by being appointed Home Member of the Madras Government, expressed his views and demands, Dr. Dutta, the Church of England representative, who entertained almost pro-Congress views, would diametrically oppose him, and so the voice of the Indian Christian community was divided and, consequently, went by default.

Mr. B. Das : Don't speak about Mr. Datta. He was an Honourable Member of this House.

Lieut.-Colonel Sir Henry Gidney : I have said nothing derogatory against Dr. Dutta whom I hold in great esteem, but I should like to say something about Mr. B. Das :

" Mr. B. Das,
Is at times an Ass ;
When with politics he tries to play.
But, when he talks,
On communal awards,
Who listens to what he'd say ? "

Mr. B. Das : I am not a communalist. I am not at all in favour of the Communal Award.

Lieut.-Colonel Sir Henry Gidney : India is fortunate in your confession and belief. I believe, I am right in saying, that the reason why the Indian Christian community were not represented on these important Committees was on account of these economic-political differences of opinion, based on an unfortunate religious cleavage that, even today, exists in this community, and I would impress upon my Honourable friend, Dr. DeSouza, the urgent necessity of bridging this gulf and of bringing about a political and economic rapprochement in the ranks of the Indian Christian community, which is one of the most progressive communities in India.

It is only when they realise that politics and religion must be separated, that the community will unite and secure adequate economic protection and will be able to forge ahead as one of the most important communities in India. I repeat, Sir, it is this utter absence of unity which accounts why the community was not represented on these Committees and, again, I say that their absence was due to the impossibility of Government, faced as it was with a smaller conference, being able to choose two members to represent the two religious view-points of the Community, or to secure one member who was willing to voice the needs of the entire Community. As regards the absence of an Indian Christian

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representative from the Lothian Commission, I agree with the Honourable Member in his grievance. His Community and mine had a common sufferance on that occasion. But to exclude a community of 6½ millions, the third largest in India, on such an important Committee, a Committee which had to be familiar with the Indian Christians' needs, was, in my opinion, wholly improper, especially when we saw much smaller communities represented. I am happy to say, that I am in close correspondence with the organiser and Secretary of the United Christian Nationalist Party, Mr. Ernest Deva Lal, and I do hope that the time is not far distant when these two religious sects will join hands together and form a political and economic unity, separated from their respective religious differences, but which beliefs will be respected by each other, as we do in the Anglo-Indian Association and community. I would, however, tell my Honourable friend, that though there was no Indian Christian representative present at the Third Round Table Conference, the Community had many friends to help them there and who did help them; for instance, my Honourable friend, Mr. Ghuznavi, was there, there was Sir Hubert Carr and there was myself. We all represented their needs. I referred to the absence of Indian Christians in the Central Provinces Council, where they are an important community and which serious omission I pointed out to the Joint Parliamentary Committee and pressed for redress. I would advise the community to get together on a common economic platform, and then, they will, by their power and force, be represented in all Conferences and Committees. I hope my Honourable friend, Dr. DeSouza, will take no umbrage at anything I have said on this unfortunate and undeniable religious cleavage in his ranks, because, as I have said, I have the greatest respect and admiration not only for him, but for his community also, whom I have never lost an opportunity to help. I refer particularly to my defence of equal treatment and more to Roman Catholic Schools in the operation of the Irwin Education Committee Report and which I say without fear of contradiction has hitherto been denied them.

Let me now take the second part of the Resolution, the "demand for adequate representation in the Services". The Honourable Member asks that adequate representation be given to Indian Christians in the Services. I stress the words used "the Services", because I find a belief is current in this House, that the Honourable Member's demand is only for the All-India services with special reference to the omission of his community in the Home Department's Resolution of the 6th July, 1934. On reading his Resolution, I find, he does not confine himself to the All-India services; he refers to all services, both in the Central and Provincial Governments. Am I right? (Dr. F. X. DeSouza: "Yes.") Thank you. I shall proceed on that basis. Now, Sir, what has the Honourable Member stated in his speech? He said: We Indian Christians are a community of 6½ millions strong, a community whose population is increasing every decade by about 30 per cent., and, might I add, on a rough calculation, a community that by 1940 will have a total population of about ten millions. Continuing, he said that it is more literate, both in vernacular and in English, than any other Indian Community. As regards the general literacy, the Community is five times as literate as any other Indian community, and ten times more educated in English, per 20,000 of population, than any other

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Indian community. It is a law-abiding, well disciplined and loyal community. And, yet, to use the Honourable Member's words, "We are being, on the one hand, elbowed out from our position in the public service by the more powerful communities, and on the other hand, the Government of India and the Home Government act as if we are not entitled to claim a share in the public life of the country".

Let me for a moment put aside the genuine alarm that was created and still remains in the minds of this and other Christian communities in India and the resulting fear and indignation felt and expressed by the clergy of all Christian faiths, both in England and in India, when Mr. Gandhi, in March, 1931, uttered his extraordinary warning against the freedom to proselytize the Christian faith and against which an united Christian protest was made in the Press, both in England and India, as also in Parliament. But all that is past history and we might today forget it. I would ask my Honourable friend, Dr. DeSouza, not to worry about Mr. Gandhi. I am sure that Mr. Gandhi, with his characteristic vacuous memory, must have, in his quest for new ideals, completely forgotten his anti-Christian warning.

Let us come down to something real, something concrete, and ask ourselves this question: "Has the Indian Christian community any real cause for complaint, and, is it entitled to the Honourable Member's economic demand?" To answer this question, I would ask the Honourable Member on the Treasury Benches who will reply for Government, to bear with me and together let us make a brief survey of the economic position of this community, with whom I would add the European and Anglo-Indian community or any other Christian community in the various Provincial Services, where Local Self-Government is being practised. Sir, it is well known, that the total annual expenditure of all Local Boards and Municipalities in the whole of India is Rs. 50 crores, equalling the total expenditure of the Government of India, after deducting Army expenditure, and, yet, you will find the Indian Christian, the European and the Anglo-Indian communities conspicuous by their absence in such Services and Departments. The Indian Christian community, if you look at it from the point of view of general literacy, i.e., in the vernacular, which is demanded for many Provincial Services, is neglected in these Provincial Services, though the percentage of their literacy is very high in the vernacular, and, if you look at it from the point of view of the knowledge of the English language possessed by this and other Christian communities, what do you find? Do you call this Democracy? I call it Hypocrisy. Do you call this Local Self-Government? I call it Public Selfish-Government.

Bhai Parma Nand: Were the Indian Christians a party to the Minorities' Pact, and if so, may I know why they were ignored in the Government Resolution?

Lieut.-Colonel Sir Henry Gidney: I am glad the Honourable Member has asked me that question. The Roman Catholic Indian Christian community was certainly a party to the Minority Pact, because, Mr. Pannirselvam was a member and signed the Pact.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member has got three minutes more.

Lieut.-Colonel Sir Henry Gidney : Sir, how time flies ! The Indian Christian community, is also not employed in any appreciable numbers in the Indian States Services nor are Anglo-Indians today. The Indian Christian is tabooed there, due, in my opinion, to religious prejudices, i.e., because he is a Christian. Nor is he, nor the Anglo-Indian, employed in any big Indian industrial or commercial concerns. And why ? Despite the advanced and superior educational state of Indian Christians, their present unenviable position, amounting almost to ostracism, is due to religious prejudices which, as the Honourable Member so bitterly and truly said was due to the outcome of the impact of Europeans with the Indians, or the West with the East, and which, in terms of materialism, has always resulted in the Englishman of being ashamed in the case of the Anglo-Indian and disowning his own progeny—his identity,—and, in the case of the Indian Christian, of those who embrace his own religion.

Let me now take the All-India services. The Honourable the Mover admits that in the past the Indian Christian Community has been comfortably placed in the All-India services, but with the publication of the recent Government Communiqué, he fears that his community will suffer. If efficiency is the *sine qua non* for such employment, and, if by "efficiency" is meant a good knowledge (secondary standard) of English as it must perforce do, let me tell this House that, *vide* the 1931 Census of India, a knowledge of English is possessed by about three million people over the age of 15 in the whole of India, and of these three millions, about 1½ millions are educated up to and beyond the Secondary Standard and of this total nearly 300,000 are Indian Christians. Now, let us see in what proportion Indian Christians are employed in the All-India Services ? Mr. Raju stated that they have two per cent. of such appointments. In the whole of India, there are about one and half million people sufficiently qualified in English who can compete for these All-India appointments under dispute and, of which, there are approximately 400,000 in both Central and Provincial Services. I ask the Government, if a knowledge of English connotes the efficiency they and the Nationalists demand for Government Services, what percentage should the Indian Christian community, who claim 270,000 of these 1½ million English educated, get of these appointments, if this efficiency test of English were rigidly applied, as it should be, if a truly National India is the future ideal as claimed by the Opposition, including the Congress, and, then, see what the Indian Christians are really allotted in the recent Government Communiqué ? They get a share of 6½ in the locally recruited services and a share of 8½ per cent. in the All-India services. Considered from all aspects, especially the efficiency test demanded from all sides of the House, the Indian Christians have certainly a claim to demand a specific proportion of such appointments. At the Round Table Conference every community asked for recognition of its past services to Government and this was the *raison de être* of their claims for employment in Government services. The Muslims demanded their claims on the ground of their well-known past loyalty to Government, their non-participation in the Civil Disobedience Movement and the terrorist movement, etc. The Sikhs demanded their share on account of their past military services, especially during the Great War. The Europeans demanded their commercial and trade protection on account of the millions of pounds they had, in the past, sunk in India.

The Anglo-Indians demanded protection on the ground of their devoted and loyal past and present services to the country. I, therefore, say Indian Christians have an equal claim. Dr. DeSouza was quite in order when he stressed their great past services, a record to which very few communities can lay claim. Let us see what this community has done, with foreign missionary leadership and capital ; they have today got 20,000 Church of England Schools and a much larger number of Roman Catholic Schools and Colleges, giving education to over a million and a half of people, including thousands of non-Christian Indians. Take St. Xavier's College, Calcutta, as a worthy and leading example, an institution in which most of the notable Bengali families have received their education.

Mr. Président (The Honourable Sir Shanmukham Chetty) : The Honourable Member must conclude now.

Lieut.-Colonel Sir Henry Gidney : They maintain over 1,000 hospitals treating over four million people. They are an enlightened and educated community who, by their teaching and training, have been largely responsible for making better citizens of other communities in India. The Indian Christians having no sect and no caste, and have, as neutrals in all other inter-communal clashes, rendered great service to the Government and this is a fact which has been frequently admitted by Government and, yet, this is the community that is today begging at the door of the Government for a specific proportion in all future employment. There are several occasions on which I have espoused the cause of the Indian Christians and, so, speaking with some experience on the floor of this House, I say that the Indian Christians deserve much better from a Government they have served so loyally and so efficiently. Till the impact of the West on the East, the entrance of Christians into the East has been the means of introducing the Christian faith into India, the faith of Jesus Christ which has appealed to millions of Indians,—are these converts to the Christian religion to be penalised by the very nation—the British—the very Government,—the British Government—who, by its great army of missionaries, the pioneers of various European religious denominations, introduced the Christian religion into India and who, for centuries, maintained and encouraged it ? Surely a better fate, a more equitable treatment is due to the Indian Christian Community ? I would appeal to Government, in their desire to placate their friends, not to ignore the economic claims of this community. In the name of Christianity, for which you are responsible in India, in the name of humanity, and in return for the yeoman service rendered to Government by the Indian Christian Community, I, a descendant of the Britisher, and a son of India, appeal to the Government not to turn a deaf ear to this Resolution which I whole-heartedly support.

Sirdar Harbans Singh Brar : Mr. President, I wish to support the Resolution moved by Dr. DeSouza. The whole trend of Government action and of Government policy, since the starting of the Simon Commission, has been moving in one particular direction. Government desire that the loaves and fishes of office should be divided between their special friends, irrespective of the justice of the claim of the teeming millions of India whose trustees and guardians they profess to be. How is it that from the beginning it has been moving in that particular direction since the time of the Simon Commission, following closely on the

[Sirdar Harbans Singh Brar.]

Minorities Pact arrived at in London as the result of intrigue on the part of certain communities? The Government of India dealt with the question of service in the railways a little earlier, and precisely the same line of action was suggested in the so-called Hasan Report. The Anglo-Indians have been specially protected and safeguarded on the ground that they have got vested interests, while others like Sikhs, with greater vested interests, are ignored.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Hasan's Report was published before the Minorities Pact.

Sirdar Harbans Singh Brar : I said, the trend of Government action since the Simon Commission has been moving in that one direc-

Sirdar Harbans Singh Brar : Sir, Colonel Gidney asked me a question. But I am not responsible for the administration of the Punjab Government. I have, however, been

doing quite a lot in my own place on the District Board, and if my Honourable friend will go there and try to find out the facts, there is a large community of Anglo-Indians at Ferozepore—and he will find out how they run the Board. Muhammadans, Hindus, Sikhs, they all work on the basis of economic interest, as rural *versus* urban and agriculturists *versus* non-agriculturists, and not on communal lines, and they thus give their due share to all who contribute to the revenues of the District Board, and not on a communalistic basis. Religion they all keep in their own homes and they do not bring it to the administration. Sir, I wish the Government also should observe non-communalistic principles for recruitment to their services, so that the members of my own humble community and those of the other minority communities might, on the score of their own merits, receive the fair consideration due to them. If, on the other hand, they are unable to do so, then I must urge that such power and patronage should not be distributed solely amongst the friends and favourites of the Government : that must be distributed on a fair and equitable basis between all the communities who compose this Indian Empire. I do hope and trust, Sir, that my Honourable friend, Sir Henry Craik,—who, I may say, was so very popular in the Punjab for having always administered the several Departments on a non-communalistic basis (Hear, hear),—will, now that he has come to the Government of India, consider how best to bring that spirit of non-communalism into the services, and to give a fair share to all the communities who are entitled to their equitable share in the administration of this great country. With these few remarks, Sir, I support the motion.

Mr. F. E. James (Madras : European) : Sir, I rise to extend the general support of our Group to this Resolution. I have no doubt that my Honourable friend, Dr. DeSouza, and the community which he represents so ably in this House will be extremely grateful to the championship of my Honourable and gallant friend, Sir Henry Gidney (Hear, hear), and I am also quite sure that the Leaders of the two great religious divisions in his community will weigh with great consideration the remarks that my Honourable and gallant friend made in regard to unity in the Indian Christian community, to the extent to which those remarks deserve consideration. I should like to bring the House back to the terms and spirit of the Resolution which was moved by my Honourable friend, Dr. DeSouza, in his speech, which, if he will allow me to say so, was not only eloquent, but restrained in its appeal to Government. Sir, the Resolution is of a general character : it recommends to the Governor General in Council that the claims of the Indian Christian community should be recognized in regard to two particular avenues of service. The first is the wider avenue of public service to the State, and the second is the avenue of what I might call service in connection with public affairs in the Committees which are set up to determine the future constitution of this country. Now, I am particularly concerned with the former ; with the latter, I have very little concern, and though I do endorse what my Honourable friend, Dr. DeSouza, said in his speech, *viz.*, that the Indian Christian community did feel very deeply their exclusion from the Third Round Table Conference, from the Joint Select Committee and from the Franchise Committee, I am not prepared for one moment to endorse

[Mr. F. E. James.] The suggestion which my Honourable and gallant friend, Sir Henry Gidney, has made as to the reasons for those exclusions. It is better not to dig into the past and raise anew old controversies that are now better dead. But as far as the public service, so far as State employment is concerned, I think the community has a very distinct claim upon the sympathetic consideration of the Government; and I am quite sure that, by stating that claim with moderation, not on stark communalistic grounds, but on the ground of fair play and justice, my Honourable friend, Dr. DeSouza, will have every Member of this House with him. I do sincerely trust, Sir, that in the ensuing discussion, the communal argument, the stark communal consideration, will not be unduly pressed, because these considerations always arouse undesirable repercussions in different parts of the House; and it would be much better if this House were to consider the Resolution in its limited terms and in the spirit of the speech of my Honourable friend, the Mover of the Resolution. I would particularly commend to the House the spirit in which my friend, Dr. DeSouza, moved this Resolution. He said:

"We ask for no special concessions and special privileges. All that we ask for is that the Government of India, before surrendering the reins of power to the Swaraj Government, shall give adequate recognition of our status as numerically the third largest community in India, in literacy superior to all other communities, and in education and culture second to none in the political and public life of the country."

Sir, I think there is no one in this House who would not support that claim. We felt, during the time when merit operated as the sole basis upon which the services were recruited, that the Indian Christian community, by reason of their high standard of education and culture, had very little to complain about; and, as my Honourable friend from the Punjab has just said, where it is purely a matter of merit and no other consideration operates, there would be absolutely no fear as to the position which the Indian Christian community will be able to attain in the public life of this country. But, Sir, in the present transitory stage, considerations of merit have, it seems, to be modified by communal considerations, and that makes the position different; and that is the reason, as explained in my Honourable friend's speech, why the Indian Christian community, which has done so well in the past on the basis of merit, are a little apprehensive as to its position in the future. The claim, as I have already said, is a very moderate one; it does not say that there should be this or that percentage; it merely says that the Government should recognize their special position. The Resolution recently published by the Home Department makes the situation clearer. Thirty-three and one-third per cent. of the services, under the control of the Government of India, are to be allotted to the minorities, of which twenty-five per cent. will be allocated to the Muhammadan community. That leaves a matter of eight and one-third per cent. to be distributed amongst the other communities which are not specified; and, it is presumed, that as the Indian Christian community is the third largest of the communities in India, and the second largest of the minority communities in India, Government will recognize that position in the distribution of the remaining eight and one-third per cent. My Honourable and gallant friend, Sir Henry Gidney, threw into the discussion a question which I consider is entirely extraneous. He referred to the question of the Provinces, of the District Boards, the Municipalities

and the High Courts. As far as I understand the Resolution, all that is really under consideration now are the services which are controlled by the Government of India themselves, and for whom this House is ultimately responsible for providing funds. Therefore, I consider that the Resolution should be limited, as far as discussions in this House are concerned, to this particular aspect. I would emphasize what my Honourable friend, Dr. DeSouza, has said that in the past this community has not been a communalistic community. Both wings of the community have so far endeavoured to place the nation first and the community second. That is why I find, amongst the representatives of the other great communities, a feeling of great friendship towards the members of the Indian Christian Community. We feel, therefore, that as in this transitory stage we have to make statutory provision for the proper representation of various communities in the public services (and I trust personally that this stage will ultimately in years to come pass out of existence and that once again merit will be the supreme test of the public servant), for the time being, in this transitory stage, when other considerations have to be borne in mind, as far as this Group is concerned, we would support my Honourable friend's contention and would urge very strongly that the Government of India should give a sympathetic reply to the representations he has made. I do hope that, without much further discussion, this House will be prepared to endorse the claim of my Honourable friend and ask the Government of India to consider it.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Mr. President, I rise to support the Resolution which has been so ably moved by my friend, Dr. DeSouza. I am only sorry that in a somewhat minatory speech my Honourable and gallant friend, Sir Henry Gidney, took the community to task for having divided opinion on the question of India's political progress. It seems to me that he made a somewhat extraordinary statement when he suggested that the Award, as we call it, and the Government order relating to the representation of various communities in the services have been passed, having mainly the consideration of the loyalty and the loyal services of various communities. I do not know who is going to reply on behalf of Government, but I should be very much surprised if the spokesman of the Government were for a movement to suggest that the loyalty of any particular community weighed with it in the consideration of the question as to how far particular communities should be represented in the Government services and in what proportion. My Honourable friend, Sir Henry Gidney, talked of friends of the Government and enemies of the Government. Is my Honourable friend in a position to state that the friends of the Government are always friends and the enemies of the Government are always enemies?

Lieut. Colonel Sir Henry Gidney: I rise on a personal explanation. I never used such word as the word 'enemy' and I strongly protest against the Honourable Member putting words which I never used into my mouth.

Diwan Bahadur A. Ramaswami Mudaliar: My Honourable friend's speech was delivered only a few minutes ago and it is within the recollection of the House. He might not have used the word 'enemy', but he certainly used the word 'friend', and he wanted to suggest that the

[Diwan Bahadur A. Ramaswami Mudaliar.]

Government, in passing its order on the communal representation on various services, mainly took into consideration the loyalty of the Muslim community and its freedom from participation in terrorist activities. Whatever the Government may have in their mind and whatever the Government spokesman may say on the subject, I am certain that the claims of my Muslim friends have not been based on any question of the friendship to Government and also not on any question of loyalty to Government, but on other considerations such as historical and other considerations of importance to that community. I was going to ask my Honourable friend before he gave his personal explanation, whether he is certain that the friends of today will continue to be the friends of tomorrow? Does he not know that friends and enemies do change with the changing circumstances? May I recall to my Honourable friend the conditions that prevailed in this country when the Khilafat agitation was at its zenith and when the Muslim community to a very large extent found itself unable to see eye to eye with the Government? Is it the contention of my Honourable friend that because there were two opinions expressed at the Round Table Conferences on behalf of the Indian Christian community and because Dr. Dutta took a particular view and Mr. Pannirselvam took a different view, therefore it was that the community had to suffer by this Government order? Certainly not. Is he not aware that the same sort of remark can be made with reference to other communities? Is there any single community in India which is united, homogenous and unanimous in its desire regarding the political advance of the country? Are there not two sections among the Muslim community itself? It may be that one is a microscopic section and the other is an overwhelming section. But these are extraneous considerations which ought not to influence Government. I do not think that the Government of India, with their sense of responsibility, could for a moment consider that because Dr. Dutta did not agree with my friend, Mr. Pannirselvam, therefore, they should penalise the Indian Christian community. It is an indictment against the Government of India which I certainly did not expect from an Honourable Member who, though he sits on neither side of the House, occupies a very central position and therefore neutral.

Now, Sir, as I said, what is the case of Dr. DeSouza with reference to this matter? He does not come forward and say that he has not been fairly treated. He does not come forward and say that the Government of India have not done justice to his community. It may be so, it may not be so. But he, along with the other minority communities in this country, is concerned about the future. They do not know what that future is going to be. They do not know how the services will be organised. They do not know what forces will come to play in regard to the question of the appointment of various communities. They do not know whether pure efficiency and merit will be taken into consideration or whether considerations relating to the likes and dislikes of the powers that be or of the majority for the time being with reference to religious predilections and other predilections of various minority communities will have a certain weight in the appointment of these services. That is an apprehension that has been voiced forth by every minority community in this country. It is for us, who are in the majority, to see that that apprehension is removed. It is for us to so

shape our conduct and to so formulate our policy that these apprehensions are proved to be illegitimate, unfounded and absolutely without any justification whatever. But till that date comes and till we are in a position to establish that fact, claims like this are bound to arise, and if one minority community is taken into consideration and its apprehensions are removed, then it seems to me that it is only reasonable that other minority communities should also come forward and press their claims and ask for a place under the sun so far as their future is concerned. Now, Sir, there is one other consideration that I should like to place before the House with reference to the claim that has been put forward by my friend, who is the champion of the Indian Christian community. They have pointed out that it is the third largest community in this country. Its population so far as British India is concerned, and we are to confine ourselves to British India only for this purpose, is a little over four millions. They form the third community in this country. When a Government order is issued relating to the representation of various communities, when specific mention is made of the Muslim community and specific mention is made of the Anglo-Indian and Domiciled European community who form a very small number, and when their interests are safeguarded, it seems to me that it is but reasonable that my friend, who is a spokesman and champion of his community in this Assembly, should come forward with a position that the Government have not done sufficient justice to the third largest minority community in this country and that more specific provision is needed. It is possible, at any rate, that the Government spokesman may refer to the fact that about $8\frac{1}{2}$ per cent. is allotted to various minority communities and that the Indian Christian community can satisfy itself if out of that proportion a decent percentage goes to that community. It seems to me that the Government order has been very cleverly framed. The Parsees will get up and say what is our proportion? My Honourable friend, the Home Member, or his very able Secretary, will say: $8\frac{1}{2}$ per cent. is reserved for other minority communities. The Sikhs, the Buddhists and the Jains may also come forward and say the same thing, and yet, my Honourable friend, the Home Member, will refer them to this $8\frac{1}{2}$ per cent. Now, Sir, this seems to me to be a very unsatisfactory position so far as the actual facts are concerned. There is no meaning in referring to this $8\frac{1}{2}$ per cent. and trying to satisfy by this, a hundred and one minority communities which will spring up. Is it possible to satisfy all of them with this $8\frac{1}{2}$ per cent.? Further, this Government order suggests that if from the minor minorities, candidates are not forthcoming, for vacancies up to $8\frac{1}{2}$ per cent., the residue will go to the Muslims. I see that my Honourable friend, Sir Henry Gidney, who spoke about the literate qualifications of the Indian Christian community, did not refer to that aspect of the case. If the Government are serious about giving to these minor minorities, if I may say so, their due share, does it for a moment contemplate or dream that the Indian Christian community, leaving alone all other minority communities for the moment, the Sikhs and others, will not at any time find $8\frac{1}{2}$ per cent. that is reserved for all these minor minorities? Do the Government contemplate that the time will ever come when out of this $8\frac{1}{2}$ per cent. a residue will be left which has to be carried over to the Muslim community? Has the Honourable Member who sat down to

[Diwan Bahadur A. Ramaswami Mudaliar.] draft this Resolution of the Government of India ever cared to consider seriously this Resolution and appraise the real facts of the situation? It seems to me knowing the circumstances in which the Indian Christian community is placed today with reference to education, efficiency and general qualification, it is impossible that the position can ever arise when out of 8½ per cent. a residue will be left which is to be carried over to the Muslim community. (Hear, hear.) That shows that the Government did not have seriously in mind the consideration regarding the Indian Christian community when they framed this Government order. If the Government had for a moment adverted to the Indian Christian community to the position that it occupies at present in the Government service, to the position it fills with reference to educational qualifications, then the Government could never have put what I may call, very respectfully with reference to the Government order, and yet I have to call it, an absurd proposal of that kind. (Hear, hear.) Therefore, Sir, all these facts taken cumulatively do render the Indian Christian community apprehensive as regards its position. My Honourable friend, Dr. DeSouza, is not a day too soon in coming forward with the suggestion that the position of the Indian Christian community must be positively prescribed and ascertained and not left in this vague and inchoate and undefined manner in which the Government order leaves that community.

Sir, I should like only to refer to one other aspect of the question, and I trust that no community will misunderstand me when I refer to the Indian Christian community and the most dignified place which it occupies in this country. I do not think it requires any elaboration from me if I state that it is very often difficult to discriminate the Indian Christian community from the Hindu community and find out the difference either from facial or from other resemblances, and the feeling of oneness between the Hindu and the Indian Christian communities is something not comparable with reference to any other community like the Muslims, the Sikhs or the Parsis. (Laughter.) Most of us have got the closest relation with our brethren of the Indian Christian community. In my part of the country, Southern India, I should like to state, that they are predominant in that part of the country, and there, their customs and manners almost very often are identical with those of the Hindu community. Socially, between the Hindus and the Christians, there is very little of distinction and to the extent it can be done, intercourse between the Hindus and the Indian Christians is so cordial that very little of the feeling of aloofness arises between them. Turning to political considerations, may I add a significant fact that the Indian Christian community is one of the few minority communities in this country which has its eyes cast neither to the East nor to the West, neither to Mecca nor to Japan, and it concentrates its full attention on the country in which its fortunes are laid. (Hear, hear.) The Indian Christian community cannot be charged with any sense of extra-territorial patriotism under any condition whatsoever. Its fortunes are our fortunes, its future is our future and its prosperity is the prosperity of the whole of India, of the Hindu and the Muslim communities. A community like that which has thrown its fortunes with the people with reference to many of its activities and which has completely identified itself with the people, it seems to me that a community like that should be better treated than any other community in the country. When this Government order ignores that community, I

think it is only proper, that not a member of the Indian Christian community, but a Hindu like myself should come forward and say: "I protest against the Government ignoring that community". It is from that point of view that I wish to place this case. My Honourable friend, Mr. James, very correctly pointed out what I have been trying to say within the last few minutes, that the Indian Christian community has thrown itself heart and soul into every phase of progressive activity in this country, and it has deserved well by every other community in the country. Sir, I heartily support this Resolution. (Applause.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, if there is any community which deserves well of this House, it is the Indian Christian community. The Mover of the Resolution has made no secret of the fact that he is against communalism, and he has made no secret of the fact that he is not enamoured of the so-called minority pact or the partition of services brought about by the Resolution of the Home Department of the Government of India. In saying so, my Honourable friend, Dr. DeSouza, follows the line chalked out for him by the two great representatives of the Indian Christian community who appeared before the Simon Commission in 1928 and declared as their unanimous view that they were against communalism of all and any kind whether in the representation in the Indian Legislature or in the services. They further said that though this view would greatly prejudice their community in the near future yet they placed the ultimate good of the nation before the good of their own community (Hear, hear), and they, therefore, unanimously gave their view to the Royal Commission that they were against the introduction of communalism in any shape or form in the future constitution of this country. That is the view, Sir, which this great Christian community took on a momentous occasion and their protagonist in this House, Dr. DeSouza, has stated in emphatic terms that he stands by the views of the accredited representatives of his community. That is the first point that Honourable Members on both sides of the House must bear in mind. He has further pointed out that he is not claiming any share in the services beyond 33½ per cent. reserved for the minority communities. Out of that, 25 per cent. has been earmarked for the Muslim community. The remainder of 8½ per cent. is reserved for the other minorities, but while pointed reference is made in the Resolution to the Anglo-Indian and Domiciled European community, no reference was made to the third largest community in India and the reversion to undisposed of posts has been given to the Muslim community. My Honourable friend, Dr. DeSouza, points out that, in point of education and culture and homogeneity, the Indian Christian community is second to no other community in this country, and there is no reason why the Government of India, while allocating seats to the minority communities, should have forgotten to make any mention of this great community which rightly claims to be the third largest community in this country. My Honourable friend, Mr. Mudaliar, pointed out that this community is essentially Indian and is indistinguishable from the other communities of this country, particularly the Hindus. Not only in outward appearance is this community indistinguishable from the majority community in this country but in broad outlook on life and in their nationalistic views, this community has fought shoulder to shoulder with the majority community. As Dr. DeSouza has pointed out, he is not standing here for a share of the leaves and fishes of office justifying them on the ground justified by the Govern-

[Sir Hari Singh Gour.]

ment of India Resolution, but what he does say is this that if you are to have a partition of services where do the Indian Christians come in? They must have their proper share, and, I submit, put in that light, there would be hardly anyone on this side of the House who would dissent from the contention of the Honourable the Mover. He has also pointed out that his community ranks first in point of education. Sir, Dr. DeSouza pointed out that his community ranks first in point of education. It has got more schools and colleges and has turned out a larger number of highly educated Indians than any other community in this country. Sir Henry Gidney, who prizes himself upon being a whole hogger and a rank communalist, charged Dr. DeSouza with having been guilty of not joining the Minorities Pact. Sir, if Dr. DeSouza and his community had joined the Minorities Pact...

Lieut. Colonel Sir Henry Gidney: They certainly did. The section of the Indian Christian community, under the leadership of Mr. Pannirselvam, was a signatory to it, and he was one of their two delegates.

Sir Hari Singh Gour: I am reminded by Sir Henry Gidney that the Christian community did join the Minorities Pact. But I may remind this House that they have been proclaiming from the house tops that they are against all communalism and it is only when intrigues began to operate behind the scenes, and my Honourable friend, Sir Henry Gidney, and members of the European Group wanted to dish the majority community in the Second Round Table Conference that the Christian community had no option but to join the Minorities Pact. But they were not willing signatories to it; and Dr. DeSouza has here pointed out that he is not in favour of any communal pacts and he is not in favour of any communalism in the services of this country.

Lieut. Colonel Sir Henry Gidney: Where does he say that?

Sir Hari Singh Gour: He has said in the opening sentences of his speech that he is against communalism in this country.

Lieut. Colonel Sir Henry Gidney: Sir, Dr. DeSouza said in his speech...

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member cannot speak for Dr. DeSouza. (Laughter.)

Sir Hari Singh Gour: My friend, Sir Henry Gidney, has shifted his centre of gravity from the centre to the side (Laughter), with a view to encouraging and inspiring Dr. DeSouza, but I am sure, in spite of that, Dr. DeSouza will keep an open mind and will not fall an easy victim to Sir Henry Gidney's machinations. Sir, Dr. DeSouza has a perfectly plain and straightforward case. His case is that if you are to divide up the services in this country upon communal lines, his own community, the third largest in India, must have a percentage of those services; and he justifies his claim upon the ground that his community is second to none in point of education and culture and social advancement, and there is no reason, therefore, why that community should be ignored while the claims of other and lesser communities are considered. Take for example the community of Sir Henry Gidney which is a microscopic minority amongst the communities in this country, numbering not more than 1,00,000 people,

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and yet, Sir Henry Gidney, by his persistency and able advocacy both in the Joint Committee and outside it, has secured to that community the lion's share in the public services of this country. Now, I submit that Dr. DeSouza's community is sixty times more numerous than Sir Henry Gidney's community; and if the Government of India were to give Sir Henry Gidney's community a percentage of the leaves and furloughs and public offices in this country, Dr. DeSouza has got a claim sixty times stronger than the claim of Sir Henry Gidney's community. There is absolutely nothing to choose between the two communities. In point of loyalty to which my friend, Sir Henry Gidney, alluded, the Christian community ranks equal to the Anglo-Indian community; in point of education and culture they are not second to the Anglo-Indian community. Then what difference is there between the patronage accorded to one community and denied to the other?

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): They are more vocal.

Sir Hari Singh Gour: My friend says the Anglo-Indian community is more vocal. I am quite sure that the small grasshopper that chirps in the field attracts more attention of the passers-by than the grand buffalo that lies there browsing quietly in the sun and whose very presence is ignored by him. This little grasshopper of the Anglo-Indian community has attracted the attention of Government and ensured its patronage, but this great community that reposes in the sunshine and the shadow of India, serving the people and asking the passers-by to give to it what are its deserts, has been ignored because it has not been vocal. I hope, Sir, that this House will join with the Honourable the Mover of the Resolution in voicing the sentiments of that community that it is entitled to a fair and,—may I add,—a substantial share out of the percentage allotted to the minorities.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, before I develop my argument, I should just like to put one question to Sir Henry Gidney and I will wait for a reply. Is he or is he not an Indian?

Lieut. Colonel Sir Henry Gidney: I must ask for notice of that question. (Loud Laughter.)

Dr. Ziauddin Ahmad: Sir, silence is the only reply that I can give to that. If I say anything, probably he will move a motion for adjournment on myself.

Lieut. Colonel Sir Henry Gidney: My time is more profitably occupied.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): No, he will go and consult at home.

Dr. Ziauddin Ahmad: He said repeatedly on the floor of the House, though he may not admit it today, that he was an Indian and he was proud of being an Indian. I am a strong believer in one principle: others may or may not agree with me in it, but I think that if India is ever to be united, if India is ever to acquire real nationalism, the one thing to be done is to satisfy the minorities. If you look into the history of any other country, you will find that troubles always arose from this fact that the minorities were not satisfied. The majorities are always

[Dr. Ziauddin Ahmad.]

satisfied, as they are the Government, and it is only the minorities that have to be satisfied. If we are to be united, if we are to develop Indian nationalism, if we are to have independence one day, the one essential thing is to satisfy the minorities which inhabit this country, so that all may unite and form one nation.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : The reasonable claims of minorities.

Dr. Ziauddin Ahmad : My friend says "Reasonable claims". When we say "Satisfy the claims of minorities", we mean "satisfy the reasonable claims"—that is evident. This was done by the Egyptians before they became one nation : they had to satisfy the Christian minority there, and then they practically united together, and we never hear in Egypt of anything communal, as we hear in India today. So I am strongly of opinion that we should satisfy Dr. DeSouza. We should also satisfy Sir Henry Gidney. But my difficulty in his case is of an entirely different type. Colonel Gidney has said that he is an Indian and I presume nobody can doubt that he is a Christian. Sir Henry Gidney is an Indian Christian and Dr. DeSouza is also an Indian Christian ; and, therefore, I ask what the difference is between them and why they want separate shares. The only answer which I can find is colour.

An Honourable Member : Not always :

Dr. Ziauddin Ahmad : If that is not the case, if colour is not the consideration, what is the consideration ? I refuse to divide the Christians on the ground of colour or on the ground of their fatness or tallness, and say that persons who are short should get so much percentage and persons who are tall should get so much. My difficulty is to find out in what way they differ. From the point of view of religion it is the same. There may be some difference in culture. If that is so, I should like to know what is the culture of an Indian Christian. This point has been developed by my friend, Diwan Bahadur Ramaswami Mudaliar, already, that from the cultural point of view, the Indian Christians do not differ from Hindus. Here, I would like to relate something which happened when I was on the Continent : I met an American millionaire, a man who had endowed large sums of money for the American missionary societies, and he was referring to the report, and told me that two most important communities in India had become Christians in very large numbers ; and I asked him : "What are those communities ?" and he said, "Bhangiyos and Chamiers." I said, these are two important communities from the point of view of the Americans who do not know Indian conditions, but, certainly, we in India do not consider these two communities to be the most important communities inhabiting this particular land. Though I have very great sympathy for my friend, Dr. DeSouza, and I started with the assumption that we should satisfy the Indian Christian community in every possible manner, yet, at the same time, I should like to mention two facts. One was mentioned by my friend, Mr. Sitaramaraju, when he said : "Do not say, for goodness sake, that you have not got your proper percentage." I have figures here of the Christian community in various services under the Government of India, and I think they have no reason to complain. As far as the higher appointments are concerned, they have no reasons to complain.

So as far as I am concerned, in order to be true to my principle, I am prepared to meet him as much as possible, but I want to know what is the difference between him and Sir Henry Gidney ? You are both Indians and you are both Christians. In what way, therefore, do you differentiate yourselves ? One of you, perhaps, has got European blood in him, and the other has no European blood in him. If that be the case, then there are Muhammadans who are of Arab stock, some who have ancient European blood in them, some with Persian blood, and so on ; and if we begin to divide ourselves, according to the blood of the original country, then, I think, there will be indefinite number of cross divisions ; it will be impossible to classify them under any category. Therefore, I think, you will have to make out the difference between the two classes of Indian Christians : as far as we are concerned, we are quite content and willing to satisfy every one so that all of us may work together for the common good of the country. With these words, I support the motion.

Mr. Jagan Nath Aggarwal : Sir, I have much pleasure in supporting this Resolution, and for a variety of reasons. One of these reasons is that I am a signatory to the Resolution, and, fortunately or unfortunately, I drew it in the ballot. Another is, my association with the Indian Christian community since they are a part of my constituency. They are neither Muslims nor Sikhs : they are the "others" ; and they are in the same category as the Hindus, and, therefore, it is just as well that I say a few words on the subject. There is, however, another reason, if I may say so, for saying something at this stage, and that is the remarks that fell from my gallant friend, Sir Henry Gidney. Sir Henry Gidney, safe in the position secured to him by the Minorities Pact, that unholy alliance at the Second Round Table Conference, came out in a somewhat patronising way to pat the Indian Christians : he said, "Yes ; it is just as well that you have your share : I have mine safe enough : you have yours". Now, what is that ? It is really generosity at other peoples' cost. Colonel Gidney has his share secured by the Pact at the Round Table Conference : in common with the Muslims, Europeans and others, they had their shares fixed : and now he comes and pats—in fact he travels to a side of the House and sits by the side of Dr. DeSouza, telling him to stand fast in his demand for his share. What does it mean ? It is almost threatening. It means : "We had our share ; you have yours". But from whom ? From the unfortunate Hindus, sitting here and there scattered about,—the so-called majority on paper.

Let me pass from that, and make a few observations. The first thing that occurs to me, out of the remarks of Colonel Gidney, is that it was the advice of Dr. S. K. Dutta at the Round Table Conference which perhaps had landed the Indian Christian community in their present position. Now, I wish to say only one thing. There are people here who know Dr. Dutta more intimately than I do ; but every one has genuine regard for his services to this country, and it came with somewhat of a bad grace from Colonel Gidney to say that it was Dr. Dutta who let them down. If Dr. Dutta was not much of an intriguer and did not succeed like Colonel Gidney with the politicians there is no discredit to him. Dr. Dutta took a nationalistic view, and if he took up a view which did not find favour with Colonel Gidney then all the credit goes to Dr. Dutta. Therefore, if Dr. Dutta has allowed the Christian community to remain with the Hindus and the "others", it is all to the good, and it is from that point

[Mr. Jagan Nath Aggarwal.]

of view, that I make bold to say that if percentages have to be reserved for minorities, if this unfortunate state of affairs is to continue for any length of time, then it is just as well that Dr. DeSouza has his share. In this connection I would like to say one thing : that when you are reserving these percentages, and the Indian Christian community has come last into the field to claim its percentage, I think it is just as well to look into the question from the historic point of view. The Indian Christian community, we have been told, had done well when merit was the ruling guide. All credit to them. The Indian Christian community stands by it, and so long as the Government of India and the Provincial Governments of this country are going to be run on the principle of merit and merit alone, they are content to remain where they are. They were fairly safe when merit was the real test laid down for public appointments, and they are quite content to remain where they are, if merit is going to be the sole or the predominant consideration in the making of appointments. Dr. Dutta, and many others like him, have mentioned that if merit is not going to be the sole consideration, and if in the future constitution of this country, you are going to have other principles to go by, then it is just as well that this community which yields to none, which is inferior to none in point of importance, in point of historical associations, in point of culture and in point of intellect, should have its share of loaves and fishes of office and its percentage in the Legislature fixed, just as in the case of other communities. Sir, I am one of those who hate these percentages by religions and communities, and that I do so on broad general grounds, and not because of any partiality for any particular community. Citizenship of a country knows of no divided loyalty, and it can owe allegiance to no one except to the Government of the country. But, when you bring in the poison of divided loyalty, loyalty to religions and communities, then it is just as well to take stock of the situation. I am reminded of what Mr. Balfour said, in speaking on Lord Morley's Bill, in the House of Commons. The Reforms Bill of 1909 introduced the principle of communal representation in a democratic country, in a democratic constitution. It was not much of a democratic constitution, it was only an attempt at a reformed constitution in Lord Morley's Bill. He said he would have opposed this Bill thoroughly and without hesitation, because he hated any kind of communal representation in a democratic constitution, but, he added, this was India,—and he knew next to nothing of this country, and also because the Government of India say it is just as well to have it hence he would agree. But starting from that time, during the last 25 years, we have had communal representation with a vengeance. We have it in the Legislatures, local bodies, services, we will have it in the army, and we will have it in the marriage registers, birth figures, and God knows where it will end. But if that is so, if the minorities insist on having these percentages fixed,—let us hope only for a short time,—then it is just as well to recognise the fact that the Indian Christian community has its claims, and their claims should be recognised on all the grounds that have been put forward by them. I do not think for a moment that the Government is actuated by the claim of loyalties or abstention from terrorism and other things, which my friend made much of,—they are all passing phases,—but the claims to this recognition are based on far sounder foundations than those mentioned by my friend over there.

Lieut.-Colonel Sir Henry Gidney : Sir, I rise to make a personal explanation. The Honourable Member and several others have made reference to what I said about Dr. Datta. My object in referring to him was this, and I hope Honourable Members will understand it quite clearly. My opinion is that the reason for the cleavage between the two religious sections of the community, as represented by Mr. Pannerselvam and Dr. Datta, was because of their religious differences,—one was not prepared to agree with the other, and so the voice of the community was completely divided. It was because of disunity and impossibility of getting one member to represent the views of the community that Government could not send an Indian Christian to the Third Round Table Conference and the Joint Parliamentary Committee whose numbers were more limited. Therefore, if Honourable Members think that in my opinion Dr. Datta's political views had anything to do with this position, I wish emphatically to state that such was not my reason, the reason was entirely a religious difference between the two representatives, they could not agree together, and, as they demanded two seats for the Third Round Table Conference and the Joint Parliamentary Committee, Government could not acquiesce, and so they went by default.

Mr. Jagan Nath Aggarwal : Sir, I am glad of this belated personal explanation. All that I was saying was, that the claims of the minorities rest on a far better foundation, and in this connection I may say that Dr. Ziauddin's point that the claims of minorities in this country have to be satisfied is true to a certain extent, but not wholly true. One might say that the minorities might claim so much that the majority communities claims will vanish into thin air. If we look to the proposals of the future Federal Constitution, we see that the so-called Hindu majority of 77 per cent. in this country is reduced in British India to a very ineffective minority of 42 per cent., and 42 per cent. is a very ineffective minority....

Sir Hari Singh Gour : That is not all....

Mr. Jagan Nath Aggarwal : Grant that the claims of the minorities have to be satisfied, but that only means that their reasonable claims have to be satisfied in a reasonable way, subject always to the over-riding consideration, that the minorities should not be used to deprive the majority of their statutory right, or to reduce the majority to an absolutely ineffective minority. I, therefore, say, although I support this Resolution, and I support it heartily, that the Government of India, when dealing with these percentages, should bear this in mind and make enough provision for merit, and if unfortunately the majority community is lumped up with many others in this country, and if things come to that pass, there should be a certain percentage reserved for the majority also. If things are coming to that sorry pass, in which the majority will disappear into thin air, then reserve for us any percentage 30, 40 or 25 per cent. whichever you like, because we will then know where we stand. Sir, I heartily support the Resolution moved by my friend, Dr. DeSouza.

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : Sir, I have racked my brains to find out what the word 'community' means. Nobody could tell me if it has been defined anywhere by the Government. At last I took the help of a dictionary and found the meaning as "a body of men having religion, profession, etc., in common". On the strength of this, the Government have divided us in the matter

[Mr. Sitakanta Mahapatra.] : I have been appealing to the Government for some consideration, in different spheres, for the Oriyas, whom I would describe as the Oriya Hindu community, although I wish I could include in Oriyas every one inhabiting Orissa without any distinction of caste or creed.

The Honourable the Home Member said, during the last Delhi session : " Oriyas are not recognised as a community for recruitment ". Then, again, at page 1919 of the proceedings of the same Session, the Honourable the Finance Member says : " We have no rules for securing proper representation of inhabitants of particular areas ". Then again, in reply to a question of mine a few days back, here in Simla, the Honourable the Home Member said :

" As has been explained on several occasions in this House, the Government of India have not undertaken to secure representation for Provinces, either generally or in terms of particular communities. I have no information whether there are any Oriyas in the Government of India offices at the headquarters, and I do not think any useful purpose would be served by collecting the information in view of what I have just stated."

But, on the first of this month, the Honourable the Home Member, in reply to a question regarding Bengal Muslims, said : " I will ascertain how many Bengali Muslims are actually employed in the Government of India Secretariat."

Sir, where is the logic or consistency in these two statements ? What useful purpose will be served by ascertaining how many Bengali Muslims are there in the Secretariat of the Government of India ? If the Christian community can be divided into the Indian Christian community, the Anglo-Indian Christian community and the European Christian community, and in some cases Muslims can be divided in terms of Provinces, why not the Hindus in terms of Oriya Hindus ? Is it, because, in the whole of the Government of India Departments, not only the Secretariats but the Railways, Customs, Archaeology, Medical, etc., there is not a single Oriya anywhere ? Sir, I think, in view of the fact that there is a tendency of dividing India into Provinces on linguistic basis, and Provinces are soon going to be autonomous, a time has come for the Government of India to consider the cases of different communities in terms of Provinces at least where the disparagement is extremely great.

I wish to make myself clearly understood that I for one stand for Indian nationalism, but as the Government has thought it fit to put every obstacle against the growth of Indian nationalism since the days of Minto-Morley Reforms, by dividing the Indian community into sub-divisions according to religious persuasions and then following up the vicious principle by still further sub-dividing

men of one religious faith into groups, may I not demand of the Government to be a little more logical and provide for representation of various provincial communities in the services and the Legislatures ? Division of a people on racial, linguistic, ethnological and geographical basis, has the tendency of giving solidarity to the people and may not retard the progress of nationalism, but to select only religion, and then members of a particular religious persuasion, to look to their Provinces and denying the same for members of a particular community and Province, is a principle, which I must condemn and the Government lay themselves open to the charge of following the principle of " divide and rule ".

I am speaking of my much neglected community and Province, not because I am in favour of sub-dividing the Indian nation, but, because I believe that my Province and community have not received their proper share of the services and representation in the Legislature through neglect of the Government, and because they have not asserted themselves with the same insistence as other communities. I do warn the Government against such neglect of a community which, only till recently, was independent fifty years after Bengal, and is the inheritor of a great civilisation, which every student of ancient history and culture knows. I demand, on behalf of the Oriyas, that the Government should take into consideration the claims of the Oriyas if they do not want to drive a peaceful community to raise the standard of revolt against the misdeeds of their rulers.

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muhammadan) : Sir, I have no hesitation in supporting this Resolution. I have no quarrel with the Indian Christians. They are a minority community in my Province, though they are well off there. But the Government ought not to have helped the Indian Christians at the expense of the Mussalmans. In the Madras Presidency, where the Muslims form about seven per cent. and the Indian Christians form about 3½ per cent., recently the way of the Government, either of this Government or of the Government of Madras, was to help the Indian Christians at the expense of the Mussalmans. Sir, you know that for the last 14 years after the Montford Reforms came into being, the Mussalmans had a seat in the Madras Cabinet. For what reason, I do not know, that representation of Muslims in the Madras Cabinet has been taken away and given to the Indian Christians. I have no quarrel with the Indian Christians ; my quarrel is with the Government. As you know, Sir, in the Madras Government, either in one way or another, the Indian Christians have been represented all the time. You know that one of the Presidents of the Madras Legislative Council was an Indian Christian, the Secretary of the Madras Legislative Council was an Indian Christian, and one of the Ministers was an Indian Christian. The Indian Christians were not without representation in the Madras Government, but the only Muslim representation we had in the Cabinet has been removed. It is an insult to the whole Mussalman population of the Madras Presidency, to say that there is no qualified Mussalman. The Government has been insulting the Mussalmans of Madras for the last 14 or 15 years. In 1919 or 1920 the only Muslim High Court Judge we had on the Madras High Court retired, and Government could not find another Mussalman till now to represent the Mussalmans on the High Court

† This portion was expunged by the direction of the House—vide page 1463 of these debates, dated the 14th August, 1934.

[Mr. Uppi Sahab Bahadur.] Another insult is that the Government could not find one Mussalman in the 35 lakhs of Mussalmans in Madras to represent them in the Cabinet. I am not making any comparison, comparison is always ridiculous, but could they not find one Mussalman with equal qualification to the one whom they selected last time? There are any number, if they only care to know. Nobody is more blind than those who will not see. To say that there is no Mussalman in the Madras Presidency to represent us on the High Court Bench is,—I would have used the proper word if you will not object me using it,—to say the least, a lame excuse. In order to suit their purpose, they were saying something or other and hoodwinking us for the last 15 years and even now they have insulted us. I want to clear my position with regard to my Honourable friend, Dr. DeSouza. I have no quarrel with the Indian Christians. My quarrel is that Government have deprived us of our right to be represented on the Cabinet. Government have been insulting us for the last 14 or 15 years and now it has come to the culminating point. I only protest against the Government action for the last 15 years.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Raj Bahadur Lala Brij Kishore (Lucknow Division : Non-Muhamadan Rural) : Sir, with regard to the demand put forward by the Honourable the Mover of the Resolution for safeguarding the interests of the Indian Christian community in respect of representation in the services and on committees, I have got to submit that as long as the Government decision on the Communal Award was not announced, the Christian community as a whole had steadfastly stood for a truly national outlook in the matter. But now that the Government have recognized the principle of communal representation in the services, and conceded valuable privileges to other minority communities, it is but natural that the Christian community should feel aggrieved and press for its claims.

Sir, I myself do feel, that at the time of taking its decision on the subject of communal representation in the services, Government should not have failed to consider the claims of the third important community of India. When representation to the Anglo-Indian community was granted, quite out of proportion to its numerical strength, there was absolutely no justification for ignoring the Indian Christian community. But in this matter of communal representation, Government have not adhered to any fixed principle. The Muslim community has been given protection because it was not sufficiently represented in the services and the reservation of appointments for them on this ground may seem just, but the Anglo-Indian community has been given protection, because in the past they were given the lion's share in some services! So between these two contradictory attitudes, it was but natural that injustice be done to other communities. It was impossible to avoid it!

In conclusion, Sir, I have got to say that when the principle of distribution of posts on communal lines has been accepted by the Government, then, as a matter of justice, I shall feel glad, if the Honourable the

Mover can succeed in inducing the Government to fix a reasonable percentage for the Christian community as well. It is highly desirable that we should try and find out, as much as possible, a common agreement between ourselves, otherwise, if this spirit, which looks only towards differences, is perpetuated through the legislative enactment of this highest Legislature of the land, then we shall be giving a wrong lead, the consequences of which will be serious in future. (Hear, hear.)

.. The problem of Indian politics will not be solved by apportioning seats in the elected bodies and services on a communal basis, but through the spirit of service and co-operation among the communities it may be possible. Sir, the Honourable the Mover has stated that he demands these safeguards for his community, so that this avenue of service to the motherland may not be closed to them. I submit that there are so many fields of service open to each community, in this poor and much-afflicted land, that really one cannot complain of lack of opportunities! The Christian community is highly educated and advanced, and so far, has not stood in need of any protection in the matter of securing appointments in Government service and, I think, the Christian community would have been well-advised not to change its truly national outlook; but, as they do demand it as a matter of justice, their rights may be protected, when similar protection has been accorded to the rights of others. With these few words, Sir, I resume my seat.

Mr. C. M. Trivedi (Government of India : Nominated Official) : Sir, the Resolution, which has been moved with such eloquence and with such earnestness by my Honourable friend, Dr. DeSouza, and, on which, other Honourable Members have spoken with equal eloquence, is divided into two parts. I shall deal first with that part of the Resolution which relates to the recognition of the claims of the Indian Christian community for adequate representation in the services. In the term "services", I must make it clear that I include only the All-India Services and the Central Services under the control of the Government of India. The Central Government is not concerned with the services recruited by the Provincial Governments under their own powers. There can be no question of the Government of India interfering with the statutory powers which the Local Governments have to regulate recruitment to the provincial and subordinate services. The Government of India are much less concerned with the services under local bodies such as municipalities or district Boards, to which my Honourable and gallant friend, Sir Henry Gidney, referred. Now, I need hardly remind the House that the policy of the Government of India in the matter of the representation of the different communities in the public services is to prevent a preponderance of any one class or community in the services. As the House is well aware, that policy was adopted in 1923 at the instance of the Legislative Assembly. On the 10th April, 1923, this Assembly unanimously adopted a Resolution, recommending *inter alia*, that steps should be taken to secure that the services are not unduly over-weighted with the representatives of any one class or community, and that, as far as possible, the claims of all communities are considered. This disposes of the allegation made by my Honourable friend, Bhai Parma Nand, that Government is largely responsible for introducing communalism in the services. As the House is well aware, the method adopted, since 1925 for the application of that policy, is the reservation of one-third of all permanent vacancies for direct recruitment for the redress of communal inequalities. The recent Home Department Resolution, to which I shall have occasion to refer in some detail in the

[Mr. C. M. Trivedi.]

latter part of my speech, makes some modification in that method, but the policy I have just mentioned, viz., the policy of preventing a preponderance of any one class or community in the services, remains unchanged, and the first point I should like to make is that for the purposes of that policy the Indian Christian community will continue to be regarded, as at present, a minority community. I hope this will satisfy the European Group, on whose behalf my Honourable friend, Mr. James, gave a general support to this Resolution. The second point I would like to make is that the Indian Christian community forms only 1.4 per cent. of the total population of British India, and that that community is at present represented in the public services well in excess of its population ratio to the total population of British India. My Honourable friend, Mr. Sitaramaraju, quoted some statistics in this connection, but may I, Sir, with your permission and the permission of the House, give a general picture of the existing position regarding the representation of the Indian Christian community in the All-India Services and the Central Services under the control of the Government of India. I realize, Sir, that statistics are very dull, but statistics are an essential part of my case and I should like to take this House through some of them. Take, for instance, the I. C. S. In that service, out of 395 Indians, 23, or about 5.8 per cent. are Indian Christians. That community has done well in the I. C. S. examination in recent years, thanks no doubt to the high level of education in that community to which my Honourable friend, Dr. DeSouza, referred in his speech with great pride, and justifiable pride I may say. Out of a total of 206 Indians selected for appointment to the I. C. S. on the results of the competitive examination, from 1925-26—and that is the year in which the policy, I have just now referred to was introduced—ten, i.e., about five per cent. were Indian Christians.

Dr. F. X. DeSouza (Nominated Non-Official): Which appointments?

Mr. C. M. Trivedi: The I. C. S.

Dr. F. X. DeSouza: At the Delhi examinations?

Mr. C. M. Trivedi: Delhi and London combined.

Again, out of 32 Indians nominated to the I. C. S. since 1925—that is, the year in which the policy to which I have already referred was adopted—three were Indian Christians. The nominations were the direct result of the policy which I have just mentioned. The number of Indian Christians in the I. C. S. has increased from 11 in 1925 to 23 at the end of 1933. Take, again, the Indian Police, in which out of 155 Indians, five, that is to say, a little over three per cent., are Indian Christians. Of the total Indian intake by direct recruitment since 1925, two, or about three per cent. have been Indian Christians. Of these one was obtained by competition and one by nomination. The number of Indian Christians in the Indian Police has increased from two in 1925 to five in 1933. I have got here detailed statistics showing the position of the Indian Christian community in some of the more important Central Services, but I do not like to weary the House with these figures. I should like, however, to mention certain other figures. In the clerical establishments of the Central Government, the percentages of Indian Christians in 1932 were a little over two per cent. in the Departments of the Government of India, 1.8 per cent. in the Attached and Subordinate Offices, Delhi and Simla, and a little over three per cent. in Subordinate Offices elsewhere

than at Simla and Delhi. Further, of the permanent appointments made in 1932 by direct recruitment, Indian Christians secured two out of 73 in Departments of the Government of India, or a little over 2½ per cent.; six, out of 152, in the Attached and Subordinate Offices at Simla and Delhi, or nearly four per cent.; and 70 out of 1,242 in offices elsewhere than at Simla and Delhi, that is, a little over 5½ per cent.

On the Railways, out of the total subordinate staff of a lakh and a quarter on Class I railways, on the 31st December, 1932, a little over three per cent., or, to be exact, 3.3 per cent., were Indian Christians. On State Railways, Indian Christians formed in 1931, 2.82 per cent. of the total subordinate staff, and 4.3 per cent. of that staff on Rs. 150 and over. In the Posts and Telegraphs Department, Indian Christians form two per cent. of the total Indian staff. In non-clerical and non-gazetted superior staff of that Department, they form a little over 6½ per cent. of the total Indian staff.

I hope, Sir, these figures will convince the House that the Indian Christian community is generally represented in the all-India and Central Services well in excess of their population ratio.

I will now turn to the question of the position of the community under the recent Home Department Resolution. In the speech which my Honourable friend, Dr. DeSouza, made on the 26th of last month, while moving his Resolution, I think, he stated that the Resolution virtually ignored the claims of the Indian Christian community for a share in the public services. He went further and added that it had rung the death-knell of the hopes of the community for the future. I quite appreciate the anxiety—a legitimate anxiety—of my Honourable friend regarding the position of the Indian Christians, but I cannot agree with the words which he used. In fact, if I may say so, without any offence, he used the language of picturesque exaggeration and I would make it clear that I emphatically disagree with him. Before issuing that Resolution, the Government of India considered carefully the position of minority communities other than Muslims and Anglo-Indians, and they satisfied themselves that the new rules would continue to provide for those other minorities,—and I may repeat, that the Indian Christian community is one of those minorities—as at present, a reasonable degree of representation in the services. This conclusion has been stated in paragraph 4 of the Resolution and is based on the following facts: firstly, the Indian Christian community is, speaking generally, a highly educated community and should be able to hold its own in direct recruitment to unreserved vacancies, namely, two-thirds of the total vacancies, whether recruitment is made by competitive examination or by selection; secondly, the Indian Christian community will, as I have stated already more than once, continue to be regarded as a minority community. For services recruited on an all-India basis, it will be entitled, along with minority communities other than Muslims, to a share of 8.1/3 per cent. of vacancies. The communities other than Muslims, hitherto regarded as minority communities, are Anglo-Indians and Domiciled Europeans, Sikhs, Indian Christians and Parsis and the population of these minorities in British India is about 2.64. There are other minority communities which account for about seven per cent. of the total population of British India, but these communities rarely compete or apply for the public services, and I anticipate that, in actual practice, practically the whole of the 8.1/3 per cent. of vacancies would go to Anglo-Indians, Indian Christians, Sikhs and Parsis, who constitute, I might repeat, only 2.64 per cent. of the population in British India. In services

[Mr. C. M. Trivedi.] recruited locally, the position will also practically be the same. The reservation of 8.13 per cent. will, however, be obtained by fixing a percentage for each railway or local area or circle having regard to the population ratio of minority communities, other than Muslims in that area, and the rules for recruitment adopted by the Local Government of that area concerned. This will ensure that in those areas in which the Indian Christian community preponderates, their representation in the Central Services recruited on a local basis in those areas will be commensurate with their preponderance. It is true that in subordinate posts on Railways only six per cent. of vacancies is reserved for minorities, other than Muslims and Anglo-Indians. This percentage is, however, approximately the percentage of posts held by members of these communities at present, and the Indian Christian community need not, I think, fear that their present position in the matter of subordinate posts on railways, which I have already said is favourable, will be undermined. Neither is there any reason to fear that their position in the Posts and Telegraphs Department will be undermined, as in the Departments or branches of the Posts and Telegraphs Department, in which a special reservation is made for Anglo-Indians, the reservation of vacancies for other minorities, that is, minorities other than Muslims and Anglo-Indians, will be fixed so as to be equal approximately to the percentage of subordinate posts at present held by them. In the light of these facts, I maintain, Sir, that the Government of India are perfectly justified in the claim they have made in paragraph 4 of that Resolution. That claim is that the Government of India are satisfied that the new rules will continue to provide for them, as at present, a reasonable degree of representation in the services.

My Honourable friend, Dr. DeSouza, asked that a specific percentage of vacancies should be reserved for Indian Christians as in the case of Muslims and Anglo-Indians. I am afraid it is not possible to accept this. The reasons which have led the Government of India to reserve 23 per cent. of vacancies for Muslims, 8 per cent. for Anglo-Indians in subordinate posts on railways and 5 per cent. of vacancies in certain branches of the Posts and Telegraphs Department for Anglo-Indians do not hold good in the case of Indian Christians. Muslims form about 25 per cent. of the total population of British India, but a review of the existing system, which has been in operation for over seven or eight years, showed that in practice they obtained only 18 or 20 per cent. of vacancies, and in some cases even less than that percentage. This is not the case with Indian Christians who have obtained in the past a percentage of vacancies much in excess of their population ratio. Reservation of a certain percentage of vacancies in certain Departments has been made for Anglo-Indians, because they are employed in large numbers only in certain departments. Indian Christians, on the other hand, are employed in all branches or grades of the public service. The Indian Christian community, like any other community in India, is to a certain extent dependent on Government employment, but the Anglo-Indians are very largely dependent on employment in certain branches of the public service, namely, Railways, Posts and Telegraphs and Customs, and it was, therefore, necessary to take steps to prevent in the new conditions anything in the nature of a rapid displacement of Anglo-Indians from their existing position which might occasion a violent dislocation of the economic structure of the community. Moreover, personally I feel that a reservation of a specific percentage of vacancies for Indian Christians is not in their own real interests, even

if some weightage is given. My reason for this view is that that community is already well represented in the services and will, so far as I can see, continue to be represented very much to the same extent in those services. But even if a weighted percentage is fixed, it might be even less than the percentage of posts the Indian Christian community holds at present.

My Honourable friend, Dr. DeSouza, made another suggestion, namely, that in the annual returns of recruitment a column should be added for Indian Christians. That, if I may say so, is a very valuable suggestion and I have great pleasure in accepting it. (Applause.) The Government of India attach much importance to these annual returns as providing a valuable means of enabling them to watch the observance of the rules laid down in the Home Department Resolution. The opening of a separate column for the Indian Christian community will enable the Government of India to review from time to time the effect of the new policy on the position of Indian Christians, and I have no doubt that if any remedial action was necessary, Government would carefully consider the desirability of taking such action. May I also add that under the new constitution it will be one of the special responsibilities of the Governor General to safeguard the legitimate interests of minorities?

I might sum up in one sentence what I have said on the first part of the Resolution. The Indian Christian community is well represented in the public services at present and it need not have any apprehension that the new orders will not provide a reasonable degree of representation for them in the services and Government will watch the position of the Indian Christian community in the services through annual returns.

I now turn to the second part of the Resolution, namely, the recognition of the claims of the Indian Christian community for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the community may be affected. I do not propose to follow my Honourable friend, Dr. DeSouza, into the details of the personnel of the various conferences and committees mentioned by him, or my Honourable and gallant friend, Colonel Gidney, into the reasons why the Indian Christian community was not represented on some of these conferences and committees. I should like, however, to deal with the matter on broad general lines. Committees do not decide matters affecting the political future either of the Indian Christian community, or for the matter of that any other community. The functions of Committees are to investigate and recommend, but decisions on their recommendations rest with Government. Committees are formed primarily to carry out work, not to represent interests, though in the selection of the personnel consideration is had to the existence of interests affected, of which the Indian Christians are merely one. The question of the representation of various communities on Committees stand on a different footing from that of their representation in the public services. Committees are not constituted primarily on a communal basis, but I can give one assurance, that the claims and wishes of the Indian Christian community for inclusion in such future Committees would be taken into account (Hear, hear) together with other considerations relevant to the composition of the particular Committee.

Sir, before I sit down may I suggest to my Honourable friend, Dr. DeSouza, that in view of the position explained by me he might perhaps wish to withdraw his Resolution.

[Mr. C. M. Trivedi.]

One word more, and I have done. This is the first occasion on which I have had the privilege of addressing this Honourable House, and I thank the Honourable Members of this Honourable House for listening patiently to a speech, a good deal of which, dealing as it did with dry statistics, must have been unusually dull. (Applause.)

Dr. F. X. DeSouza : Mr. President, I gratefully accept the kind and enthusiastic reception which was given to the Resolution which I, as a humble representative of the Indian Christian community, had the honour to move in this House,—a reception extremely favourable from all quarters of the House except from the Government of India. (Hear, hear and Applause.) I have had the unique advantage in this House that I have been able to create a sharp cleavage of opinion between the elected representatives of the people of India and the Government of India. (Hear, hear.)

Sardar Sant Singh (West Punjab : Sikh) : Then come over to this side.

Dr. F. X. DeSouza : But, Sir, I am really not anxious to widen that cleavage by transforming into action the feelings voiced by the elected representatives of the people of India and asking them to vote in my favour and thereby show that they condemn the policy of the Government of India. I do not want to accentuate the cleavage.

Mr. Gaya Prasad Singh : We do not mind that. We will vote with you. (Applause.)

Dr. F. X. DeSouza : I only want to draw the attention of the House to the unanimity with which the Indian Christian Associations throughout the length and breadth of India have given me their support and encouragement and have forwarded to me copy after copy of the resolutions which they have passed condemning what I would call the iniquitous appointment award which my Honourable friend, Mr. Trivedi, tried to defend. I will read only one sample and in this case from a very important Indian Christian Association, Lahore, and another from Allahabad. The Association says :

"We have seen the new rules published by the Government of India regarding appointments to Public Services. The rules are intended to safeguard the interests of the minority communities, but it is clear that provision has been made in the interest of two communities only, the Muslims and the Anglo-Indians. The claims of the Indian Christians have been totally ignored, in spite of its being second majority community in point of numbers. Sub-rule 7 (III) gives further advantage to Muslims over other minority communities by providing that if in open competition and for nomination, there are not enough qualified candidates, the percentage provided for other minority communities will be available for Muslims. Therefore, it is resolved that this Indian Christian Association strongly protest against this unfair omission of reasonable provision for Indian Christians and calls upon the Government of India to remedy this defect so that the claims of our community may not be sacrificed for the sake of a stronger minority community. It is hoped and urged that the rules be revised."

that the manner in which the Indian Christian community has been systematically ignored, neglected and humiliated in the constitution of different committees to which I referred the other day is such that we feel that some action on the part of the Government of India is necessary to restore our self-respect and to restore our prestige before the other communities of India (Hear, hear). It is for that reason that I am pressing this Resolution (Hear, hear). All the other communities of India look down upon us and whenever I meet members of other communities they put me the question, what are you ? and when I say that I am an Indian Christian, they taunt me by saying, we know what the Government thinks of you. I want to disabuse the public mind, I want to disabuse the Government of India of the impression that the Indian Christian community do not count for anything in this country. We want to show that we too count for something in this country.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : We want a clear verdict from this House on the point.

Dr. F. X. DeSouza : The only recognition we get from the Government of India is when high officials of Government, like Governors, Members of Council, etc., visit our schools and our charitable institutions, they praise our loyalty and they say that our schools are the nurseries of future loyal servants of the Government of India. They say : we set an example of Christian conduct which other communities should follow. But when we ask for a concrete recognition of that loyalty, what do we get ? Absolutely nothing. We discover that our loyalty like virtue is its own reward.

Sir, what I have liked more than anything else in today's debate is the manner in which all the other communities, Hindu, Muslim and Sikh, have recognized that we, though Christian in faith, have our hearts beating in unison with the other communities of India. Sir, the nationalism of the future is not going to be a Hindu nationalism or a Muslim nationalism, nor is it going to be a Christian or Anglo-Indian nationalism. It is going to be a composite nationalism in which Hindus, Muslims, Christians and Anglo-Indians will all take part. And in the nationalism so constituted, it will be the right and the duty of the Christians to contribute to the richness and the purity of that nationalism in an ever increasing measure in accordance with the demands of freedom and toleration.

Sir, it is possible, that we have been ignored by the Government of India in their iniquitous Resolution, because hitherto we have never participated in sectarian and separatist movements. Our Christian leaders from the very beginning, like the late Mr. Madhu Sudan Das and Rev. Kali Charan Banerji, were Indians first and Christians afterwards ; and so shall we remain till the very end, till nationalism arises in this country to which we shall continue to give our share according to our lights and according to our advancement in education and standards of conduct.

Sir, I say again that I thank all the sections of the House for the favourable reception they have given to my Resolution. I also thank, though in a somewhat Pickwickian sense, the Government of India for the way in which they have accepted one or two of my suggestions and for an expression of their feeling of sympathy. It is true that five

[Dr. F. N. DeSouza.] words butter no parsnips nor will the sympathy of the Government of India fill our empty stomachs. But all the same the debate on my Resolution has served the purpose for which it was brought, and for that reason, I ask the permission of the House to withdraw the Resolution.

Mr. President (The Honourable Sir Shanmukham Chetty) : Has the Honourable Member the leave of the House to withdraw his Resolution?

Several Honourable Members : No, no.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is—

“That this Assembly recommends to the Governor General in Council that the claims of the Indian Christian community for adequate representation in the services and for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the community may be affected, should be recognised.”

The motion was adopted.

RESOLUTION RE. APPOINTMENT OF A COMMITTEE ON THE INDIAN COAL INDUSTRY.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Sir, I beg to move—

“That this Assembly recommends to the Governor General in Council that immediate steps be taken to appoint a Committee to inquire as to how far the present abnormal depression in the Indian Coal Industry is due to the working of the State-owned Railway Collieries and the present surcharge of Railway freight on coal and other causes and to suggest ways and means for its improvement.”

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Lieut.-Colonel Sir Henry Gidney, one of the Panel of Chairmen.]

Sir, coal is a national asset. It is a key and basic industry, and, according to the Government of India, it is vital to the economic structure of India. Sir, of all the Empire countries, India ranks second only to Great Britain in the volume of her production of coal; and what is its position today? Almost on its last leg and on the verge of bankruptcy. Is this national industry to be preserved and conserved? The only answer to this will be, at all costs and by all means.

Sir, the problem of coal is to my mind a two-fold one. The first is to raise the low and uneconomic price level by restricting the potential productive capacity of the mines; the other is to remove certain factors which stand in the way of increasing the demand. Pending the general economic and industrial depression which accounts for about 35 per cent. decrease in the consumption of coal, some form of control of the potential productive capacity of the mines can alone raise the prices to a higher and economic level. The removal of certain other factors which have hampered the revival of the coal trade is essential for effecting an improvement in the demand for coal. These factors are—(1) The acquisition and development of uneconomic State-owned and Company-owned Railway Collieries. The House will bear in mind that the railways are the

single largest consumer of coal in India; (2) high railway freight, and on the top of that the 15 per cent. surcharge on long distance coal traffic; (3) differential treatment of Central Provinces coal in the matter of railway freight; (4) want of cheap and economic railway freight for soft coke; (5) the increased and increasing substitution of oil fuel in place of coal; and (6) last, but not the least, the numerous taxes and cesses which no other industry, except coal, is required to pay.

What is the present position? Briefly speaking, India's immediately available productive capacity is something like 26 to 27 million tons, whereas the consumption of coal in India today will not exceed 18 million tons. India's power of coal supply has developed enormously, whilst the demand has fallen considerably. The trade has, therefore, very justly pointed out that it is this great “disequilibrium between demand and immediately productive capacity, that is at once the cause and the measure of the problem”. It is this surplus capacity which the consumers exploit and therein lies the whole crux of the parlous situation in which the industry finds itself today. This contention of the trade is well illustrated by the offer of the industry of over 13½ million tons of coal to meet the State Railway requirements of only 2½ million tons. They offered it knowing that the State Railways and the other Railways want only 2½ million tons. The industry, therefore, sought the assistance of Government for the control of this enormous productive capacity of the mines in India. But as usual Government have turned a deaf ear to this, and has, for the time being at any rate, turned down the scheme proposed for its control, without suggesting any alternative remedy. The worst feature of the Government letter turning down the industry's proposal is to reject the scheme and then send it to the Local Governments concerned for opinion....

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Which scheme do you mean?

Mr. A. H. Ghuznavi : The coal restriction scheme submitted by the industry—the Government of India sent it to the Local Governments for opinion, with this paragraph added in their letter :

“The Government of India are thus disposed to consider that the best course for them to take would be to reject the application for the institution of control.”

Then they send that letter to the Local Governments for their opinion. If I may say so, this is putting the cart before the horse. According to the terms of the Government letter, it would take a very strong expression of opinion to change the decision. The chances of acceptance of control were placed by my Honourable friend, Sir Frank Noyce, when he visited Calcutta and met a deputation of the coal interests, at 9 to 1 against its acceptance and the chances of its being introduced in this Assembly. Personally, I consider the industry has made out a very good case for control or restriction of output, which is accepted in all large coal producing countries as necessary and desirable. Both from the point of view of the producers as well as the consumers. I am firmly convinced that unless this enormous productive power is controlled, it will lead to an era of unrestrained competition between colliery companies for business, which will result in a concentration on the best seams of coal, so that they would soon be worked out. When it is necessary to win coal which is left, it will be found that the costs

[Mr. A. H. Ghuznavi:] The price of coal will be high and the consumer, whose interests the Government have so much at heart, would not be a gainer in the long run but a loser. Surely, it is the duty of the Government to prevent such a contingency.

The Resolution which I have just moved does not touch the question of the control of output which is in a state of suspended animation and is engaging the attention of Provincial Governments concerned in the industry. Neither is it to be treated as an alternative to it; nor should this Resolution be made an excuse for delaying the introduction of a control scheme. A control scheme must be taken up at once and without delay.

My Resolution, however, is limited in scope and its purpose is to remove the other obstacles already referred to, which have been hampering the trade revival. I have behind me the unanimous support of the trade, of colliery interests, large and small, representing four-fifths of the total output of coal in British India, and the backing of the three premier organisations of the industry—the Indian Mining Association, the Indian Mining Federation and the Indian Colliery Owners' Association; they are all agreed and I have their backing behind me. It is impossible for me within the limited time at my disposal to deal exhaustively with all the factors already referred to. Indeed it will be the function of the Committee, if any constituted, to do so. Still, to explain the position I shall briefly touch on few points. The chief demand for coal comes from the Railways which consume about 35 per cent. of the total output. Acquisition of collieries by railways was, therefore, a serious blow to the industry, particularly as such acquisitions coincided with the slump in coal, which commenced in 1923. The position was aggravated by the general depression in trade which made its appearance in 1927-28. According to Mr. Whitworth's memorandum, these acquisitions were justified by Government, because it stated that high rates were charged by the trade for the railway coal during war. Sir, I repudiate that charge. During the war, Mr. Chairman, the Controller of Coal used to fix the price of coal, and not the trade. The trade had nothing to do with the fixing of price in those days. The collieries were commandeered by Government, and the Controller of Coal was a Government servant, and he used to fix the price.

It is, however, profitless now to discuss the necessity or otherwise of acquisition of mines by railways originally. The collieries have been acquired. Before I proceed further, let me tell this House that the Railway Board have been buying collieries even in 1929.

An Honourable Member : Even in 1931.

Mr. A. H. Ghuznavi : Yes, even in 1931, when the coal trade was in an absolutely depressed condition, when they could buy coal in the market at a much lower price, the Railway Board went on buying these uneconomic collieries, for which they had no justification, and for using the coal from these collieries, they had to alter the very fire-boxes in engines in order to enable the engines to use the second class coal, whereas you were actually getting first class coal in the market for half the price. All that, Sir, will come out before the Public Accounts Committee, where I believe Mr. Whitworth's memorandum will be discussed, and where it will be possible for us to demolish every sentence and every line that is contained in it. The Honourable the Finance Member is not in his seat just now, but he will see for himself how much public money has been wasted all these years.

Mr. Chairman, it is the contention of the trade generally that the Railways can and do now obtain coal more cheaply from the market than they can produce it, as has been proved definitely by the statement prepared by competent chartered accountants. The trade, therefore, desire that the whole of the railway coal should be purchased from the market. The trade further desire that these Railway Collieries should be placed on a care and maintenance basis to be utilised on an emergency, provided the Railways suffer no loss as regards their investments and have adequate safeguards for their future supplies of coal at reasonable cost. The presence of the Railway Collieries and the possibility of their development constitute perhaps one of the best safeguards against an excessive rise in the price of coal to the consumer, including the Railways.

Sir, in this position of affairs this Resolution, in so far as it calls for a closing of the Railway Collieries, asks that assurances, already given to the trade by Sir Alan Parsons, (then Mr. Parsons) and Sir Guthrie Russell in the past, be now acted upon.

Mr. P. R. Rau (Financial Commissioner, Railways): Will the Honourable Member please quote those assurances?

Mr. A. H. Ghuznavi : Yes, Sir, I shall quote them.

Sir Alan Parsons, then Mr. Parsons, in 1930, gave it as his considered opinion that Rs. 4-12-0 per ton was a fair price for coal and had said that if the price fell below that figure he was prepared to consider purchasing from the market the then current production of the Railway Collieries.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : May I know for what class of coal that price was fixed?

Mr. A. H. Ghuznavi : I will answer that outside the House. I do not want to waste the limited time at my disposal.

Sir Guthrie Russell, then Mr. Russell, on the 25th April, 1931, addressing the Indian Mining Association said as follows :

"If the coal trade could put forward proposals showing that it would pay the Railways to buy more coal from the open market, then the Board would certainly be prepared to consider them."

(Mr. A. H. Ghuznavi.) The Trade has proved beyond contention and put forward proposals since to show that the Railways can buy coal much cheaper and that it would pay the Railways to do so. Then again, what did Sir Alan Parsons say at the same time? "If the Railways were able to obtain at the same price as they were able to raise it from their own collieries, they would prefer to take their supplies from the open market and conserve their own collieries." I stand by that statement,—that they should conserve their own collieries for emergency, they should buy coal from the open market, not at the same cost as your coal, but at a lower price, and buy also first class coal, while you raise second class coal in your collieries. Sir, the Committee of the Indian Mining Association on the 18th July, 1933, submitted to the Railway Board a proposal for the closing of the Railway Collieries temporarily for one year, and placing them on a care and maintenance basis without causing the slightest loss to the Railways, but securing a saving of Rs. 6 lakhs on the Government's system of costing and about Rs. 22 lakhs on the commercial system of costing, after providing for full interest on capital invested at 3½ per cent. and maintenance charges. The Association also guaranteed supply of railway coal of requisite quality at prices stated but Government, as usual, have done nothing in that connection.

Sir, coming to the second point about the surcharge, this surcharge was intended to be temporary and was introduced in 1932 to make up for the depleted revenues of the Railways, due to the abnormal trade depression. What do we find? The abnormal trade depression made it impossible for the railways to balance their budget.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) : The Honourable Member has three minutes left to conclude his speech.

Mr. A. H. Ghuznavi : I will not be more than five or six minutes, there is a lot to say. (Some Honourable Members : "Go on.") But they did not put the surcharge on any other commodity except coal, because it was very easy to do, a very simple calculation. They wanted Rs. 65 lakhs and the surcharge of 15 per cent. gave them that amount. But the railway earnings have been steadily going up, but this temporary surcharge continues. Though abnormal trade condition was the justification for this burden, yet coal was the only commodity which was called upon to bear such a surcharge to the exclusion of all other commodities. On the other hand, concession in freight, after the surcharge was imposed on coal, has been granted to other industries since the imposition of the surcharge, while coal cannot pass on this surcharge as a whole to the consumer and may, therefore, be said that coal is paying for the concessions in freight made to other commodities. Further, it is to be noted that, while the Government has aided by trade agreements and by the imposition of protective duties such commodities as tea, pig iron, cotton, wheat, sugar-cane, etc., nothing has been done to assist coal in any way. Be it remembered that this surcharge was in addition to the railway freight on coal which had always been considered as very high, and whose reduction had already been pressed by the industry. A careful study of the coal traffic over the Indian Railways would show that coal paid about 150 pie per maund per mile, which is nothing less than 50 per cent. more than the ordinary minima of 10 per maund per mile paid for goods in general.

Even up to 300 miles the rate for coal has been in excess by 40 per cent. over the normal minima. If the terminal charges are also added, the rates are bound to go higher still. It is, therefore, clear enough that coal, which is vital to the economic structure of a country, far from receiving preferential tariff treatment, has been paying far more than most commodities have had to pay.

In turning down the scheme of control recently, the Government of India remembered the interests of the consumers. One may effectively contrast the concern of the Government to guard the consumers' interest against the possible rise in price of eight annas per ton or even one rupee under a system of control, with their action in imposing without the slightest compunction 15 per cent. surcharge on coal freight, the effect of which had been an increase in the price of coal by as much two rupees per ton to consumers in districts removed from the coal producing centres. Then, again, the Government decision must have been influenced by the possibility of the payment of one rupee per ton of coal purchased by railways, which would mean a further liability of Rs. 33 lakhs on the part of the railways, in the event of the control scheme being accepted. But they forget that even if the railways have to pay one rupee more per ton, which I doubt, this loss will be more than compensated by increased railway freights, income-tax and super-tax earnings and various other benefits resulting from an improvement in the industry.

The limitation of time compels me to leave out the other factors included in the Resolution. But I feel that it will not be right for me to conclude without saying a few words as to the abnormal decline in the price of coal. Remarkable has been the decline in the average price per ton of coal in Bengal and Bihar fields. The average price has decreased since 1924 by more than six rupees per ton for first class coal and by nearly five rupees per ton for second class coal, representing decreases of nearly 58 per cent. and 61 per cent. respectively. The average present market rates for steam coal do not exceed Rs. 3-4-0 for first class and Rs. 2-8-0 for second class or even lower. The prices of steam coal must of necessity be adjusted for loss on slack, which unavoidably forms about 25 per cent. of the total output. When this is done, the average prices for steam coal become equivalent to only Rs. 2-12-0 for first class and Rs. 2 for second class coal, at which it certainly cannot be produced, except under exceptionally favourable circumstances.

In order to have a fair comparison between the fall in prices of coal and that of other important commodities, the period for coal should commence from 1923, and not 1927-28. When we do that, we find that the price of coal fell more steeply than prices of other commodities. It will be found that, while coal prices declined by about 62 per cent. approximately during 1923-33, those of other commodities during that period fell as follows :

Jute manufactures about 49 per cent.

Tea about 43 per cent.

Cotton manufactures about 30 per cent.

Iron and steel about 19 per cent.

It would also appear that at the end of 1933, while the annual average index number of coal stood at 53, that of cereals stood at 66, sugar at

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[Mr. A. H. Ghuznavi:] 132, tea at 92, jute manufactures at 77, cotton manufactures at 113, and metals at 99.

The present position of the coal industry, even according to the Government is "very unsatisfactory". The disadvantages of the existing state of affairs have been summarised by the Government as follows:

(1) Financial losses to the industry, the investing public and Government revenue.

(2) A weakening of the industry.

(3) A tendency to confine production to seams of the best quality coal; and

(4) An undesirable reduction of wages and salaries."

Under these circumstances, and pending the introduction of some kind of control of output, the Government can well remove the difficulties, some of which are of their own creation, which have been hampering trade, such as, the closing down of the Railway Collieries and the removal of the 15 per cent. surcharge on railway freight. While contending that they form no alternative to control of production, the trade is unanimously of opinion that, if adopted at once, they will assist the industry in its present precarious position.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) : The Honourable Member must bring his remarks to a close.

Mr. A. H. Ghuznavi : I shall just close. If this House appoints a Committee, the Committee can investigate, first, if it would be cheaper to buy coal than to raise it, if the collieries can be closed without loss to the public interest, what has been the effect of the 15 per cent. surcharge and what will be the effect of its removal, whether without the surcharge, the railway freight is not already too high, whether a cheap or a lower freight for soft coke is not a necessity and what, if anything, may be done regarding oil fuel which is competing with the coal industry. Mr. Chairman, these are some of the points for consideration. Let me appeal to my Honourable friends, Sir Joseph Bhore and Sir Frank Noyce, to come to the rescue of this national industry which is on its last leg. Let me appeal to both of my Honourable friends who are held in high esteem by all sections of the trade and the industry. I invite them in the interest of Bengal and Bihar and in the interests of the coal industry in India to come to its rescue by accepting this Resolution and forming a Committee to go into the particulars, and find out whether they can devise any means to protect this industry from utter ruin. It is entirely in their hands to give temporary relief by closing down their collieries, and withdrawing the surcharge. This will give the trade sufficient time to breathe. Mr. Chairman, I have finished.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) : Resolution moved:

That this Assembly recommends to the Governor General in Council that immediate steps be taken to appoint a Committee to inquire as to how far the present abnormal depression in the Indian Coal Industry is due to the working of the State-owned Railway Collieries and the present surcharge of Railway freight on coal and other causes and to suggest ways and means for its improvement."

Mr. Gaya Prasad Singh : Sir, in so far as the Resolution of my Honourable friend, Mr. Ghuznavi, asks for the appointment of a Committee to inquire into the position of the coal industry in this country,

I have no particular objection to it, but when he goes further and assigns different reasons for the depression, I do not necessarily endorse all his observations. It is admitted that the coal industry is suffering from a serious slump, and this being a key industry it behoves the Government and ourselves to find out a solution for the recovery and development of this industry. The collieries are mostly situated in my province of Bihar and Orissa, and, to that extent, I am interested in the discussion of this question. There is only one point to which I should like to refer and that is with regard to the proposed restriction in the output of coal from different collieries. Sir, with regard to that I should like to state at the outset that I am opposed to this restriction scheme being put into operation. There are different reasons for the depression in the coal trade and I should like to refer to them very briefly. There is in the first place an all-round economic and industrial depression, which has led to about 35 per cent. decrease in the consumption of coal. Now, the general depression in the various industries has had its natural repercussion upon the coal trade of this country, and it has also suffered a depression to a corresponding degree. The second point is the increased and increasing substitution of oil and electricity in the place of coal. In recent years, owing to the increasing use of fuel oil or electricity and other methods, it is likely that the use of coal has gone down. The third point is the high railway freight and the 15 per cent. surcharge on long distance coal traffic which has proved very disastrous to the coal trade. I understand that my Honourable friend, Mr. Ghuznavi, has referred to many of these points.

Mr. A. H. Ghuznavi : All these points have been referred to.

Mr. Gaya Prasad Singh : Therefore, I will not go into them in detail. Then, Sir, the other point I should like to refer to is the want of cheap and economic railway freight for soft coke. And lastly is the over-production in big collieries on account of the introduction of mechanical contrivances for cutting coal. I do not know whether my Honourable friend referred to that point. Now, Sir, if there has been over-production—in the first place I do not admit that there has been over-production—the over-production has been mostly taking place in the case of big collieries, where these mechanical contrivances for cutting coal have been introduced in recent years.

Mr. A. H. Ghuznavi : They are withdrawing them now.

Mr. Gaya Prasad Singh : Now, whether there is over-production of coal or not, I should like to give some figures. In 1923, the total output in British India in lakhs of tons is 187 ; the total output in India including States in lakhs of tons is 196, and the total consumption in various industries in India is 201. In 1924, 202, total output in British India ; total output in India including States is 211, and total consumption in various industries in India is 213. In 1925, it is 199, 209 and 211 respectively. In 1926, it is 200, 209, 205. In 1927, it is 211, 220, 217. In 1928, it is 215, 225 and 220. In 1929, it is 223, 234 and 238. In 1930, it is 226, 238 and 235. In 1931, it is 205, 217 and 213. In 1932, it is 187, 201 and 196. The figures for 1933 are not available. Now, Sir, the excess of consumption over-production in the years 1923—1925 which I have read out is attributed to the fact that some quantity of foreign coal was imported into India during those years. I do not think that the scheme for restricting the output of coal would be the proper way of remedying the drawbacks

[Mr. Gaya Prasad Singh.]
to which reference has been made by my Honourable friend, Mr. Ghuznavi. The Ahmedabad Millowners' Association in this connection says :

"My Committee is of opinion that the scheme is objectionable in principle. To restrict the output of any industry by a scheme of compulsory restriction through legislation, as suggested by the Indian Colliery Owners' Association, is obviously unfair and unjustifiable."

A voluntary restriction may be adopted, if they like. Sir, it will be seen that during recent years, a number of small collieries have closed down, and if we impose outside restriction on the output of coal, it is quite on the cards that these small collieries will remain closed for ever, and thus throw a large number of labourers out of employment. I think, therefore, Sir, without taking much time of the House....

Mr. A. H. Ghuznavi : But they have withdrawn....

Mr. Gaya Prasad Singh : However, Sir, I have only to state that I do not agree to any scheme, if it is still under consideration, of restricting the output of coal, but I give my general support to the proposal of my friend, Mr. Ghuznavi, asking for some sort of enquiry into the condition of the coaltrade in this country.

Mr. G. Morgan (Bengal ; European) : Sir, I rise to support this Resolution. My Honourable friend, Mr. Ghuznavi, has covered most of the ground which I would have covered, had I spoken before him (Ironical Laughter) ; in fact all that I have got down in my notes he has already said. (Laughter.) Well, Sir, I have before me all the papers.....

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

.....referring to the Resolution, the interviews the industry had with my Honourable friend, Sir Frank Noyce, the interview that the various Associations in Calcutta had with H. E. the Governor of Bengal, and what I gather is that the industry has no option, at the present moment, but to adhere to their scheme of restriction. They say that the industry must have some scheme of control in order to be saved from complete bankruptcy. Some system of control is absolutely essential. Now my Honourable friend, the Member for Industries and Labour, in the interview he had with the industry at Calcutta, did not say that the door was completely closed, bolted and barred against any scheme. Unfortunately, in the letter to the Local Governments, a paragraph was put in there, in which the Government said that they saw no option but to turn down this scheme of restriction. Personally I think it was a pity that that paragraph crept in, the letter was a very clear statement of the Government's case without that being said. In Calcutta, with regard to paragraph 10 of that letter, the Honourable Sir Frank Noyce, I understand, said that Government visualized the operation of a scheme through a Control Board, containing an equal representation of the producing and the consuming interests, but reserving the fixation of a general quota to the Government of India.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : May I ask my Honourable friend from what he is reading ?

Mr. G. Morgan : I am reading from a report sent to me of the meeting.

The Honourable Sir Frank Noyce : Report by whom ?

Mr. G. Morgan : By the Indian Mining Association Committee.

The Honourable Sir Frank Noyce : I should like to explain that my meeting with the Indian Mining Association representatives was purely informal and that no report of the proceedings was sent to me for correction.

Mr. G. Morgan : Then, I shall make one general remark—that I may ask it, from the papers I have seen, that the Government of India are sympathetic towards some scheme of control, although they are very definitely against the particular scheme of restriction sent up by the Indian Mining interests. Now, Sir, with regard to the appointment of a Committee of Enquiry, the Resolution has three points to consider—the fifteen per cent. surcharge on Railway freight on coal, the Railway Collieries and other causes of the depression. I shall start with the last mentioned of the points. The "other causes" are the causes mentioned by my Honourable friend, Mr. Ghuznavi ; the difficulty of the coal trade at the present moment is that its potential production is 26 million to 27 million tons, and that is a position which can be exploited by consumers. It is not a question of the control of the output as pertains at the present moment : it is a question evolving some scheme, whereby this exploitation by consumers cannot be carried on indefinitely. As my Honourable friend, Mr. Ghuznavi, pointed out, 13½ million tons were tendered for a quantity of 2½ million tons required by the Railways and the prices seemed to be going down every time these tenders were called for ; and what we do want is some control to safeguard against an increase in production to anything like the potential productivity of the mines.

Now, with regard to the fifteen per cent. surcharge, that has been the subject of many questions and of a great deal of discussion. What the coal trade feel is that they have to pay a great deal of money and they are the only commodity which pays enormously in order to make up some of the deficit which the Railways have run into. Now, we have figures showing that recently there have been considerable concessions given by various railways in India to other commodities,—fuel oil, iron and steel products, sugar, gunnies, to mention only four ; and the figures, I have, show that the concessions range from something like seven per cent. up to fifty per cent. Now, unless the various Railways can prove that they are making extra money under these concessions, it really means that the fifteen per cent. surcharge on the coal goes to fill up the gap made by these concessions.

With regard to the consumers, we have definite information that the largest consumers on the Bengal side have no objection to some scheme of control. I think the Honourable the Mover read out the names of these people—viz. : the Bengal Chamber of Commerce, the Indian Chamber of Commerce, the Bengal National Chamber of Commerce, the Calcutta Electric Supply Corporation, the Oriental Gas Company, the jute mills, the tea interests and others ; that covers a very large proportion of the consumers on that side of India.

Mr. Gaya Prasad Singh : Why do not they impose a voluntary restriction on the output, if they are unanimous ?

Mr. G. Morgan : My Honourable friend, Mr. Ghuznavi, said that it was very difficult for Local Governments to give an opinion in face of that paragraph in the Government of India's letter ; but I do not think

[Mr. G. Morgan.]

that that will deter them from giving their definite opinion on the subject, and as far as I know, Bengal has already sent up its recommendations, but I have not seen any such recommendations; I do not know whether the Government of Bihar and Orissa have sent up their recommendations, but I am quite sure that if they honestly are of opinion that some scheme of control should come in, I do not think they will be biased by the remarks made by the Government of India.

Well, Sir, I have very little more to say on the subject. As I have said before, my Honourable friend, Mr. Ghuznavi, has already covered all the ground; the other causes are quite apparent; the potential production of coal is apparent to everybody and that constitutes a very serious danger. The 15 per cent. surcharge has been threshed out over and over again, and we are definitely of opinion that the coal industry is paying at a rate which it should not pay. With regard to the railway-owned collieries, that again, has been the subject of discussion for the last two or three years and the Government of India have definitely said that they would not consider any question of shutting down the collieries. But the point made by the Government of India about the restriction of output is certainly a true one. They have restricted their output considerably during the last two years. We should like to be perfectly certain that unless they were forced by a rise beyond what might be called a fair level of maximum price and unless they were forced to pay a very high price for their coal, there should be a guarantee from Government that there would be no increase over the last two years' production of the railway-owned collieries. That, at any rate, I think we might ask Government to assure us. In connection with the railway-owned collieries, the Honourable Mr. Ghuznavi has read out two opinions by Sir Guthrie Russell and Sir Alan Parsons, which were made in 1931, and we should be very glad to see those opinions given effect to, Sir. I hope the Government will view this Resolution, not only with sympathy, but with some practical result, and we should like something definite taken in hand. We should like a Committee of Enquiry to be appointed at once, and there should be no delay in the submission of their report to the Government of India.

Sir, I support the Resolution.

Mr. P. B. Rau: Sir, though the subject-matter of this Resolution deals directly with the Department of my Honourable friend, Sir Frank Noyce, the subject of Railway Collieries has loomed so large in this debate that, I think, the House will pardon me, if I intervene at this early stage in order to make the position of Government quite clear on the point. Sir, this Resolution was drawn in the ballot by my Honourable friend from Bombay but it is in the fitness of things that it is moved by my Honourable friend, Mr. Ghuznavi, whose name has been identified both in this House and outside with coal for the last two or three years. Sir, I have been, however, surprised at the transformation of my Honourable friend from one whose sole business was to reduce coal prices in the last two or three years to one whose business is to raise up coal prices. (Hear, hear.) Sir, for the last three years in season and out of season he has not had any opportunity of belabouring the Railway Board for their failure in not taking every advantage of the market to reduce coal prices. (Hear, hear.) I have heard of such rapid transformations in the stock

exchange, where bulls have suddenly become bears and bears have become bulls. I had not, however, observed such changes in this House till now. My Honourable friend, Mr. Ghuznavi, was a bear hitherto—I do not refer to his manners, they are very charming—and he has suddenly become a bull.

Sir, while we are talking of railway collieries, I should like to give the House a few figures to bring before them the realities of the situation. We are dealing with collieries the total capital invested in which amounts to four crores of rupees, and the maximum annual capacity of which is six million tons. Taking the State-managed Railway Collieries alone, the total capital invested is nearly two crores, and their annual estimated capacity is 2½ million tons. Notwithstanding that, during the last three years, Government have not allowed more than 1,150,000 tons to be raised from the State-managed Railway Collieries. This represents only one-third of their requirements, and less than half of their capacity. The rest they have bought from the market.

It is unnecessary for me to remind the House of the situation in which Railways were compelled to buy collieries. It was mainly due to the fact that they found themselves unable to obtain coal at reasonable prices in the open market. It is not generally known that just about the time of the war, in 1913 and again in 1917, commercial interests in Upper India themselves urged upon the Government the desirability of railways acquiring their own collieries because in their opinion the large demands of railways on the coal market led to extreme fluctuations in prices and made much of the best coal practically unobtainable for manufacturers up-country. Now, Sir, during the years immediately following the war the prices of coal went up very high. Railway stocks fell to dangerous depths and in 1920, when tenders were invited for coal, one of the biggest firms in Calcutta, which had been in intimate relation with the railways in the past, refused to tender coal at any reasonable price which the railways could even consider. They thought that Deshergur coal was worth Rs. 20 per ton. I recently saw a report of a meeting in 1920 of the shareholders of a coal company at which the Chairman said that he anticipated or prophesied that their coal would be worth Rs. 30 a ton. Then, again, even when railways contracted for coal at high prices, they had no guarantee that they would get the coal. They found that coal companies were slow to fulfil their contracts and preferred to sell their coal to customers, who paid higher prices. The Railways, therefore, merely as a measure of self-protection, were compelled to acquire their own collieries and this policy has been found to be completely successful. Not only have Railways been able to obtain from their own collieries coal at cheaper rates, but the existence of these collieries and the knowledge that if they were worked to their capacity Government could obtain all or practically all their requirements have had a most salutary effect on the prices at which the collieries tendered coal to Railways.

It is true that during the last few years market prices have fallen so considerably that, at the present moment, they are somewhat below the total cost at which Railways produce their own coal, including in the total cost all indirect charges, such as, interest, depreciation and supervision. This is mainly due to the restriction we have imposed on the amount of coal, because the fixed overhead charges have to be distributed over a small output. But in comparing prices we must not overlook the fact that

made by private collieries that we should close down entirely the railway collieries. There are a good few private collieries in India the output from which compares not unfavourably with that from anyone of our railway collieries. But I have not observed that these giants of the industry have ever offered to shut down entirely, or even to restrict their output to the same extent as Railways have done, in order to help their weaker brethren. Now, why is it that only the railway collieries are always singled out for attack? Is it because that these belong to a State undertaking and so political pressure can be brought to bear on Government with some hope of success? Or is it that the coal trade feel that they have got an inherent and prescriptive right to squeeze the Railways, as they have done successfully in the past. Sir, I trust that this House which represents the tax-payers will not let the fact be forgotten that the loss ultimately falls on the public who are the principal shareholders in the State undertaking, a fact which is likely to be forgotten in the clamorous demand of a few interested parties.

My Honourable friend, Mr. Ghuznavi, is a very hospitable gentleman. I have reason to remember it with gratitude. Even recently, Sir, he took the enormous trouble of bringing Sir Guthrie Russell and myself some sweets from Burdwan at some considerable inconvenience to himself, and, owing to the efficiency of the octroi Department of the Simla Municipality, at some expense. But, before I walk into his parlour, I should like to peep into his larder in order to be able to see whether they are not littered with the corpses of my predecessors and I should like to make sure that I have a line of retreat safely open behind me.

Sir, while Government is convinced that at the present moment the closing down of collieries as a whole is definitely not in the public interest, I may add that the Railway Board are constantly watching the position and examining the results of individual collieries to see whether it would be more desirable in the public interest to restrict raising still further, or even to close them down temporarily. But it will have to be in the public interest. I think the House will approve of our action in holding that in these matters it is the public interest alone that should prevail. If the coal-trade comes forward with a scheme by which they can gain advantages without inflicting losses on the tax-payers, then the Railway Board will always be ready to examine it with the greatest care.

Now, Sir, let me turn to the question of surcharge on rates. The Government fully recognise the importance of keeping the coal freights as low as possible, not only in the interest of industry in general and of the consumer as well as of the coal trade. They have given evidence of their sympathetic attitude in the fact that in 1926 and again in 1929, when they could afford it, they reduced coal freights very considerably. It was only owing to the serious financial position of railways that the Government, much to their regret, sanctioned the imposition of a surcharge in 1932. In this, let me point out that coal was not the only commodity that was subject to increased rates. Various other commodities had their freights raised at the same time. Let me also remind the House that even after the imposition of this surcharge, freight on coal for all distances over 300 miles is today lower than what it was before 1926.

It has been argued that the surcharge has had a serious effect on railway traffic, but the statistics in the possession of Government do not

[Mr. P. R. Rau.]

support this view. It is true that in the year immediately following the imposition of the surcharge, the coal traffic fell to a certain extent, but in 1933-34 the public coal carried increased by about six per cent. over the preceding year which corresponds generally with the increase in the general merchandise. In the first four months of the present year when the increase in coal traffic is about 11½ per cent. over the corresponding period of last year, while the increase in the traffic general merchandise is only 6½ per cent. These figures do not suggest that the surcharge has had any such deleterious effect on our coal traffic as has been assumed.

Now, Sir, I am not sure how to reconcile the two statements made by my Honourable friends, Mr. Ghuznavi and Mr. Morgan. My Honourable friend, Mr. Ghuznavi, apparently holds that the surcharge has been passed on to the consumer and has had the effect of raising the cost to the consumer. My Honourable friend, Mr. Morgan, apparently holds that the coal trade has paid the surcharge.

Mr. A. H. Ghuznavi : I said that the coal trade has not been able to pass on this surcharge as a whole.

Mr. P. R. Rau : Be that as it may, I thought I saw both Mr. Morgan and Mr. Ghuznavi shedding tears over the exploitation by the wicked David namely the consumer of the poor Goliath of the producer.

Sir, I have already said that the Government are fully mindful of the desirability of reduction in coal freights, if possible. They regret that in the present financial position of the Railways, it is impossible for them to sacrifice the revenue derived from surcharge. I cannot hold out hopes of any abolition, or considerable modification, of the surcharge in the immediate future—apart from any modification in the long distance rates that may be decided upon after the investigation which, I told the House the other day, was nearing completion. I can, however, assure Honourable Members that coal will be among the first of the commodities to be considered when railways are in a position to consider major reductions in freights.

Finally, as regards rates of freights on C. P. coal, I have very little to say, except that these low freights were originally quoted in order to stimulate traffic. They have to a certain extent succeeded in their object. The House is well aware that from the beginning of the current year these rates were increased to a certain extent though they are still below the Bengal coal rate. The Government naturally desire to watch the result of these reductions before they consider further modifications. Moreover, a somewhat connected question is at present before the Railway Rates Advisory Committee and their considered opinion, in the case before them, may have some bearing on a decision of this question.

Mr. S. C. Sen : Sir, the Resolution moved by my Honourable friend, Mr. Ghuznavi, is rather a mixed one, and it is very difficult either to oppose or to support it on the grounds put forward by the Mover. Sir, he says that a Committee should be appointed to consider, first, the position of the railway collieries in respect of the plight of the colliery owners at the present moment ; and, secondly, the surcharge of 15 per cent. and other causes. What the other causes are, I do not know, but so far as the railway collieries are concerned and the rates which are now being paid by the railways for their purchase which rates are going down from year to year, I should ask Mr. Ghuznavi, who is responsible for that ? Is he responsible in his zeal to favour the railways and to look after the interests of the railways only and not to that of the colliery owners or the public ? Or is it the fault of the other persons concerned ? Sir, having regard to the change in the attitude of Mr. Ghuznavi from time to time, we do not know on whom to fix the responsibility for this rate cutting which is going on in the country. Sir, if I remember aright, as my friend, Mr. Rau, just pointed out, in 1931 or 1932, Mr. Ghuznavi raised the question as regards the coal purchases by the railways, the railways being the largest coal purchasers in India. He raised the question that no option should be given to the Chief Mining Engineer as regards the purchases. He must purchase at the lowest price possible.

Mr. A. H. Ghuznavi : I never said anything of the kind.

Mr. S. C. Sen : The proceedings will show that ; and, in the next year, in 1933, Mr. Ghuznavi claimed credit for having saved 57 lakhs of rupees to the railways.

Mr. A. H. Ghuznavi : Sir, on a point of personal explanation.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member will have a chance to reply.

Mr. S. C. Sen : Sir, what is the result ? People then came to know that unless they quoted the lowest prices possible, whether it keeps any profit in their hands or not, they could not get a contract from the railways. The result was that, in the year 1932, the rate for one particular class of coal, viz., Kajora coal, was Rs. 3-12-0. In the next year, in 1933, it came down to Rs. 2-10-0, and the next year again it came down to Rs. 2-2-0. That is the result of the interference by Mr. Ghuznavi. (Laughter.) Now, Sir, in 1933, Mr. Ghuznavi claimed the credit for having saved 57 lakhs of rupees. He did not say a word about railway collieries. Why ? Because,—I do not know,—he was probably interested in some contractors who are to get railway colliery contracts for raising coal. This year he has changed sides again, and, instead of siding with the railways, he is now fighting the railways for not raising the price of coal. Under these circumstances, I should like to know who is responsible for this plight of the coal trade ?

Now, Sir, it is no doubt perfectly correct that the position of the collieries is very precarious. The last price quoted by me as regards the Kajora coal is Rs. 2-2-0, and there is scarcely a pice left for profit. On the other hand, there is a loss. But this loss is not borne by the colliery owners at present ; it is borne by the colliery lessors, because they are not paid royalty. But ultimately they will have to be paid ; that is how they are surviving the crisis. Sir, it is absolutely certain

[Mr. S. C. Sen.] that unless something is done to remedy this state of affairs, some of the collieries will have to go to the wall. As regards the restriction scheme formulated by the collieries associations, at first there was no unanimity. Subsequently I now find that there has been a unanimity. But no constructive programme has come forward after the restriction scheme, which was submitted at first by the Indian Mining Association and afterwards by all the three combines, has been rejected by Government. There is no new scheme put forward meeting the objections of Government, although they knew that Government, in their letter dated the 28th June, 1934, from Mr. Perry to the Secretaries to the Governments of Bengal, Bihar and Orissa, etc., a copy of which was submitted to the various bodies concerned, stated that they cannot possibly consider the scheme as submitted by the Associations. But in that letter of the Government of India, they stated this, in paragraph 10 :

"Although there are many and obvious defects in the scheme of restriction which has been proposed by the Indian Mining Association, the Government of India are not convinced that it would not be possible to establish a method of control which would provide an early and adequate rise of prices and secure the continuance of a satisfactory and not excessive price standards."

Having regard to this expression of opinion, I may ask Government to consider this part of the case, namely, that a new scheme of control is possible which would provide an adequate rise in prices carefully and quickly, because any delay in the matter would involve the closing down of many collieries in Bengal and will cause immense loss to the public. Sir, I am not much enamoured of Committees. We know in Bengal from time to time that, whenever you want to shelve a matter, the best thing you can do is to refer it to a Committee. That is my experience. In these circumstances, I cannot support Mr. Ghuznavi's proposition to the extent of having a Committee. But I ask Government to take up this matter earnestly and as quickly as possible and to find out a solution which they themselves think is possible in the circumstances. The Government must have some idea of a scheme of control when they made that statement in paragraph 10 of their letter.

Now, Sir, so far as the closing of railway collieries is concerned, I do not think it comes within practical politics. Those who know or are concerned with mines personally or practically will soon say what it costs to keep alive a colliery if you do not work it. If you stop a colliery, you will have to make arrangements for protecting it. Secondly, you will have to make arrangements for pumping it. Thirdly, you must have some sort of coolies and workmen near by on whom you can rely at the time when it is needed. Sir, as regards these railway collieries they are not small collieries. A large number of coolies have to be kept at the colliery who are to be paid, and for nothing. Is it within the realm of practical politics to keep ready 50 or 60 thousand coolies for nothing and pay them, simply because some day or other their services may be requisitioned? So, Sir, I do not think that that proposition is practical. Moreover, what do we find? We know that Government have been kind enough to reduce their output of collieries every year for the purpose of accommodating the trade. Sir, I have in my hand the figures which I will give you. In 1930-31, Government purchased 22,58,000, i.e., 54 per cent. of their requirements; in 1931-32, they purchased 21,11,000, i.e., 53.77 per cent. of their requirements; and

in 1932-33, they purchased 21,67,000, i.e., 65 per cent. of their requirements. Therefore, you see that every year the quantity purchased by the railways from the market increased. But what about the price? Having regard to the arguments put forward that if the railway coal did not come into the market or if the railways had to purchase the whole of their quantity very likely the market would rise, the experience is entirely different. I find that the price paid by State Railways for their coal decreased—

			Desherghur.	Selected Jharia.	First Class Jharia.	Kajora.
1930-31	..	..	5-12-0	5-0-0	4-8-0	3-14-0
1931-32	..	..	5-12-0	5-0-0	4-8-0	3-14-0
1932-33	..	..	4-12-0	4-12-0	4-3-0	3-10-0

I do not find the figures for the years 1933-34. But I know that this year the rate is down to 2-2-0 for the Kajora class. That shows that whether you close the railway collieries or you keep them going and take coal from them to the extent that the Government are now taking, that will not affect the coal market in any way. We shall have to go to some other theories and some other plans for relieving the coal trade. As has been pointed out by Mr. Ghuznavi, the potential capacity of collieries is very great. Then, who are the owners of these collieries? They are mostly in the hands of European colliery owners.....

Mr. A. H. Ghuznavi : No : they are managed by the European companies : the shareholders are all Indians.

Mr. S. C. Sen : I know all that ; they are managed by the Europeans ; but in taking contracts from the Government they are treated as European collieries ; in the quota given to the European collieries, they are taken into account—I do not think Mr. Ghuznavi even will demur to that proposition.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadian Rural) : When these companies do not get the orders that they expect, they immediately charge the Honourable the Commerce Member with racial discrimination.

Mr. S. C. Sen : If these colliery owners, who are mostly Europeans, will only raise the quantity which they are now raising and for which there is a market, and do not increase their output.....

Mr. R. S. Sarma (Nominated Non-Official) : For whom are the Europeans raising ?

Mr. S. C. Sen : Not raising : the potential capacity is very great ; that is what has been said by Mr. Ghuznavi. So, if they will only come to a pact among themselves and restrict their output to the output which they are now raising, very likely the market will have a change. But such a pact is out of the question having regard to the present atmosphere even amongst the European colliery owners, not to speak of the Indian colliery owners. Last year, we tried our very best to come to a pact, but we failed. Now, as regards the 15 per cent. surcharge, it is a question of 74 lakhs of rupees. I do not know whether it is in the hands of my friend, the Commerce Member, or Sir Frank Noyce, or it will have to be controlled by my friend who is sitting there concealed, the Finance

[Mr. S. C. Sen.] Member. (Laughter.) We all feel that this 15 per cent. surcharge is the cause of most of the ills in the coal trade, but we have appealed to the Government times out of number: we appealed to the Members personally times out of number; but their hard heart cannot be softened. They always insisted upon keeping the surcharge which, in fact, is one of the reasons for the present condition of the coal trade.

Mr. K. C. Neogy: Sir, coal debates in this House have unfortunately a tendency to degenerate into wordy duels across the floor. Sometimes we imagine as if we are in an auction room trying to fix the most favourable price for the railways. Sometimes again we feel as if we are at a meeting of the shareholders of a coal company where the shareholders take the directors to task for not having been able to declare a dividend. My remarks will be very brief on this occasion, and I should like to preface them by declaring that I have absolutely no kind of personal interest in the coal trade, but unfortunately I am the recipient of confidences from various contending elements in the coal trade, because I reckon among them very many valued friends ranged on different sides. On the present occasion, I am quite bewildered as to what attitude to take with reference to the question of the coal restriction scheme to which elaborate reference has been made by my Honourable friend, Mr. Ghuznavi—not that it is not easy for me to make a speech taking either view of the matter because in my right hand I hold a bundle of papers which set out the point of view of those who want a restriction scheme and in my left hand I hold another bundle of papers which set forth the opposite view, and they have come from very intimate friends of mine who are very insistent that I should expound their respective causes; and from what I have heard so far, with the exception of my Honourable friend, Mr. Rau, and, to a certain extent, Mr. Sen, nothing has fallen from the Honourable Members who have spoken which cannot be found either *verbatim* or substantially in either of the two bundles of papers. (Laughter.) I know that my Honourable friend, Sir Frank Noyce, had a similar experience in Calcutta—I do not want to compare myself to him—he is a man in authority.

The Honourable Sir Frank Noyce: I should feel flattered by the comparison.

Mr. K. C. Neogy: But he also has been approached by the different contending elements in the coal trade, and I do not know whether he has been able to make up his mind as to which bundle of papers to support so far as the restriction scheme goes. I know that, in the Government letter on the subject, there is a definite expression of opinion to which exception is being taken by a very large body of people engaged in the coal trade, because that practically slams the door in the face of any future possibility of reviving the question. As I said before, I am absolutely bewildered so far as this particular issue is concerned as to which is the right course to take. But I may say that I am content to leave the matter, so far as the question of restriction goes, in the hands of my Honourable friend, Sir Frank Noyce, because if anybody in the Government Benches knows anything about coal, it is he, and he is yet gratefully remembered, as far as I know, by the coal trade for having presided over the Coal Committee that resulted in the formation of the Coal Grading Board which has succeeded in rehabilitating the

position of the coal trade, so far as the export market is concerned, to a certain extent.

Now, I should like to refer to my Honourable friend, Mr. Rau's speech in this connection. I agree with him to a certain extent when he says that when we approach this question from the point of view of the general tax-payer, we cannot ask the railway collieries altogether to be closed. I do recognise that the railway collieries constitute a measure of insurance against contingencies to which he referred and which happened not very many years ago. Therefore, from the point of view of the tax-payer, I do not think we can give that tall order that all the railway collieries should be closed down. But, I would appeal to my Honourable friend, the Member in charge, as also to my Honourable friend, Mr. Rau, to see to it that the raisings are reduced to the minimum possible extent, so that this great national industry may not suffer.

Now, Sir, my friend was rather cautious in his reference to railway collieries. While he gave us the figures regarding the State-owned collieries, he took care to develop his argument only with reference to State-managed collieries; but what about the Company-managed collieries which are owned by the State? Now, Sir, I know that the Government position in this respect is that, whereas they are free to restrict, as much as they like, the output of State-owned collieries which are worked by the State, they are not at liberty to dictate to the companies working the State-owned collieries to restrict their raisings in any way. I remember, Sir, about two years ago a deputation representing the Indian Mining Federation waited upon my Honourable friend, Sir Joseph Bhore, and made a complaint that the general Government policy with regard to the restriction of the raisings of the railway collieries did not apply to the company-worked collieries which are owned by the State, and, as far as I remember, my friend on that occasion asked the trade to trust to their powers of persuasion with the companies for the purpose of getting more custom from the company lines. Now, Sir, I want to know, is that a satisfactory position? I daresay, my friend realises the parlous state in which this national industry is at present. I should also like to refer in this connection to the figures, which I need not quote at length at this late hour, and which will be found at page 41 of the latest Administration Report of Railways; and these figures show that whereas the raisings from State-owned State-worked collieries have gone down as a result of the Government policy, the raisings of the State-owned company-managed collieries have gone up, the result being that the Government policy is being considerably neutralised by the action taken by the company-managed lines. I should very seriously ask my friend to examine the position of Government with reference to the different companies which are working some of the State-owned collieries and see for himself as to whether it is not within his powers to insist upon the company lines to carry out the spirit of the Government policy.

Now, Sir, I do not think I should take up any more time of the House by referring to the other points which have been raised, but I very much regret, Sir, that neither my friend, Mr. Ghuznavi, who is in intimate touch with all the various sections of the trade, nor my friend, Mr. Morgan, who also, I understand, is in touch with a particular section at least of the trade, took this opportunity to repudiate a vile charge that has been levelled against my Honourable friend, the Leader

[Mr. K. C. Neogy:] I require all the columns of the *Capital* of Calcutta with reference to the manner in which the purchases of coal from the open market for the Railways are made.

Mr. A. H. Ghuznavi: May I make a personal explanation, Sir?

Mr. President (The Honourable Sir Shanmukham Chetty): He can make a consolidated reply.

Mr. K. C. Neogy: It is a most scurrilous attack that I have seen in a responsible journal for many a day against a responsible Member of Government. We have our differences, undoubtedly I have mine, which are very deep and vital, with my friend, the Leader of the House, but I daresay that there is no one in this House, wherever he may sit, who would not raise his voice of protest against any slur on his integrity. (Applause from all sides of the House.)

Now, Sir, I was very pleased to hear my friend, Mr. Rau, when he gave the assurance that he would go into the question of the surcharge on railway freight.

Mr. F. E. James: May I ask one question? With reference to the quotation from the *Capital* to which my Honourable friend referred, was that contained in an editorial note or did it appear as an anonymous letter?

Mr. K. C. Neogy: It was an anonymous letter, which at the same time the editor took the responsibility of publishing at length very prominently. That much I can say.

Now, Sir, I was talking of surcharge.

Mr. R. S. Sarma: The *Capital* now own company-owned collieries?

Mr. K. C. Neogy: I do not know it. My friend is in a better position to speak about it.

Now, Sir, when my friend, Mr. Rau, goes into that question, he will do well to give a proper interpretation to that formula—"what the traffic can bear", which determines the rate for any particular commodity. My friend referred to the fact that although this high surcharge has been put, the traffic has not suffered, but has the Honourable Member cared to inquire as to whether the prices have suffered to such an extent as to make it absolutely uneconomic, or almost absolutely uneconomic, for the producers to produce coal? Now, Sir, that is where comes in our quarrel with the Railway Department. I maintain, and I have maintained more than once before, that the Railway Department is not interpreting that particular formula "what the traffic can bear" in the spirit in which it was intended to be interpreted by those who laid it down.

Now, Sir, I do not think I can add anything more so far as this Resolution goes. Although I may not agree with all that has fallen from my friend, Mr. Ghuznavi, I am in agreement with this Resolution, and even if the Government do not find it possible to give effect to the Resolution in the express terms in which it finds place on the Order Paper today, I do very much hope that my Honourable friend, Sir Frank Noyce, will associate a few persons with him for the purpose of

making as exhaustive an inquiry into the matter as possible. It may not be a formal Committee, but I have every hope that if my friend, Sir Frank Noyce, were to apply his mind,—and I have no doubt that he will apply his mind very closely,—to this problem, and if he associates with him a few people of varying views, then he is likely to get the very best help in understanding the problem and making his recommendations in due course to Government.

Now, Sir, as I was saying, though I do not agree with all that has been said in support of this Resolution by my friend, Mr. Ghuznavi, I am in agreement with this Resolution, and I may tell the House that the small section of colliery proprietors, who are vehemently opposed to the coal restriction scheme, also want that some kind of inquiry should be made. Here I have a paper in my hand which sets forth their view. This is what they say,—I mean the dissenting minority in the coal trade who do not want to have anything to do with the coal restriction scheme:

"The first thing that the Government should do is to inquire into the real causes of the present plight of the trade and see if restriction would be the proper remedy for them."

Not that they want restriction but they want the Government to find out other alternative remedies for this. And it is for all these reasons that I support this Resolution.

The Honourable Sir Frank Noyce: Sir, at the outset of my remarks, there is one matter to which I feel I should make some reference. In the course of the discussions this afternoon, references have been made to certain statements that I am alleged to have made in discussions I had with the representatives of the Indian Mining Association in Calcutta. Those references were made by my Honourable friend, Mr. Ghuznavi, and also by my Honourable friend, Mr. Morgan. As I have already explained, Sir, my meeting with the representatives of the Indian Mining Association was a purely informal one. The Association did not ask that reporters should be present and that a *verbatim* report of the proceedings should be taken down. Nor did they send to me at the end of the proceedings any report of what had happened for such correction as I might wish to make with a request that they might use it publicly if they so desired. Again, if they had done so, I would gladly have consented. But I do take the strongest objection to a version of what happened, which I have not seen and which I had no opportunity to correct, being sent to any Member of this House for use on the floor of the House. (Applause.) If that procedure becomes common, it will obviously be impossible for any Member on these Benches to have any informal conversations with any individuals or associations.

Now, Sir, I come explicitly to the Resolution before the House. I propose to take it at its face value. My Honourable friend, Mr. Ghuznavi, has utilised this opportunity for singing what one might almost call his sessional hymn of hate against the Railway Board and all its works, and if I were to deal with his speech, there would be very little, if anything, for me to add to what my Honourable friend, Mr. Rau, and my Honourable friend, Mr. Sen, have said. They have dealt faithfully with all the aspects of the case that he raised in his speech. But

[Sir Frank Noyce.]

I would remind the House that the motion before it recommends to the Governor General in Council :

“ that immediate steps be taken to appoint a Committee to enquire as to how far the present abnormal depression in the Indian Coal Industry is due to the working of the State-owned Railway Collieries and the present surcharge of Railway freight on coal and other causes.”

I would ask the House, after what they have heard from my Honourable friend, Mr. Rau, what useful purpose such a Committee would serve. I have no reason to disbelieve in Committees. My Honourable friend, Mr. Sen, has said with a certain amount of truth, that if you want to shelve a question, you refer it to a Committee. But my own experience of Coal Committees does not bear that out. I had the satisfaction of having all the recommendations of the Committee over which I presided accepted by Government within six months. I think that is a record of which that Committee had reason to be proud and which is also creditable to the Government of the day.

Now, Sir, Mr. Ghuznavi asked for a Committee to enquire how far the depression is due to the surcharge and to the working of the railway collieries. It is, I think, obvious from what Mr. Rau has said, that, even if the Committee were to find that the depression was found to be due to the surcharge and to the working of the railway collieries, that would not affect the Government's attitude in the least. I think Mr. Rau has established that the depression is certainly not due to the surcharge ; the amount of coal which is being moved at present is greater than what it was before the surcharge was imposed. And I think he has given very good reasons for holding that there would be no justification whatever in the interests of the country for closing down the railway collieries, even those which my Honourable friend, Mr. Ghuznavi, suggests are being worked uneconomically. We, therefore, come to the “ other causes ” and how far they can be removed. I think the Government of India have all the facts before them. They know exactly what the “ other causes ” are. They have been mentioned in the course of this debate and they are patent to all who have made a study of the subject. The other causes are, in the first instance, economic depression, and, in the second instance, the constant fear which hangs over the coal trade of over-production. It is not so much that there is any over-production at the present moment. I think the figures show that that is not the case, for the stocks of coal at the end of 1932 were 1,655,000 tons ; at the end of 1933, they were 1,114,000 tons, and today, as I understand, they are 660,000 tons. It is, therefore, obvious that production has recently been considerably less than consumption. But, none the less, there is always a constant fear of over-production, and that is the root cause of the depression in the coal industry. It is for that reason that there is no doubt that a great majority of the collieries are raising coal at a cost which is higher than that at which they can sell at.

I may state, and state very frankly, that Government fully sympathise with the coal industry in its difficulties. They realise, as they have stated in the letter they sent to Local Governments, the disadvantages of this state of affairs. They know that it means a considerable loss, a heavy loss and one that has continued for a long

time, to the industry itself, the investing public and also to Government revenue. They know that it weakens the industry and makes it unwilling to adopt improved methods of extraction. They know also that it brings about a tendency—I am afraid it is very much more than a tendency—to confine production to seams of the best quality, to extract coal in a wasteful fashion and thereby to diminish the value of one of the country's greatest assets. Further, they know what it means to the employees in the coal fields who have had their wages and their salaries reduced. But, none the less, Sir, after a very careful examination of the case, which they had to do from the point of view of the country as a whole, they came to the conclusion that there were very serious objections to any scheme of coal restriction. It has been a matter of very great disappointment to me in the course of this debate that I have not had the benefit of the views of any representatives of provinces other than Bengal and Bihar and Orissa. I should have very much liked to know what the consumers in other provinces have to say about the restriction scheme. It was from that point of view mainly that Government decided that there were very grave objections to it. They frankly do not like the idea of restricting an essential raw material of trade and industry, a basic raw material. (Hear, hear.) We have heard that the Bengal consumers are in favour of restriction. Well, Sir, I should like the views of consumers from other provinces, because one cannot overlook the fact that the Bengal consumers are also very closely connected with the producers, and, in some cases, at any rate, are producers themselves. (Hear, hear.) That is an important factor. Another very important factor which Government had to take into consideration in examining this question was, “ What is going to happen when the period for which the coal restriction is proposed comes to an end ? ” What will the state of the industry be then ? And I may say at once and frankly that, in my view, if restriction comes now, it is going to last ; I cannot see its being taken off within any measurable distance of time. It seems to me that exactly the same conditions will be present, that the main conditions will be present in five, ten or fifteen years' time and that there will still be the same fear of over-production hanging over the industry. I think that the industry has got to realise that if—I say “ if ” and it is a big “ if ”—if Government reconsider their views, it has got to be prepared for an indefinite period of restriction. Whether it will like it or not I cannot say, but it will have to make up its mind as to whether it wants it or not. As was stated in paragraph 10 of our letter to Local Governments, to which reference has been so very frequently made this afternoon, the Government of India do not think that the objections to a scheme of coal restriction are insuperable. I may say that I spent a great deal of time on this scheme. I spent a certain amount of midnight oil and, as the question first came up in the cold weather in Delhi, a certain amount of midnight coal also in dealing with this subject. I feel that, although there are many and very great difficulties, on which I need not enlarge at this late hour of the day, one could formulate a scheme of restriction that would work but there is just one point to which I should like to refer in this connection. We have, in that paragraph 10, discussed the scheme of restriction put forward by the Indian Mining Association and we have pointed out the objections to it but, at the end of the paragraph, we have stated that the Government of India believe that a restriction

[Sir Frank Noyce.]

scheme in British India could be made sufficiently effective if necessary without the co-operation of the Indian States that produce coal. I should like to say that we do not feel quite so sure about that as we did. It appears from the representations that we have received that it is very desirable, if not essential, that the Indian States should come into any scheme of restriction as their potentialities are such that they might easily defeat the working of the scheme. I have been informed that there is one State which could produce two million tons against the comparatively small figure of possibly half a million tons that it produces at present. If that State were not to come into the scheme, it would obviously defeat the effect of a five per cent. or ten per cent. restriction on output in British India. That is a point which will have to be examined very carefully, indeed. It is perfectly true, as Mr. Ghuznavi said, that I told the Mining Association that the chances of Government reconsidering this scheme were small. It is possible—I cannot recollect exactly what happened—but it is possible that, being in Calcutta and not very far from the headquarters of the Calcutta Turf Club, the representatives of the Indian Mining Association asked me to give them the odds against reconsideration? I have as I have said no very clear recollection on that point but I did tell them, and I told them nothing that I am not prepared to state here, that the chances of Government reconsidering their attitude were small. But as Mr. Morgan himself has said, although the door was slammed, it was not barred or bolted. We did feel that this was a most important matter and that it was only fair to the Local Governments concerned, the Government of Bengal, the Government of Bihar and Orissa and the Government of the Central Provinces, the most important coal producing Provinces, and also the Governments of the consuming Provinces that the scheme with our objections should be placed before them, but the fact that we placed the scheme before them showed that we were prepared to consider any points that they might raise. I may inform the House that we have received replies from the Government of Bengal and that of the Central Provinces and also a brief telegraphic reply from the Government of Bihar and Orissa. They have come in only in the course of the last three days and it will obviously take time to examine them, especially as we have not received replies from the consuming provinces. I may also mention to the House that the replies are very much what one might have expected. The Governments of Bihar and Orissa and Bengal are naturally more sympathetic to the scheme than are the Government of the Central Provinces, the colliery owners in which are very divided in opinion. I can promise the House that those replies will receive very careful consideration. The first point which has to be determined is whether the Government of India are prepared to accept the principle of restriction. That is obviously not a matter on which I can make any pronouncement now. The case has to be examined in my department and to go before the Government of India as a whole. If the Government of India are so impressed by the views of the Local Governments as to reconsider the whole case then we shall have to consider what shape restriction should take and then will be the time to accept the views of my Honourable friend, Mr. Neogy. One naturally could not go forward with any scheme of restriction without thrashing out the details with representatives of the interests concerned or rather

without placing our own conclusions on the details before them for such criticisms as they may wish to offer.

I trust that I have sufficiently explained what Government's attitude is in this matter. I do not know what their decision will be, but, whatever that decision is, I shall accept my Honourable friend, Mr. Neogy's offer of help with the utmost willingness and shall expect him to support me wholeheartedly here and elsewhere. I very much value the confidence that he has expressed in me, and I propose to avail myself of it to the utmost possible extent. All I have to say in conclusion is that I trust that I have shown to the House that the appointment of a committee would lead to no useful results and that if my Honourable friend, Mr. Ghuznavi, presses his motion, there is no option for us on these Benches but to oppose it.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Will Government give a chance to the representatives of the various Provinces to express their views before they accept any restriction scheme. Today, other Provinces have not had an opportunity to express their views.

The Honourable Sir Frank Noyce: We have to take Local Governments as representing the views of the Provinces, for the time being at any rate. If, as I say, any scheme of coal restriction is accepted by Government, it will obviously have to be embodied in legislation, which will require the sanction of this House and it will be then that the representatives of the Provinces will get an opportunity of objecting to it, if they see fit to do so.

Mr. K. C. Neogy: Might I suggest a *via media*? After the opinions have been received from the Provinces, but before we disperse from Simla, will it be possible for my Honourable friend to have a kind of informal conference with such Members as may feel interested in the question and who may like to put forward their own ideas, either from the point of view of consumers or other interests?

The Honourable Sir Frank Noyce: I shall be very happy to meet any Members who are interested in the question and to know their views. I shall be very glad to do so, if my Honourable friend so desires.

Mr. K. C. Neogy: That might meet Mr. Azhar Ali's point of view.

The Honourable Sir Frank Noyce: I shall be very glad to meet any representatives of the Provinces who wish to see me. I am always accessible.

Mr. A. H. Ghuznavi: Sir, at the very outset this afternoon, I want to start by referring to that stupid letter, that atrocious letter that appeared in the *Capital* of the 7th June. In my opening speech, I had the difficulty of the time-limit.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member will have 15 minutes.

Mr. A. H. Ghuznavi: Therefore, I intended to bring that matter out in the course of my reply. My attention was drawn to that letter when I was in Simla in June last. I did not read that letter when I was in Calcutta. I can assure my Honourable friends, Sir Joseph Bhore and Mr. Rau, that they are held in great esteem in Bengal by Indians and

[Mr. A. H. Ghuznavi.]

Europeans alike. Sir, I addressed a letter to the Indian Mining Association drawing their attention to that letter of the 7th June which appeared in the *Capital* and I have got this reply from the Secretary of the Indian Mining Association :

"In reply to your inquiry, I am directed by my Committee to say that the letter under the non-de-plume of 'Shareholder' appearing in the issue of *Capital* of the 7th June did not emanate from this office, was in no way inspired by the Indian Mining Association, and was one of the points of which my Committee were not in the slightest degree aware until they read it in the papers. I trust that this would be sufficient for you to refute any suggestion, which my Committee greatly deprecate, that they had anything whatever to do with the letter."

Sir, regarding the purchase of coal, the new reform that was introduced by the Railways is entirely due to me, and I can assure the Railway Board that the method that they have adopted now for the purchase of their coal has the approval of all right thinking men. My Honourable friend, Mr. Rau, asked—how was it that only a couple of years ago I was fighting in this House to make the Railways buy at the lowest price and what has since happened that I want the price of coal to be raised? Sir, I have always advocated and I still advocate it today—"buy your coal at the lowest price if the coal is of the same grade and of the same quality". What I objected to then was that while the coal offered to the Railway Board was of the same grade, of the same quality and almost of the same seam, the offer of Mr. A. at Rs. 4-12-0 was accepted in preference to Mr. B.'s offer at Rs. 3-8-0. What business has the Railway Board to buy it at Rs. 4-12-0 and not at Rs. 3-8-0? It did not result in reducing the price of coal in Calcutta, it only resulted in a saving to the Railways in buying their coal. It has gone, of course, deep into the minds of sellers of coal in Calcutta that the Railway Board naturally took the coal if it is offered at the lowest price. I see no reason why the Railway Board should not take it provided the coal is of the same grade and of the same quality. Of course unconsciously that had hit my Honourable friend, Mr. Satish Chandra Sen, who used to tender for his coal, and was desirous of getting it accepted at higher prices in the interest, no doubt, of consumers and the Government. He was not successful as the Railway Board were now very carefully considering matters: it is no longer in the hands of Mr. Whitworth or anybody else; it is in the hands of the Railway Board now to examine these tenders: and if there is anyone tendering the same coal at a lower price, I am afraid Mr. Sen would not have the orders he has been after, and, therefore, he has been to my knowledge rightly deprived of the Railway Board orders since the last two years.

Sir, the object of this Resolution has, to a certain extent, been achieved. Now, the first object for which I wanted this Committee is to inquire about the surcharge. My Honourable friend, Mr. Rau, has given us this assurance that they have collected the figures and are going into the matter and they will seriously consider the surcharge for long distance places and they will come to a speedy conclusion.

Then, Sir, he has also said—in a manner he has assured the House—that so far as the State Railway collieries are concerned—he was very cautious, he did not make any statement whatever about the Company-managed railways—he said that so far as the State Railway collieries are concerned, the output has been restricted and he will see further if those uneconomic collieries can be closed. That also was another object which

this Resolution had in view and which my Honourable friend, Mr. Rau, has said that he is going to look into.

Now, the third point was "the other causes". There are several. What I intend to do is to send to the Honourable the Commerce Member and the Honourable the Industries Member a statement of what the others are, and I ask whether they will take it upon themselves to make an investigation and see how far they can remedy those other difficulties experienced. Sir, with these words—I have one word more to say. (Laughter.) Sir, what I said was that if the letter which the trade wrote on the 18th of July, 1933, submitting a proposal to the Railway Board to close down temporarily, not permanently, for one year, the uneconomic railway collieries and place them on a care and maintenance basis without causing the slightest loss to the railways—because certainly we would not allow, in the interests of the trade, the railways to suffer loss—and, at the same time, showing that by so doing, you save at least six lakhs of rupees if not 22 lakhs—after paying for everything—interest on capital, establishment, etc., it was a matter worthy of consideration: If the trade can prove that by closing down temporarily, even for a year, such uneconomic collieries, you do not lose, your interest, establishment charges, etc., are paid, and still you make a profit, what is the harm in looking into that proposition?

Mr. P. R. Rau: Sir, Government have looked into that proposition, and they found that it was quite impracticable. (Laughter.)

Mr. A. H. Ghuznavi: Well, if my Honourable friend will look into fresh proposals, if these are submitted, I shall be glad.

(Mr. P. R. Rau nods assent.)

Mr. A. H. Ghuznavi: You will?

Mr. P. R. Rau: Yes.

Mr. A. H. Ghuznavi: With that assurance, Sir, and the other assurances already given, I ask the leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bore (Leader of the House): Sir, next week, the House will be asked to proceed with the consideration and passing of the Assam Criminal Law Amendment (Supplementary) Bill, and, thereafter, to consider and pass the Hedjaz Pilgrims (Muallims) Bill and the Indian Army (Amendment) Bill, as reported by Select Committee. It is possible that a Rubber Control Bill will also be introduced during the course of the week.

The Assembly then adjourned till Eleven of the Clock on Monday, the 13th August, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 13th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN :

Lieut.-Colonel Arthur Friedrich Rawson Lumby, C.I.E., O.B.E., M.L.A. (Army Secretary).

QUESTIONS AND ANSWERS.

INSPECTION BY AN INCOME-TAX PAYER OF HIS ASSESSMENT RECORD.

515. *Khan Bahadur Haji Wajihuddin : (a) Will Government please state whether there is any provision in Income-tax Law or Rules providing for inspection by a tax-payer of his assessment record ?

(b) Do Government propose to take immediate steps to provide to the assessee the right of inspecting their records according to their requirements, just like the records of all revenue and civil cases ?

The Honourable Sir James Grigg : (a) and (b). I would refer the Honourable Member to the answer given in reply to Mr. Sitakanta Mahapatra's question No. 317 on the 31st July, 1934.

RE-EMPLOYMENT OF RETRENCHED PERSONNEL.

516. *Khan Bahadur Haji Wajihuddin : Will Government please state whether they are under any statutory obligations to provide the retrenched personnel with employment ? If so, what are the orders on the subject ?

The Honourable Sir James Grigg : Government are under no statutory obligation in the matter.

Maulvi Muhammad Shafee Daoodi : Is there no moral obligation ?

The Honourable Sir James Grigg : I had better have notice of that.

Dr. Ziauddin Ahmad : Is it not a fact that Government promised on the floor of the House that retrenched persons would be re-employed ?

The Honourable Sir James Grigg : I should require notice of that.

SUPERANNUATED OFFICERS UNDER THE RAILWAY ADMINISTRATIONS.

517. *Mr. K. P. Thampan : (a) Will Government be pleased to lay on the table a statement showing the number of superannuated officers in permanent and temporary employ under the various Railway Administrations ?

(b) Do Government propose to take early steps to stop the continued employment of superannuated officers? If not, why not?

Mr. P. R. Rau : (a) So far as the State-managed Railways are concerned, there is only one officer employed on the Great Indian Peninsula Railway who has been allowed an extension beyond 55 for one year as a special case in the interests of the administration.

(b) State Railway officers, subject to the Fundamental Rules, are required to retire compulsorily at 55.

Mr. K. P. Thampan : Has the Honourable Member got the information about the Company-managed Railways?

Mr. P. R. Rau : No, Sir.

Mr. K. P. Thampan : Will he kindly get it?

Mr. P. R. Rau : The Government have no control over the staff of the Company-managed Railways.

FREIGHT AGREEMENT BETWEEN THE TATA IRON AND STEEL COMPANY, LIMITED, AND THE BENGAL NAGPUR RAILWAY.

518. **Mr. K. P. Thampan :** (a) Will Government be pleased to place on the table a copy of the terms of the new freight agreement between the Tata Iron and Steel Company, Limited, and the Bengal Nagpur Railway?

(b) In what respect do they differ from the terms contained in the expired contract?

(c) Did the Tata Iron and Steel Company, Limited, make any representations to Government, protesting against the enhanced rates? If so, what action did Government take on those representations?

Mr. P. R. Rau : (a) A formal agreement has not yet been entered into.

(b) I place a statement on the table giving the main features of the old and the new agreements.

(c) Yes. The question was primarily for negotiation between the Tata Iron and Steel Company and the Bengal Nagpur Railway, but Government took some part in these negotiations at different stages. The final result will be embodied in the fresh agreement which is to be entered into with the Company, the main terms of which are given in the statement I have just laid on the table.

Statement.

Under the old agreement, raw materials for the manufacture of iron and steel and finished products and bye products of cooking ovens from Tatanagar to Calcutta intended for shipment were charged at a rate of one-fifteenth pie per maund per mile, and other articles at the minimum rates applicable, i.e., one-tenth pie per maund per mile for articles, shown in the Railways Classification in 1905, as special class, and one-sixth pie per maund per mile for articles, shown in the Classification, as 1st to 5th classes. These rates were subject to various conditions, the more important of which was that the minimum ton mileage on which freight had to be paid in any calendar year was 30 millions.

Under the revised arrangement the bases of the rates charged generally are as follows :

(i) for coal, the same rates as are applicable for public coal ;

Pie per maund per mile.

(ii) for iron ore, limestone and pig iron for export .. 0.12

(iii) for manganese ore .. 0.10

(iv) for manufactured products of the Coy., a telescopic scale as follows :

for the first 299 miles .. 0.166

for additional distances from 300—499 miles .. 0.12

for additional distances beyond 499 miles .. 0.10

On these rates a rebate of 25 per cent. is given subject to certain conditions, the more important of which is that the minimum ton mileage on which freight has to be paid in any calendar year is 300 millions.

Mr. K. P. Thampan : Arising out of the answer to part (c), may I know whether the Government are satisfied that the Bengal Nagpur Railway was justified in increasing their rate of freight?

Mr. P. R. Rau : I think I have already told the House that the agreement was finally entered into with the approval of the Government.

Mr. B. Das : Is it a fact the Tatas will be paying nearly 40 lakhs more to the Bengal Nagpur Railway and East Indian Railway by this new arrangement?

Mr. P. R. Rau : The figure of 40 lakhs is not correct. I think it has been variously estimated at about 22 to 27 lakhs.

Dr. Ziauddin Ahmad : Is the question of the fixation of rates left to private arrangements between the Tatas and the railway company or is it done by the Railway Board? Where do the Government of India come in?

Mr. P. R. Rau : The Government of India have laid down maximum and minimum fares.

Dr. Ziauddin Ahmad : What are the limits of the maximum and minimum? How many times is the maximum greater than the minimum?

Mr. P. R. Rau : I am afraid I must ask for notice of that question.

Mr. K. P. Thampan : What was the reason advanced by the railway company for enhancing the rate?

Mr. P. R. Rau : The reason was that under the old rates the traffic was not carried at remunerative rates.

Dr. Ziauddin Ahmad : Is it not a fact that the maximum and the minimum are so wide apart that, as Mr. Mudaliar said once, even an elephant can pass through?

Mr. P. R. Rau : It all depends upon the size of the elephant. (Laughter.)

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Maulvi Muhammad Shafee Daoodi : Do the Government realise that this arrangement of freights between the Tatas and the railways has deprived the people of Bihar and Orissa from carrying on business in pig iron in their own land, because they do not get the advantage of the railway freight for themselves ?

Mr. P. R. Rau : I am sorry I did not follow the question.

Maulvi Muhammad Shafee Daoodi : The point is this, that the people of Bihar and Orissa, where the Tata Company is situated, are not getting advantage of the raw materials produced by the Tatas because of the railway concessions given to the Tatas for long distance places ?

Mr. P. R. Rau : Am I correct in understanding my Honourable friend as protesting against the low freights given to the Tatas ?

Maulvi Muhammad Shafee Daoodi : The freight disadvantage concession given to Tatas is detrimental to the people of Bihar and Orissa.

Mr. P. R. Rau : Then my Honourable friend will be satisfied now as the rates have been increased ?

Maulvi Muhammad Shafee Daoodi : I would like to put it this way, that though the raw materials are produced in Bihar and Orissa, yet the people there are deprived of the advantages of the Tatas being in their midst, because the freights for short distances are much more than for long distances.

Mr. Gaya Prasad Singh : May I know whether the question of freights does not come within the purview of the Railway Rates Advisory Committee, and was this question referred to that Committee for opinion ?

Mr. P. R. Rau : The Railway Rates Advisory Committee takes cognizance only of questions that are referred to it, and the ordinary procedure is that any person who feels aggrieved at any rates refers the matter to the Railway Board for reference to the Railway Rates Advisory Committee.

Mr. Gaya Prasad Singh : Do I understand that it is open to private individuals to refer any particular question to the Railway Rates Advisory Committee ?

Mr. P. R. Rau : Through the Railway Board, yes.

Dr. Ziauddin Ahmad : Does the Railway Board, on its own initiative, refer any matter to this Committee ?

Mr. P. R. Rau : I do not think they have done it so far.

Dr. Ziauddin Ahmad : Is it within their purview to do it ?

Mr. P. R. Rau : It has not yet been considered.

Dr. Ziauddin Ahmad : Will the Government refer the case of this arbitration between the Tatas and the railway authorities to the Railway Rates Advisory Committee ?

Mr. P. R. Rau : Government do not consider there is any necessity for it.

Mr. Gaya Prasad Singh : What is the use of such a costly paraphernalia as Railway Rates Advisory Committee if important questions are not referred to them ?

Mr. P. R. Rau : This question has been settled in agreement between the Tata Iron and Steel Company and the railway company with the approval of the Government, and the Government do not consider there is any necessity to refer the matter to the Railway Rates Advisory Committee.

Dr. Ziauddin Ahmad : In view of the fact that the tax-payers are also interested in this arrangement, is it not desirable that the arrangement entered into between the Tatas and the railway companies should be referred to the Railway Rates Advisory Committee to see whether the arrangement is a reasonable one ?

Mr. P. R. Rau : The Railway Board are satisfied that the arrangement is a reasonable one.

Dr. Ziauddin Ahmad : The Railway Board have not yet examined the agreement between the railway companies and the Tatas, and how can they say they are satisfied ?

Mr. P. R. Rau : Unless the Government of India had been satisfied, they would not have approved of the agreement.

SUITS FILED BY THE EMPLOYEES OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY AGAINST THE ADMINISTRATION.

519. ***Mr. K. P. Thampan :** (a) Will Government be pleased to state how many suits, filed by employees of the Madras and Southern Mahratta Railway against the Administration, are now pending in the Madras High Court and the City Civil Court ?

(b) What is the total expenditure, including lawyers' fees, incurred on account of these suits up to now ?

(c) What is the total expenditure incurred in the suit filed by Mr. Campbell against the Madras and Southern Mahratta Railway ?

(d) What is the amount of the costs and damages paid to the plaintiff in Mr. Campbell's case ?

(e) Was the opinion of Messrs. King and Partridge, solicitors, taken before the suit of Mr. Campbell was contested ?

Mr. P. R. Rau : (a) The Agent, Madras and Southern Mahratta Railway, has reported that seven suits, of which five are *in forma pauperis*, have been filed by ex-employees and are pending in High Court. Two of these have been filed by the same plaintiff who has also filed a suit in the Civil Court. No other suits are pending in the Civil Court.

(b) Government are informed that no accounts have yet been received by the Administration.

(c) Rs. 12,462-4-0.

(d) Costs amounted to Rs. 5,483-12-0. This has been included in the figure given in reply to (c) of this question.

Damages decreed for amount to Rs. 7,857 but have not yet been paid.

(e) The reply is in the affirmative.

PROTECTION OF COCOANUTS AGAINST CEYLON COMPETITION.

520. *Mr. K. P. Thampan : (a) Will Government be pleased to state whether they have received from the cocoanut growers' association of Cochin a memorial for protection against Ceylon competition ?

(b) If the reply to part (a) be in the affirmative, what action have Government taken on that memorial ?

The Honourable Sir Joseph Bhoré : (a) Yes, Sir.

(b) The matter is receiving the consideration of Government.

Mr. K. P. Thampan : Is it a fact that Ceylon has not yet ratified the Ottawa Agreement and that, therefore, there is no necessity to extend those privileges to that country ?

The Honourable Sir Joseph Bhoré : Oh, yes : Ceylon is honouring the Ottawa Pact in respect of a large number of items.

Mr. K. P. Thampan : Has she fully ratified the Ottawa Agreement ?

The Honourable Sir Joseph Bhoré : Not entirely, Sir.

Mr. K. P. Thampan : Then, is it obligatory on us to give effect to the agreement in its entirety ?

The Honourable Sir Joseph Bhoré : I think so, Sir, because if we take action without information to do away with this preference, Ceylon might very well refuse to give effect to those preferences which she is already giving effect to.

Mr. K. P. Thampan : Is the Honourable Member aware that on account of the reduction of the tariff value of cocoanuts and cocoanut products, the cocoanut growers are subject to additional hardship ?

The Honourable Sir Joseph Bhoré : I must have notice of that question.

Diwan Bahadur A. Ramaswami Mudaliar : Is it a fact that Ceylon has imposed new duties on vegetables, on ghee and on eggs imported into that country from India, and that these duties have actually come into force from the 27th of last month ?

The Honourable Sir Joseph Bhoré : That is so, and we have already made representations to the Ceylon Government.

Mr. B. Sitaramaraju : What was the reason for Ceylon not accepting the other parts of the Agreement ?

The Honourable Sir Joseph Bhoré : I think the main reason was that the acceptance of all the items would mean an increase of cost to the consumer which Ceylon was not prepared to face in all the circumstances.

Mr. B. Sitaramaraju : Were they not aware at that time that the consumers would be affected ? What new circumstances have since arisen ?

The Honourable Sir Joseph Bhoré : My Honourable friend seems to have overlooked the fact that when the original Agreement was come to, the Ceylon Legislature had not had an opportunity of expressing its opinion in the matter.

Diwan Bahadur A. Ramaswami Mudaliar : With reference to the statement of my Honourable friend that representations have been made, may I know whether these representations were made when the duties were proposed or after they have actually come into existence ?

The Honourable Sir Joseph Bhoré : We had no information as regards the proposal to impose these duties. We only became aware of them after they had been passed by the Ceylon Legislature.

REPORT OF THE SPECIAL OFFICER DEPUTED TO INVESTIGATE THE CONDITION OF THE COCOANUT INDUSTRY.

521. *Mr. K. P. Thampan : Will Government be pleased to state when they propose to release the Report of the Special Officer, Dr. Patel, who was deputed to investigate the condition of the cocoanut industry in India ?

Mr. G. S. Bajpai : Subject to the approval of the Advisory Board of the Imperial Council of Agricultural Research, the report will be published soon after its meeting on the 3rd September.

Mr. B. Das : Why not make a copy of that report available to the Commerce Member ?

Mr. G. S. Bajpai : The report at the present moment is only in proof form, but, as soon as it is finally printed up, we shall send copies to the Commerce Department.

Mr. B. Das : Why not make the tentative proposals available to the Commerce Department, so that they may start taking action ?

Mr. G. S. Bajpai : For the simple reason that the Commerce Department would expect to have the views of the Advisory Board of the Imperial Council of Agricultural Research before them before they can form any views of their own.

Mr. K. P. Thampan : May I know when Dr. Patel submitted his report ?

Mr. G. S. Bajpai : The report was submitted in March, 1934.

Mr. K. P. Thampan : Then, why was there such inordinate delay in considering this matter ?

Mr. G. S. Bajpai : I do not think there has been an inordinate delay. I have the dates before me here. The report was submitted in March, then it was checked by the Imperial Council of Agricultural Research and sent to the press in April. The first proof was received in May, the second in June, and the third in July.

Dr. Ziauddin Ahmad : May I ask, how many more proofs are to follow ?

Mr. G. S. Bajpai : I think the third is the last.

Mr. K. P. Thampan : May I know whether Government will give us an opportunity to discuss this report before this Assembly is dispersed ?

Mr. G. S. Bajpai : I was under the impression, Sir, that Honourable Members are anxious to go away before the end of this month, and the Advisory Board does not meet till September.

APPOINTMENT OF INDIANS AS MEMBERS OF THE RAILWAY BOARD.

522. *Mr. A. H. Ghuznavi : (a) Are Government aware of the feelings of resentment expressed by this House off and on against them for not appointing Indians as Members of the Railway Board ?

(b) Are Government aware that one of the main arguments adduced by them in this House on various occasions against the appointment of Indians to the posts of Members of the Railway Board was that no senior Indian officer holding sufficiently higher rank amongst the officers of the Railways, was available in the past for being promoted to the post of a Member of the Railway Board ?

(c) Is it a fact that in pursuance of such persistent demand from this House and the public outside, assurances were given from time to time in the past by Government that Indians would be appointed as Members of the Railway Board as soon as suitable Indian officers, holding higher appointments in the different Railways, would be available ?

(d) Is it a fact that to meet the wishes of this House, Government appointed an Indian, Mr. P. R. Rau, as Financial Commissioner of Railways ?

(e) Is it a fact that to meet the wishes of this House, Mr. Hayman, was appointed by Government as Labour Member of the Railway Board ?

(f) Is it a fact that Government at the time of appointing Mr. Hayman declared him to be an Indian ?

(g) Is it a fact that the appointments of Indian Financial Commissioner and Indian Labour Member of the Railway Board were made in the past as part of the general programme of Indianisation of the higher Railway services like all other services ?

(h) Is it a fact that there was a vacancy recently on the Railway Board, *vice* Mr. Colvins, retired ? Is it a fact that a European has been appointed in that vacancy instead of an Indian, and that the result is that not a single member of the Railway Board at present is an Indian ?

(i) Will Government be pleased to state the reasons for retracing their steps from the declared policy of Indianisation of the Memberships of the Board ?

(j) Are Government aware of their assurances to this House, given at the time when Mr. Hayman was appointed, that one of the appointments on the Railway Board was being reserved for Indians ?

(k) Is it a fact that when Mr. Hayman retired before his term, Mr. Colvin was brought to fill up the temporary vacancy thus caused ? If so, why have Government not appointed an Indian in the vacancy caused by the retirement of Mr. Colvin ?

The Honourable Sir Joseph Bhoré : (a), (b) and (c). As I explained recently, in reply to a similar question by Mr. Bhuput Singh, Government are aware that opinions have been expressed during the discussion of the Railway Budget on various occasions, in favour of the appointment of Indians as Members of the Railway Board, but Government have more than once explained that these appointments must be filled by selection of the most suitable candidates irrespective of nationality.

(d), (e) and (g). These appointments were made by Government, as all other similar appointments, on considerations of suitability and after taking into account all relevant factors.

(f) Mr. Hayman was a statutory Indian. He was not declared as such by Government at the time of appointment.

(h) Mr. Colvin will retire in November and will be replaced by Mr. Tylden Pattenson. The result will not be that not a single Member of the Railway Board will be an Indian. The present Financial Commissioner is an Indian.

(i) The present appointment involves no departure whatsoever from the consistent policy of Government.

(j) I have not been able to discover that any assurance of this sort was given at the time the appointment was made. On the other hand, Sir George Rainy definitely stated at the time as follows :

"I fully understand the view expressed, not only by my Honourable friend, Mr. Jayakar, but by other Members, and the ardent desire which the Honourable Members opposite have to see their own countrymen appointed to the existing Membership of the Railway Board. I respect that desire, but at the same time I want to see them appointed on their merits."

(k) It is a fact that Mr. Colvin was appointed to succeed Mr. Hayman, but the vacancy was not temporary in any sense.

Maulvi Sayyid Murtuza Saheb Bahadur : May I know if the Financial Commissioner is one of the Members of the Railway Board ?

The Honourable Sir Joseph Bhoré : Most certainly, Sir.

Maulvi Sayyid Murtuza Saheb Bahadur : Has he got the right of voting in matters connected with the Railway Board ?

The Honourable Sir Joseph Bhoré : Votes are not taken, but he has as much right to express his views as other Members of the Railway Board.

Mr. S. C. Mitra : Will the Honourable Member tell this House what advance has been made since the declaration made by Sir George Rainy on the 23rd February, 1929, as regards further Indianisation of the Railway Board. Sir George expressed his desire that in future the question of further Indianisation would not be lost sight of.

The Honourable Sir Joseph Bhoré : It may be helpful, Sir, if I once for all explain our position in this matter. We cannot possibly make appointments to selection posts on grounds of race or community. If we once did so, we should entirely destroy the morale and the efficiency of the services. But other things being equal, we may be fully justified in taking racial and communal considerations into account. I hope, Sir, that that statement of the case will explain the position of Government quite clearly.

Mr. Gaya Prasad Singh : May I know if racial and communal considerations will weigh with Government in making appointments to other Departments of the public service ?

The Honourable Sir Joseph Bhoré : I am not in a position to speak about other Departments ; I am only speaking of my own Department.

Mr. Gaya Prasad Singh : So far as the Railway Department is concerned, may I take it that it is the definite policy of Government to appoint persons on merit only without reference to any racial or communal considerations or preferences ?

The Honourable Sir Joseph Bhoré : My Honourable friend has not done me the honour of listening to my reply. My reply had reference to selection posts, and I said that so far as appointments to selection posts were concerned, they were made on the basis of merit.

Mr. B. Das : Have Government given facilities to Indian officials to occupy posts of Agents and Deputy Agents of Railways, so that they can come into selection posts in the Railway Board ?

The Honourable Sir Joseph Bhoré : I do not know what my Honourable friend means by facilities. They have a right to be appointed if they are fit and suitable for the posts.

Mr. B. Das : Do I take it that no Indian is fit to be made an Agent or Deputy Agent of Railways ?

The Honourable Sir Joseph Bhoré : I cannot justify the making of any such deductions.

Mr. K. C. Neogy : Is the Honourable Member in a position to give us an idea as to the number of Indian officers who have been superseded in point of seniority by the latest selection ?

The Honourable Sir Joseph Bhoré : I shall have to ask for notice of that question, but I think the next question deals with that to some extent.

Mr. S. G. Jog : Is there any probability in the near future of any Indian being taken in the Railway Board ?

The Honourable Sir Joseph Bhoré : I am afraid I cannot possibly give my Honourable friend a reply to that.

Dr. Ziauddin Ahmad : Is it the intention of Government to increase the number of Members of the Railway Board on which, besides the Chief Commissioner and the Financial Commissioner, there is only one ?

The Honourable Sir Joseph Bhoré : That I am not in a position to say.

Mr. M. Maswood Ahmad : Is it a fact that the Members of the Railway Board are taken from amongst the Agents and Deputy Agents ?

The Honourable Sir Joseph Bhoré : My Honourable friend must refer to the answer which I have already given to Mr. Bhuput Singh's question the other day on that point.

APPOINTMENT OF INDIANS AS MEMBERS OF THE RAILWAY BOARD.

523. ***Mr. A. H. Ghuznavi :** (a) Will Government be pleased to state the number of Indians holding posts of heads of Railways or as heads of different branches of the Railway administration ?

(b) Are Government aware that the appointment of Europeans, superseding senior Indian officers, holding very high posts in the different Railways, is being construed by such officers as their condemnation ?

(c) Will Government be pleased to state whether they have condemned such senior Indian officers ? If not, what are the reasons for such condemnation of Indian officers ?

(f) If they have not been condemned, will Government be pleased to state the reasons why their claims for appointment as Members of the Railway Board have been overlooked by Government ?

The Honourable Sir Joseph Bhoré : (a) The number of Indians, holding posts of Heads of Railways or as Heads of different branches of Railway administrations on the State-managed Railways, is five, namely, one Agent, two Chief Accounts Officers and two Chief Medical Officers.

(b), (c) and (d). These questions cannot possibly be answered without reference to individual officers and Government consider it highly inexpedient to discuss the merits and qualifications of individual officers on the floor of the House.

REDUCTION OF THIRD CLASS FARES ON THE EASTERN BENGAL RAILWAY.

524. ***Mr. A. H. Ghuznavi :** (a) Is it a fact that in 1931, the third class Railway fare on the Eastern Bengal Railway, was increased by one pie for distance between 151—300 miles, and by half a pie on 301 miles and over ?

(b) Is it a fact that this increase in the third class fare was introduced owing to the unprecedented fall in Railway earnings ?

(c) Is it a fact that the Eastern Bengal Railway earnings have increased by about nine per cent. between the 1st April, and the 16th June, 1934, as compared with the earnings of the same period last year ?

(d) Is it a fact that the third class Railway fare has already been reduced on the North Western Railway ?

(e) Are Government aware that the third class passengers on the Eastern-Bengal Railway are generally the poorer classes of East Bengal ?

(f) Do Government propose to reduce the increased rates of third class fares introduced in 1931 ? If so, when ? If not, why not ?

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

(c) No. The increase in the gross earnings has been a little less than one per cent. My Honourable friend has apparently moved the decimal point one place to the right.

(d) Yes, as an experimental measure, for a period of twelve months, in an attempt to ascertain whether a reduction of fares will stimulate traffic to such an extent as to result in increased net earnings.

(e) I agree with my Honourable friend, but this is not a phenomenon peculiar to the Eastern Bengal Railway.

(f) Government propose to await the results of the experiment on the North Western Railway, before considering whether a general reduction of third class fares is feasible. But I may inform my Honourable friend that it is proposed to start, as an experimental measure, the issue of third class return tickets at 1-2/3 fares on the Eastern Bengal Railway, in a similar attempt to see how far passenger traffic responds to this stimulus.

Mr. Bhuput Sing : Do Government propose to introduce the same facilities for third class passengers on the East Indian Railway ?

Mr. P. R. Rau : No. We are introducing it as an experimental measure on the Eastern Bengal Railway.

Mr. M. Maswood Ahmad : Are Government prepared to introduce this as an experimental measure on the East Indian Railway also ?

Mr. P. R. Rau : No. Government prefer to await the results on the Eastern Bengal Railway before extending it to other railways.

ACQUISITION OF LANDS FOR THE RAILWAYS.

525. ***Mr. A. H. Ghuznavi :** (a) Will Government be pleased to state the conditions on which they acquired lands from private owners and handed over the same to the Railways in India as they were opened ?

(b) Is it a fact that there is always a condition imposed by Government on the Railway authorities to the effect that all surplus lands not required by the Railways would be returned to the owners from whom they were taken ?

(c) Is it a fact that there was a stipulation to the effect that the terms on which the lands are to be restored to private owners by the Railways should be acceptable to both the Railways and the private owners ?

(d) Is it a fact that lands acquired by Government on both sides of certain sections of the Assam-Bengal Railway have been restored to the cultivators and agriculturists ?

(e) Are Government aware that the vast stretches of fertile land, on both sides of the Railway lines in Bengal, have been acquired by Government for Railways, and that they have been lying as waste lands inside the Railway fencings ?

(f) Will Government be pleased to state the reasons for wasting so much of fertile and arable land in Bengal ? Are Government aware that there is very great demand for such land for cultivation and other productive purposes ?

(g) Do Government propose to sell off these waste lands to private persons or corporate bodies for agricultural and dwelling house purposes ? If not, why not ?

Mr. P. R. Rau : (a) Land for railway purposes is acquired under the provisions of the Land Acquisition Act, 1894, and in accordance with the "Revised rules relating to the Acquisition of Land for Railway Purposes, 1918", copies of which are available in the Library of the House.

The conditions, on which land is handed over to Railway Companies, are given in the contracts entered into with those Companies, copies of which are also available in the Library of the House. Briefly the position is, that in most cases land has been provided free of cost to the Companies, while in some cases it has been provided at the cost of capital. The contracts generally provide for the relinquishment of such lands as may become surplus to requirements. In the event of the contracts being determined, and the railways taken over by Government,

the land is received back by Government along with the other assets of the Railway.

(b) The Rules, referred to above, provide that all lands surplus to requirements should, wherever possible, be surrendered, and that in the case of *agricultural or pastoral land*, all proprietary rights and all rights of occupancy, which were extinguished by the acquisition, should be first offered to the persons from whom they were acquired or to their heirs if discoverable.

(c) The Rules also provide that the price at which these rights are offered should be the amount of compensation originally paid for them, less 15 per cent. in excess of the value which will have been paid if the acquisition was compulsory. This price may be reduced, if necessary, on account of any deterioration that may have taken place in the fitness of the land for agricultural or pastoral purposes, while it was in the occupation of Government, but it should not ordinarily be increased on account of any rise in its market value during that period.

(d) I am making enquiries from the Railway Administration and shall lay a reply on the table in due course.

(e) No.

(f) and (g). I would invite the attention of the Honourable Member to the reply to starred question No. 1501 put in the House on the 22nd December, 1933, by Mr. Nabakumar Singh Dudhoria.

Mr. S. G. Jog : May I know whether the Pope Committee made any recommendations as regards waste lands near-about railways ?

Mr. P. R. Rau : Yes. A reference to that will be found in the reply to starred question No. 1501, that I have just referred to.

PROPOSALS TO SUPPLEMENT THE OTTAWA AGREEMENT RELATING TO INDIAN PROTECTIVE DUTIES.

526. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(a) whether their attention has been drawn to a Reuter's message, dated July, 27, London, about the announcement made in the House of Commons, by Lieut.-Colonel John Colville, regarding the opening of certain negotiations to bring the Indian Protective Duties within the Ottawa agreements ;

(b) what were the negotiations referred to in it as having taken place early in the year ;

(c) whether the preference given to British and other Empire countries under the Ottawa agreements was not distinctly subject to the fiscal and revenue requirements of India ; and if so, what these negotiations mean ; and

(d) when they will place these proposals before the Indian Legislature for their ratification ?

The Honourable Sir Joseph Bhore : (a) Yes, Sir.

(b) and (c). The negotiations referred to are the outcome of the visit of the United Kingdom Textile Delegation to India, and in this connection, I would refer the Honourable Member to paragraphs 3 and 4

of my letter, dated the 25th October, 1933, to Sir William Clare-Lees, Chairman of the United Kingdom Textile Delegation, copies of which are in the Library.

(d) The negotiations are in progress and no question of ratification arises at this stage.

Mr. B. Das : Has not the problem arisen in connection with the Indo-British Trade agreement which the Secretary of State announced in the House of Commons last March ?

The Honourable Sir Joseph Bhole : I do not quite follow my Honourable friend : this is undoubtedly an agreement contemplated between this Government and the Government of the United Kingdom.

Mr. B. Das : Do I take it that it will only refer to the Indian textile industry or to all industries ?

The Honourable Sir Joseph Bhole : It will refer, I think, to certain general principles which will be equally applicable to the cotton textile industry as to other industries.

Mr. B. Das : May I inquire at what stage these negotiations stand at present ?

The Honourable Sir Joseph Bhole : At the stage of negotiations. (Laughter.)

Mr. B. Das : How long will it take to materialise and when will the Honourable Member be able to place the report on the table of the House ?

The Honourable Sir Joseph Bhole : That is a matter upon which I can express no view at the present moment ; but certainly as soon as an agreement is arrived at, it will be placed before the House for its consideration ?

Diwan Bahadur A. Ramaswami Mudaliar : Are any Indian commercial bodies being consulted during this stage of these negotiations ?

The Honourable Sir Joseph Bhole : No commercial interests have been consulted.

Diwan Bahadur A. Ramaswami Mudaliar : May I take it that at some stage before the negotiations are completed, commercial interests—and I am referring to Indian commercial interests—will be consulted ?

The Honourable Sir Joseph Bhole : I am not in a position to bind myself in regard to that. But I have no doubt that Government have an opportunity of knowing what the views of the commercial interests in this country are on the various questions that are under discussion.

Diwan Bahadur A. Ramaswami Mudaliar : Before they have made up their mind or come to an agreement ?

The Honourable Sir Joseph Bhole : I said that I have no doubt that Government will be in a position to appreciate and know what the views of the commercial community are in regard to the various questions under discussion.

Mr. K. P. Thampan : Will they do it before they decide the question ?

The Honourable Sir Joseph Bhole : I am not in a position to give any assurance on that point.

Mr. K. P. Thampan : May I know whether it was, as a result of these negotiations, that the Government decided to drop even the revenue duty in regard to steel products ?

The Honourable Sir Joseph Bhole : It has absolutely nothing to do with it.

Diwan Bahadur A. Ramaswami Mudaliar : It has been restored.

Mr. K. P. Thampan : By whom ? I ask the question whether it was, as a result of these negotiations, that the Government have decided to drop the revenue duty on steel in the Steel Protection Bill, as introduced by the Government in the Assembly ?

The Honourable Sir Joseph Bhole : My Honourable friend is a little mixed with regard to details, but I have already answered the question, that the two have absolutely no connection with each other.

Mr. S. C. Mitra : Is the Honourable Member in a position to give some idea as to the means by which he intends to consult commercial opinion ?

The Honourable Sir Joseph Bhole : I never said that I was going to consult commercial opinion ; I merely said that I have no doubt that I shall be in a position to know what the views of the commercial community are in such matters.

Mr. S. C. Mitra : Are we to take it that you are always in a position to know commercial views and when there is no necessity to consult commercial opinion ?

The Honourable Sir Joseph Bhole : Commercial opinion has expressed itself on more than one occasion in regard to matters connected with these negotiations.

Mr. B. Das : May I know who represents the Government of India in this matter of negotiations with the British Government ? Is it the Secretary of State or has anybody been deputed by the Government of India to London ?

The Honourable Sir Joseph Bhole : Nobody has been deputed : the negotiations are carried on between the Government of India and His Majesty's Government through the Secretary of State.

Mr. B. Das : There is no direct negotiation across the table ?

The Honourable Sir Joseph Bhole : Direct negotiations, but over the telegraph wires. (Laughter.)

ENROLMENTS IN THE INDIAN ARMY CORPS OF CLERKS.

527. *Maulvi Sayyid Murtuza-Saheb Bahadur : (a) Will Government please state whether the candidates who were successful at the Ministerial Service Examination of 1932, were at the time of announcement of the said examination given to understand by the Public Service Commission that they will be required to enrol themselves for a period of ten years under the India Army Act ?

(b) Will Government please state if the said successful candidates were warned of their enrolment under India Army Act by the Public Ser-

vice Commission at the time they were offered the appointments in the offices of the Army and Royal Air Force Headquarters ?

(c) Will Government please inform this House what justification they have for forcing these candidates to enrol and for issuing such a letter after a period of about eight months after their appointments ?

Lieut.-Colonel A. F. R. Lumby : (a) No, Sir.

(b) and (c). The attention of the Honourable Member is drawn to reply given in the Legislative Assembly on the 2nd March, 1934, to Mr. Uppi Sahab Bahadur's starred question No. 304.

ENROLMENTS IN THE INDIAN ARMY CORPS OF CLERKS.

528. *Maulvi Sayyid Murtuza Saheb Bahadur : (a) Will Government please state the privileges attached to the personnel that is proposed to be enrolled in the Indian Army Corps of Clerks, and the hardships involved by the enforcement of the Indian Army Act ?

(b) Will Government please inform this House whether the said successful candidates, even after enrolment under the Indian Army Act, will be allowed to appear at higher competitive examinations, e.g., I.C.S., I.A. and A.S., P.C.S., etc. ?

(c) If the answer to part (b) be in the negative, will Government please state whether the civilian un-enrolled personnel in the Army and Royal Air Force Headquarters and the Civil Offices of the Government of India, who are selected and appointed on the results of the same examination are allowed to appear at higher competitive examinations, and if so, why the successful candidates who are appointed in the Army and Royal Air Force Headquarters, should be debarred from the privilege ?

(d) Will Government please inform this House whether the privileges of free rations, free quarters, free clothing, free conservancy, and various other allowances, admissible to the personnel of the British Wing of the Indian Army Corps of Clerks, will be admissible to the personnel of the Indian Wing of the Indian Army Corps of Clerks, even on comparative scales ? If not, why not ?

(e) If the answer to part (d) be in the negative, will the Army Secretary please state, if they mean only to subject the Indian personnel to all the hardships of court-martials, and military discipline, and intend to deprive them of all the privileges of a military status which are admissible to the Britishers of the same Indian Army Corps of Clerks ?

Lieut.-Colonel A. F. R. Lumby : (a) A statement is laid on the table, showing the more important of the privileges conferred on persons subject to the Indian Army Act. Government do not consider that enrolment under the Indian Army Act involves any hardship.

(b) It is within the power of the Head of the Office concerned to permit an enrolled clerk to appear at an outside competitive examination.

(c) Does not arise.

(d) and (e). The attention of the Honourable Member is drawn to the reply given in the Legislative Assembly on the 7th August, 1934, to Mr. Gaya Prasad Singh's supplementary question to starred question No. 465. In actual fact, the British Soldier of the Indian Army Corps

of Clerks, serving at Army Headquarters, gets exactly the same pay, allowances and concessions, as he would get if he were serving in a lower formation, while the Indian member of the Corps serving in Simla, receives precisely the same as if he were serving in a lower formation, plus a 20 per cent. addition to his pay.

Statement showing the more important of the privileges conferred on persons subject to the Indian Army Act.

The more important of the privileges conferred on persons subject to the Indian Army Act are as follows :

- (i) The pay of an officer or soldier is protected from any deductions other than those authorised by Royal Warrant or by Act of the Governor General in Council. Penal deductions are legalised by the Indian Army Act, and other deductions by Royal Warrant.
- (ii) All Government pensions (including military pensions) are protected from attachment in the execution of decrees of Civil Courts.
- (iii) An officer or soldier serving in a military capacity who is a party to a suit and cannot obtain leave of absence may authorise any person, in writing, to sue or defend in his stead.
- (iv) A power of attorney to institute or defend a suit is exempt from fees under the Court Fees Act.
- (v) When serving under war conditions, persons subject to the Indian Army Act are protected in respect of civil and revenue litigation under the provisions of the Indian Soldiers' Litigation Act, 1918.
- (vi) Persons subject to the Indian Army Act on duty or on the march, as well as their authorised followers families (including families of such followers), horses, baggage and transport, are exempt from all tolls, except certain tolls for the transit of barges, etc., along canals.

LEAVE AND PENSION FOR THE NEW ENTRANTS TO THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.

529. *Maulvi Sayyid Murtuza Saheb Bahadur : Will Government please state whether they propose to cut down the leave and pension for the new entrants to the Army and Royal Air Force Headquarters, who joined Government service before July, 1934, whilst the leave and pension rules for similar entrants to the civil offices will remain unaltered ?

Lieut.-Colonel A. F. R. Lumby : As regards the first portion of the question, the revised leave and pension rules will be applicable to the personnel appointed on or after 28th September, 1931. The second portion of the question is based on incorrect information. Revised leave rules have already been issued for new entrants into civil offices, and revised pension rules are under consideration for them.

EMOLUMENTS FOR THE NEW ENTRANTS TO THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.

530. *Maulvi Sayyid Murtuza Saheb Bahadur : Will Government please state whether the status of the Army and Royal Air Force Headquarters in regard to pay, etc., has in the past been always higher than that of Civil Attached Offices ? Is it a fact that the Civil Attached Offices and the Civil Secretariat have been brought at par in regard to pay and allowances, and, if so, what is the Government's justification for

their placing the Army and Royal Air Force Headquarters' personnel lower than the Attached Offices in total emoluments ?

Lieut.-Colonel A. F. E. Lumby : The reply to the first portion of the question is in the affirmative. As regards the last portion of the question, attention is drawn to my reply to Mr. S. C. Mitra's starred question No. 469 in the Legislative Assembly on the 7th August, 1934.

MAIL BAG DESTINED FOR CALCUTTA MISSED BETWEEN SIMLA AND KALKA.

531. ***Mr. Gaya Prasad Singh** (on behalf of Mr. Lalchand Navalrai) : (a) Will Government be pleased to state if on the 7th June, 1934, a mail bag destined for Calcutta was missed between Simla and Kalka ? If so, who was in charge of the mail that day and what explanation has he given for the loss ?

(b) Is it a fact that one Superintendent of Railway Mail Service was travelling by the same car which carried the mail, and if so, what explanation does he give as to the loss ?

(c) Where was it for the first time observed that the bag was missing, and who observed it ?

(d) Was information lodged with the police ? If so, where ?

(e) What efforts have the Postal Department made to find out the bag and the culprit ? What progress have the police made in that direction ?

(f) Has the case been entrusted to the Criminal Investigation Department Police ? If not, why not ? If so, what progress have they made ?

(g) Do Government propose to take some drastic measures to unearth this case ?

The Honourable Sir Frank Noyce : Information has been called for and a reply will be placed on the table of the House in due course.

TAXING OF LETTERS WEIGHING A LITTLE MORE THAN HALF A TOLA.

532. ***Rao Bahadur S. R. Pandit** (on behalf of Sardar G. N. Mujumdar) : With reference to the assurance given by the Honourable the Finance Member, Sir George Schuster, in his last Budget speech, that the postal officials will not be too strict in taxing letters weighing only a little more than half a tola, will Government please lay on the table a copy of the instructions issued by them to the Postal Department ? If no instructions were issued, will Government please state why they failed to do so, and whether they propose to rectify the mistake now ? If not, why not ?

The Honourable Sir Frank Noyce : No such assurance, as stated by the Honourable Member, was given by the Honourable Sir George Schuster. The latter parts of the question do not, therefore, arise.

Pandit Satyendra Nath Sen : May I know, Sir, if some extra hands have been employed in some important post offices to detect the one anna envelopes which exceed their proper weight ?

The Honourable Frank Noyce : I am sorry I did not catch the Honourable Member's question. Will he kindly repeat it ?

Pandit Satyendra Nath Sen : Is it a fact that some extra hands have been employed in some important post offices merely to detect one anna envelopes which exceed their proper weight of half a tola ?

The Honourable Sir Frank Noyce : I have no information on that point, Sir.

Maulvi M. Muhammad Shafee Daoodi : Are Government aware that a very large number of letters are charged extra as a result of the slight difference between letters weighing half a tola and more than one tola ?

The Honourable Sir Frank Noyce : Sir, as I know the House is very interested in this matter, I may perhaps be permitted to make a short explanation. So far as I can understand the purport of the figures which I have been able to obtain on this point, there has been no very marked increase in the revenue from deficit postage,—certainly not more than one could expect to follow from a change in rates. We have received no special reports from Heads of Circles on this point, as we did when the change in the rates for postcards came about. We are, in the course of this month, having the usual enumeration of letters and other articles which pass through the post offices, and special attention will be directed to this point of deficit postage. I am also calling for information from certain selected post offices regarding the amount of deficit postage which has been collected, and I would only add for the information of the House that our policy in regard to future rates will be framed in the light of the information obtained from these sources.

Mr. Gaya Prasad Singh : If the public take to writing postcards more extensively than at present, will not the object of the Government be frustrated ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The answer is contained in the question.

RATE REGISTERS EXPERIMENT ON THE NORTH WESTERN RAILWAY.

533. ***Kumar Guptaeshwar Prasad Singh :** (a) Is it a fact that foreign outward goods booking over the North Western Railway is being done with the help of Rate Registers for the last four years ? If so, is the Railway convinced of its utility by its four years practical working ?

(b) Is it a fact that the Railway Board has decided to continue the experiment for another two years ? Is it not uneconomical to continue it as an experiment ?

(c) What is the sanctioned strength of the establishment employed on the experiment ? How many men of the Railway Clearing Accounts Office are on deputation for that work and how many men are there on the supervising staff of that work ?

Mr. P. R. Rau : (a) and (b). I would refer the Honourable Member to the reply I gave to Mr. D. K. Lahiri Chaudhury's starred question No. 433 on the 7th August, 1934.

(c) The sanctioned strength of the establishment, on transfer from the Railway Clearing Accounts Office to the North Western Rail-

way, was one Accountant and 31 clerks. No information is available as regards the number of men of the Railway Clearing Accounts Office now on deputation.

PROMOTION OF STAFF HELD UP ON THEIR MAXIMUM ON STATE RAILWAYS.

534. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state what action has been taken by them on paragraph 153, on page 44, of Volume I to Mr. Hassan's report, in which he brought it to the notice of the Railway Board the fact that the staff, in certain categories, are unduly held up on their maximum, where the promotion of higher grade posts is small or non-existent, and thus an obvious injustice is done to staff who happen to be posted in such categories, in comparison to those fortunate staff who get rapid promotions due to a larger proportion of higher posts existing in their categories ?

(b) Were any instructions issued to the Agents of State Railways on this subject ? If so, do Government propose to lay a copy of the same on the table of this House ?

(c) Will Government be pleased to state how many Number-Takers, working as Trains Clerk, in each grade, are held up on their maximum since the last five years on the East Indian Railway for want of higher posts in their categories ?

(d) If the reply to part (b) be in the negative, are Government prepared to issue explicit instructions to the Agents now ?

Mr. P. R. Rau : (a), (b) and (d). A copy of the orders issued in August, 1933, is laid on the table.

(c) Government have no information.

GOVERNMENT OF INDIA.
RAILWAY DEPARTMENT.
(RAILWAY BOARD.)

No. 660-E.G.,

Simla, the 31st August, 1933.

To

Eastern Bengal Railway.
The Agent, East Indian Railway.
North Western Railway.
Great Indian Peninsula Railway.

Dear Sir,

Representation of Muslims and other minority communities in the subordinate Railway Services.

With reference to the correspondence resting with your letter (1) No. 185-E.118, dated 13th July, 1933.

(2) No. A.E.-84011, dated 22nd June, 1933.

(3) No. 831-E.1281/II, dated 20th June, 1933. I am directed to state that after

(4) No. 21239-R., dated 5th June, 1933,

considering the views furnished by the various State-managed Railways, the Railway Board have decided that the following action should be taken on the recommendations made by Mr. Hassan in his report on the "Representation of Muslims and

other minority communities in the subordinate Railway Services" except recommendations Nos. 7 to 13 which are still under consideration and on which orders will issue in due course.

Recommendation No. 1.—The Divisional Selection Boards should be held on different dates to enable a candidate rejected in one Division to try in another, or Divisions where members of minority communities are available in large numbers should be asked to recommend candidates of these communities in such numbers to the Central Selection Board that if there is any deficiency in one Division it may be made up by excess in the other.

Decision.—(*In the case of Railways where final appointments are made by a Central Selection Board, the Divisional or District Selection Boards should, where candidates of minority communities are available in large numbers, recommend candidates in such numbers that if there is a deficiency in any other Division or District, it might be met by candidates from these Divisions. Similarly, on Railways where final appointments are made by Divisional or District Selection Board, should there be any difficulty in selecting the required number of candidates of minority community in any Division or District a requisition for the remaining number should be placed on those Divisions or Districts where the candidates of that minority community are available in larger numbers). (†If one Division has a number of candidates belonging to the minority communities who pass the Selection Board and who are in excess of the number required on that Division, the Divisional Superintendent should offer them to other divisions on the distinct understanding that they will be posted to and remain on the Division or District where they are appointed to work.)

Recommendation No. 2.—The rule that preference should be given to sons and relatives of Railway employees should be suitably amended so as not to affect the Muslim interests adversely.

Decision.—It is noted that the operation of Rule 63 of the "Rules for the recruitment and training of subordinate staff on State-managed Railways does not act detrimentally to the interests of the minority communities as 1/3rd of the vacancies are reserved for the redress of marked communal inequalities. In view of this, the Railway Board do not consider any further orders are necessary.

Recommendation No. 3.—Provision should be made for the redress of communal inequalities in the rules of recruitment relating to Apprentice Mechanics.

Decision.—Necessary provision has been made in this respect in the "Rules for recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical Workshops of State-managed Railways", vide this office letter No. 2434-E., dated the 23rd March, 1933.

Recommendation No. 4.—In cases in which promotion is given by branches of an office necessary adjustment should be made to see that the subordinate staff in each branch have fair chances of promotion to the higher grades.

Decision.—The Railway Board desire that the subordinate staff in each branch of an office where promotion is given by branches, irrespective of the community to which they may belong, should have reasonable chances for promotion to the higher grades. (†In this connection, I am to point out that para. 2 of this office letter No. 917-E.G., dated the 6th August, 1931, to which you refer in your reply does not affect this recommendation, the object of which as explained in para. 153 of the report is that in cases in which promotion is given by branches of an office the distribution of the staff should be made in such a manner that each member of the staff may have a reasonable chance of promotion to rise to the higher grades.)

Recommendations Nos. 5 and 14.—

5. The attention of all the Railway Administrations should again be drawn to the fact that it is the intention of the Railway Board to provide special training facilities for Muslims, which will in the course of time fit them for higher posts and

* () To G. I. P., N. W. and E. B. Rlys. only.

† () To E. I. Rly. only.

‡ () To N. W. Rly. only.

they should be asked to inform the Railway Board at the end of each year what definite action has been taken by them in the matter.

14. Muslims with the requisite qualifications should be selected from among those already in service and given special facilities for training for the higher posts.

Decision.—The Railway Board are averse to adopting any arrangement which may savour of communal discrimination in respect of existing employees. They consider it of importance that no man's claim to promotion should be overlooked because he belongs to a particular community and special consideration should be given to the provision of training facilities for higher posts for all communities. Particular care should be taken to see that communities that are inadequately represented in the higher posts are given careful consideration and adequate training to fit them for higher posts.

Recommendation No. 6.—Action should be taken to increase the number of Muslims in the Establishment sections of Railway Offices.

Decision.—The Board consider that it is important to ensure that particular communities are not handicapped by the preponderance of any one community in the Establishment branches of Railway Offices and leave it to you to take whatever steps may be necessary for this purpose.

Recommendation No. 15.—A Special organization, the duration of which will depend on the extent to which the Railway Board are prepared to accept my recommendations should be set up at the headquarters of the Railway Board to assist and advise the Railway Administrations in carrying out the orders that the Railway Board may be pleased to pass on this report. If for any reasons it is not considered necessary to have a special organization this work should be entrusted to the Deputy Director, Establishment, Railway Board and should form part of his regular duties.

Decision.—The Railway Board do not propose to take any special action in this direction as they consider that this work should form part of the normal duties of the organization provided for Establishment work. The Board expect that you and the officers subordinate to you will give due consideration to the orders issued in this connection.

Yours faithfully,

K. M. HASSAN,

Deputy Director, Railway Board.

PROMOTION OF NUMBER-TAKERS ON THE EAST INDIAN RAILWAY.

535. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore): (a) Will Government be pleased to state if any instructions were issued to the Agents of State Railways in connection with Mr. Haymen's speech in this House as quoted in paragraph 155, on page 45, Volume 1 of Mr. Hassan's report, in which he assured this House that Railway subordinates in the lower grade of all class and communities, which are not properly represented in the upper grades, will be admitted into the Railway Training Schools and given proper technical training so as to make them fit within the quickest possible time to fill the higher posts that fall vacant?

(b) If the reply to part (a) be in the affirmative, do Government propose to lay on the table of this House a copy of the instructions issued?

(c) Will Government be pleased to state how they reconcile with this declared policy their answer to starred question No. 391, dated the 6th March, 1934, in which the Agent, East Indian Railway, has expressed his unwillingness to provide special facilities to the staff in the Number-Takers categories for promotion to the posts of Yard Masters, Assistant Yard Masters and Yard Foreman?

(d) How do Government reconcile this policy with the refusal of the East Indian Railway administration to examine the staff employed in the Number-Taker's categories for qualifying examinations for higher posts?

(e) If the answer to part (d) be in the negative, do Government propose to issue necessary instructions and also see that proper steps are taken to train staff in each category, specially those in which chances for promotion to higher posts do not exist, and to promote men from that category and to see that all orders which are in conflict with this declared policy are cancelled?

Mr. P. R. Rau: (a) and (b). I would invite the Honourable Member's attention to the orders I have just placed on the table.

(c), (d) and (e). The Agent, East Indian Railway, has been asked to consider the question in the light of the policy of Government as laid down in their orders of August, 1933.

INADEQUATE REPRESENTATION OF INDIANS IN HIGHER POSTS IN THE TRAFFIC DEPARTMENT OF THE EAST INDIAN RAILWAY.

536. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore): (a) Will Government be pleased to state if they are not aware of the inadequate representation of Hindus and Muslims in the higher posts in the Traffic Department of the East Indian Railway, carrying a salary of Rs. 150 per mensem, as given in paragraph 204, page 64, of Volume 1 of Mr. Hassan's report, the same being limited to 47 posts and on percentage basis 13.54 per cent. and in comparison to European and Anglo-Indian representation of 298 posts or 85.88 per cent. of the total number of posts, regard being had to the fact that on lower posts Hindus and Muslims form a majority of 51.42 or 84.36 per cent. as against 902 or 14.8 of Europeans and Anglo-Indians?

(b) Will Government be pleased to state what steps have been taken by them and the Agent, East Indian Railway, to increase the proportion of Indians in the higher posts in the Traffic Department of the East Indian Railway?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 536 and 537 together.

(a) The figures have been correctly quoted by my Honourable friend from Mr. Hassan's Report.

(b) I would invite the Honourable Member's attention to paragraph 3 of the Railway Board's letter No. 2395-E., dated the 23rd May, 1929, to the Agents of all State-managed Railways,—a copy of which is in the Library of the House—in which they were instructed that, in those branches of the service in which a preponderant share of the appointments has fallen to Anglo-Indians in the past, opportunities must be given to members of other communities to show their fitness. In view of the increasing number of Indians, who are now being employed in each category of the Traffic Department on all the State-managed Railways, the percentage of Indians will, I have no doubt, increase in the course of time in the posts referred to by the Honourable Member.

INADEQUATE REPRESENTATION OF INDIANS IN THE POSTS OF YARD MASTERS, YARD FOREMEN, ETC., ON THE EAST INDIAN RAILWAY.

†537. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state if they are not aware of the inadequate representation of Hindus and Muslims in the posts of Chief Yard Masters, Yard Masters, Assisat Yard Masters, and Yard Foreman, in grades ranging from 280 to 530 on the East Indian Railway as given on page 94, Volume III of Mr. Hassan's Report, in which he states that out of 80 such posts existing Hindus and Muslims share only two posts as against 78 held by Europeans and Anglo-Indians ?

(b) Will Government be pleased to state what steps they and the Agent, East Indian Railway have taken and propose to take, to see that Indians are promoted to these posts ?

PROMOTION OF NUMBER-TAKERS AND TRAIN CLERKS ON THE EAST INDIAN RAILWAY.

538. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state if the following statements, made in Mr. Hassan's Report, are correct :

(i) Page 19, Volume II, referring to recruitments of Guards on the North Western Railway :

"The number to be recruited direct will be fixed in each division after considering the claims for promotion of deserving Ticket Collectors and Trains clerks."

Posts will be filled (in Guard Grade III) by promotion from Grade II or by selection of outstanding men in other classes whose pay is too high for them to be fitted into Grade II and by direct recruitment."

(ii) Para. 100, page 27, Volume I, referring to promotions of Number-Takers on the Great Indian Peninsula Railway, in which he states that Number-Takers are promoted as Guards and from there to all the posts open to Guards and to the posts of Yard Supervisors and Yard Foremen ;

(iii) Pages 6, 30, and 94 of Volume III, in which it is stated that Trains clerks in their own category get promoted to Rs. 145 grade on the Eastern Bengal Railway (page 6), to Rs. 190 grade on the North Western Railway (page 30) and only Rs. 110 or 120 on the East Indian Railway (page 94) ?

(b) Will Government state if it is a fact that Yard Foremen and Yard Supervisors on the North Western Railway who perform duties identical with those of Yard Foreman and Assistant Yard Masters of the East Indian Railway are in many instances recruited from the category of Number-Takers, and Trains Clerks ?

(c) Will Government be pleased to state whether they are prepared to issue explicit instructions to the Agent, East Indian Railway, to provide some avenue of promotion to staff in this category with a view to remove a genuine hardship ?

Mr. P. R. Rau : (a) Government regret they are unable to undertake an investigation to check the correctness of the statements in question.

(b) Government have no information on this point.

(c) A copy of this question is being sent to the Agent, East Indian Railway, for consideration of the suggestion made therein.

†For answer to this question, see answer to question No. 536.

ORGANISATION OF THE PERSONNEL DEPARTMENTS ON STATE RAILWAYS.

539. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : Will Government be pleased to state if they agree with the statements made in paragraph 133, page 38, Volume I of Mr. Hassan's Report that "The North Western Railway is probably the best organised of all the State-managed Railways so far as the staff problem are concerned, and it is possible here more than elsewhere to trace a definite policy in handling staff questions" ? If so, why are the personnel departments on other State Railways not being organised on the same lines ?

Mr. P. R. Rau : Government are not prepared to express an opinion on the quotations referred to. The personnel organisations on the State-managed Railways are generally on the same lines though there may be slight differences of detail. Government do not consider it necessary to achieve absolute uniformity in such matters.

Sardar Sant Singh : Do the Government endorse the fact that the North Western Railway is the best managed Railway in India ?

Mr. P. R. Rau : I said that Government were not prepared to express an opinion on it.

CONSULTATION OF LOCAL GOVERNMENTS FOR THE SELECTION OF DELEGATES TO THE LEAGUE OF NATIONS.

540. *Mr. Bhuput Singh : Will Government please state whether Local Governments are consulted when Indian Delegates to the League of Nations are selected ?

The Honourable Sir Nripendra Sircar : The Honourable Member is aware that the delegates are appointed by the Secretary of State acting in consultation with the Government of India. The latter hold themselves free to consult Local Governments if and when occasion arises.

Mr. Bhuput Singh : Was there any occasion on which the Local Governments were at all consulted before the Government of India sent their recommendations to the Secretary of State ?

The Honourable Sir Nripendra Sircar : Sir, the proposals for selections being the subject of confidential communications, I am not in a position to add anything to the reply I have already given.

Mr. Gaya Prasad Singh : The question was not asked for disclosing the contents of any confidential communications, but the question was whether the Government of India had ever consulted the Local Government in the matter of selection of delegates to the League ?

The Honourable Sir Nripendra Sircar : As I have said, the Government of India is quite free to consult the Local Governments. They consult the Local Governments whenever occasion arises. As regards the actual communications, I am not prepared to make any statement.

Mr. Gaya Prasad Singh : Was there any occasion at all for the Government of India to consult the Local Governments ? Did they, as a matter of fact, ever consult the Local Governments or not ?

The Honourable Sir Nripendra Sircar : Not in my time.

Mr. Bhuput Sing : My question is whether in past years the Government of India ever consulted the Local Governments in the selection of delegates ?

The Honourable Sir Nripendra Sircar : If the question goes back to all past years, I would ask my friend to give me notice.

Mr. Bhuput Sing : I put the question the other day, and the Honourable Member wanted notice, and so I have asked whether Local Governments were ever consulted at all ? Was there any occasion on which the Government of India consulted the Local Governments in the past in regard to the selection of delegates ?

The Honourable Sir Nripendra Sircar : If my Honourable friend means whether, during all these years in the past at any time, the Local Governments were consulted, the answer is in the affirmative.

Mr. Bhuput Sing : How many times, may I know ?

The Honourable Sir Nripendra Sircar : As my friend's inquisitiveness is increasing, I would ask for notice.

RETRENCHMENT IN THE BENGAL AND ASSAM POSTAL CIRCLE.

541. ***Mr. S. C. Mitra :** (a) Is it a fact that the Post Master General, Bengal and Assam, has been issuing orders every month, retrenching clerks and postmen in the Circle before completion of their service ?

(b) Is it a fact that those orders will spread over a number of months ?

(c) Is it a fact that the postmen and clerks with services ranging from one to less than ten years are also being selected for retrenchment ? If so, why ?

The Honourable Sir Frank Noyce : (a) It is a fact that the retrenchment of surplus posts of all categories is still being given effect to in all Circles of the Posts and Telegraphs Department, including the Bengal and Assam Circle.

(b) Yes.

(c) Government have no precise information, but if the facts are as alleged by the Honourable Member the procedure would not be in conflict with the orders of Government laying down the method of retrenchment.

Mr. S. C. Mitra : Sir, arising out of (c), may I take it that the other two categories of lists relating to people whose service was unsatisfactory or those who are superannuated have been exhausted before this category of officers are selected for retrenchment ?

The Honourable Sir Frank Noyce : I presume that the orders regarding the order in which personnel should be retrenched are being duly followed.

RETRENCHMENT IN THE BENGAL AND ASSAM POSTAL CIRCLE.

542. ***Mr. S. C. Mitra :** (a) Is it a fact that the procedure laid down by the Government of India, Finance Department, for selecting personnel for retrenchment is not strictly followed in the Postal Department ?

(b) Is it a fact that the officials with services ranging from one to less than ten years are under orders of retrenchment in Bengal and Assam Circle in preference to those who are above 30 years of service ?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government please state the reasons therefor ?

The Honourable Sir Frank Noyce : (a) No.

(b) Government have no information. I may, however, state for the Honourable Member's information, that the occurrence of such cases is possible, as, according to the prescribed procedure referred to in part (a) of the question, retrenchment of personnel is subject to the condition that the existing ratio between the communities, in each category of service, is maintained as far as practicable.

(c) Does not arise.

RETRENCHMENT OF STAFF IN THE POSTAL DEPARTMENT.

543. ***Mr. S. C. Mitra :** (a) Is it a fact that for the purpose of retrenchment of staff in the Postal Department, each Superintendent's Division is treated as one unit ?

(b) Is it a fact that the surplus staff of one unit are not allowed to be absorbed in the vacancies existing in another unit ?

(c) Is it a fact that in the ordinary course the officials of one division are always posted in another division ?

(d) Is it a fact that as a result of this compartment system, a clerk or a selection grade supervisor or a divisional inspector who happens to be in a division where retrenchment is necessary, was retrenched though his seniors are left out, being in another division where retrenchment of personnel is not necessary ?

(e) Do Government contemplate issuing revised orders for rectifying these anomalies ?

The Honourable Sir Frank Noyce : (a) The present orders of Government are that all posts in clerical grades of an establishment or office shall, for the purpose of retrenchment, be treated as forming one cadre. It has, however, come to the notice of Government that a uniform procedure has not been followed in this respect in all Circles.

(b) Yes.

(c) If officials, not above the rank of clerks in the ordinary time-scale, are meant, the reply is in the negative.

(d) Government have no information.

(e) Government are considering the question of laying down a uniform procedure relating to the grouping of posts in clerical grades for purposes of retrenchment.

Mr. S. C. Mitra : I could not follow the answer to part (b) of the question. Will the Honourable Member kindly repeat it ?

The Honourable Sir Frank Noyce : The answer to (b) is "Yes".

Mr. S. C. Mitra : Will the Honourable Member kindly explain why they make these smaller units by which justice is denied in specific

instances? I think the Honourable Member has understood the implication of the question. If there are smaller divisions and people are retrenched without reference to bigger divisions, there would be individual cases of great hardship.

The Honourable Sir Frank Noyce : That, Sir, unfortunately is inevitable owing to the fact that the retrenchment is made for units. That has been the procedure so far, and there does not seem to be any reason for changing it now.

Mr. S. C. Mitra : My question was this. In this particular case, they take the Postal Superintendent's jurisdiction as a single unit, and retrenchment is confined to that particular unit. But if they take a bigger unit, say, the whole division, particular individuals may not suffer so much.

The Honourable Sir Frank Noyce : I think, Sir, it will be better for the Honourable Member to put down a question on that subject. I cannot say offhand on what principles the unit was fixed.

Mr. S. C. Mitra : That is clear from part (a) of my question :

“ Is it a fact that for the purpose of retrenchment of staff in the Postal Department, each Superintendent's Division is treated as one unit ? ”

When they really cut the whole division into separate units and apply the rules of retrenchment to each unit, it involves great hardship to many individuals.

The Honourable Sir Frank Noyce : I have already said that I cannot say offhand on what principle the unit was fixed. But I am aware that if the unit is a Superintendent's division and retrenchment is made within the division, some cases of hardship may arise. If the retrenched man had been serving in another division, he would perhaps not have been retrenched. Some unit had to be fixed and the Superintendent's division was chosen. The same hardship would arise if you had a bigger unit.

Mr. S. C. Mitra : May I take it that the Honourable Member will make enquiries and see that the unit is not too small in order to avoid numerous cases of hardship?

The Honourable Sir Frank Noyce : I shall be glad to make an enquiry on the subject, but I very much hope that retrenchment in the Posts and Telegraphs Department is coming to an end.

Mr. S. C. Mitra : My point is that it has not ceased in this Department, and unlike in the other Departments of the Government, retrenchment is going on in the Postal Department even today and will continue for another one or two years. I think that is known to the Honourable Member.

The Honourable Sir Frank Noyce : I hope, Sir, not for years. I hope it will soon come to an end.

Mr. S. C. Mitra : Is it not a fact that the Honourable Member himself has sanctioned and extended the period for this Department, so that the retrenched officers may get their gratuity of forced retirement?

The Honourable Sir Frank Noyce : Yes, but I cannot say offhand for what extended period we have allowed it, but I think it is for the current year.

Dr. Ziauddin Ahmad : The Honourable Member said that the retrenchment will soon come to an end. What is the meaning of “soon”? Six months or one year?

The Honourable Sir Frank Noyce : I merely expressed the hope that it would soon come to an end.

RETRENCHMENT IN THE BENGAL AND ASSAM POSTAL CIRCLE.

544. ***Mr. S. C. Mitra :** (a) Is it a fact that for the purpose of retrenchment of personnel in the Postal Department, the time-scale clerks and non-gazetted selection grade officials, are treated as belonging to one category?

(b) Is it a fact that the posts of Office Superintendent of the Post Master General's Office, Bengal and Assam Circle, and of the Manager, Dead Letter Office, Calcutta, are non-gazetted posts?

(c) Is it a fact that according to Government orders, officials are to be retrenched, when necessary, according to length of service?

(d) Is it a fact that the Manager, Dead Letter Office, Calcutta, having 32 years' service at his back, has been left out, and the officials with less service have been retrenched?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Yes.

(c) The fact is not as stated by the Honourable Member. In this connection, his attention is invited to a copy of the order regulating the selection of individuals for discharge, which was laid on the table of the House, in reply to part (a) of Dr. Ziauddin Ahmad's starred question No. 84 on the 19th of July last.

(d) Government have no information.

UNSTARRED QUESTIONS AND ANSWERS.

STAFF RETRENCHED AND RE-EMPLOYED.

44. **Khan Bahadur Haji Wajihuddin :** Will Government please state the number of ministerial servants and gazetted officers who have been retrenched since 1931 and who have been re-employed or re-instated so far, and give details of employment given to them with special reference to the difference in pay and status?

The Honourable Sir James Grigg : The information desired could not be furnished without a special investigation involving a very large expenditure of time and labour which the results of the investigation could not possibly justify.

SURPLUS PROFITS DERIVED FROM STATE RAILWAYS.

45. **Mr. K. P. Thampan :** Will Government be pleased to state the amount of surplus profits derived from State-owned but Company-managed railways during the last five years?

Mr. P. R. Rau : The information required by the Honourable Member will be found on page 7 of the booklet named "Results of working of Indian Railways for 1933-34", copies of which were circulated to the Members of the House early last month.

LETTERS EXCEEDING THE WEIGHT LIMIT.

46. Mr. Bhuput Singh : Will Government be pleased to state the total number of letters which exceeded the weight limit during the periods April to June, 1933, and April to June, 1934 ?

The Honourable Sir Frank Noyce : I presume that by "weight limit", the Honourable Member means the limit of weight admissible for a letter with reference to the postage stamps it bears. No separate statistics of letters, which are taxed owing to their being insufficiently stamped, are maintained in post offices, and it is not, therefore, possible to furnish the information for which he asks.

CLERKS AND POSTMEN RETRENCHED IN EACH POSTAL CIRCLE.

47. Mr. S. C. Mitra : Will Government please lay on the table a statement showing, Circle by Circle, (i) the number of postmen retrenched up to 30th June, 1934, (ii) the number of postmen to be retrenched up to 30th October, 1934, (iii) the number of clerks with services ranging from one to less than ten years retrenched up to 30th June, 1934, (iv) the number of such clerks to be retrenched up to 30th October, 1934, (v) the number of clerks and non-gazetted selection grade officials retrenched up to the 30th June, 1934, and (vi) the number of clerks and non-gazetted selection grade officials to be retrenched till the 30th October, 1934 ?

The Honourable Sir Frank Noyce : Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

ALLEGATIONS AGAINST THE ACCOUNTANT AND THE ESTABLISHMENT CLERKS OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

48. Kunwar Hajee Ismail Ali Khan : (a) Are Government aware that two brothers, Messrs. Bhawani Charan (Accountant) and Kamaka Charan (Establishment clerk) of the Government of India Press, Aligarh, are running their own press namely "Rose Press" at the Railway Road, Aligarh ?

(b) Are Government aware that they are taking honorary labour from the poor employees of the Government of India Press, Aligarh, and if they (employees) refuse, they have to suffer much at their hands in the office ?

(c) Are Government aware that the men working in their Press (Rose Press) are assured that they will be provided first in the Government of India Press, Aligarh, when opportunity arises ?

(d) Is it a fact that Bhawani Charan (Accountant) is always insisting and compelling the authorities to provide them first ?

The Honourable Sir Frank Noyce : (a) My information is that Messrs. Bhawani Charan and Kamaka Charan are not in any way connected with the Rose Press.

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

MUSLIMS AND NON-MUSLIMS IN THE CLERICAL BRANCH OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

49. Kunwar Hajee Ismail Ali Khan : (a) Will Government be pleased to lay on the table a statement showing the percentage of Muslims and non-Muslims in the clerical branch of the Government of India Press at Aligarh ?

(b) Are Government aware that the percentage of Muslims employed in the clerical branch is far below the sanctioned limit ?

(c) Are Government prepared to take measures to make up their deficiency ?

The Honourable Sir Frank Noyce : (a) According to the latest information I have, the percentage on the 31st December, 1933, was—

Muslims	..	..	..	17
Non-Muslims	..	..	..	83

(b) and (c). No minimum proportion of Muslims in any office has been prescribed. The recent orders of the Government of India, which prescribe a minimum percentage of 25 for the recruitment of Muslims, apply only to recruitment from the date of those orders. These orders will be followed in making future recruitment.

CONVEYANCE ALLOWANCE PAID TO THE HEAD CLERK AND CASHIER OF THE GOVERNMENT OF INDIA PRESS, SIMLA, FOR RECEIVING PAYMENTS OF BILLS FROM THE BANK.

50. Mr. S. G. Jog : (a) Is it a fact that the Head Clerk and Cashier of the Government of India Press, Simla, is allowed to draw conveyance allowance for receiving payments of the bills from the Bank and the Treasury ?

(b) If the reply to above is in the affirmative, will Government please lay a statement showing the amount paid to him as conveyance allowance, month by month, during the last three months and state the rate for every trip ?

(c) Is it a fact that the Treasury and the Bank are on his way to the Office and he gets the bills passed and cashed while going to the office ?

(d) Is it also a fact that on the first of every month an upper grade clerk and a peon accompany him to the bank to draw payments ? If so, will Government please state the amount of conveyance allowance admissible to them ?

(e) If the reply to part (c) be in the affirmative, are Government prepared to consider the desirability of minimising it specially in these days of financial stringency ?

The Honourable Sir Frank Noyce : (a) Yes

(b) May 1934, Rs. 27-0-0.

June, 1934, Rs. 19-8-0.

July, 1934, Rs. 22-8-0.

The rate for each trip is Rs. 18/0.

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

(d) Yes. The upper grade clerk is paid conveyance hire at the rate mentioned in (b) above. No conveyance hire is paid to the peon.

(e) The Controller of Printing and Stationery is investigating the question of reducing expenditure on conveyance hire.

ALLEGATIONS AGAINST THE HEAD CLERK OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

51. **Mr. S. G. Jog :** (a) Are Government aware that the behaviour and treatment of the Head Clerk of the Government of India Press, Simla, towards his subordinates is very unsatisfactory?

(b) Is it a fact that two or three employees dared to bring this to the notice of the Manager of the Press, but they were threatened by the Head Clerk to withdraw their complaints, as otherwise he will put them to great trouble and inconvenience?

(c) Is it a fact that due to the Head Clerk's threats they could not submit their grievances even to the Manager?

(d) Is it a fact that a senior reader (Mr. E. B. Murray) applied to the Manager to permit him to sue in the Court the Head Clerk for some incorrect remarks passed by him against the said Reader on certain papers?

(e) Is it a fact that the Manager of the Press compelled him to withdraw his application?

(f) If the reply to part (a) be in the negative and replies to parts (d) and (e) in the affirmative, do Government propose to appoint an Enquiry Committee to investigate into the matter? If not, why not?

The Honourable Sir Frank Noyce : (a) The facts are still as stated by me in the reply which I gave on the 11th December, 1933, to Sardar Sant Singh's unstarred question, No. 302.

(b) and (c). Government have no information.

(d) Mr. Murray made a complaint against the head clerk under a misunderstanding. The complaint was subsequently withdrawn.

(e) No.

(f) Does not arise.

RELATIVES OF THE HEAD CLERK OF THE GOVERNMENT OF INDIA PRESS, SIMLA, PROVIDED WITH QUARTERS.

52. **Mr. S. G. Jog :** (a) Will Government please state the number of employees in the Government of India Press, Simla, and how many of them are far and near relatives of the Head Clerk of the Press?

(b) Will Government please state the number of employees who have been provided with Government Clerks' Quarters and how many of them are relatives of the Head Clerk?

(c) Will Government please state how many of the Head Clerks' relatives were in possession of such quarters prior to his taking charge of the Press?

The Honourable Sir Frank Noyce : (a) The sanctioned strength is 353. There are five relatives of the head clerk.

(b) 21, of whom three are relatives of the head clerk.

(c) one.

STATUS OF OFFICERS PASSING OUT OF THE INDIAN MILITARY ACADEMY, DEHRA DUN.

53. **Mr. Bhuput Singh :** (a) Will Government please state whether under the proposed Indian Army Act (Amendment) Bill, officers passing out of the I. M. A., Dehra Dun, will be granted the same form of commission as is now issued to British and Indian officers trained at Sandhurst or Woolwich? If not, will Government please state the points of difference between the two kinds of commissions?

(b) Will Government please state the reason against the grant, to the Dehra Dun officers, of the form of commission now granted to British officers of the Indian Army?

(c) Has the attention of Government been drawn to the following paragraph which appeared in the *Statesman* of the 18th July, 1934 :

" Captain Sher Mohammed Khan said the Bill merely introduced into the Army Act the term Indian King's commissioned officer, which did not exist before, but there would be absolutely no difference between such officers and British officers in the matter of command and status. He welcomed the abolition of Viceroy's Commission officers as hitherto a recruit to the Army aspired only to the position of Subedar-Major. After the passage of the Bill a recruit could aspire to the position of Commander-in-Chief " ?

(d) If so, will Government please state whether the above paragraph correctly represents the Government's policy?

Lieut.-Colonel A. F. R. Lumby : (a) and (b). Cadets from Woolwich and Sandhurst receive commissions in His Majesty's Land Forces. Cadets from the Indian Military Academy will receive commissions in His Majesty's Indian Land Forces in the same form as those given to officers of the Indian Air Force and officers of the Canadian Forces. I would invite the attention of the Honourable Member in this connection to the Press communiqué on the subject, issued on the 8th July, 1932.

(c) and (d). It is quite clear from the context, that my Honourable friend, Captain Sher Muhammad Khan, was referring to the Indian Army Act. In so far as he was referring to officers and men of the Indian Army, he correctly stated the policy of Government; for there will be complete reciprocity of command and equality of status between King's commissioned officers and the new Indian commissioned officers within the Indian Army. It is rather early to consider what chances Indian Commissioned Officers will have of rising to the position of Commander-in-Chief; but the Government's policy of complete Indianization of the Army surely presupposes that such officers will ultimately be able to aspire to that position.

I shall try to make the whole position clear when the Indian Army (Amendment) Bill comes before this House again in a few days' time.

TECHNICAL MILITARY CLERKS EMPLOYED IN THE MASTER-GENERAL OF THE ORDNANCE BRANCH.

54. Mr. Bhuput Sing : (a) Is it a fact that in the M. G. O. Branch of the Army Headquarters a technical military clerk, drawing pay at Rs. 600 per mensem, is employed as a general telephone clerk ? If so, why ?

(b) Are Government prepared to institute an inquiry to see whether in the M. G. O. Branch, technical military clerks drawing high pay are employed on purely routine non-technical duties ? If not, why not ?

(c) Will Government please state the duties of M. G. 5 in the M. G. O. Branch, and the total *monthly bill* including officers' salaries, for running this Section ?

Lieut.-Colonel A. F. R. Lumby : (a) I am afraid the Honourable Member has again been misinformed regarding this Branch of Army Headquarters.

(b) No, Sir. No technical military clerk is employed in the M. G. O. Branch on purely routine non-technical duties.

(c) A statement is attached showing the duties of Section M. G. 5: The total monthly cost, including officers' salaries for running that Section, is approximately Rs. 6,000.

Statement showing details of duties of M. G.-5 in the M. G. O. Branch, referred to in part (c) of unstarred question No. 54 in the Legislative Assembly.

Section M. G.-5.

Details of duties.

- (1) Questions of general policy affecting more than one directorate of the Master-General of the Ordnance Branch and Co-ordination between branches and directorates.
- (2) Representation of the Master-General of the Ordnance Branch on Army Headquarters. Exercises, so far as staff work is concerned and on Committees dealing with the branch as a whole.
- (3) Co-ordination of replies to Legislative Assembly and Council questions affecting policy in the Master-General of the Ordnance Branch.
- (4) Distribution of information from other branches of Army Headquarters.
- (5) Matters affecting the branch at Principal Staff Officers, Military Council and Mobilization Committee Meetings.
- (6) (a) Calculation of war wastages and fixation of peace holdings of Ordnance stores and clothing, and in the case of Lethal stores and ammunition submission of these calculations to the Mobilization Committee and Principal Staff Officers, where necessary.
- (b) Responsibility for representing to the General Staff, Mobilization Committee or Principal Staff Officers the Branch requirements in money to make good shortages in peace holdings for mobilization, and for expending funds allotted accordingly.
- (c) Notification to Ordnance factories of output required from them in war. Co-ordination of arrangements for supply from other sources of requirements which cannot be met by the Ordnance factories. This includes the preparation and distribution to all concerned of standing war indents for Home, India Store Department (India), Ordnance Factory and trade items.
- (7) Maintenance of the Branch War Books.
- (8) Distribution and Annual return of Secret documents.

- (9) Based upon information from Director of Ordnance Services, Director of Ordnance Factories and Director of Contracts maintenance of "form at a glance" statements showing the position as regards meeting the ordnance requirements of the Army in the case of New Demands or special purchases for other Branches and in time or war of items of vital importance.
- (10) Preparation of weekly reports for His Excellency the Commander-in-Chief and other branches of important letters and important decisions during the week.
- (11) Co-ordination of new demands for the Branch.
- (12) Arranging Master-General of the Ordnance's tours (excluding matters connected with Travelling Allowances, etc.) and action on tour notes.

IMPORTATION OF SUPPLIES OF ARMS AND AMMUNITION BY LICENSED DEALERS FROM ONE PLACE TO ANOTHER.

55. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that licensed dealers in arms and ammunition, who keep for sale their stock of Arms and Ammunition, are *not* allowed to import their supplies from one place to another without an export license which is only granted on payment of Rs. 10 ?

(b) Is it a fact that Shikari license holders in British India are allowed to get their supplies from other stations in British India without an export license or payment of any fee ?

(c) If replies to the above questions be in the affirmative, are Government prepared to consider the advisability to apply one and the same principle in both the cases ?

The Honourable Sir Henry Craik : (a) It is presumed that the Honourable Member is referring to the transport of stocks of arms and ammunition by licensed dealers from one place in British India to another. Such transactions have to be covered by a transport license the cost of which is Rs. 10.

(b) A private licensee can obtain arms and ammunition in reasonable quantities for his personal use from any place in British India without taking out a transport license.

(c) No. The two transactions are different in nature. The licensed dealer transports stocks of arms and ammunition usually in bulk, for the purpose of sale for profit : the private licensee obtains supplies in small quantities for his own use.

SHORT NOTICE QUESTIONS AND ANSWERS.

MOVEMENTS AND WHEREABOUTS OF MR. R. N. CHAWLA, INDIAN AVIATOR.

Mr. S. G. Jog : (a) Are Government aware that Mr. R. N. Chawla, aviator of great fame, left India for a world flight ?

(b) Are Government aware that his recent movements and whereabouts are not known ?

(c) Are Government aware that the whole of India is anxious to know of his whereabouts ?

(d) Do Government propose to make prompt inquiries about his whereabouts and inform this House and the public about his whereabouts.

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and henceforth to keep the public in touch with his movements from time to time ?

The Honourable Sir Frank Noyce : The statement which has appeared in the Press this morning, to the effect that Mr. Chawla arrived in London on August the 5th, renders a detailed reply unnecessary, but I wish to take this opportunity of stating that the anxiety which was expressed on Mr. Chawla's behalf was quite unnecessary.

Government made enquiries of the other Governments on the route and ascertained that Mr. Chawla left Alexandria on the 30th July, having failed to notify any authority that he had changed his original plan to fly via Cairo. Mr. Chawla has just flown over a well-organised air route, which has been flown by hundreds of similar small aircraft during the last seven years and most of which is traversed by pilots of the regular air services almost every day. The route is equipped with wireless stations and it is not possible for an aeroplane to disappear or to remain out of touch with civilisation without the aviation authorities and the Press in the locality being aware of the fact. Had there been any necessity, the aviation authorities concerned would have communicated with the Government of India.

It will be understood that Mr. Chawla's movements hardly arouse the same interest outside India, as they do in this country. Consequently, his failure to inform any one, until six days after his arrival in London, has caused a great deal of unnecessary trouble to the administrations of several countries on the England-India route.

RELEASE OF PANDIT JAWAHAR LAL NEHRU.

Mr. Gaya Prasad Singh : Do Government propose to take any step to release Pandit Jawahar Lal Nehru, in view of the serious illness of his wife, Mrs. Kamla Nehru, about which I have received the following telegram, dated the 10th August, 1934, from Dr. Atal, Anand Bhawan, Allahabad, which I am forwarding in original to the Honourable the Home Member :

" I have sent the following wires to the Home Member United Provinces Government and Home Member Government of India (stop) I was sent for from Lucknow where I ordinarily practise to treat Mrs. Kamla Nehru who is wife to Pandit Jawahar Lal Nehru, and is also related to me (stop) Local Doctor Jairaj Behari and I am clearly of opinion that owing to complications her illness which is of pleurisy has already become serious. I am wiring to inform you so that you may take whatever action you may deem fit and proper under the circumstances (stop) Further she had severe coughing bout yesterday and heart attack today which assumed alarming aspect (stop) As her husband is political prisoner I have considered it my duty to inform you. My colleague Doctor Jairaj Behari agrees with me."

The Honourable Sir Henry Craik : The question is really one for the Local Government to decide, but the Government of India are in communication with the United Provinces Government on the subject. The Local Government's answer is still awaited, but, by the courtesy of the Simla representatives of the Associated Press, I am in a position to inform the House that the Associated Press, Allahabad, was informed late last night by the District Magistrate of Allahabad, that Pandit Jawahar Lal Nehru had been released temporarily on account of his wife's

illness. (Applause.) It appears that Pandit Jawahar Lal Nehru arrived at Allahabad last night, and went to the house in which his wife is lying.

Mr. S. G. Jog : May I know whether his release is temporary ?

The Honourable Sir Henry Craik : Yes, temporary.

THE INDIAN IRON AND STEEL DUTIES BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Joseph Bhole (Member for Commerce and Railways) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel.

THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by the Honourable Sir Henry Craik on the 7th August, 1934 :

" That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration."

The Chair takes it that all Honourable Members have now been supplied with copies of the Assam Criminal Law Amendment Act. (Voices : " Yes.") In order to avoid the kind of difficulty that has been experienced by Honourable Members in the past, the Chair has arranged, in consultation with the Legislative Department, that in future, whenever there is a Bill to amend or supplement a local Act, the Legislative Department will supply to the Assembly Department a copy of the original local Act, which will be printed and supplied as an annexure to the Bill before the House. (Applause.)

Mr. T. R. Phookun (Assam Valley : Non-Muhammadan) : Sir, I rise to oppose the motion. In doing so, I have no intention of inflicting a speech on you at this fag end of my legislative career.

Some Honourable Members : No, no.

Mr. T. R. Phookun : I oppose the Bill on two grounds. In the first place, it is against the spirit of law and sense of justice. My second ground is that it is absolutely unnecessary, having regard to the facts that are mentioned. Sir, my Honourable friend, Sir Syed Saadulla, has trotted out the familiar argument that is generally done in introducing repressive measures of this kind. " In the public interest "—that is the reason put forward, not in the interest of the Government, nor it is merely the intention of the Government—but they say " in the public interest ". He said further : " I cannot divulge either the quantum or the quality of the evidence which was placed before us ", that has always been the Government excuse. Now, Sir, however clever a judge might be, and however efficient an officer may be, or whatever his position might be, it is almost impossible for them to distinguish between fabricated and genuine evidence unless it is carefully

[Mr. T. R. Phookun.]

tested by clever cross-examination. The Honourable the Home Member was visibly perturbed when he controverted the truth of the statement made by my Honourable friend, Mr. Neogy, regarding the affairs of the Dacca riots. May I ask why he could not calmly accept the evidence tendered by such an honourable gentlemen as Mr. Neogy? I suppose he found it very difficult to accept it unless it was tested by cross-examination, and he must have considered that this is not the right place either to proceed to test it or that he was not personally very competent to do so. Why could not the Honourable the Home Member accept the challenge which had been thrown and which was thrown to publish the Nelson report? There, again, I presume, he thought that there were certain materials which, if tested by cross-examination, will not stand and there might be other evidence which, when tested, will go to support the statement made by my Honourable friend. In these circumstances, it is always unfair to the person to presume that there is sufficient evidence for detention where we are not competent to judge it without cross-examination. Two judges or high officials are unable to distinguish between fabricated evidence and genuine evidence, unless tested. It offends the very principle of law and sense of justice that a man should be imprisoned, detained for all times on the evidence that is tendered and which is not tested. If you have sufficient evidence, if you are absolutely convinced of the nature and the quality of the evidence, why cannot you place it before a judge? You say you cannot do it in the public interest.

Khan Bahadur Mian Abdul Aziz (Punjab : Nominated Official) : It is done because of the safety of the witnesses. So many witnesses have been done to death.

Several Honourable Members : How many?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Will the Honourable gentleman please read the Act before he says anything? It is provided in the Assam Criminal Law Amendment Act itself that the witnesses may be protected by taking the evidence *in camera*. Please read the Act before you criticise others.

Khan Bahadur Mian Abdul Aziz : I was not referring to that. I was only answering the question about the disclosing of the names of witnesses and why those people were not brought forward. I give only one instance. In one day a released Babbar Akali convict shot eight people within a few minutes including three who had given evidence against him. This was after his release.

Mr. T. R. Phookun : May I tell my Honourable friend that evidence is tendered times without number before Special Tribunals, and, I ask, in how many cases accidents or incidents like the one he has described have happened? Very few. If Government cannot disclose the evidence, there is bound to be honest suspicion in the minds of the people. You do not want to give out the evidence, because you find that it will not be sufficient and that it will not be enough to secure a conviction. Clever lawyers might dissect it and tear it into pieces. I concede it may not be so. It may be that the evidence is true, but until it is tested, we lawyers are bound to look upon it with suspicion and that is possibly the reason why High Court judges have refused to have anything to do with giving a verdict

on untested evidence. Sir, it is not a question whether the Habeas Corpus Act or the jurisdiction of the High Court can be curtailed. Certainly, it is within the competency of this House to do so. It has been done in this country. It has been done elsewhere, but my question is,—is it right, as it necessary, to curtail the power, because there have been a few dacoities? I think it is a bad principle. It makes the people suspicious, and the suspicion leads to mischievous acts. This practice is not followed in many countries. It is only in India that this practice has been generally adopted. We are told that, if you disclose the name of the witness, the accused will come and shoot him. There have been one or two instances of this kind in India, and that has happened not only in India, but elsewhere also, but that does not justify a general action of this nature which I consider to be very very repressive in its nature. To detain a man for any length of time without any trial whatsoever, is very offensive to the general sense of justice. Sir, I take it that there is a provision for *camera* trial in the Assam Act also. Why is that not availed of in which case the witnesses will be safe?

Sir, coming to the facts, I may say that, so far as my part of the country is concerned, in regard to political agitation, we have been worse than school boys—not even gone to the extent of frightening anybody who has dared to differ from us in their views (showing a toy pistol) even by a show of this tiny little thing which is sold in the market. This is a thing which I picked up here somewhere. I have not even heard a cracker drawn across the table even during the Christmas week to frighten a nervous Government official, and yet Government have thought it fit that we should be repressed by this repressive measure. Well, Sir, I thought always that it is best to allow sleeping dogs lie, lest exaggerated and enthusiastic feelings lead to disastrous results. I shall try to illustrate it by a common story which is current in Assam. There was a party, consisting of men, women and children, who were crossing the Brahmaputra in a rather small-sized craft. In the company and on that boat was a man who was slightly demented. When everything was going on smoothly, when he was quite happy in his own meditation, a garrulous old lady, unable to resist the temptation of talking, addressed that man and said,—“My dear man, I hope you will not over-turn the boat”. On that the man said,—“Well reminded, my lady” and so saying he over-turned the boat. (Laughter.) So over-enthusiasm does not always lead to the expected results. I think that Government might have waited before they produced this piece of repressive legislation. Now, if you say, “well, so far as your part of the country is concerned, it is all right, but what about the other part of Assam, that is, Sylhet, where my Honourable friend, Mr. Abdul Matin Chowdhury, hails from”—no aspersion on him though Government do insinuate that “we cannot divide the Province into two parts and make one law for one part and another for another part”. That means—“give the dog a bad name and hang him”. So far as we are concerned, if you really think that things are so dangerous in these other parts, why not separate those parts that lie contiguous to Bengal? Bengal, I take it, will then be very much pleased to have them. (Hear, hear.) Why not do that? Some people from Sylhet, who had been very anxious at one time for their being joined to Bengal, have now realised that they are better off in Assam than they might be in Bengal! (Laughter.) They are I daresay, by culture, more allied to Bengal and would be better placed there.

[Mr. T. R. Phookun.]

I think we have given very little trouble to the Government so far, but I sometimes begin to feel that perhaps if we gave them as much trouble as Bengal did, we might have got what we wanted,—anyhow that is the spirit which sometimes comes to me, because we have mostly behaved like quiet school children so far and that we will be given good conduct prizes. Sir, I am one of those Congressmen who have always been against any violence and this has been the case with my valley people generally, yet—because the Congress in Bengal was declared illegal, the Assam Government extended the courtesy to Assam also, in spite of the fact that there was no violence whatsoever there. Coming to the merits of the case, what are the facts? There were a few dacoities, and that is all. But, Sir, I do not know how these dacoities can be called political. The reason insinuated is that they are committed by the *Bhadralog* class. Now, how are they connected with the *Bhadralog* classes? Oh, because the dacoits were dressed in “clean clothes, they must be *Bhadralogs*”, as if dacoits could not use clean clothes to pass themselves off as *Bhadralogs* and, as if some members of the *Bhadralog* classes could not commit such offences under the stress of economic depression or through criminal intention or through criminal tendencies. I find no good reason why such dacoities should be labelled as “political”. What is more, Government call these political dacoities because they are committed with the help of revolvers and other dangerous weapons! Sir, I think, it is a sign of civilization in all countries to commit dacoities with guns and revolvers, and, where dacoities are perpetrated, they usually do use offensive and defensive weapons,—and they will unfortunately not be deterred by the fact that people sleep with revolvers under their pillows, or adopt repressive measures. Sir, wherever there is a dacoity, there is bound to be violence; otherwise it will surely be called a “theft”, and so the mere fact of the use of a revolver or a spear or some other dangerous weapon in the commission of a dacoity would not *ipso facto* make that a “political” offence. There is nothing I find in the Assam Provincial Council debates to show that there have been any political dacoities. If that is so, the ordinary law should be quite enough to tackle the ordinary dacoity cases just as they were done in other parts of India and elsewhere. Why should you consider such offences to be invariably political offences necessitating the bringing in of such a drastic measure as this?

My friend, the Honourable the Home Member, might say, “well, my friend, if you do not want the Bill, you lose the right of appeal; we are giving that to you”. To that I say, “the sting of the scorpion is always in the tail” and that does not make the insect any the less dangerous. While you are giving that right of appeal, which we think you ought to, you are also introducing another clause which deprives us of a fundamental right, and, therefore, Sir, I am bound to oppose it, otherwise I certainly would have welcomed the first portion where you give a right which you ought to do in the ordinary course. Sir, I say the non-official view has been entirely against this measure. There have been, Sir, a few dacoities, that is all, and no wonder, they have only recently unhappily started in these times of economic stress, but there is no reason why they should all be dubbed as “political” crimes. Reference is made to “subversive movements”. Such dacoities do not lead to subversion of the Government—for bombs were not used, not an official was attacked, nothing very outrageous was committed. They are, to my mind, mere dacoities for per-

sonal gain. Sir, these dacoities are enumerated within the space of a mere paragraph. On page 2 of the Assam proceedings, it is said:

“Since 1931, a regular series”—not a series merely—“of crimes perpetrated by a party of terrorists have disfigured the fair name of the Province, and since that year, the number of guns stolen have reached very high limits”

“With these guns, they have not, it would appear, shot anybody *who was against the Government*—they have simply committed dacoities with them—how do you then call all these political dacoities?

“Then, in January, 1931, there was a mail robbery or a dacoity in which Rs. 3,426 were stolen.”

Now, it alarms the Government that such an amount of money is collected! That this money must have been,—thanks to the unselfishness of these dacoits and the lack of any motive of personal gain,—must have been utilized for the country's cause, that it must be utilized for the purposes of some Association having subversive movements as their objects! Sir, these are the all too easy conclusions drawn from the mere fact that there have been a few dacoities.

An Honourable Member: Who was speaking on behalf of Government?

Mr. T. R. Phookun: Sir Muhammad Asaadullah, the Judicial and Home Member of Government.

Then, in 1932, four masked men entered the mail van of a passenger train of the Assam Bengal Railway, they over-powered the attendant with daggers and iron bars and looted all the mail bags.

Sir, these are all the instances—these are the three or four dacoities, in which the largest amount stolen was Rs. 3,000 odd!

I say, Sir, there is not the least justification for this measure on such grounds merely. If there had been any iota of evidence to connect these dacoities with political or subversive movements or such-like purposes, that would have been mentioned. We do not find anything here; there was just this much in the general discussion to show that there were a few dacoities, and the fair name of Assam was being tarnished, and, therefore, there was urgent necessity for bringing in this measure—I suppose that will enhance the fair name of the Assam Government. The Bengal Government have done it, and, therefore, Assam must be saved by the introduction of such a measure to save her fair name! What logic! By its introduction, I take it, Government expect that all dacoities will cease. I am afraid that is expecting too much. Sir, as promised, I would not detain the House for long. Sir, the argument that would possibly be adduced for suspending the writ of Habeas Corpus is that it is not possible for them to disclose the names, because they are afraid that the witnesses may be murdered. Government will assure the House that the evidence before them had been carefully sifted and that they were convinced that the case was a true one, but they cannot let you see it. As an evidence of good faith, my friend, Mr. Neogy, suggested that the Law Member, who is a Government Member and who cannot be suspected by Government, might be deputed. But, I suppose the Government's idea is that after all he is an Indian, and if you scratch him a little deeper, you would find him to be a nationalist. The Law Member may be competent enough to give legal opinion, but in judging his countrymen he may not be trusted to that extent. So, Sir, even he is not trusted by Government.

[Mr. T. R. Phookun.]

Sir, we suggested the name of a person with a big reputation and whose legal intelligence cannot be challenged and who might have been able to find out the truth even without cross-examination, but our suggestion has not been accepted. Of course, we are out of the question. It would have given us some satisfaction if our suggestion had been accepted and, instead of giving it to the official Sessions Judges, it might have been given to a lawyer. Sir, a judge may or may not be a lawyer, but a lawyer who is independent in his views would certainly be able to scrutinize and sift the evidence better. Therefore, our suspicions will continue to remain there as long as you do not do away with this practice.

I, therefore, on behalf of my country and, on my own behalf, oppose this Bill which is repressive in its nature and which is against the principles of law and justice. I am sure, my Honourable friends will extend their sympathy to Assam and discuss this measure. I would have continued for a little longer more, but I know that Government are in no mood to listen to friends. I, therefore, consider it an absolute waste of time and energy to try and convince the Government, or the gentlemen who have subscribed to the principle of the Government of terrorising the people lest they should become terrorists. (Non-Official Applause.)

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, it was somewhat touching to hear the Honourable the Home Member's concern, which he expressed on Tuesday last, for the right of appeal of people who have already been convicted by Special Tribunals of heinous offences. His attitude on that occasion was in strange contrast to that which he displayed on the previous day, that is to say, on Monday, when he asked this House to pass a measure perpetuating a system of banishment for people who are incarcerated on the merest suspicion and who are not given a proper chance of having their say before a properly constituted Tribunal or Committee. In the present instance, the House must remember that we are dealing with the right of appeal of persons who have been convicted of heinous offences mentioned in the Schedule to the main Act, and in the other case we were dealing merely with suspects. I do not know on what grounds my Honourable friend is going to justify the disparity in his interest as between these two classes of people. They have set up Special Tribunals consisting of three judicial officers, who are very competent, I take it, from the Government point of view.

I am not going to criticise the constitution of the Special Tribunals, though I remember the somewhat irreverent language that was used for the purpose of describing them in the Bengal Legislative Council by a very prominent Muslim Member not very long ago. I am not prepared to discriminate in this manner between these two classes of people, the first class being of persons who are merely suspected of complicity in the terrorist movement, and the other class consisting of people who have been convicted by a very competent body of Commissioners and convicted of definite overt acts in furtherance of their policy of terrorism. Now, Sir, judging from the practical point of view, again, is this right of appeal a very valued one? I do not know whether there have been many cases yet in Assam under the new law, but if our experience of what has taken place in Bengal is of any use to us, I can tell this House that if any judicial Court were to pronounce a verdict of "not guilty" in favour of a person accused of a terrorist crime, he would almost invariably be pounced upon on his acquittal by the police and incarcerated for an

indefinite period of time. Perhaps my Honourable friend is in a position to give this House the number of cases in which people who have been acquitted after proper trial, either before Special Commissioners or before other Courts of justice in Bengal, during the last few years, have not been dealt with under what they call the preventive sections of the law and detained for an indefinite period as suspects? Now, Sir, I do not know whether, while providing this right of appeal for the benefit of the accused persons, who have already had a regular trial before a body of Special Commissioners, we are doing any good to them, because, if they are convicted and sentenced, the sentence, unless it is a capital sentence, is to run up to a particular point of time and the persons against whom the sentence is pronounced know that they will be in the jail for a definite period of time and that they can look forward to their liberty after that period is over. But supposing any such person succeeds in appeal, and that, I take it, is the main reason or justification for providing an appeal in such cases, that is to say, we want to give the best chance to the accused person, supposing he is in a position to get an acquittal from the appellate Court, which is the High Court in this particular case, can my Honourable friend give us a guarantee that a person so acquitted on appeal shall be allowed to enjoy his liberty? I do not know whether, so far, anybody has at all been acquitted on appeal by the High Courts, but it has become almost the rule rather than the exception to immediately arrest a man on his acquittal and then spirit him away for an indefinite length of time. It was only the other day, three or four days ago, that we were reading in the newspapers that a particular man had been acquitted by a body of Special Commissioners in Bengal, and that, immediately after his acquittal, he was re-arrested under the so-called preventive provisions of the Criminal Law Amendment Act.

Now, Sir, I had the opportunity of having a talk with a judicial officer who has since retired. He said that never before in his life did he feel so humiliated as he did when, on a particular occasion, after he had acquitted a person, implicated in a terrorist crime, he was re-arrested to be spirited away for an indefinite length of time. That is the way in which the Honourable Member's Government and the Provincial Governments have been undermining the people's respect for the British judicial system which had so far acted as the bulwark of the British Government in this country. Now, Sir, I want to save the High Court from this humiliation. It is enough that the subordinate judiciary has to suffer this humiliation, and I should do nothing, if I could help it, to put the High Court to the same humiliating conditions to which the Government are almost everyday subjecting the subordinate judiciary in this matter. I want to raise another point. Are we so very sure of the independence of the High Court itself in regard to political cases? I speak with great trepidation in this matter when I refer to the Calcutta High Court, but I have the definite authority of my Honourable friends, Mr. Mitra, Mr. S. C. Sen and Pandit Sen, who are all present here, to say that since Sir Lawrence Jenkins left the Calcutta High Court, it does not enjoy the same amount of public confidence, at least in political cases, as it did before. (Hear, hear.) Now, Sir, I am further reinforced in this particular point by the discussions which I saw in the proceedings of the Bengal Legislative Council when an eminent lawyer of the name of Mr. N. K. Basu—the President of the Bar Association—questioned the independence of the High Court as at present constituted. I notice my Honourable friend,

[Mr. K. C. Neogy.]

the Home Member, taking very diligent notes of this particular point (Laughter), and I am going immediately to ask him his assistance in understanding a very significant speech which was made by Sir Shadi Lal on the day he retired from the Bench of the Lahore High Court, and I am going to quote a few sentences from that speech, and I should like my Honourable friend, the Home Member, to assist me in understanding the real import of that speech. I think the Honourable the Home Member is the best qualified man to do that because of his long association with the Punjab. Here I may assure the House that what I am going to read out was not stated by Sir Shadi Lal on an after-dinner occasion. It was not the post-prandial kind of pleasantry which is sometimes uttered under spirituous influence. This was a very serious occasion. The Honourable the Chief Justice was retiring on that very day after a very meritorious career as the Chief Justice of the Lahore High Court, and all the Judges were assembled in the Court Room, and all the members of the Bar were assembled there. It was in reply to the addresses that were presented to him on that occasion that he made this speech, and I am assured that he spoke from written notes.

The Honourable Sir Henry Craik (Home Member) : What was the date ?

Mr. K. C. Neogy : I am reading from a newspaper, dated 9th May, 1934, probably the speech was made on 7th May. It was a long speech, and I do not want to trouble the House with the whole of it, but I shall refer only to certain portions. Sir Shadi Lal referred to certain statements made by Sir John Simon with reference to a political case in England where Sir John Simon stated that that case afforded an illustration of the liberty enjoyed by the British people. Then, Sir John Simon goes on to say :

"Here was a man"

—all this is taken from the speech of Sir Shadi Lal.—

"Here was a man who had been sentenced and who was opposed to the whole system of the Government of his country, but who, none the less had a perfect right to resort to the ordinary courts of the land against a high official whose subordinate had made what in my view was only a mistake without malicious intent : and yet, without question, the law of England, which is administered impartially for everybody, awards him a compensation in exactly the same way as though he was a favoured member of society."

This was what Sir John Simon stated, and after giving this quotation, this is how Sir Shadi Lal proceeded :

"Would it be improper to ask what would be thought of a Judge in India who, imbued with the traditions of British justice, acted in a similar manner ? Would he not, thereby,"

—I want my Honourable friend's particular attention to this,—

"Would he not, thereby, subject himself to disfavour, and even resentment, which would be manifested in no uncertain manner ? These and other disadvantages have sometimes to be borne *sub silentio* by a person who is true to the oath which he solemnly takes on accepting the office of His Majesty's Judge."

Shall I repeat the last sentence again for the benefit of my Honourable friend ?

"These and other disadvantages have sometimes to be borne *sub silentio* by a person, who is true to the oath which he solemnly takes on accepting the office of His Majesty's Judge."

Then, he proceeds :

"He has to follow the doctrines of the British Justice embodied in the memorandum which was prepared about two years ago by the Judges of His Majesty's Supreme Court of Judicature in England. The Judges 'occupy', states the memorandum,"

—This is a quotation from the memorandum—

"a vital place in the constitution of this country. They stand equally between the Crown and the Executive, and between the Executive and the subject. They have to discharge the gravest and most responsible duties. It has for two centuries been considered essential that their security and independence should be maintained inviolate. It was long ago said that there can be no true liberty in a country where the Judges are not entirely independent of the Government and the soundness of the remark has never been questioned."

Here ends the quotation from the memorandum of the Judges of the Supreme Court in England. Now, Sir Shadi Lal proceeds as follows :

"This is an authoritative pronouncement to which no reasonable person can take any exception. It is, however, said,"

—I do not know by whom,—

"that these doctrines of the English constitution cannot find full scope in this country where there are peculiar circumstances which tend to impair the independence of the Judiciary. On principle I am unable to see any valid ground for making such distinction, and I trust that no Judge of this Court will ever depart, in the slightest degree, from the solemn promise which he makes before entering upon the execution of the duties of his office, even if he is subjected to personal disadvantages."

I do not want to give any further quotation from his speech, but if my Honourable friend wants the full text, I am prepared to send it across the floor of the House. What interpretation are we to put upon some of the significant passages of this speech ? That is what I want my Honourable friend to tell this House. Now, Sir, as to what interpretation responsible opinion in the country places upon the speech would appear indirectly from the fact that at the very next Session of the Punjab Legislative Council, which was held on the 27th June, 1934, in this very Chamber, a friendly Non-Official Member, I should not like to name him, was asked to put some kind of what we call leading questions, and this is his first question :

"Will the Honourable Member for Finance,"

—I do not know what concern this question has with Finance, however,—

"Will the Honourable Member for Finance please state whether Government are aware that on 7th May, 1934, Sir Shadi Lal, lately Chief Justice of the Lahore High Court had in reply to the addresses of farewell presented to him on behalf of the Bench and the Bar mentioned certain difficulties of the Judges ?"

Answer—"The reply is in the affirmative."

Then followed some more questions as to whether these allegations were true, and things like that. I need not trouble the House by going into these questions; and the answers, as expected and perhaps as arranged, were in the negative ; that is, that there was no such interference so far as the Government of the Punjab were concerned.

Now, Sir, that is not the way to dispose of such a matter,—it is not such a simple thing. Here was a man who had been chosen very deliberately to occupy the very responsible position of the Chief Justice, and he was the first Indian to be chosen for a permanent appointment of Chief Justice. And there is no doubt about it that so long as he was on

[Mr. K. C. Neogy.]

the Bench, Sir Shadi Lal did the fullest justice to the confidence that was placed in him. And it was after the completion of his term of office when he was chosen to occupy a far more responsible position, that of one of His Majesty's Privy Councillors, that he made those statements. It will not do for my Honourable friend to get up and say, "Well, these are malicious lies; these are wicked lies". I think my Honourable friend's parliamentary training tells him that these expressions are to be used, and can be used with impunity, only with reference to Non-Official Members, and I daresay he is not going to use such language with reference to Sir Shadi Lal. I should very much like to know from him what interpretation he is going to put upon it. The country at large has put one definite interpretation, and that is that you cannot definitely say today that in regard to political cases the High Court enjoys the same kind of independence perhaps as in tuppenny-hapenny matters of civil litigation or other cases of a similar character. Sir, as for all these various reasons I do not consider the right of appeal to be a valued right, I am not prepared to support such a measure.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, like my Honourable friend, Mr. Phookun, I am also opposed to this motion. Generally speaking, I should be inclined to give my support to any measure that Government may choose to bring forward to combat terrorism in this country. But I am opposed to this measure, particularly because I think that circumstances in Assam did not justify the passing of that Assam Criminal Law Amendment Act, nor does it justify the passing of this measure which is before us today. Assam, Sir, is more or less a very peaceful Province. Unlike Bengal, our Province is not saturated with terrorism. I think Government themselves will admit that, in the whole of the Assam Valley Division from which my Honourable friend, Mr. Phookun, comes, the entire population, both Hindus and Muslims, have scrupulously kept away from participating in the terrorist movement. Mr. Phookun says that they have been behaving like schoolboys, and the implication probably is that people from my part of the country, Sylhet, are not behaving as they are expected to behave. Sir, these Assam Valley districts comprise six out of the eight plains districts of Assam, and all the hill districts are absolutely immune from all traces of terrorism. I admit that it is only my own district of Sylhet where the terrorists have been able to secure a few recruits. But for dealing with this handful of young men to bring in a measure like this one, trenching upon the personal liberties and rights of the entire population of the Province is absolutely unwarranted. It is like bringing a Nasmyth hammer to crush a fly. The enactment of extraordinary measures like the present one presupposes conditions which are absolutely absent from Assam. You can justify extraordinary measures on the ground that the situation is abnormal, but I maintain, Sir, that the situation in Assam is practically normal. Unlike the Province of Bengal where the district officials like the District Magistrate and the District Superintendent of Police and other officials live in constant danger of their lives, do not usually stir out unless accompanied by armed guards and whose bungalows are guarded like castles, in our Province the officials live a fairly tranquil life. No route march by the military is necessary in our Province, no vigilance committee is necessary in our province. It is only, as I said, my own district of Sylhet

where they have been able to secure a few recruits. But, that extraordinary precaution, which is necessary to be observed in Bengal for the safety of the officials, is not necessary to be observed even in that district. I will give you one or two very simple instances. Last time when I was at home, the District Magistrate of Sylhet came to our village to preside over a prize distribution ceremony. He travelled by road unaccompanied even by a *chaprasi*, in broad daylight, without the least fear of molestation; and he is doing it every day of his life. Then on another occasion, there was a tornado in the town of Sylhet. The District Magistrate went out at night making inquiries from house to house as to what damage had been done by the tornado. That only shows that our normal life is absolutely unaffected by the acts of terrorism by a handful of young terrorists. I do not deny that there have been cases of political dacoity in our district. But may I ask, which Province in India is free from these isolated acts of violence by these terrorists?

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muhammadan) : Madras.

Mr. Abdul Matin Chaudhury : My friend, Mr. Uppi Saheb, says, Madras. I think, very recently a political dacoity was committed at Ooty looting a bank there; and in Rajahmundry, if I am not absolutely mistaken, there have been cases like that.

Mr. B. Das (Orissa Division : Non-Muhammadan) : There is no political dacoity in Orissa.

Mr. Abdul Matin Chaudhury : As regards Bihar and Orissa.—I speak subject to correction,—my own impression is that more political dacoities have been committed there than in the Province of Assam.

Mr. B. Das : Not in Orissa.

Mr. Abdul Matin Chaudhury : Then, again,—I speak subject to correction,—I think the towns of Benares and Cawnpore harbour more political revolutionaries than the entire Province of Assam. And even in the Province of Bombay, we have had outrages at Poona, and bombs were discovered in Bombay City itself. So if in all those Provinces these extraordinary measures were not necessary, why should you single out Assam in particular? In our Province, Sir, as I said, we are a very peaceful and law-abiding population except that there have been a few cases of stray dacoities here and there. Our support to this motion will amount to the admission that the position in our district is quite as bad as they are in Bengal. We are not prepared to make that admission and I oppose this motion.

Sardar Sant Singh (West Punjab : Sikh) : Sir, the only justification for such a piece of legislation is the existence of the terrorist movement in some parts of India. It has been admitted on the floor of this House that this movement has now been in existence for the last 30 years. During this long period various powers have been asked for and granted to the executive to put down this movement; but the history of the legislation shows that the more the repressive powers, the more has this movement flourished under this repression. It was probably due to this fact that Sir Harry Haig in his last speech on the Bengal Criminal Law Amendment Supplementary (Extending) Bill said :

"I wonder if we remember that this conspiracy has been going on for nearly 30 years. Each time, when the conspiracy has been brought under control, the

[Sardar Sant Singh.]

powers have been surrendered and the organisation has started working again. It is easy to be wise after the event, but looking back it may seem that this has been a fundamental mistake in the policy of Government in the past, a mistake into which they have been led by precisely those arguments of optimism and confining our action to the very minimum required, which we shall no doubt hear in this debate. I have said it is easy to be wise after the event, and therefore, a heavy responsibility rests on those who, even after the event, refuse to be wise, who misunderstand and reject the teachings of experience."

The policy laid down in this expression of opinion by the ex-Home Member is very clear, very definite and very precise. I wonder if the occupants of the Treasury Benches have realised the significance of this expression of opinion by an experienced Home Member like Sir Harry Haig. What does it teach? It has certain implications behind it, and the implications are that the Treasury Benches should not listen to the arguments of optimism which are advanced from this side, in order to modify their policy of putting down the terrorist movement by executive action. May I ask them, are they following this policy? Are they refusing to be wise after the event? If this policy of going midway between the rule of law and the rule of executive has failed in the past, why should they permit themselves to be persuaded to put forward a piece of legislation which is a wavering legislation, which leads to indecision of policy of the Government? I would rather suggest in my own humble way to the occupants of the Treasury Benches that they should follow the uncompromising attitude of Khan Bahadur Mian Abdul Aziz—I am afraid he is not in his seat just now—or Chaudhri Lal Chand, and put down the movement with a strong hand. We are familiar with these arguments. The happenings in mid-Europe today reinforce the arguments of the advocates of repression. History is repeating itself again. The democratic principle of equal opportunities for all under just laws no longer holds good there. The man in power today makes a short shrift of his opponents. What did the Czarist regime do? It put an end to all who were against the Government. The policy was "Either you are with us or against us: there is no middle way". I would advise the Government and I would offer them my full co-operation if they were to bring forward a decisive measure. If they think and if they consider in their wisdom—and the wisdom is always with the Government—that they can put down this movement by repression, then they should resort to unmitigated repression and repression alone: no palliative in the shape of appeals: no palliative in the shape of offering evidence before the Commissioners or before ordinary judges: no place for the Honourable the Law Member in this House: no place for the rule of law: no place for Legislative Councils or for legislative bodies. The Government should at once resort to putting down this terrorism by methods with which the executive was very familiar in the 15th and 16th centuries. The Government of India should revive some constitution similar to the Star Chamber Tribunal.....

An Honourable Member: That is going on.

Sardar Sant Singh: No, not yet. The Star Chamber is still a historical scandal. What I mean is this: if the Government really believe that this movement can be put down by these repressive methods, let them be clear about it. But if they, on the other hand, think that this policy has failed, that this policy did not succeed for thirty years, and that it is not likely to succeed now, then the logical way, the reasonable way, the rational way of looking at the problem is to examine the causes that gave

birth to this movement, to prescribe the remedies after carefully diagnosing the disease. The only method which has so far been successfully adopted in all civilised countries is the method of adopting the rule of just law.

The prevalence of the rule of law in the country will ensure the liberty of speech, liberty of action, within the bounds of law, and equal opportunities to rise for all people without distinction of caste, creed or colour. Once the younger generation is convinced of these conditions in the country, there will be no scope for terrorism, public opinion will abhor it, will not tolerate it, and the movement will automatically disappear. But if, on the other hand, the young men feel that the Government are not for the people, that the Government are not prepared to do justice between man and man, and that the administration is carried on on the principle of nepotism as is the case today with the Government of India, the suspicion grows resulting in discontent with the present state of affairs in the country, and the discontent grows with the result that resentment follows in its wake, and the resentment leads to all sorts of mad actions by the young men. You cannot do away with terrorism without radically changing the environments.

I will examine the provisions of the Assam Act now. All the respected principles of British criminal jurisprudence, on which the administration of law was based in India, have been dispensed with in this Assam Act. The Act has gone so far as to permit the Public Prosecutor to offer an open insult to the presiding judge of the Court. His Majesty's judge, when sitting in the Court, has so far been recognised to be the sole master of the Court room. He regulates the procedure, regulates the conduct of those who are in Court. But the Assam Act says that the Public Prosecutor may certify to the Court that the Court should be held *in camera*, and the judge is bound to follow the verdict of the Public Prosecutor, that is, that a judicial officer of His Majesty should be deprived of the control over his own Court and should be guided by the Public Prosecutor to exercise his discretion in a particular manner. Do we not lay here the foundation of suspicion against the judge himself, his impartiality and his independence? I hope the Honourable the Law Member will bear me out that it is not merely the doing of justice that matters, but it is obtaining the public sanction and public confidence that justice has been done: Unless the public is convinced that justice has been done, the mere doing of justice does not go to stabilise an administration. A terrorist may be a terrorist, a genuinely dangerous person; but if the public is not convinced of his guilt, certainly you cannot expect the public not to sympathise with him. The public only sympathises with the murderers and with the worst felons as long as they believe that justice is not done to them. All these Acts, wherein the judicial officer is deprived of power of controlling even his own Court, cannot lead to that confidence in the administration of justice which is so essential for the maintenance of peace and order in the country. Not only in this respect, Sir, that this Act violates the lifelong and time-honoured principles of English jurisprudence, but it goes further; it makes Dicey and other honoured jurists tremble in their graves, when this measure provides that the evidence recorded in the absence of an accused person can be used against him. I have never heard of such pernicious principles being placed before a self-respecting House to accord sanction to such principles by actually agreeing to the passage of that Bill. Certainly, I concede that in the Constitution, under which we are working, this House has no right to question the judgment of the Local

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Council that passed this Assam Act and that we are here merely required to supplement its provisions. The question under the circumstances is, should we or should we not supplement this Bill? It may be said, Sir, that the right of appeal is a valuable right and if we deny that right, we shall be denying a privilege to those for whom we are feeling some sympathy in their trial, though not in their actions. But what is this right of appeal? Evidence untested by cross-examination, untested by any of the methods known to jurists, is to be placed before the High Court. How can the Judge of the High Court decide or arrive at just conclusions on that kind of evidence? It is impossible. Therefore, Sir, this right of appeal may on paper seem to be a very valuable right, but really it is not such a right which any convict would like to have under the circumstances.

Then, Sir, it has been suggested that the names of witnesses are not to be disclosed because of the apprehension that the safety of their person will be in jeopardy. On the surface this seems to be a very plausible explanation. Of course, there may have been certain occasions on which witnesses were subjected to maltreatment for giving evidence in such cases, but have not such occasions been very rare? Do not such cases of maltreatment of witnesses occur in cases of non-political nature? I know of cases where witnesses were even murdered. But nobody ever suggested that the ordinary procedure should be changed....

Mr. K. C. Neogy: Your Babbar Akalis should have a special procedure, according to Mr. Aziz.

Sardar Sant Singh: My friend says that the Babbar Akalis should have a special procedure, there is no doubt about it that, if such legislation is going to be the order of the day, the Babbar Akalis, who are no longer to be found in the Punjab, would have it, if they make their appearance. But still the fact is there that the witnesses more often than not perjure themselves in Court. There are so many factions in the villages in India; nobody can deny it. From my knowledge of the conditions in the Punjab, I can say that there is no village there where there are not two factions at least, if not more. Sir, if evidence is not tested, if the identity of the witnesses is not to be disclosed, a witness can safely get his enemy into trouble. The question is, whether the safety of the witness is of paramount importance or the safety of the State is of paramount importance? Will it tend to the safety of the State to extend protection to the witnesses at the expense of the liberty of the citizen? The State will have to choose between the two. If the Government hold that the safety of the witness is more important than the safety of the State, certainly nobody can agree with such a proposition. There can be no two opinions that the safety of the State and its stability lies in the fact when every man feels that he is subject to an impartial law, that he possesses all the rights of a citizen in the State. Such a confidence in the people will tend more to the proper maintenance of law and order than a host of repressive measures. But when the State seeks to maintain order alone at the expense of law, when the State wants to ignore the law of the land entirely,—and I take the word 'law' to mean the law in its wider sense, I mean the law based upon certain fundamental principles of jurisprudence, and not the laws like the Assam Act or the Bengal Criminal Law Amendment Act, though these have seemingly the appearance of a law,—then the subjects gradually begin to lose all confidence in

such laws; when confidence in law is lost, it is bound ultimately to upset order entirely. Therefore, Sir, the time has come when the Government in their wisdom should decide once for all whether they are for the rule of executive or the rule of law. There is no half-way house between the two. In India we are accustomed to this sort of legislation, which is neither here nor there, because some portion of a law is based upon English jurisprudence, while the other portion is based upon the Czarist jurisprudence, and we are asked to give our approval to a law which is made midway between the two. Both cannot work together. Therefore, if the Government want the rule of the executive,—it may be temporarily, it may be for some years,—I will co-operate with the Government and give them the powers they want, so that they may try their hand at that too. But if they do not want to be advocates of the rule of executive, then the best course would be to do away with the causes that have led to the keeping up of the terrorist movement for such a long period as 30 years. After all, 30 years is not a small period in the life of a nation,—it is a very long period, and yet the terrorist movement could not be put down with all your repressive laws. Therefore, I would urge that the time has come when the Government should once for all do away with the repressive laws and adopt the same principle of the rule of law and try it for at least 10 years, and then decide whether the terrorist movement can be put down or not. With these few remarks, I oppose this legislation.

Mr. W. L. Scott (Assam : Nominated Official) : I should like, Sir, if I may, to place before the House a short account of the situation in Assam as it appears to an officer who has served there for the last 20 years. As to our position, Sir, I should like first to say a few words. Assam is a small Province, whose land frontiers march with Thibet, Burma and Bengal; the Thibet frontier consist of high mountain ranges, and there are no roads connecting us with Burma; so, for all practical purposes, we may say that the only Province which is in touch with Assam is the Province of Bengal. Our only railway starts from the Port of Chittagong, and from there it runs right through the Province. I was glad to observe that no attempt was made to deny the existence of Chittagong, or to deny that certain very unpleasant happenings have occurred there. And I wish to emphasise that the connection of Assam, especially of the districts of the Surma Valley, with Chittagong, is very close indeed. I will mention two points to show how closely connected we are. At the time of the attack made on the armoury at Chittagong in 1930, among the first armed forces which arrived on the spot were a detachment of Surma Valley Light Horse from Silchar and a detachment of Assam Rifles from Silchar. Those were the days when no regular troops were stationed in Bengal. On another occasion, during the Kuki troubles, in the Manipur State, in 1917, there was a raid made from the Manipur State across into the hills of North Cachar, and it appeared that some of the stations on the railway in that sub-division were threatened. The first troops to arrive on the spot in that case were a detachment of Assam Bengal Railway Volunteers from Chittagong. I mention these points merely as illustrating the very close connection which exists between Assam and some of the more disturbed districts of Bengal.

The existence of a terrorist party in Chittagong is admitted, and everybody knows that strenuous efforts are being made by the Bengal Government to bring that terrorist party under control. Our fear is, and it is no longer exactly a fear,

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it is almost a certainty, that the pressure which has been exerted on the terrorist party in Chittagong has driven the members of that party to take refuge in Sylhet. The result of this has been the beginning of various terrorist activities throughout the district of Sylhet. We have very definite information to that effect. Assam has been very patient in dealing with this terrorist movement. Although the Bengal Government passed their Criminal Law Amendment Act two years ago, no such action was taken in Assam. It was decided at the time that it was unnecessary for the time being. What was the result of that? Within the last year, we, first of all, were alarmed by an increasing number of gun thefts which occurred. Secondly, there were a series of dacoities committed generally on the mail trains or on mail lines. I cannot refer to all those, some of them are still under the consideration of the Courts.

Mr. T. R. Phookun : May I ask my Honourable friend to mention any case in which it has been proved that there is connection between the terrorists of Chittagong or of Bengal and those of Sylhet—any evidence to show that?

Mr. W. L. Scott : I am not in a position to give the details of the persons concerned in the dacoities that have taken place on the railway line by way of Chittagong. Some of the persons involved in those dacoities have been inhabitants of Tipperah. There was a dacoity at Itakhola station on the railway line and in pursuit of the dacoits the villagers turned out and followed the dacoits and one of them was shot. That case was tried under the ordinary law and the leading accused had to pay the final penalty. Among cases subsequent to this, which have now been disposed of, were an armed robbery committed on a mail runner near Habiganj. Two accused in that case have been convicted by the Special Tribunal and sentenced to six years' rigorous imprisonment. In fact, attacks on the mail lines in Sylhet became so frequent, and the situation grew so threatening for the post office, that there was a proposal to withdraw the right of insuring letters from various important places in the interior of Sylhet. That, of course, would have been a very serious interference with the course of trade.

Now, Sir, the Act has been passed by the Assam Council, but it has been extended only to two districts in the Province of Assam, Sylhet and Cachar. It has not been extended to any district in the Assam Valley Division. Mr. Phookun may continue to sleep quietly at night. (Laughter.) He is not likely at present to be troubled by any action under this Act. I would ask the House to consider that the Assam Act itself provides only for the provision of Special Tribunals, for the trial of cases which would otherwise drag on to abnormal lengths, and for the maintenance of control over persons against whom the Government do not wish to bring open evidence of their connection with terrorism. These provisions were made by the Assam Council after prolonged discussion. I would refer to two points which show that the Assam Council was not such an irresponsible body as a previous speaker suggested. You will find in this Act no provision that the crime of attempted murder shall be punished with death as you will find in some other Acts. That provision was in the original Bill, but it was withdrawn with the consent of Government in the course of the debate. Again, Sir, I think it has been stated that, under the Act, if a Public Prosecutor gave a certain certificate,

the Commissioners trying the case were bound to order that the case should be heard *in camera*. That was the provision in the original clause, but the word "shall" was changed in the course of the debate in the Assam Council into "may", and the final decision will remain with the Commissioners. There is no provision asking for any such camp as Deoli or any such provision. We propose to deal ourselves with our own bad characters. Sir, the greater part of the speeches that have been made, I think, would have been better addressed to the Assam Council when it was considering the Bill. I would now ask the House to consider the position of my poor little Province and give it the few powers which it is now asked to do. I thank the House for their patient hearing.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhamadan Rural) : Sir (Applause), I quite agree with my Honourable friend, Mr. Scott, when he says that most of the arguments that had been addressed by the previous speakers would have been better addressed in the Assam Legislative Council. By "most of the arguments", of course, I mean the arguments that were relevant to the issues involved in the Bill before the House.

Sir, the issues involved in this Bill are three. Firstly, whether we should give the right of appeal to persons accused under the Assam Criminal Law Amendment Act. Secondly, whether we should provide for any inquiry by the High Court, in the case of a man sentenced to death, whether that sentence of death shall be after due inquiry confirmed or not by the High Court; and thirdly, whether we should support the Assam Legislative Council when it proposes to except such accused persons from the Habeas Corpus provisions contained in the Indian Criminal Procedure Code. So far as the first issue is concerned, I think there is not a single reasonable man, there is not a single sane man, I say, who would refuse (Hear, hear) the right of appeal to a person accused of such serious offences, involving such serious penalties, as are provided for in the Assam Criminal Law Amendment Act; and it is only reasonable, it is only common sense that, in the case of a person sentenced to death, the High Court should have the power to inquire into the sentence and confirm only if it is found to be maintainable. As regards our support to the Assam Council in its proposal to take away the right of Habeas Corpus, I suppose the Assam Council, with the facts before them, and weighing all the relevant considerations which were no doubt put forward by the Assam people's representatives in that Council, have come to the conclusion that it is expedient that the right of Habeas Corpus should be taken away from a person accused under the Assam Criminal Law Amendment Act, and, as regards this Honourable House, which has taken away that right in the case of such accused persons in so many other Provinces, would it lie in the mouth of this House to refuse to support the Assam Council when it seeks to have the same facilities given for punishment and investigation of crime which have been given to other Provinces? And

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how can this House interfere with the discretion of the Assam Legislative Council? What becomes of your talk of Provincial Autonomy? (Hear, hear.) Sir, I prefaced my remarks by referring to the point of relevancy, and when I was referring to relevancy, I had in my mind the very able speech of my Honourable friend, Mr. Neogy. Sir, I listened to my Honourable friend's speech with the usual respect and attention that I always accord to it when my friend speaks in this House, but I am sorry to say that when he sat down and when he said that "on these grounds I oppose this motion", I searched in vain for those grounds in my mind. Sir, my Honourable friend said that he opposed the motion because the right of appeal which was sought to be given to the accused person was not at all valuable, in fact it was useless, and how did he try to prove it? He said experience in Bengal had shown that whenever an appeal by an accused person under the Bengal Criminal Law Amendment Act had succeeded, the man was immediately clapped into jail on some other charge. Now, I say, such arguments require only to be stated to make their absurdity apparent. How is it the fault of this Act, which confers the right of appeal to such accused person, that that person, after his appeal succeeds, is nevertheless clapped into jail on some other charge with which this Act is not concerned?

Mr. K. C. Neogy: How do you know "on some other charge"?

Mr. N. N. Anklesaria: Well, I think, unless there were some such charge alleged, nobody could possibly be arrested.

Mr. K. C. Neogy: You would think anything.

Mr. N. N. Anklesaria: Secondly, my Honourable friend said that the right of appeal is not at all valuable because the Indian judiciary the Judges of His Majesty's High Court, are not independent. That is what was his implication, if he has not stated so in so many words, and my Honourable friend cited the Honourable Sir Shadi Lal's *post-prandial* speech.

Mr. K. C. Neogy: Not at all *post-prandial*.

Mr. N. N. Anklesaria: I stand corrected—the considered speech of Sir Shadi Lal. I can only say that if Sir Shadi Lal by his speech wanted to imply that the Indian Judges of His Majesty's High Court are in any danger or under any possibility of being influenced by the Executive then Sir Shadi Lal did himself very little justice, did very little justice to his Indian colleagues and he did very little justice to the exalted position which he occupied so long to the approbation of the whole country and to his own great credit. Sir, so far as I could remember the remarks read out by Mr. Neogy, Sir Shadi Lal never implied that he himself had that melancholy experience of being under any danger of being influenced by executive frowns or favours. Nor did he imply that any of his brother Judges was under that melancholy predicament. My Honourable friend, Mr. Neogy, while making these remarks, never stooped to any misrepresentation, but, I am sorry to say I cannot say the same thing about my Honourable friend, Sardar Sant Singh. I am sorry he is not in his seat. My Honourable friend, Sardar Sant Singh, went to the extreme of telling this House, that this Bill should not receive the support of this House because it provided for the evidence being put before the High Court which is not sifted by cross-

examination. I say a greater misrepresentation, and a more wanton misrepresentation—I say wanton because a copy of the Bill has been in the hands of all the Members of the House for days,—about this Bill could never have been made in this House. If you refer to section 5 of the Assam Criminal Law Amendment Act, you will find that a section of that Act distinctly lays down that the procedure in a warrant case shall be followed in an inquiry under the Act. No, Sir, my Honourable friend is a lawyer, and he ought to have known that in warrant cases there is an examination-in-chief, there is a cross-examination, and there is a re-examination.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadian): Does that Act provide for this?

Mr. N. N. Anklesaria: Section 5 does provide for this. If my Honourable friend, Mr. Gaya Prasad Singh, cannot see this, then all I can say is that those are really blind who will not see.

Mr. Gaya Prasad Singh: Hear, hear.

Mr. N. N. Anklesaria: Then, Sir, as regards Habeas Corpus provision, as I said, the Assam Council have already stated that they want the right to be taken away. And after all what does this Habeas Corpus provision in connection with the present matter imply? The Habeas Corpus provision in connection with the present matter simply implies this that an accused person has a right to come to the High Court and get the question of the legitimacy of his custody inquired into. The High Court cannot go into the facts, nor can it go behind the orders of the Executive, in ordering the arrest, provided all the forms of law have been complied with by the Executive. And, Sir, it will be attributing crass stupidity to the Executive to attribute its failure in observing mere forms of procedure. That is all I have to say and I support the motion of the Honourable the Home Member.

Maulvi Muhammad Shafee Dacodi (Tirhut Division: Muhammadan): Sir, I am afraid, the Honourable the Home Member has got a very poor case to support. I find that no justification has been made out for bringing this motion in this House except that the Government want to supplement the Assam Criminal Law Amendment Act. I have been trying to find out from the supporters of the Bill as to what they have to say in regard to the merits of the case and also on what ground the right of Habeas Corpus is going to be taken away from the people of Assam? Sir, we have heard the Honourable the Official Member from Assam. I was very attentive in hearing his speech, so that I might find out what he has to say. His justification was that there have been unpleasant happenings in Assam for the last few years and, therefore, the Assam Criminal Law Amendment Act was justified but he said nothing as to why this right of Habeas Corpus was going to be taken away from the people of Assam. The point before us is whether we are justified in taking away the right of Habeas Corpus from the people of Assam? That is the real point. On that question I did not find the Official Member say a word, and I am opposed to this Bill mainly and solely because of that. The perfunctory manner in which the Bill was presented to this House is known to you, Sir. You came to our rescue and put it off for the next day, so that we might know what the actual Bill in Assam was and for which we have to thank you, Sir, not only for this case, but also

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for the future guidance of the Legislative Department. Had it been a case in which the administration of the Province was concerned, I would not have hesitated in supporting the Government. But it is a matter in which the judicial right of the people of Assam is affected, and it cannot be taken away without reasonable justification being presented to the House.

Now, what we find is that several gun thefts had taken place in the Province and also a few dacoities had taken place in that Province. These are the two grounds put forward for depriving the people of Assam of this right of Habeas Corpus. I need not dilate upon this valuable right which the people have got. When the administration of a Province goes into the hands of autocrats, this is the last thing which a man can utilise, but this is going to be taken away. And why? Because the Executive of the province have found out that some gun thefts have taken place and also that some dacoities have occurred in that Province. Now, Sir, I fail to understand whether these two facts alone can be the proper justification for taking away that valuable right. I cannot understand how the Honourable Member can convince his own conscience when he finds that such a poor case has been made out by the Assam Government for enacting a provision like that. Still more, the Honourable the Home Member will consider the question as to why the Assam Government was hurrying in passing the Bill and enacting a measure for which they had no right whatsoever. Now, that right lies with this House, and the Home Member has rightly come to this House for the purpose of getting this power for the Assam Government. I submit that it is a very valuable right which this House possesses, and it cannot part with this right by consenting to a legislation of this nature in this fashion. Now, in this month of August, 1934, I find that a different feeling prevails throughout the length and breadth of India. No voice of terrorism is being heard in any part of the country at the present moment, and, in this calm political atmosphere of the country, it is not right for the Government to bring in a measure in this House on which hot discussions of stories buried for the present will take place and the people will become agitated over it. The best course for the Government of India would be not to help the Assam Government in this matter. When they do not like to look into the whole matter calmly and quietly and find out for themselves to what extent they would go in making a legislation for Assam, it is not for the Government of India to help them by coming forward with a Bill in which that right is to be taken away. I feel that in the life of the fourth Assembly we have passed so many repressive measures that we should now be saved the ignominy of enacting a measure of this kind at the last moment for which there is no justification. One more reason for my opposing this measure is that our Province of Bihar and Orissa lies on the border of Assam, and in our Province also some dacoities of that kind have taken place during the last four or five years. People from other parts of the country have been coming to our Province and committing those crimes. For that reason, I am afraid, we may also be roped in together with Bengal and Assam, and we may share the same fate as the people of Bengal and Assam. I take the precaution in opposing this Bill relating to Assam, so that my Province of Bihar and Orissa may not fall a prey to such repressive measures. Sir, with these words, I oppose the consideration of this Bill.

Mr. Gaya Prasad Singh : Sir, this Bill seeks to give legislative sanction to two provisions of the Assam Criminal Law Amendment Act which was passed by the local Legislative Council only this year. These two provisions are the one relating to section 15 which confers on an accused person the right of appeal to the High Court, and the second is section 29 of that Act which seeks to deprive an accused person of the right of Habeas Corpus under section 491, Criminal Procedure Code. With regard to the right of appeal, which the Assam Criminal Law Amendment Act seeks to confer upon an accused person, the local Legislature is not competent to make a provision to that effect, and it is for this reason that that particular point has come up before us for legislative sanction. Well, I am not very much enamoured of the way in which the procedure for the trial of offences under the Assam Criminal Law Amendment Act has been prescribed by the local Legislature, and the right of appeal which it seeks to confer upon an accused person. Nonetheless, this right is a valuable right, and I have nothing to say on that point. There is only one matter to which I should like to refer, and that is the one which was stated by my Honourable friend, Mr. Anklesaria. He stated just now that in all respects the procedure for the trial of offences prescribed under the Local Act will be the procedure prescribed for the trial of warrant cases in the Criminal Procedure Code. This, I submit, is not strictly correct. He referred to section 5 of the Assam Act. Sir, I will quote section 5, and endeavour to show to the House that it is not so. The procedure prescribed by the Criminal Procedure Code for the trial of warrant cases will not be fully followed if a trial takes place under the Assam Act. Section 5 of that Act runs as follows :

"Commissioners appointed under this Act may take cognisance of offences without the accused being committed to them for trial, and in trying accused persons, shall, subject to the provisions of section 13, record evidence in the manner prescribed in section 256 of the Code, and shall, in other respects also, subject to this Act and to any rules made thereunder follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates."

Now, Sir, in the first place, the accused here is not being produced before a trying Magistrate for being committed to a Sessions Court. The next is that the special procedure which is prescribed under the Local Act will be followed. Not only that, but also the rules which may be made by the Local Government will take precedence, and over-ride the express provision of the Criminal Procedure Code for the trial of warrant cases. As regards the rules which are to be made under the Local Act, I will refer to only one. The Local Government may make rules for "the conduct of and the procedure at trials, the manner in which prosecutions before such Commissioners shall be conducted and the appointment and powers of persons conducting such prosecutions".

It will, therefore, be seen that the procedure which has been prescribed under the Criminal Procedure Code may be crippled and modified by section 5, as well as by the rule-making powers which this Act has conferred upon the Local Government. Therefore, it is hardly correct to say that the procedure which has been prescribed under the Criminal Procedure Code will be followed in all respects in the trial of offences under the Assam Criminal Law Amendment Act. Not only that; I will read out section 7 and show how a wide departure has been made from the procedure laid down in the Criminal Procedure Code. Section 7 of the Local Act states :

"The provisions of the Code, so far only as they are not inconsistent with the provisions of, or the special procedure prescribed by or under, this Act shall apply

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to the proceedings of Commissioners appointed under this Act, and such Commissioners shall have all the powers conferred by the Code on a Court of Sessions exercising original jurisdiction."

Only a few minutes ago, I said that no case can come before a Court of Sessions under the ordinary course of law without the case being put before a committing Magistrate for investigation. But this Act, which has been passed by the Assam Council, does not prescribe any such procedure. To that extent, therefore, this is a wide departure from the procedure laid down in the Criminal Procedure Code. I will dispose of my Honourable friend's contention by saying that he has been hardly correct when he said that the procedure prescribed by the Code of Criminal Procedure for the trial of warrant cases is to be strictly followed in the trial of offences under the Assam Criminal Law Amendment Act. Now the Assam Criminal Law Amendment Act has two important features. The one is contained in section 3 which states :

"The Local Government may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Act."

This more or less resembles a regular trial under the Code of Criminal Procedure with the reservations to which I have already made reference. But later on, in section 16, the Local Government has been given powers to arrest, and to keep in detention without trial for an indefinite period, persons who may be mere suspects. Now, with regard to the trial of cases before the Commissioners, a list of offences has been mentioned in the First Schedule of the Assam Criminal Law Amendment Act, while with regard to those persons who have not been put on trial before Commissioners, but who nevertheless might be clapped in jail merely on suspicion, the offences have been prescribed in the Second Schedule of that Act. Now most of the offences in the First Schedule are covered by the sections mentioned in the Second Schedule. For instance I will read just one or two. In the Indian Penal Code the offences mentioned in sections 121, 121A, 122, 123, 148, 216 and so on are the offences which are to be tried by the Commissioners under the First Schedule, while in the Second Schedule the same offences have been mentioned, namely, 121, 121A, 122, 123, 148, 216, and so on. Again, in the First Schedule, offences under the Explosive Substances Act of 1918, any offence under the Indian Arms Act of 1878, and any attempt or conspiracy to commit, or any abetment of, any of the above offences may be tried before the Commissioners, and the same offences have been mentioned as falling under the Second Schedule ; which means that a person who has been arrested and put before the Commissioners and has been acquitted by them, might again be arrested under the Second Schedule, and he might be clapped in jail for an indefinite period, without any charge being framed against him or without his being called upon to enter upon his defence. In section 16 to which I have just made reference, very wide powers have been given to the Local Government as to the way it may deal with those persons on whom it may have got some sort of suspicion. Sir, the relevant portion of section 16 is that where, in the opinion of the Local Government, there are reasonable grounds for believing that any person :

"(i) is a member of an association of which the objects and methods include the commission of any offence included in the Second Schedule or the doing of any

act with a view to interfere by violence or threat of violence, with the administration of justice ".....the Local Government may give any or all of the following directions, that such person :

- "(a) shall notify his residence and any change of residence to such authority as may be specified in the order ;
- (b) shall report himself to the police in such manner and at such periods as may be so specified ;
- (c) shall conduct himself in such manner or abstain from such acts as may be so specified ;
- (d) shall reside or remain in any area so specified ;
- (e) shall not enter, reside in or remain in any area so specified ;
- (f) shall be committed to custody in jail :

and may at any time add to, amend, vary or rescind any order made under this section ;"

Now, it will be seen that the provisions which I have read out give very extensive powers to the Local Government in dealing with a person who is a mere suspect, who might not have been placed before the Commissioners, or who might have been placed before the Commissioners and honourably acquitted. Sir, I find that even this power of appeal to the High Court, which is sought to be given to an accused person, is not a very valuable power, and recent experience shows that persons who have been honourably acquitted of a regular charge have again been arrested even in front of the trial Court. I will mention one or two instances. I know that a man coming from Bihar, an educated gentleman, named Mr. Vidyabhushan, was implicated in the Delhi conspiracy case. He was acquitted by the Court, but, as soon as he was out of the Court, he was arrested under Regulation III of 1818 and has been detained since that time. I have read in the papers that he is now going to be transferred to the Andamans. I have framed a question with regard to this gentleman, and I shall await with interest the reply which my Honourable friend, the Home Member, gives to that question. Now, Sir, I will mention another case from my own Province. There is a gentleman, named Mr. Ram Binode Singh of Chapra, who was implicated in the Motihari conspiracy case in my Province and was acquitted. In an earlier case he was sentenced to two years' imprisonment. In this particular conspiracy case he was acquitted, and, thereafter, interned. Later on, he has been dealt with under the Criminal Tribes Act, and has to dance attendance on the police, and subjected to various acts of harassment, and to notify his movements, and change of address and so on. He comes from the Chapra district in my Province, and he belongs to my caste, Kshatriya. (Laughter.) There were 45 persons implicated in a particular case, and these persons have been lumped up together belonging to various castes like Brahmins, Kshatriyas, Bhumihars, etc. We did not know that these castes belong to the criminal tribes. However, not satisfied with this, he has been dealt with recently under the Defence of India Act and he has been interned in his own village.

The Honourable Sir Henry Craik : It is the Criminal Law Amendment Act and not the Defence of India Act.

Mr. K. C. Neogy : We are under the impression that we are still under war conditions.

Mr. Gaya Prasad Singh : I am sorry ; I mean he was dealt with under the Criminal Law Amendment Act. I have referred to these cases merely to show that a man who has been put before a criminal Court and who has been acquitted may be arrested again on mere suspicion. A per-

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son who may have been acquitted by the Commissioners under the Assam Criminal Law Amendment Act may be arrested and kept in jail.

Mr. N. N. Anklesaria : Not under the Assam Act.

Mr. Gaya Prasad Singh : Yes, it is under the Assam Act. My Honourable friend was absent when I read out section 16 of the Assam Criminal Law Amendment Act which gives extensive powers to the Local Government of Assam in dealing with a person who might not have been placed before the Commissioners or who might have even been honourably acquitted by them.

Mr. N. N. Anklesaria : So have the police under the Criminal Procedure Code.

Mr. Gaya Prasad Singh : No. Now, Sir, the right of Habeas Corpus, which section 491 of the Criminal Procedure Code confers upon an accused person, is being sought to be taken away by this Bill before us. I do not know how the Assam Council could enact those two provisions of the law which are *ultra vires* of their powers ; and it is to give legislative sanction to these two provisions of the Assam Criminal Law Amendment Act that we have been called upon to discuss this Act. As I have already stated with regard to the first question, namely the power of appeal to the High Court, although it is circumscribed within very narrow limits, I do not object ; rather the right of appeal which it confers is a valuable one and we have, of course, no objection to that part of the provision. But with regard to the other part, namely, the provision by which the power of Habeas Corpus is sought to be taken away, it is very objectionable, and more cogent reasons should be placed before the House before it can swallow that pill. That provision cannot be acceptable to us. Sir, I oppose the motion.

Khan Bahadur Mian Abdul Aziz : Sir, I desire to say a few words with regard to section 3 of the Bill. The House is aware that there is really no serious opposition to the provisions contained in section 2. With regard to section 3 of the Bill it is very necessary first to understand that there really is a fundamental difference in the point of view of the professional lawyer and the professional executive officer. It is no use concealing that fundamental difference and it is best to be honest about it. The one interest of the professional lawyer is that when a crime has been committed, the individual who is accused of that crime should be punished only if it is impossible for him to escape punishment. I am not quarrelling with that position but that is what it comes to.

Sardar Sant Singh : Who introduced this system in India ?

Khan Bahadur Mian Abdul Aziz : The British, to our misfortune, with their Procedure Codes and their Evidence Act. The executive officer on the other hand, if he is at all educated and understands his subject,—and I do not wish to boast but I have read as much of Austin and Holland as anybody else in this House has done,—goes back to the fundamental problem, and it is this. The State, as the executive of society, takes upon itself to say to the private individual, “you have no right of private revenge ; we will do it for you”. That is the fundamental proposition and nobody has ever disputed it. Therefore, the executive officer always, when he thinks of justice,—and it is to his credit,—thinks of justice to the aggrieved quite as much as of justice to the accused.

Sardar Sant Singh : Will you please give some authority in support of your sweeping remark ?

Khan Bahadur Mian Abdul Aziz : You have to study before you know that. But it is absolutely the correct view, I repeat it again.

Sardar Sant Singh : The Punjab administration is not the proper place to study this question.

Khan Bahadur Mian Abdul Aziz : The State as the executive of society takes away from the private individual the right of private revenge.....

Mr. K. C. Neogy : Does it ?

Khan Bahadur Mian Abdul Aziz : It does, and it has an obligation to do so.....

Mr. K. C. Neogy : If that is the sample of legal knowledge of the executive officer, then God help us.

Khan Bahadur Mian Abdul Aziz : Sir, I understand the working of Mr. Neogy's mind : he says his enemy will be before the State. The executive officer wants to prevent his enemy getting at him and see that he does him no harm. That is the legal position. We want to prevent the continuance of that evil of private revenge and we want the aggrieved person not to take the law into his own hands. That is the justification for all these measures. (Interruption.) Therefore, when the State incurs that obligation, it is right that executive officers should realise their responsibility to those who fail to receive justice, when in a number of cases, under abnormal circumstances, we are not in a position to bring the guilt home to the persons who may be suspected—I am not saying that they are guilty. The correct professional lawyer's view is : “Do not prevent. Do not protect. Let the crime when it occurs be punished”. The official's view undoubtedly is that if we do not take proper preventive measures we fail in social hygiene, because we go on encouraging a disease which ultimately does much more harm than anything else possibly can. As my time is limited, I will give only a few instances. In one case, within half an hour, three individuals shot fifteen people dead and wounded another eight. The terror that they created in that neighbourhood was so great that for a number of months continuously they were able to live at the expense of the neighbouring villages and received harbour and food and shelter and it was with great difficulty that ultimately they were traced.....

Mr. K. C. Neogy : Did that happen in Assam ?

Khan Bahadur Mian Abdul Aziz : I will come to Assam. Assam is the home of good people, and this legislation is being applied to only a few districts which are really not Assam proper. In another case,—I do not want to mention names,—an individual, who was a hired assassin, went on for two years terrorising and gaining adherents to himself throughout a very large tract. This is where the executive officer's point of view is different ; he wants to prevent this disease, and, therefore, I think, there is nothing unreasonable in asking this House in the interests of the welfare of society as a whole that there should exist some provision by which in regard to individuals who are dangerous in every way, the State should have some power to control their nefarious activities. That is why I support this Bill.

Mr. S. C. Mitra : Sir, after my speech on the Bengal Criminal Law Amendment Supplementary (Extending) Bill, I did not like to say much on this present Bill, but the fine exposition of law and jurisprudence that my Honourable friend, Mr. Abdul Aziz, has made.....

Mr. K. C. Neogy : The Punjab version of British jurisprudence !

Mr. S. C. Mitra : encourages me to say a few words. He was appealing to authors of jurisprudence like Holland, Austin, Savigny and other great authors : perhaps he has forgotten the fundamental principles of political science. It is an accepted principle from the days of the great political philosopher Montesquieu, and which has now been followed generally by the civilised world, that the main three functions of a State, viz., the judiciary, executive and the legislative, should be independent of each other ; and for the last three centuries or two, statesmen and politicians have always attempted, in framing new Constitutions in different parts of the world, to maintain the great principle by keeping these three main organs independent of one another. My Honourable friend, Mr. Abdul Aziz, says that it is the executive alone that should have its way. Our.....

Khan Bahadur Mian Abdul Aziz : I never said that.

Mr. S. C. Mitra : Our main contention, and why we really object to the enactment of this oppressive legislation is that in India the Government is going headlong crushing and reducing to a minimum the independence of the judiciary. It will be an insult in future for the judiciary to have its existence here in India, if legislation goes on in this way. It is high time for the Legislature to make its point once more clear, that if the Legislature and the judiciary must have their existence, independent of the executive, they must assert it. Day to day there is encroachment, not only on the Legislature in India, which really does not properly function at all, but even on the judiciary, which, due to the earlier statesmanship of the British people, was always given independence, completely free from executive control. To our misfortune we are losing that position every day. Here, in this House, we find that even Law Members, who are expected to see that there is no undue encroachment from the executive on the judicial side, support all these measures. Why should the Government be afraid of their own judiciary ? Why are they anxious to curb the powers of their judicial officers ? If we go through the legislation for the last two or three years, any one will find, who has any eyes to see, that strenuous efforts are being made to encroach on the rights of the judiciary. It is not as if the judiciary is elected or the people have any voice in the appointment or selection of the judiciary, as it obtains in other parts of the world. In India it is a body entirely appointed and selected by the executive. Yet they cannot trust their own judiciary and everywhere we will find some attempt is being made that justice may not be had even from the Court of law. My Honourable friend, Mr. Neogy, was quoting the views of an eminent Chief Justice who is now placed on the Judicial Committee of the Privy Council. Going through the *Modern Review*—the premier monthly magazine in Bengal—I find, they say about the new appointment in Bengal :

“ According to a contemporary, the new British Chief Justice chosen for the Calcutta High Court served in the last world war. Is it meant that that is a qualification for his high office ? As Bengal has been for years practically under martial

law which is going to be perpetuated, it is perhaps fitting that her Chief Justice should be an *ex-soldier*.”

Naturally, my friend, Mr. Gaya Prasad Singh, was thinking whether the Defence of India Act had been applied because we are under martial law and even Judges are appointed with experience of the world war. I congratulate my Honourable friend, Mr. Scott, on his excellent and lucid maiden speech : I was carefully listening to his speech, but though he explained his position, he could not convince anybody. His only argument was that Assam was in a very unfortunate geographical position being nearer to Chittagong, and that was the reason why this law should be extended to Assam. I think the only case he could make out in support of his proposition was that there were a series of postal dacoities in Assam and that this law will help them to check the spread of such dacoities, but if that is the main reason, I think my friend will be well-advised to ask his Government to make some law by which these postal dacoities could be stopped, but I could not accept his argument that because Assam was close to Bengal, this law was necessary. Sylhet is not so close to Chittagong, because the Tippera hills and the Comilla district intervene.

Then, my friend, Mr. Anklesaria, following the Honourable the Law Member, said that most of the speeches were irrelevant. (Laughter from the Opposition Benches.)

Mr. K. C. Neogy : Great lawyers think alike.

Mr. S. C. Mitra : This is a Supplementary Bill, and, naturally, Honourable Members are expected to refer to the main Bill and justify their position, and you, Sir, have very kindly passed orders so that in future we may not be put in a very unfortunate position in reference to the main Bill which will be supplied to Honourable Members. Now, in the present Bill, I find there are only two substantive provisions,—one is about appeals, and the other is about section 491 of the Criminal Procedure Code which deals with Habeas Corpus. As regards the first section, I have not much to say. It confers rights which are certainly of doubtful benefit as has been pointed out already and truly maintained that out of 10 cases, 9 cases would be rejected in appeal, and if one case succeeds, it is invariably known that the acquitted person will be at once arrested and put in jail under the Criminal Law (Amendment) Act. As regards the further consideration, whether capital sentence is not to be preferred to a penal servitude in the Andamans, that is also a matter for serious thought. As regards clause 3, which says that the powers conferred under section 491 of the Criminal Procedure Code, 1898, shall not be exercised in respect of any person arrested, committed to or detained in custody under the Assam Criminal Law Amendment Act, 1934, this is a very important clause, and the House will be well advised to go through the whole thing very carefully and see which of the sections of the main Act is going to help an accused person. If anybody wants to do justice to his position in this House, he should go through the sections of the main Act. My friend, Mr. Anklesaria, in his leisure moments, when he is actuated to support Government, may say that all that we say on this side is irrelevant, but I maintain that all Honourable Members should scrutinise the provisions of the main Act. Generally, I can divide it into main divisions. One deals with Special Tribunals, and the other deals with the question of detention of suspects. As regards Special

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Tribunals, my friend, Mr. Gaya Prasad Singh, has clearly shown how irrelevant my friend, Mr. Anklesaria, was, when he talked of these sections. He did not even read section 5 where it is clearly said that the sections of the Criminal Procedure Code will only apply subject to.....

Mr. N. N. Anklesaria : On a point of personal explanation, Sir. I was trying to reply to what Mr. Sant Singh was saying. He said that there was no cross-examination, and I said that the procedure provided was for a warrant case, and such a procedure provided for cross-examination. That was my point.

Mr. S. C. Mitra : My friend still thinks that the procedure applied to warrant cases still applies *in toto* to cases tried by Special Tribunals. I invite his attention again and ask him to read section 5, where he will find it is stated that the procedure is subject to the rules made under this Act, and the executive of the Assam Government are authorised to pass any rule they like.....

Mr. N. N. Anklesaria : That is not so.

Mr. S. C. Mitra : Will my friend show how it is not so, instead of making such irresponsible remarks.....

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Mr. N. N. Anklesaria : I can show.....

Mr. S. C. Mitra : I am prepared to wait till my friend is able to show me.....

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Order, order. The Honourable Member must address the Chair.

Mr. N. N. Anklesaria : The rule-making power is restricted to the things mentioned.....

Mr. Gaya Prasad Singh : What are the things mentioned?

Mr. N. N. Anklesaria : I cannot read out the whole section....

An Honourable Member : Section 14.

(Mr. Anklesaria was looking through the Act.)

Mr. S. C. Mitra : Mr. Deputy President, let my friend explain afterwards. I cannot wait till he is able to find out his point. But I may explain that the Criminal Procedure sections will be subject to any rules made by the Local Government for the trial of these cases. That is a very far-reaching limitation of the application of the Evidence Act. My friend, Mr. Gaya Prasad Singh, quoted a few cases of arrests of accused persons—immediately after acquittal by a competent Court of jurisdiction, but, Sir, it is no wonder to Members hailing from Bengal, where it is the usual practice, and it is not an exception. In every political case, which is tried, whether by a Special Tribunal or by an ordinary Court of law, as soon as an accused person is acquitted, he is immediately put under the preventive sections of the Criminal Law (Amendment) Act and confined to jail for an indefinite period. I remember numbers of cases, where these people, under the Criminal Law (Amendment) Act, are confined in jails for periods much longer than

their co-accused who had served the full term of sentence in jail and were released after the expiry of imprisonment, but these people, whether acquitted or discharged, are still rotting in jails, and nobody knows for how long they will have to remain in jail. Here I challenge the Government to say whether my statement is correct or not. I should like the Home Member to contradict me whether it is not a fact that invariably the acquitted and discharged people in political cases are put under arrest and confined in jail as suspects under various sections of the Criminal Law Amendment Act.

Then, my friend, Sardar Sant Singh, said that the safety of the State must be looked after first even before the safety of witnesses. I say it is not necessary to go to that extreme at all. It is clearly provided in the Assam Criminal Law (Amendment) Act, that, whenever the Court wished it, or the Public Prosecutor wanted it, they could always hold these trials *in camera*. Sir, I should like to refer to the relevant sections to make the position clear as it is said that the life of the witnesses is in danger. It is section 10 :

“(1) In any trial by Commissioners appointed under this Act, the Commissioners may, if they think fit, order at any stage of the trial that the public generally or any particular person shall not have access to, or be or remain in, the room or building used for the trial.

(2) Where in the course of any such trial, the Crown Prosecutor certifies in writing to the Commissioners that it is expedient in the interests of the public peace or safety, or of the peace or safety of any of the witnesses in the trial that the public generally should not have access to, or be or remain in, the room or building used for the trial, the Commissioners may order accordingly.”

So, it is very clear that there are provisions for the safety of the witnesses, and, therefore, the question of the safety of the State *versus* the safety of the witnesses does not arise. Incidentally, I should like to submit that there are provisions for arrest and search by anybody above the rank of a police constable. Unbounded powers are given and any suspect may be kept in confinement for any period that the executive may like. Section 23 deals with scrutiny of cases by two Judges, and at the end of sub-section (1) you will find :

“The said Judges shall consider the facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order.”

Sub-section (3) says :

“Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 16 to attend in person or to appear by pleader in any matter connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.”

The other day, I gave an idea to the House of the kind of charges that are framed against these men. I should like to explain that a little more today and show that what is known in law as charges are never framed against these men. I appeal to the Honourable the Law Member,—who is not sleeping I hope—(Laughter)—he will be able to quote any number of cases and even decisions of the Judicial Committee of the Privy Council, where it has been explicitly maintained that, if a charge is to be a charge in law, it should definitely and specifically state the nature of the offence; and it should give the date precisely so that the accused may be in a position to refute the charge. It is a misnomer to call these vague allegations that are brought against these suspects as

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charges or that these poor suspects get any chance to refute the charges. I publicly challenge the Government and say that these allegations are not what we legally call charges; they are mere misnomers. I do not want to repeat the points that I made in another debate that it is impossible for these poor suspects in any way to clear their conduct because the allegations are so vague. A mere statement that you are a member of the revolutionary party, or a statement that you are one of a party or you are under the influence of some party, that you smuggled some arms,—without giving any date, or giving a date which covers three or four years,—such kind of charges are generally made and it is impossible for any man, nor can it be expected of any decent man, to refute those allegations. If Government are in a position to meet the point, let them explain to the House how they give proper facilities for these unfortunate suspects to clear their conduct. For these reasons I think this House will be well advised in throwing out this Bill.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I propose to talk only on the question of Habeas Corpus, because I find that my Honourable friend, Mr. Gaya Prasad Singh, and also other Honourable Members have been labouring the point that a very valuable right is being taken away under this clause 3 which has been tried to be introduced. I shall take care not to waste the time of this House by going over the ground which I covered on another occasion, but I should like to add a few words to the position which I took up. In making this point, I am addressing the House as a professional lawyer, I do not know what that exactly means. Although I may be said to be on the executive for three months, my instinct as a professional lawyer is not completely gone, and as a professional lawyer the position seems to me to be this.

If the Assam Act provides,—I am not going into the merits of the Assam Act. I am not going to discuss as to whether this Act ought to have been passed or not,—if the Assam Act provides, to put it very bluntly, that a person can be kept in jail provided, in the opinion of the executive, that detention is necessary, then no High Court can help that unfortunate individual although you expressly state in the Statute that the powers of the High Court under section 491 will not be taken away. In one of the recent cases, the Honourable Mr. Justice Ameer Ali, in a long judgment in which, as one would expect, as a Judge of the High Court he was struggling all the time against the drastic provisions which have been introduced under these Acts,—he gave an illustration which I would like to place before Honourable Members. I would ask them to accept that the Judge was not enamoured of these provisions and he was trying to condemn them as much as possible within the limits of the law by showing the nature of the enactment which he was discussing. He says this :

“ I will conclude with an example, in itself trifling, ”

—He was discussing the question as to what is the position of a person where it has been laid down that he can be detained, provided in the opinion of somebody else his detention is necessary—

“ I will conclude with an example, in itself trifling, but which illustrates what I have in my mind. Suppose that by Statute the Commissioner of Police is empowered to extern any dancer whose performance is in his opinion likely to offend the public taste. Information is given by an Inspector ”—(mark the words)—“ information is given by an Inspector out of revenge. The dancer might prove that her performance was perfectly proper, that would not be enough nor would it enable the Court to investigate the correctness or otherwise of the opinion of the Commissioner of Police.”

That is to say, the learned Judge is considering this position, namely, the Statute has provided that where in the opinion of the Commissioner of Police a certain thing offended the Act and the performer may be externed, then the fact that, as a matter of fact, the Commissioner of Police was acting on information which was prompted by revenge will not enable the High Court to go into the matter. And why? The reason is simple, because the Statute says that where in the opinion of the Police Commissioner such a thing appears, then certain consequences follow. If you start with that position, the Assam Act,—as I say again, I am not going into the question about the peacefulness of the Assam people or otherwise,—but if the Assam Act provides that if in the opinion of some Government official the detention of a particular person is necessary,—and that would justify the detention,—then the High Court,—and remembering that Mr. Justice Ameer Ali is discussing a case where the power of the High Court had not been taken away, that is to say, where there was no express provision that the High Court should have no power under section 491. There he took the position which he was compelled to take, namely, the Statute has provided that the opinion of somebody would be conclusive. I am not going into a series of cases, but I may ask the Honourable Members of this House to accept that, during the last three years, a series of cases have come up before the High Court, and, shortly speaking, the Calcutta High Court has come to this conclusion, and it is the Calcutta High Court which counts so far as Assam is concerned, at the present moment. The position is this, that an Act like the Bengal Criminal Law Amendment Act is not *ultra vires* of the local Legislature. No. 2 is that, within its legitimate ambit, the Provincial Legislature has as much rights as a sovereign body like the Houses of Parliament, and the enactment of a Statute like the Bengal Criminal Law Amendment Act by which a particular person is made the sole judge of the desirability or otherwise of the detention of a person who has not been tried, that is a position in which the High Court can be of no assistance whatsoever to the person detained. I would like to remove an impression, if that is in the mind of anybody, because I find that some speeches are open to that construction. It is as if I had said on the last occasion—I have read the transcript of my speech carefully,—that a measure like the Bengal Criminal Law Amendment Act, by which a person can be detained merely on the opinion of the executive, and where the High Court has no power of interference even if the executive had proceeded on information which ought to have been rejected, and which is bound to be rejected, if the matter comes up before a Court of justice, as if I had said that that was not a drastic provision. I said nothing of the kind, and with respect to my friends here, I can assure them that as a lawyer, if I may use the expression as a professional lawyer, I realise the drastic nature of the provision, probably far more than some of my friends on this side. That is neither here nor there, nor did I suggest—I think a question was put to my Honourable friend, Mr. Puri, who is not here,—that this is not an act of repression. I said nothing of the kind. I started by assuming it was an act of repression. I proceeded to say in the very next sentence, if Honourable Members will read that speech, the repression which is permissible....

Mr. S. C. Mitra : Every criminal law means repression.

The Honourable Sir Nripendra Sircar : I said not only every criminal law, in some cases even *quasi-criminal* law may amount to repression.

Mr. K. C. Neogy : Even the Marriage Registration Act may act as a repressive measure.

The Honourable Sir Nripendra Sircar : Whether marriage is a repression or not, on that opinions may differ. I do think that, in some cases, marriage is a violent repression.

Mr. B. Das : I agree entirely.

The Honourable Sir Nripendra Sircar : If I may proceed, Sir, what I wanted to say was this. I proceeded in the next sentence to say that because law in many instances has got to be repressive it does not follow that any amount of repression is justified for putting an end to a situation of danger, however slight. The amount of repression which is justifiable—that must depend on the circumstances and all that I wanted to say was that in the case of Bengal, as in this case, the Provincial Legislature had decided what was the amount of repression which was necessary for putting to what they considered a desperate situation. I never for a moment suggested that this House is here only for recording the decrees of the Provincial Legislatures. I never suggested for one moment that this House cannot apply its mind to this problem, but what I do submit, with all the emphasis at my command, is that, *prima facie*, in a question of this kind, where the degree of repression must depend on knowledge of local affairs, a Provincial Legislature is as competent, perhaps even more competent, than this House to decide that particular question. I labour under no illusion on this point.

Now, Sir, if you look into it, from the strictly lawyer's point of view, without going into any question of oppression, and so on, which are questions of fact, let us assume that this House rejects this measure. What happens. This point was very ably, if I may say so with great respect to my Honourable friend, Sir Abdur Rahim, debated by him at full length in the discussions of 1932. The point was of course exactly the same, and the same answers were given by my predecessor, Sir Brojendra Lal Mitter, and in those discussions, Sir Abdur Rahim indicated what was the correct legal position. I told this House on the last occasion that that is the position which has been accepted by the Calcutta High Court. I have brought the authorities here, and I think it will be really inflicting them on the House if I refer to those cases now. The position, as I understand it, and as was clearly indicated in those debates and which has now been accepted by the High Court in four reported decisions,—and there is, I believe, one more unreported decision,—the position is this, if you don't put in this clause, that is to say, if we assume that the High Court's power, whatever it is, has not been expressly taken away by the Statute, then the accused or the suspect or the detenu, whatever his position may be, will be left in this position. If he comes up to the High Court, the High Court will say "yes, our powers have been taken away and we shall, therefore, look into section 491". If you turn to section 491, the position of the High Court is that it can interfere. It can investigate into the facts which justify detention if the man is illegally detained and all those authorities, beginning from the case of 60 years ago show that if, as a matter of fact, the Legislature, whether Provincial or Central, in its wisdom has provided that a particular person will be the judge as to whether detention is permissible or not, then the High Court is out of it, because it is no longer illegal detention, however drastic it may seem, and drastic it is, in fact, namely, that a man should be detained on infor-

mation, possibly as the illustration shows on wrong information and then the High Court has no power of interference. That logically follows from the fact that in a Statute, which a Provincial Legislature was completely empowered to enact, has indicated that it is enough that a person in the opinion of some executive officer is liable to be detained.

Mr. Gaya Prasad Singh : Is it the contention of the Honourable Member that, as a result of the series of judicial decisions to which he has just alluded, the power of the High Court to interfere under section 491 of the Criminal Procedure Code has already been taken away? If that is so, what is the use of keeping clause 3 in this Bill?

The Honourable Sir Nripendra Sircar : I shall deal with the point as to why this clause is there at all. That is a point which was very pointedly put by my Honourable friend, Sir Abdur Rahim. The position is affected not only by the four recent decisions of the Calcutta High Court but by the decision to which I referred on a previous occasion covering a period of sixty years. The position is that, if this Statute provides that detention is permissible provided that the executive is of opinion that the man ought to be detained, then in that case the High Court has no power of intervention. The power of intervention is to be looked at in this way, that the High Court cannot investigate into the facts to find whether such detention was justified: the High Court cannot go into the materials before the Government and come to a different conclusion that, on those materials, this man ought not to have been detained at all. The High Court is entitled to come to a different conclusion from the executive on certain materials which were not before the latter, but there, unfortunately, under the law, the High Court has no right to interfere, and if I may remind my Honourable friend, Mr. Gaya Prasad Singh, the taking away of the power of the High Court under section 491, so far as Bengal Regulation III of 1818 is concerned, that was introduced in 1923 so that before 1923 the position was this. We had the Bengal Regulation III of 1818. There was no provision in the Bengal Regulation that the power of the High Court as regards Habeas Corpus, or as regards any similar powers would be taken away. Therefore, up to 1923, the position was that there was an Act under which a person could be kept in custody if the opinion of the executive was to that effect. If I remember aright, my friends will correct me if I am wrong, I believe the Regulation III of 1818 even goes further and uses the word "supposed". Therefore, the mere fact that the change was made in 1923 by an amendment made no alteration in the law. That law had been enacted sixty years ago, and repeatedly confirmed by the different High Courts. Section 491 was no doubt amended, but by that amendment no change was made in the law. It only made clear a position about which some doubt might be raised by somebody; it merely declared what the law was, even prior to the amendment, what was happening from those old times right up to 1923, and the object and the necessity of introducing clause 3 is exactly the same as the necessity of maintaining in the Criminal Procedure Code, section 491 with reference to Bengal Regulation III of 1818. Then, Sir, another point has to be remembered which is of practical importance, and that is this. It may well be said that the Legislature need not have started amending Acts and taking away expressly the power of the High Court where no such power existed. They were satisfied, up to 1923, with reference to the Bengal Regulation, to leave it in an unamended condition without any express reference to the taking away of the

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power of the High Court, and they might have continued in that fashion. Where was the necessity for this? There is a good deal of force in that; but it has got to be remembered that now in 1934 the position is this. Not only has the Criminal Procedure Code been amended merely for declaring what was previously the law, but that course was followed by this House in 1932. It had been followed in other Acts of the Bengal Council; it had been followed in the Punjab Council and the result, therefore, would be that, having followed a consistent course from 1923 right up to the last month when the Bengal Criminal Law Amendment Act was passed, if you now remove this section, it will not help the accused but it will only lend colour to any plausible arguments which may be advanced, that because this section is to be found in the Bengal Act, because such a section is to be found in the Criminal Procedure Code, and as it is not here, therefore, the High Court can go into the matter. Of course the High Court will reject it, but there is nothing very sinister in introducing clause 3 for merely declaring what the law is always recognized to be from a very long time. There is another small point, Sir, and I have done. This point was also raised by my Honourable friend, Sir Abdur Rahim, and, I told my friend on the last occasion, that the point had been decided as he suggested and that was this. I may now assume that this House has passed this section and this is part of the enactment, namely, the power of the High Court is taken away under section 491. Now, suppose some person is in custody, is being detained, can the High Court inquire into his case at all? I say, "yes", it can, in spite of this provision, it can inquire but to this limited extent. It can only inquire whether the provisions of this particular Act have been complied with, or to put it in colloquial language, when the man applies under section 491,—and two of the cases in the Calcutta High Court are exactly like that,—the man says, "oh, no, there is no proper order for justifying my detention under the Bengal Criminal Law Amendment Act". The High Court says:

"In spite of this section being in existence, we can inquire as to whether the provisions of this particular Statute have been complied with, and that for this obvious reason. The language of this section,—Honourable Members will find,—as also similar sections in the other Acts, do not apply to a person detained under the Act or purporting to be detained under the Act."

Those are technical words, where they are used,—if they had not been used, then of course of complication might have arisen,—but if clause 3 remains on the Statute-book, it is still open to the High Court to say,—“where is the order of the executive by which this man has been detained?” And if that order is not forthcoming, if there is no Government order which declares that this man ought to be detained under the provisions of this Act, then the High Court can inquire, and it has inquired as I said in two of the recent cases, although, after inquiring into the facts, they came to the conclusion that there was, in each case, a proper order which justified detention; that is to say, the High Court comes up against the dead wall as soon as it finds the order signed by the executive that this man ought to be kept under detention. Therefore,—I am afraid I have taken more time than I intended to,—it, therefore, boils down to this. Is there any great necessity for this section? That is a question which would be a very pertinent question,—and that is the way in which it was put by my Honourable friend, Sir Abdur Rahim, but, after discussion,

this Legislature has followed the line of action which it did take up in 1923 and to declare the law on the subject it got a similar provision in the Act of 1932. As I said, in the other Acts, there is a similar provision as well, and not only in the Acts of this Legislature but also in those of the Local Legislatures. Therefore, on this point of time, if this section is rejected by this House, it will really give no relief whatsoever to the accused except probably allowing a “professional lawyer” to argue an unsubstantial point for a couple of days. (Laughter.)

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Mr. Deputy President, I had

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intended to speak when the substantive clause, namely clause 3, was taken up for consideration. But in view of the Honourable the Law Member's speech, I think it may be just as well if I offer my remarks at this stage. The arguments of the Law Member divide themselves into two categories.

Firstly, that this clause suspending the Habeas Corpus is necessary, and, secondly, that the House is within its jurisdiction to pass a clause of this kind. Let me take up the first position. I was really gratified that the Honourable the Law Member made the speech that he did, because I thought that that was a speech that ought to have been made from this side of the House. What was the position that the Law Member took up with reference to this question. He argued that during the last 60 years, beginning with the Wahabi case, so far as the Calcutta High Court, at any rate, was concerned, the position was made perfectly clear that, on merits, a question like this could be examined by the High Court and therefore the prerogative of issuing the writ of Habeas Corpus was an unsubstantial thing. He argued that it was not necessary even to put this clause in the Bill, that the predecessor of this Assembly had in 1923 done an unnecessary thing in inserting such a provision, that its successors had continued to do a series of unnecessary things by passing amendments to this effect, and that, therefore, we should now perpetuate this unnecessary provision by repeating it in every Bill which we can think of in this connection. What else did it amount to? This measure, he said, is absolutely unnecessary. The High Court is quite clear in its mind as to what should be done. Whether this measure is there or not, there is no possibility of the High Court interfering with the judgment of the Executive. The opinion of the Executive is made supreme under the substantive Act which has been passed by the Assam Legislative Council, and, therefore, no judiciary can take notice of this fact beyond enquiring whether a formal order detaining the accused and keeping him in custody has been passed or not. Therefore, he is bound to go to the logical extent of saying that it is really a superfluous and an unnecessary provision, and he says that as in 1923 the Assembly had passed that provision and had repeated it successively in a series of enactments, therefore it is necessary that this unnecessary and superfluous provision should again be repeated in this House. And, mark, you, Sir, what was the necessity for it? Not that the High Court were at any time under any illusion as regards the nature of this provision, not that the High Court Judges will be led astray, will be led into legal complexities, because this provision is not there; for about 60 years precedents are abundant in High Courts, and whether this provision is there or not, they are not going to interfere with that matter, but because some briefless barrister would take up this case and earn an unmerited fee,

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I should have thought that that pleading was conclusive against this clause being in this Bill. But it seems to me that the position of the Government is not quite so innocuous as all that. A very plausible case has been put forward by the Law Member, which reduces the Government case to an absurdity according to his own showing, but I think the Home Member and those who have advised him have much more serious intentions for having this clause in the Bill than what my Honourable friend, the Law Member, gave them credit for. Nobody on this side of the House has questioned the fact that the merits of this question cannot be discussed by any High Court. Take, for instance, a case under clause 16 of this Bill when Government think that a certain person should be detained in custody. Now, what the High Court can question and what the High Court has repeatedly discussed is whether the forms prescribed have been complied with before the particular action was taken by the Executive. Whether the forms prescribed in the Criminal Law Amendment Act have been followed by the executive or not is a question which can legitimately be argued before the High Court. Under clause 16, for instance, it is ordained that the Local Government may, after giving a person or persons concerned such reasonable opportunity to explain his conduct as may be practicable by ordinary writing, do such and such thing, but the question arises whether that reasonable opportunity which is further curtailed by the provision that it should be of a practicable nature has at all been given by the executive to the person who is going to be committed into custody. Of course, it is open to the accused to argue that no opportunity of any kind was given to him and that the charge which the Government brought against him was not a correct charge. It is provided that this order of the Local Government shall be reviewed every year and it is open for the accused to prove, if he can at all, that the Local Government has not reviewed the matter during the last three or four years.

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

These are forms which have been prescribed by this very Act, were passed by the local Legislature, and, therefore, these forms must be complied with and the enactment of this provision in the present Bill would mean that even these forms need not be complied with by the Local Government. That is our objection to the inclusion of a provision like this. It is a very hackneyed objection because, if I may say so, it has been repeated time after time and if the Law Member can see no other justification for repeating this clause than the justification that an unnecessary provision has been repeatedly inserted because for once the Legislative Assembly made a blunder in passing it, then I think the clause stands self-condemned and this House need not be a party to the absurdity of passing it.

Then, Sir, let me take up another point which the Honourable the Law Member referred to. I know that some Members in this Assembly thought that this provision was *ultra vires* of this Legislature. I entirely agree with the Honourable the Law Member that it is not *ultra vires*, that it is open to this House to pass a provision of this kind and to suspend the Habeas Corpus. In fact, Parliament itself has done it. When it passed the Defence of the Realm Act, it suspended the Habeas

Corpus. A great deal of confusion has arisen from the fact that this right is supposed to be a common law right or that it was conferred by the Magna Charta. Somehow or other it has been assumed by some that it is a right which cannot be touched by any Legislature. Now, that is a proposition to which I do not subscribe. The Parliament in England is a supreme legislative authority and it can suspend any fundamental right, if I may use the modern phraseology, if it thinks fit to do so. Therefore, no question of an inherent right, other than the plea to have a certain guarantee as against the Legislature, can ever be suggested or can ever be put forward. The Parliament has got paramount powers with reference to all these matters, and, therefore, I venture to agree with the Honourable the Law Member that Parliament can suspend that right; but may I ask the Honourable the Law Member to turn his attention to another aspect of the question? It is not really an issue whether this provision is *ultra vires* of the Legislature or *intra vires* of the Legislature, but the question is whether the Legislature will be doing its proper duty in abolishing or suspending the Habeas Corpus and if it is thought that this is its proper duty, then under what circumstances it can be done? Now, Sir, my Honourable friend knows that the term "fundamental right" has come into great use especially since the War. Every modern political Constitution has at any rate, the large majority of modern constitutions have a list of what are called the "fundamental rights". They declare that the property of a person is sacred and cannot be touched except in accordance with the provisions of the law; that the liberty of persons should be assured and cannot be violated except in accordance with the law, and so on and so forth. What is the value of these fundamental rights? Has anybody suggested that these fundamental rights cannot be abrogated? No, Sir, Parliament, having supreme jurisdiction, can really go back on these fundamental rights and pass legislation which can nullify these fundamental rights. But the Parliament is asked to pause, to consider and to take time to think over the seriousness of the step that it is asked to take. Sir, it is only an ordinary amendment that can be passed by a snatch majority or by a whisper from the Government Benches. In these Constitutions, special provision is made whereby any abrogation or suspension of fundamental rights must be accompanied by certain conditions. For instance, some of these fundamental rights can be modified by what is called a constitutional amendment. A constitutional amendment in this connection means that a law relating to the abrogation of those fundamental rights cannot be passed as any other ordinary law can be, but has to be passed under certain circumstances and on certain conditions being fulfilled. A constitutional amendment must be passed by a certain majority, not by a snatch vote, not by my Honourable friend, Captain Lal Chand, being in the majority of one and the Government carrying out that fundamental constitutional amendment, but certain requisite conditions have to be satisfied. In some constitutions, a constitutional amendment can only be passed if adopted twice, that is once passed and again affirmed according to some other Constitution. A constitutional amendment can sometimes be passed after a referendum to the country has been made and the country has given its verdict whether the constitutional amendment could be passed or not. A constitutional amendment can be passed again after the dissolution of the House and the creation of a new House which should also agree to the passing of this constitu-

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tional amendment. Why is all this done? My Honourable friend should think of that aspect of the case, not because Parliament is not sovereign, not because within the limited power, that we have been given, this House is not supreme even in suspending or abrogating the right of Habeas Corpus, but because the case is serious, and, before so serious a step is taken, the Government should pause, consider, hesitate and think twice, aye, a hundred times even, before they come forward with a proposal which abrogates or suspends the fundamental right which every citizen in every civilized country ought to have; but that aspect of the case seems never to have occurred to the Government. My Honourable friend says this is an unnecessary provision, but because we have had a series of unnecessary provisions, let us add one more to this series and pass another Bill which will enable the next Law Member to point out that even in 1934 this unnecessary provision has been passed and so in the year of grace in 1938 it ought to be passed also. That is not treating the question seriously.

My Honourable friend has not understood the significance of this provision about Habeas Corpus. I am sorry I have to say that. As a lawyer, of course, he knows it, but as a politician I want him to appreciate the question of Habeas Corpus and not as a lawyer. Lawyers know the limited manner in which they have to treat questions relating to Habeas Corpus, but politicians know the origin of Habeas Corpus, the importance of Habeas Corpus, the part it has played in the political history of every country in the world and the enormous importance that is attached by members of subject nations in particular to this right of Habeas Corpus. Sir, I appeal to my Honourable friend to look at this question as a politician and not as a lawyer, and if he looks at the question as a politician, I have no doubt whatsoever what his answer would be to this question of whether Habeas Corpus should be suspended or not. This is not an unnecessary provision, it is a very important provision from the Government point of view. It is not an innocent provision, but it is most dangerous from the point of view of the ordinary citizen.

I do not want to pursue the propositions of law which were laid down by my Honourable friend, Mr. Abdul Aziz. Probably, as an Executive Officer of long standing, that is the only way he can look at this question, but I can tell him that no professional lawyer, if I may use that term, whatever it may mean as the Honourable the Law Member has said, no professional lawyer worth his salt ever thinks that an accused should be convicted only if it is impossible to acquit him. That is not the proposition. Lawyers have said that it is better that nine guilty men should be acquitted, rather than one innocent man should be condemned. That is quite a different proposition, and when he or I stand in the dock in the position of an accused, we might then better realise the value of that legal dictum (Applause) and what it means to the liberty of the people. It is quite all right for an Executive Officer to say we are saving you from all these troubles by putting half a dozen people into custody, in detention without trial, without investigation and without cross-examination and without a judicial certification. In all that, it is the mentality of the Executive Officer, but the lawyer's mentality is that one innocent man being unnecessarily and improperly

convicted means a reflection on the whole community, a reflection on the whole judicial system. Therefore it is that forms and procedures have been laid down which try to make it absolutely certain that a man convicted deserves to be convicted though a man acquitted may not deserve to be acquitted. That is the fundamental difference between an Executive Officer and the judicial officer, between an officer in authority, who when he cries out "*ko hai*", has half a dozen *chaprassis* rushing in to carry out his behests and a humble lawyer who tries to do his duty according to his conscience and that conscience which merely asks him to try his level best to put all the facts before the judge and leave it to him to decide the case on its merits. There is one minor point to which I should like to refer, and I want that the Honourable the Law Member should advert his attention to. Section 491 says: that any High Court may, whenever it thinks fit, direct a certain number of things to be done and among these provisions, there is a curious provision that a person detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be enquired into in such Court. Even that provision is now taken away by this clause. I ask the Honourable the Law Member to state whether, as a matter of law,—and in that I entirely yield to him, because he is supreme in this House—it will still be open to the High Court to get a detenu as a witness if the High Court is satisfied that his evidence is necessary.

The Honourable Sir Nripendra Sircar: If the Honourable Member wants an answer, it is very simple. If the position is as the High Court cannot enquire into the matter and all that is concerned is to see whether there is a signed order by the Government, then the High Court cannot possibly send for any accused for putting any question. In these circumstances, supposing the accused says nothing and supposing he satisfies the judges that he is innocent, then the High Court cannot interfere, because, as I said—I am not repeating this argument—the Provincial Legislature in its wisdom has made the opinion of the Executive to be the sole judge. What is the High Court going to do?

Diwan Bahadur A. Ramaswami Mudaliar: I am afraid the Honourable Member is doing an injustice to me as well as to the Criminal Procedure Code. May I read again the particular sub-section? It does not say that he should be called as a witness in his own behalf or in the matter of the detention with which he has been dealt with. If he is required as a witness in any matter whatsoever—that is what the sub-section says: Let me read the sub-section:

"That a persons detained in any jail constituted within such limit be brought before the Court to be there examined as a witness in any matter pending or to be enquired into in such Court."

If there is a case against "X" and the person detained in custody in the Deoli Camp is required to give evidence in that behalf, then has the High Court power to issue this writ to bring him as a witness for the matter before it? That is the question for which I want an answer.

The Honourable Sir Nripendra Sircar: I think the answer to that question is, there may be two opinions about that. I can only say this that in two instances in 1933 and one instance in 1934 witnesses have been sent for and examined by the Calcutta High Court in Calcutta itself.

Diwan Bahadur A. Ramaswami Mudaliar : I am glad that my Honourable friend has answered the question. There can be two opinions about that. I do not want two opinions, but I want one opinion that the High Court has got power to send for this man and examine him if it is required. Some judges may issue a writ to bring the man in custody to give evidence in a particular case and there may be other judges who may decline to do so. In view of the fact that this particular section is there, the judges may feel very chary in using their power, even if it is granted that they have the power in issuing summons for this man to come and give evidence before them. It seems to me, therefore, that this provision is the most obnoxious provision in the whole Bill. The Bill relates itself into two parts, the one is an enabling provision, whereby the right of appeal is granted to convicted persons, and assuming that the Assam Legislature has passed it, I am bound to see that that provision is incorporated, because it is an enabling provision. But the provision, to which my decision and my consent is now required, is also for the right of Habeas Corpus to be suspended. The Honourable Member has said, it is unnecessary. I think it is necessary from the Government point of view, and because it is necessary, I am bound to oppose it, because it will do a great deal of harm and it will do a great deal of injustice. I perfectly agree that there are limits to which an accused can be protected even if we do not adopt this clause. Therefore, we should leave unaffected section 491 in the case of these people who are treated by the executive at their mercy without any right of appeal of any kind. I, therefore, think that this very little, almost infinitesimal right that they have which, according to the Honourable the Law Member himself, is unsubstantial, should be preserved, and let us leave them the consolation of at least going occasionally before the High Court when they do feel that the forms which have been prescribed under the Assam Criminal Law Amendment Act have not been complied with by the executive, to set right the defects. On these grounds, I, therefore, oppose this provision. (Applause.)

The Honourable Sir Henry Craik : Sir, the debate to which we have listened today has travelled over a very wide range of subjects, some of them, it has seemed to me, only very remotely connected with the actual provisions of the Bill under discussion. The debate now seems to be ready to perish of inanition and it is for me,—I admit not unwillingly,—to perform its obsequies. I should like to remind the House that really this Bill is a very simple supplementing measure, designed to give effect to two clauses of a local Act passed by very large majorities through the local Council, which were unfortunately found to be beyond the powers of the local Legislature. Some of the speakers opposite me have taken the opportunity of attacking the local Act, and it has been asserted that the local Act was introduced and passed without any reason, that it is an Act of oppression and that the circumstances of the Province were not such as to justify its passage. My Honourable friend, Mr. Phookun, from Assam, dismissed in a somewhat airy fashion what he described as three or four dacoities, the maximum limit of loot in any one of which was, he said, three thousand rupees, and which seemed to him, or at any rate he gave me that effect, of being nothing more than a little playful ebullition of high spirits on the part of a few youths who he denied were in any way connected with

the terrorist movement. Now, Sir, my Honourable friend's facts were as inaccurate as his deductions seem to me to be unreasonable. So far from their being three or four dacoities, there have been in the last 3½ years 15 dacoities, two of them accompanied by murder. That can hardly be described as a trifling series of offences. So far from the largest quantity of money stolen in any one of these crimes being Rs. 3,000, the largest quantity actually was Rs. 15,000 or thereabouts. And I think in almost every case the amount was considerably in excess of Rs. 3,000.

Mr. T. R. Phookun : That comes to only four dacoities a year for the whole Province.

The Honourable Sir Henry Craik : There have been 15 dacoities of a political nature in 3½ years. Now, Sir, the Honourable Member suggested that there was no proof that these dacoities.....

Mr. T. R. Phookun : May I know how the Honourable Member maintains that these were of a political nature?

The Honourable Sir Henry Craik : If the Honourable Member would allow me to conclude one or two sentences without interruption, my point might become clear. He denies that it has been established that these dacoities are of a political nature. Sir, my Honourable friend, Mr. Scott, whose maiden speech has been acknowledged to have been a lucid and a convincing statement, made it quite clear that the Local Government were satisfied that these crimes were the crimes of a terrorist organisation. I would invite attention to one particular passage in the speech of the Honourable Maulvi Saiyid Sir Muhammad Saadulla, the Member in charge of Law and Order in Assam, when he moved for consideration of the Bill. He said :

“ I have been in charge of the Department of Law and Order since 1923, and have resisted the proposals of the police and of the district authorities to supplement the ordinary criminal law. But the information now placed before the Government clearly proves the existence of many organisations, within the Province, with the avowed policy of overthrowing the constituted Government by means of force and violence. In the public interest, I cannot divulge either the quantum or quality of the evidence that Government possess, but I can assure the House that on the materials which were placed before us, my Honourable colleagues, European and Indian, the Government as a whole; both the reserved and the transferred halves, have come to the unanimous conclusion that Government must possess powers ready for use for dealing with future emergencies.”

That, Sir, is an opinion that I do not think anybody on the other side is in a position to go behind. Certainly I am not. I do not personally know the conditions in Assam,—I could not know them. But here is the responsible Member in charge of the subject and he tells us that the whole of the Government, both Indian and English, are completely convinced that there are these terrorist organisations at work. I think, Sir, that effectually disposes of the point made that there is nothing in the situation in Assam to justify the assumption by the authorities of special powers.

Next, Sir, I come to the speech, the very interesting and enthralling speech, of my Honourable friend opposite, Mr. Neogy, which seemed to me, if I may say so, even less directly connected with the question before the House than most of the other speeches. He dealt very largely with the question, which seemed to be worrying his conscience, of the

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independence of the judiciary; and he made certain observations,—for which I have no doubt he has satisfied himself he has good cause,—which seemed to me to constitute a somewhat serious reflection on the independence of the judiciary,—I think he went so far as to say, of certain High Courts. Now, Sir, my Honourable friend is fond of throwing challenges to me across the floor of the House, and he did so in his speech this morning. He quoted a speech made by my old friend, Sir Shadi Lal, who was till recently Chief Justice of the Punjab, which contained certain observations which my Honourable friend used to support his case. I think, he rather hinted that he would like me to reply across the floor of the House to those observations. Well, Sir, I am much too old a bird to be caught by that sort of chaff. (Laughter.) The late Chief Justice's speech was made on the 7th May. I left India on the 3rd May. I had never heard of the speech before my Honourable friend mentioned it. I did not even know it had been made. I have never seen a single newspaper article about it and I certainly am not prepared to take a single passage from what was, I imagine, a carefully prepared *ex cathedra* pronouncement of that sort, spoken from the Bench with all the dignity of the Chief Justice's office surrounding him and with of course no possibility of argument or contradiction, and here from my place in this House, where there is every possibility of argument and contradiction and interruption, to make a reply to it. I think my Honourable friend will admit that that is not an unreasonable attitude to take up. But there was one thing that the Honourable Member said in his speech, and the same point was taken by other speakers, notably by my Honourable friend, Mr. Mitra, whose speech was, if I may venture to say so, largely a repetition of the arguments used by other speakers, and that is, that it is no use giving these people the right of appeal, because directly the appellate Court acquits them, the executive authorities arrest them and detain them. In fact, from the remarks made by my Honourable friend, I gather that he intended me to believe that in his own Province that is practically the invariable procedure, that in the first place no appellate Court dare acquit, but that if it did, the man is immediately re-arrested. Of course, I cannot speak for Bengal.....

Mr. K. C. Neogy : May I interrupt my Honourable friend for a moment? I made it quite clear that to my knowledge no such thing has happened with regard to appeals to the High Court: but so far as the trials by special commissioners or trials by other judicial officers were concerned,—primary trials,—this is rather the rule, than the exception.

The Honourable Sir Henry Craik : I am sorry if I put in my Honourable friend's mouth any words he did not mean: I certainly thought that he had referred to appeals in the High Court. As I say, I cannot speak for Bengal, but we have, in our small way in the Punjab, had a similar problem to deal with in the last four years, and speaking entirely from recollection, and subject to correction, I only remember one case in which I, as the Member in charge of Law and Order, agreed to the executive arrest of a person who was acquitted by—in this case, it was, I admit,—the High Court, on appeal. The circumstances of that particular case are, it seems to me, of some little interest in rebutting the general attitude of Honourable Members opposite that the procedure has necessarily the result of keeping in indefinite detention innocent men.

I will venture to tell the House very broadly, without the names of course, the circumstances of that particular case. The man in question had been tried for being implicated in a conspiracy to murder—a conspiracy which, I may say, resulted in murder: he was convicted in the Sessions Court, and sentenced to death; he appealed to the High Court and he was acquitted; and taking a careful survey of all the facts, and the information in our possession, about that man, the Local Government decided that they would not be doing their duty if they allowed him to remain at large. He was accordingly arrested and placed under detention. Now comes the interesting part of the story—two interesting parts in fact. One was that I had a conversation with one of the High Court Judges who acquitted him: my Honourable friend will pardon me for bringing in a conversation outside the House, but I only follow his own example. The Judge said to me that he was very sorry he had to acquit this man, that he was perfectly satisfied in his own mind that the man was as guilty as he could be, but the rules of evidence by which he was bound—and notably the rule, that the evidence of an accomplice is not to be accepted without material corroboration, precluded him from convicting him.....

Mr. K. C. Neogy : Is this the practice in the Punjab—to discuss such matters between a High Court Judge and executive officials?

The Honourable Sir Henry Craik : The Honourable Member has himself quoted a conversation.

Mr. K. C. Neogy : I merely wanted to know.

The Honourable Sir Henry Craik : I do not say it is the practice, but the circumstances were exceptional and the Judge in question came to me and volunteered this statement and I do not see why I should not have listened to it.

Mr. K. C. Neogy : I am very glad my Honourable friend makes a candid admission.

The Honourable Sir Henry Craik : That was a perfectly candid admission by the Judge, and it shows that there are rules of evidence which occasionally, at any rate, I do not say always—I do not even say often—but occasionally result in the acquittal of a man who is known to be guilty. Now, there is another interesting part. This particular man was kept in detention and I am very glad to say that he saw the error of his ways and he made what I really believe was a sincere repentance. I went very carefully into his case and discussed it with the officers in actual contact with him: he wrote out in the very greatest detail the entire history of his connection with the terrorist and he wrote out in the very greatest detail every incident connected with the conspiracy for which he was tried. He admitted up to the very hilt his guilt. I do think that story has a certain significance. It does show that the procedure of the ordinary Courts is not cent. per cent. guaranteed to arrive at the truth; there are occasions when the executive government, in possession of facts of that kind, are perfectly justified in ordering detention as an executive order. There is no injustice in it and I submit that it was not done without the very gravest consideration.

I can recall another story bearing on the same point—perhaps in rather lighter vein; and in this case I will not vouch for its complete

[Sir Henry Craik.]

truth. It was in a certain district in which I served in the Punjab as a young man, a story current in the countryside,—it was a very lawless district. The story is that a lady, whose husband had been murdered, was determined to have her revenge and so she sent for the local murderer and asked him: "Look here, my husband has been murdered: I suspect so and so: what will be your price for getting rid of him?" He stated his usual terms—Rs. 50 or something like that: and she said: "How much will you charge for murdering his wife?" He said: "That would be cheaper—say Rs. 40." A bargain was struck and he took the wife out for a walk and pushed her down a well and disposed of her like that. Then he was arrested and put before a magistrate: of course he had been through this sort of thing before and it did not worry him: he made no statement before the committing magistrate: he was committed for trial: he did not say much in the Sessions Court beyond saying that he was innocent; and he was convicted. He then, as usual, appealed to the High Court and he was acquitted. It had all happened to him before and so the whole thing was a familiar routine for him: he then went back to the lady who had employed him and said: "Now I have done my job; where is the Rs. 40?" She said: "But, the Judge Sahib said you did not do it." (Laughter.) She refused to pay him. The ending of the story is that he thereupon murdered the lady, but I am not sure about that. As I said, I cannot vouch for the truth of the story, but still it does corroborate my point, which is that one cannot, in every single case, accept the contention that a man who is acquitted by a Court of law must necessarily be innocent.

Sir, I noticed that my friend, Mr. Abdul Matin Chaudhury, while not denying, like his compatriot from Assam, the existence of the terrorist organization, did make the point that it was not really a very serious menace. He said, as far as I can recollect, that it has not been necessary to take precautions to secure the safety of officers in Assam. I quite agree that that is true, and that the form of terrorist crime in Assam, so far as the material before me goes, is much less violent in the sense that it usually takes the form of dacoity and is less murderous than the crimes committed by the same kind of organization in Bengal. As Mr. Scott made it clear, the chief danger in Assam is, that terrorists from Bengal have taken refuge there under pressure from the police, and they have been using Assam, not for committing the type of terrorist murder which has been so deplorable a feature of Bengal, but rather for replenishing their funds by robbery and dacoity. That is perfectly true, but the menace is surely none the less a very serious one and fully deserves to be dealt with by special weapons.

A later speaker, Sardar Sant Singh, in the course of his speech questioning the provision in the Bill for the abrogation of the powers of Habeas Corpus disputed the contention that such a provision is in the interests of witnesses. His own word were that "witnesses were occasionally subjected to maltreatment". Now, that is surely slightly understating the case. Witnesses are no doubt maltreated occasionally, but the justification for this legal provision is not maltreatment but stark murder. Witnesses have on a great many occasions,—though certainly there have been fewer occasions in recent years than in the past,—but on a great many occasions witnesses have been murdered with the utmost ruthlessness, and I have no doubt that, if the trials of terrorists were held in public, and

the witnesses or informers or accomplices on whose evidence the prosecution was to rest were placed in Court, that murders would again become most distressingly frequent. Nor can it be said that even a trial *in camera* is really any substantial measure of protection. If there is a trial at all, even if it is held *in camera*, it is easy enough for the agents of the accused to ascertain and make a note of the names of the witnesses.

My friend misquoted the Assam Act when he said that it was within the power of the Public Prosecutor practically to direct the Commissioners to hold a trial *in camera*. That is not the case. His mistake has already been pointed out by Mr. Scott. The Public Prosecutor can merely draw attention or certify that in his opinion it is necessary, but it is still for the Commissioners to decide.....

Mr. T. R. Phookun: May I interrupt my Honourable friend for a moment? It is provided that neither the name nor the designation, nor any words, signs or visible representation disclosing the identity of any witness in a trial by Commissioners appointed under the Assam Criminal Law Amendment Act, and so forth, shall, without the permission of the Commissioners, or after the termination of the trial, without the permission of the Local Government, be published in any newspaper, book or other document. So, I think it is clear that identity would not be disclosed.....

The Honourable Sir Henry Craik: All the same, I don't think that section would fully protect the witness. If he has to appear in Court at all it is easy enough for the accused or his agent.....

Mr. T. R. Phookun: I would like to ask another question, Sir. How many witnesses have been murdered within the last 20 years?

The Honourable Sir Henry Craik: Within the course of 20 years?

Mr. T. R. Phookun: About that.

The Honourable Sir Henry Craik: I should say a considerable number, certainly a dozen, within the course of 20 years. I have only got figures for the last four years, and during this period in Bengal alone two have been murdered, and there have been two other attempts. Of course, as I said, there have been far fewer attempts within the last four years, but before that they were comparatively common.

Another point made by my friend, Sardar Sant Singh, was that it was possible for the Commissioners in certain circumstances to record evidence in the absence of the accused. That is no doubt true. It is only when the accused, either by voluntary act renders himself incapable of appearing in Court, or forcibly resists his production or behaves in a persistently disorderly manner, that evidence is recorded in his absence. My Honourable friend should know from a certain case that was notorious in the Punjab, that it is possible for accused persons, by persistently disorderly conduct, by refusing to be taken to Court and by interrupting the proceedings by shrieking and singing, and so on, to hold up a trial almost indefinitely. And what happened in that notorious trial is in itself a full justification, I submit, for this provision. It can only be used in the case of an accused who is determined to defeat the ends of justice by rendering the proceedings impossible.....

Sardar Sant Singh: May I draw the attention of the Honourable the Home Member to the various provisions in this respect, to which I referred in a cursory manner, because I could not deal with all the clauses

[Sardar Sant Singh.]

separately as the Act has been passed already. In that Act it is laid down, for instance, in section 8, clause 2 (b), that any evidence already recorded in the trial or in favour and so forth. Similarly in clause 3, it is stated that the Court may not recall the witnesses,.....

The Honourable Sir Henry Craik : I am not clear whether this is an interruption or a speech. I am not saying that the Honourable Member was wrong, but there is this power, and I am trying to justify it.

Now, I do not propose, in fact I am not qualified, to follow my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, into the question of Habeas Corpus. I admit that when we get into those sorts of abstruse legal questions,—I am not a lawyer, and I get out of my depths, I am sure the House would not want me to deal with those questions. But taking what has been called the executive point of view, I would like to defend this provision, apart from the question of consistency or inconsistency with previous Acts, on its merits. I am perfectly aware that it is a principle of common law—I trust I am not using that term incorrectly—it is a recognised principle of civilised government, shall I say, that the subject has certain defined and well-recognised rights of personal freedom, and that he is not to be deprived of those rights, except by a sentence of Court. That is a most important principle which, I think, as I said the other day in another connection, everybody who has any respect at all for ordered government must support. But my point is this. There do arise emergencies which make it necessary to abrogate the ordinary law. When you have a deep-seated, wide-spread conspiracy, whose deliberate object is to paralyse and defeat the ordinary law, then I do think the executive government must be armed with the power to hold in abeyance, temporarily at any rate, possibly permanently, or at any rate so long as the danger exists, those powers of personal freedom which, ordinarily speaking, everybody would desire to respect and conserve. That, Sir, is the basic justification for any measure of this nature, and in clause 3 of the Bill we merely desire to endorse the very clearly pronounced verdict of the Assam Council regarding the existence in present circumstances in that Province of that special emergency to which I have referred.

Sir, I hardly think it is necessary for me to speak any longer, at any rate at this stage, in favour of the motion. I hope the House will agree, in view of what has been said in defence of this Bill, and in view of the very clear verdict of the local Legislature, to take the Bill into consideration. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

“That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration.”

The Assembly divided :

AYES—56.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.

Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi
B.
Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lal.
Buss, Mr. L. C.

THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL. 1417

Chatarji, Mr. J. M.	Mukherjee, Rai Bahadur Sir Satya Charan.
Craik, The Honourable Sir Henry.	Noyce, The Honourable Sir Frank.
Dalal, Dr. R. D.	Pandit, Rao Bahadur S. R.
DeSozza, Dr. F. X.	Perry, Mr. E. W.
Dudhdria, Mr. Nabkumar Sing.	Peri, Mr. Goswami M. R.
Duguid, Mr. A.	Rafiuddin Ahmad, Khan Bahadur Maulvi.
Fazal Haq Piracha, Khan Sahib Shaikh.	Raghubir Singh, Rai Bahadur Kunwar.
Ghuznavi, Mr. A. H.	Raisman, Mr. A. J.
Gidney, Lieut.-Colonel Sir Henry.	Rajah, Rao Bahadur M. C.
Grantham, Mr. S. G.	Ramakrishna, Mr. V.
Grigg, The Honourable Sir James.	Rastogi, Rai Sahib Badri Lal.
Hockenhull, Mr. F. W.	Rau, Mr. P. R.
Hudson, Sir Leslie.	Richards, Mr. W. J. C.
James, Mr. F. E.	Row, Mr. K. Sanjiva.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Scott, Mr. J. Ramsay.
Kameluddin Ahmad, Shamus-ul-Ulema Mr.	Scott, Mr. W. L.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.	Singh, Kumar Gupteshwar Prasad.
Lindsay, Sir Darcy.	Singh, Mr. Pradyumna Prashad.
Lumby, Lieut.-Colonel A. F. R.	Sircar, The Honourable Sir Nripendra.
Metcalfe, Mr. H. A. F.	Spence, Mr. G. H.
Morgan, Mr. G.	Studd, Mr. E.
Muazzam Sahib Bahadur, Mr. Muhammad.	Trivedi, Mr. C. M.
	Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
	Zyn-ud-din, Khan Bahadur Mir.

NOES—28.

Abdul Matin Chaudhury, Mr.	Pandian, Mr. B. Rajaram.
Abdur Rahim, Sir.	Pandya, Mr. Vidya Sagar.
Ba Maung, U	Parma Nand, Bhai.
Bhuput Sing, Mr.	Patil, Rao Bahadur B. L.
Das, Mr. B.	Phookun, Mr. T. R.
Gunjal, Mr. N. R.	Reddi, Mr. P. G.
Jadhav, Mr. B. V.	Sant Singh, Sardar.
Jog, Mr. S. G.	Sen, Mr. S. C.
Maswood Ahmad, Mr. M.	Sen, Pandit Satyendra Nath.
Mitra, Mr. S. C.	Singh, Mr. Gaya Prasad.
Mody, Mr. H. P.	Sitaramaraju, Mr. B.
Mudaliar, Diwan Bahadur A. Ramaswami.	Thampan, Mr. K. P.
Murtuza Saheb Bahadur, Maulvi Sayyid.	Uppi Saheb Bahadur, Mr.
Neogy, Mr. K. C.	Ziauddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, I think it will be meeting the convenience of the House if I make the announcement that the Government do not intend to move the motion which stands in the name of my Honourable friend, Mr. G. S. Bajpai, in respect of the Bill known as the Muallims Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : Tomorrow, when the Assam Criminal Law Amendment (Supplementary) Bill is finished, the House will pass on to the motion standing in the name of Lieut.-Colonel Lumby regarding the Indian Army (Amendment) Bill.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 14th August, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 14th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

The Honourable Sir Henry Craik : Sir, the answer to this question is a very long one, and I propose, with your permission, to lay it on the Table.

Mr. Gaya Prasad Singh : Will not this curtail the right of Members to have facilities for understanding and asking supplementary questions ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable the Home Member has spoken to the Chair about this. It seems the answer of the Government is a very long one, and, therefore, it will be placed on the table so that Members can read it.

Mr. H. P. Mody : What about supplementary questions ? Will another opportunity for these be given ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Certainly. Whenever statements are laid on the table, the Honourable Members get a chance of reading these at their leisure and asking more questions afterwards. Supplementary questions will arise out of those questions which are published, later on.

Mr. H. P. Mody : But for those questions we require ten days' notice and would you direct that they may be put earlier on a particular date ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair will have to think about that. This is a new procedure of course. The point is that when Honourable Members ask certain questions for which the answer is a very long one containing an elaborate statement of the policy of the Government, that obviously cannot be read out on the floor of the House, and the usual practice is to lay the statement on the table. Whether it would be proper to allow supplementary questions to be asked after two or three days' notice is a new suggestion which the Chair would like to think over.

Maulvi Muhammad Shafee Dacodi : On the basis of that statement, we might like to put short notice questions possibly within a short time.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair will have to think over that.

Mr. T. R. Phookun : Could any Member, if he likes, put any supplementary question now, even without reading the answer ?

Mr. President (The Honourable Sir Shanmukham Chetty) : No.

(1419)

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The Honourable the Leader of the House is not well and the questions that are due for him to answer will be postponed.

COMMUNIST PARTY IN INDIA.

545. *Mr. Gaya Prasad Singh : (a) Have Government declared the Communist Party in India as an unlawful Association under Act XIV of 1908? If so, what are the declared aims and objects of the Party, and by what methods does it seek to achieve them?

(b) Who are the present office-bearers of the Party, and what is the approximate number of its members in the country?

The Honourable Sir Henry Craik : (a) Yes. It has been held judicially by the Allahabad High Court in the Meerut Conspiracy Case that the aims of the Communist Party of India are those of the Communist International. The High Court stated that there was no doubt in their minds that the violent overthrow of the present order of society and bringing about the independence of India by means of an armed revolution was not a distant but an immediate object of the party. The methods by which the party seeks to achieve this object were stated in the judgment of the High Court to be mass action which included :

“ Strikes ; a combination of strikes and demonstrations ; a combination of strikes and armed demonstrations ; and finally the general strike conjointly with armed insurrection against the State power of the Bourgeoisie.”

The High Court, further, stated that :

“ the whole programme from beginning to end shows, without a shadow of doubt, that the programme laid down is the overthrow of the existing order of society and Government by the use of force with ultimate resort to arms.”

The Communist Party of India has laid down in its Draft Platform of Action the following tasks :

- “ (1) The complete independence of India by the violent overthrow of British rule. The cancellation of all debts. The confiscation and nationalisation of all British factories, banks, railways, sea and river transport and plantations.
- (2) The establishment of a Soviet Government. The realisation of the right of national minorities to self-determination including separation. Abolition of the Indian States. The creation of an Indian Federal Workers' and Peasants' Soviet Republic.
- (3) The confiscation without compensation of all the lands, forests and other property of the landlords, ruling princes, churches, the British Government, officials and moneylenders, and handing them over for use to the toiling peasantry. Cancellation of slave agreements and all the indebtedness of the peasantry to moneylenders and banks.”

The more important of the stated methods by which the Party may achieve these aims are as follows :

- “ (1) To develop a general strike and convert it into a general political strike.
- (2) To develop the spontaneous peasant movement for the non-payment of rent, debts and taxes into an All-India movement and direct it into the channels of an agrarian revolution.
- (3) To develop a nation-wide movement for independence, attracting the petty bourgeoisie to it besides workers and peasants and isolating the bourgeoisie and the bourgeois national Congress.
- (4) To spread revolutionary propaganda among the soldiers and police and to explain to them the necessity of their armed insurrection together with the masses of the country against British rule.”

These are quotations from a document issued by the Central Committee of the Communist Party of India in February, 1934.

The aims of the Communist International, on which the programme of the Communist Party of India is based, are summarised in the report of the Fish Committee, appointed by the House of Representatives in the United States of America to investigate the activities and propaganda of the Communists in the United States of America, as follows :

- “ (1) hatred of God and all forms of religion ;
- (2) destruction of private property and inheritance ; absolute social, and racial equality ; promotion of class hatred ; revolutionary propaganda through the Communist International stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war ;
- (3) destruction of all forms of representative or democratic government, including civil liberties such as freedom of speech of the Press, of Assembly and trial by jury ;
- (4) the ultimate and final objective is, by means of world revolution, to establish the dictatorship of the so-called proletariat into one world union of Soviet Socialist Republics, with the capital at Moscow.”

In view of the judicial findings of the Allahabad High Court and of other evidence available to Government regarding this Party, Government were satisfied that the Communist Party of India is an association which has for its object interference with the administration of the law and the maintenance of law and order and constitutes a danger to the public peace. It has, therefore, been declared to be unlawful under the provisions of section 16 of the Indian Criminal Law Amendment Act, 1908.

(b) It is not in the public interest to make any statement on this subject.

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REPRESENTATION OF MUSLIMS OF BERAR IN THE LEGISLATIVE ASSEMBLY.

549. *Khan Bahadur H. M. Wilayatullah : (a) Will Government be pleased to state how many Members represent the people of Berar in this House?

(b) Is it a fact that the Member from Berar, is first elected by a separate electorate consisting of Hindus only, and is subsequently nominated by Government on the result of the election?

(c) Is it a fact that Muslims of Berar have no share in the election?

(d) Who represents the Muslims of Berar in this House?

(e) Are the Muslims of Berar given representation by rotation or nomination or in any other way? If not, do Government propose to consider the desirability of nominating a Muslim Member from Berar after the ensuing elections?

Mr. H. A. F. Metcalfe. The information asked for on certain points has been called for and a reply will be given to the House in due course.

†These questions will be answered on the 15th August, 1934.

PAY OF EMPLOYEES DEMOTED ON ACCOUNT OF RETRENCHMENT ON THEIR
RE-EMPLOYMENT ON THE NORTH WESTERN RAILWAY.

550. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state what the orders are regarding the grant of pay to employees demoted in 1931-32 'Retrenchment campaign' on restoration to their original appointments ?

(b) Is it a fact that it has been ruled by the Agent, North Western Railway, Lahore, that employees demoted on account of retrenchment, on their re-promotion to their original appointments, should be given the same salary they were drawing before their demotion ?

(c) Is it a fact that in pursuance of this policy, certain Grade II guards who were demoted as Tally Clerks and were in receipt of Rs. 51 per mensem as Tally Clerks, have on their restoration as Guards grade II, been given Rs. 46 only, in terms of the Agent, North Western Railway's orders referred to in part (b) ?

(d) Will Government please state whether the decision of the Agent, North Western Railway, Lahore, referred to in part (b) is in accordance with Fundamental Rule 22 ? If not, how was the same allowed to operate in contravention of the Fundamental Rules ?

(e) Are Government aware that the North Western Railway Union, vide their No. 351, dated the 3rd/5th April, 1934, had made a representation to the Agent, North Western Railway, Lahore, in connection with the above ruling, pointing out that the Agent's orders were in contravention of the Fundamental Rules ?

(f) Is it a fact that the Agent, North Western Railway, did not reply to the Union's representation, and that the employees continued to lose in their salaries ?

(g) What steps do Government propose to take to expedite a decision on the point raised by the Union and further see that the provisions of the Fundamental Rules are not infringed by the North Western Railway Agency ?

Mr. P. R. Rau : (a) I would refer the Honourable Member to paragraph 16 (iii) of the Memorandum accompanying Railway Board's letter, No. 391-L., dated the 20th July, 1932, a copy of which is already in the Library of the House.

(b) to (g). I have called for certain information and will lay a reply on the table of the House in due course.

SLAUGHTER OF NEWLY BORN LAMBS AND KIDS FOR THE EXPORT OF THEIR
SKINS.

551. *Shaikh Sadiq Hasan : (a) Are Government aware that, particularly in the Punjab and the North-West Frontier Province, very large numbers of newly born lambs and kids are being slaughtered for export of their skins ?

(b) Are Government aware that this practice is devastating the sheep and goat breeding and gradually causing scarcity of wool and skins

in the Punjab and the North-West Frontier Province ? If so, what steps do Government propose to take in order to stop this economic menace ?

Mr. G. S. Bajpai : (a) and (b). Government have no precise information but will remit the matter to the Imperial Council of Agricultural Research for enquiry.

INDIAN PROTECTOR OF PILGRIMS IN IRAQ.

552. *Shaikh Sadiq Hasan : (a) Will Government be pleased to state when the appointment of Indian Protector of Pilgrims was created in Iraq, and who was appointed to the post ?

(b) How many complaints have been received against the said official ?

(c) Is it a fact that the representative of His Majesty's Government in Iraq ordered inquiries to be made about the said official and the Criminal Investigation Department of Iraq instituted inquiries ?

(d) Is it a fact that, along with several other irregularities, it was found that the said official misused the Oudh Bequest Fund at his disposal, in as much as he gave Rs. 200 per mensem to his near relative who went to England to prosecute his studies ?

(e) If the answers to parts (c) and (d) be in the affirmative, what action have Government taken in the matter ? If no action has so far been taken, what action do Government propose to take now ?

Mr. H. A. F. Metcalfe : (a) The appointment of Protector of Indian Pilgrims, Iraq, was created with effect from the 1st December, 1928, and Mr. Tahir Hussain Quraishi was appointed to the post.

(b) A number of complaints have been received in the past against both the Protector of Indian Pilgrims in Iraq and against the Committee charged with distribution, under his supervision, of Oudh Bequest Funds. On investigation these have proved in the majority of cases to be quite unfounded and to have emanated from interested parties anxious to secure for themselves a large share of the funds. Charges against the Protector of Indian Pilgrims have in no case been substantiated.

(c) No enquiries have ever been ordered by any representative of His Majesty's Government in Iraq. All complaints have, however, been carefully investigated as already stated.

(d) The answer is in the negative nor have any such suggestions ever been made.

(e) Does not arise. It may, however, be explained that the distribution of Oudh Bequest Funds is in the hands of the Committee with whom the Protector of Indian Pilgrims sits to check accountancy and to prevent duplicate payments and other possible irregularities. The Protector of Indian Pilgrims is responsible to His Majesty's Consul, Baghdad, who himself attends or deposes one of his staff to attend distributions at suitable intervals. The distributions are now proceeding very smoothly and satisfactorily.

INDIAN PROTECTOR OF PILGRIMS IN IRAQ.

553. *Shaikh Sadiq Hasan : (a) Will Government be pleased to state if it is a fact that the representative of His Majesty's Government

in Iraq, wrote to the Government of India, Foreign and Political Department, suggesting the abolition of the post of Indian Protector of Pilgrims and the creation of the post of Indian Vice-Consul at Baghdad instead?

(b) Is it a fact that Government invited recommendations from all Provincial Governments to submit names of suitable candidates for the said appointment?

(c) If the answers to parts (a) and (b) be in the affirmative, what action have Government taken in the matter?

Mr. H. A. F. Metcalfe : (a) Yes.

(b) and (c). Certain Local Governments and Administrations were asked to recommend candidates for the post of Vice-Consul, but none of those suggested appeared to His Majesty's representative in Iraq to be entirely suitable. For this reason and also owing to the difficulty of finding other employment in India for the officer who at present holds the post of Protector of Pilgrims, it has been agreed to postpone for the time being the appointment of a Vice-Consul.

ANTI-GOVERNMENT ACTIVITIES OF THE BRANCH POSTMASTER, PADHANA, LAHORE DISTRICT.

554. *Major Nawab Ahmad Nawaz Khan : (a) Is it a fact that Government Servants' Conduct Rules call for serious action against Government officials participating in political meetings and anti-Government propaganda carried on by Congress?

(b) Is it a fact that some time back, the Deputy Commissioner, Lahore, reported to the Superintendent of Post Offices about the anti-Government activities of the Branch Post Master, Padhana, District Lahore?

(c) Is it a fact that on receiving this report, no enquiry was made and the official was only transferred for a short period and re-transferred to the same locality?

(d) Will Government please state when this matter came to the notice of the Post Master General and what disciplinary action was taken by him? If none, why not?

The Honourable Sir Frank Noyce : (a) The Honourable Member is referred to rules 22 and 23 of the Government Servants' Conduct Rules, a copy of which is in the Library of the House.

(b) to (d). Government have no information and do not propose to call for it as the matter is one within the competence of the Postmaster-General to whom a copy of the question and of this reply will be sent.

PERSONS DETAINED UNDER REGULATION III OF 1818.

555. *Mr. Sitakanta Mahapatra : (a) Will Government be pleased to state the number of persons in India who are detained today under Regulation III of 1818?

(b) Will Government be pleased to state if it is a fact that most of the persons detained under Regulation III of 1818 are allowed allowances for the maintenance of their families?

(c) Will Government be pleased to state the names of the persons detained today under Regulation III of 1818 giving :

- (i) the places at which they are detained;
- (ii) the periods for which they are already under detention;
- (iii) the allowances they are receiving; and
- (iv) the charges on which they are being detained?

The Honourable Sir Henry Craik : (a), (b) and (c) (i), (ii). I lay a statement on the table giving the information required.

(c) (i) and (iv). I am afraid I cannot undertake to give information on these points.

Statement showing the Allowances sanctioned for State Prisoners detained under Regulation III of 1818, and for their Families.

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
1	Sarat Chandra Bose ..	4-2-32	Rs. 225 p. m. ..	Rs. 1,500 p. m.	
2	Pratul Chandra Ganguli	23-11-31	Rs. 1-4-0 a day for diet plus Rs. 32 a month.	Rs. 50 p. m.	
3	Trilokya Nath Chakrabarty.	Do.	Do.	Nil.	
4	Rabindra Mohan Sen Gupta.	25-11-31	Do.	Nil.	
5	Ramesh Chandra Acharjee.	Do.	Do.	Rs. 55 p. m.	
6	Pratul Chandra Bhattacharji.	23-11-31	Do.	Nil.	
7	Jiban Lal Chatterjee ..	Do.	Do.	Rs. 40 p. m.	
8	Suresh Chandra Das ..	2-1-32	Do.	Rs. 100 p. m.	
9	Manoranjan Gupta ..	24-11-31	Rs. 1-5-0 per day for diet plus Rs. 32 p. m.	Nil.	
10	Arun Chandra Guha ..	Do.	Do.	Nil.	
11	Bhupendra Kumar Datta	Do.	Do.	Rs. 20 p. m.	
12	Satya Bhushan Gupta ..	Do.	Do.	Rs. 50 p. m.	
13	Joytiah Chandra Ghosh	1-1-32	Rs. 1-8-0 per day for diet plus Rs. 20 p. m. as personal Alloc.	Rs. 60 p. m.	
14	Surendra Mohan Ghosh	23-11-31	Do.	Rs. 30 p. m.	
15	Purna Chandra Das ..	1-1-32	Do.	Rs. 60 p. m.	
16	Bhupati Mazumdar ..	2-1-32	Do.	Rs. 165 p. m.	

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
17	Rasik Lal Das ..	2-1-32	Rs. 0-12-0 a day for diet plus Rs. 32 monthly.	Nil.	
18	Bhupat Kumar Rakshit Roy.	Do.	Do.	Rs. 75 p.m.	
19	Abdul Ghaffar Khan ..	24-12-31	Rs. 200 consolidated allowe.	Nil.	
20	Dr. Khan Sahib ..	24-12-31	Rs. 200 consolidated allowance.	Rs. 500 p. m. plus an additional sum of Rs. 200 p. m. during period his son and daughter by his English wife are residing in England for purposes of education.	
21	Ihsan Elahi ..	9-2-31	Rs. 1-6-0 dietary allowance plus Rs. 32 per mensem.	Nil.	
22	Teja Singh alias Isher Singh.	5-10-33	Do.	Rs. 75 per mensem.	
23	Karam Singh ..	21-5-31	Do.	Nil.	
24	Chaman Lal Azad ..	8-4-33	Do.	Nil.	
25	Bhawani Sahai ..	26-4-32	Rs. 0-12-0 a day for diet plus Rs. 10 per mensem.	Nil.	
26	Vishwanath Rao Vaishampayan.	16-8-33	Rs. 1-12-0 a day for diet plus Rs. 36 per mensem.	Nil.	
27	Vidya Bhushan ..	4-2-33	Do.	Rs. 30 per mensem.	
28	Ram Kishan ..	7-7-34	Question of allowance is under consideration.		
29	U. Ariyawantha ..	30-8-33	Rs. 65 per mensem	Nil.	
30	Sardar Abdul Aziz Khan	27-12-23	Rs. 310 p.m.	Rs. 325 p.m.	Includes Rs. 60 as house rent.
31	Hussainyavar Khanji (ex-Taluqdar of Sardargadh).	12-2-34	Rs. 500 p.m.*	..	* Paid by the Sardargadh Taluka in the Western India States Agency.
32	Sardar Abdul Rahman Khan.	3-6-26	Rs. 600 p.m.		
33	Sardar Abdul Hakim Khan.	14-3-30	Rs. 150 p.m.		
34	Sardar Amin Jan ..	14-3-30	Rs. 250 p.m.		

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
35	Ghausuddin Khan ..	12-5-30	Rs. 500 p.m.		
36	Sardar Abdulla Khan ..	21-12-25	Rs. 300 p.m.		
37	Sardar Abdul Hamid Khan.	21-12-25	Rs. 250 p.m.		
38	Sardar Abdul Quayyam Khan.	27-7-34	Rs. 225 p.m.		
39	Rippudaman (alias Sardar Guru Charan Singh), Ex-Maharaja of Nabha.	Arrived in Kodai-kanal 22-2-28	Rs. 10,000 p.m.*	..	* Receives funds from the Nabha State.
40	Khan Baba Paghman ..	15-11-32	Rs. 30 p.m.†	..	† In addition annas 10 per diem for diet.
41	Mohd. Din Khairokhel Laghman, Afghanistan.	15-11-32	Rs. 30 p.m.	..	Do.
42	Abdul Majid Aziz Ahad	15-11-32	Rs. 50 p.m.	..	Do.
43	Abdul Hakim ..	15-11-32	Rs. 50 p.m.	..	Do.
44	Mohd. Sadiq ..	15-11-32	Rs. 30 p.m.	..	Do.
45	Ata Mohamunad ..	15-11-32	Rs. 30 p.m.	Rs. 30 p.m.	Do.
46	Ghulam Nabi ..	15-11-32	Rs. 30 p.m.	..	Do.
47	Ismail ..	15-11-33	Rs. 30 p.m.	..	Do.
48	Mohd. Jan Deh ..	15-11-33	Rs. 30 p.m.	..	Do.
49	Abdul Qaddus ..	18-11-33	Rs. 32 p.m.	Rs. 60 p.m.	In addition Rs. 1-6 per diem for diet.
50	Muhammad Ibrahim ..	18-11-33	Rs. 32 p.m.	..	Do.
51	Muhammad Hussain ..	18-11-33	Rs. 32 p.m.	..	Do.
52	Ali Ahmad ..	18-11-33	Rs. 32 p.m.	..	Do.
53	Khwaaja Abdul Karim ..	23-12-33	Rs. 30 p.m.	Rs. 40 p.m.	Do.
54	Muhammad Nasir ..	23-12-33	Rs. 30 p.m.	..	Do.
55	Sardar Muhammad Azam Khan.	Since 1919	Rs. 300 p.m.	..	
56	Sardar Muhammad Akram Khan.	Since 1919	Rs. 400 p.m.	..	
57	Sardar Muhammad Afzal Khan.	14-1-29			
58	Sardar Sultan Ahmad Khan.	20-3-17	Rs. 300 p.m.	..	
59	Sardar Sher Ahmad Khan	20-3-17	Rs. 250 p.m.	..	
60	Sardar Muhammad Sarwar Khan.	20-3-17	Rs. 250 p.m.	..	

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner.		Remarks.
			Himself.	His family and dependents.	
61	Sardar Nur Ahmad Khan	20-3-17	Rs. 250 p.m. ..	..	
62	Sardar Abdur Rashid Khan.	20-3-17	Rs. 150 p.m. ..	..	
63	Sardar Muhammad Umar Khan (Allahabad).	20-3-17	Rs. 250 p.m. ..	..	
64	Muhammad Hassan Khan	14-1-29	Rs. 200 p.m. ..	..	
65	Sardar Abdus Samad Khan.	14-1-29	.. ..	..	
66	Sardar Abdur Rahman Khan.	14-1-29	Rs. 320 p.m. ..	..	
67	Sardar Muhammad Umar Khan (Dhara Dun).	14-1-29	Rs. 100 p.m. ..	..	
68	Sardar Gul Muhammad Khan.	14-1-29	Rs. 100 p.m. ..	..	
69	Abdul Ali Khan ..	14-1-29	Rs. 350 p.m. ..	..	
70	Abdur Rahim Khan ..	14-1-29	Rs. 250 p.m. ..	..	
71	Abdur Rauf Khan ..	14-1-29	..	..	
72	Sardar Muhammad Azim Khan.	14-1-19	Rs. 100 p.m. ..	..	
73	Sardar Muhammad Mohsin Khan.	14-1-29	Rs. 100 p.m. ..	..	

Sardar Sant Singh : May I know who are the persons who have been detained for the longest period, and what is that period ?

The Honourable Sir Henry Craik : I am afraid I cannot say straight off without going through the statement ; it will take me a minute or two to go through the statement.

ACTIVITIES OF THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

556. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state how much money it has cost them to establish and maintain the Forest Research Institute at Dehra Dun, and what is its annual recurring expenditure ?

(b) What are the activities of this Institute and how many industries have been started with its help ?

(c) Out of the concerns started with the help of this Institute, if any, what is the percentage of concerns managed by Indians ?

(d) What steps has this Institute taken to educate the public of India to utilise forest products for industrial purposes ?

Mr. G. S. Bajpai : (a) to (d). A statement giving such information as is available is laid on the table.

Statement re. Activities of the Forest Research Institute, Dehra Dun, the expenditure incurred on its construction, etc.

(a) Sanction exists for the expenditure of a sum of Rs. 1,10,98,400 on the Forest Research Institute project but expenditure on construction up to the end of March, 1934, has been only Rs. 96.73 lakhs. The average expenditure on its maintenance is Rs. 37,000 per annum. Recurring expenditure on the Institute varies from year to year but the average of the past three years is about Rs. 6 lakhs.

(b) The activities of the Institute consist mainly in carrying out research on forest produce, the results of which may be of practical utility to Government and the public, lead to the greater commercial utilisation of forest products and add to scientific knowledge. Very considerable help has been afforded to the Rosin and Turpentine, Plywood, Cabinet making, pulp and paper, match and other wood using industries of India. Research work has also been carried out in the chemistry of drugs and medicinal plants, in cutch, tanning materials, grass oils and other products. It is not possible to say how many industries have been started with the help of this Institute, but as I have already stated many industries have benefited by the work of the Institute.

(c) Government have no information.

(d) The Institute issues an annual report "Forest Research in India" and a large number of publications which record the results of its work and which are available to the public. In addition several museums and show rooms are maintained at the Institute which are visited by a large number of interested persons. The Institute also possesses a permanent travelling exhibit, photographs, magic lantern slides and cinema films.

ACTIVITIES OF THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

557. ***Mr. Sitakanta Mahapatra :** (a) How are the affairs and activities of the Forest Research Institute managed ? Are they managed by a Board consisting of Indians who represent the industrialists ? If not, why not ?

(b) How many Indian students have qualified from the Institute and are all of them in the employment of the State or some other authority ?

Mr. G. S. Bajpai : (a) The Forest Research Institute is administered by the President under the orders of the Government of India. Triennial programmes of research work are prepared in consultation with Provincial Forest Departments. There is a Board of Forestry consisting of the Inspector General of Forests and the Chief Forest Officers of Provinces to advise the Government of India on the management and work of the Institute and on general problems connected with forestry, whether administrative or scientific, which may be referred to it by Government. Close touch is maintained with the trades concerned through the Forest Economist and the sectional officers concerned. A proposal to create an Advisory Board on which Commerce and Industry would be represented has been worked out but, owing to financial stringency, it has not so far materialised.

(b) The Institute does not receive students.

ACTIVITIES OF THE MINING INSTITUTE, DHANBAD.

558. ***Mr. Sitakanta Mahapatra :** (a) What have been the activities of the Mining Institute at Dhanbad ?

(b) What percentage of the qualified pupils of this Institute are taken in State services ?

(c) What has been the total cost of the Institute in establishing it and what is the annual recurring expenditure ?

(d) How is the management of this Institute conducted ?

(e) Are the results of the researches of this Institute duly circulated widely enough for the benefit of the general public ? If not, why not ?

Mr. E. W. Perry : The Honourable Member is presumably referring to the Indian School of Mines at Dhanbad.

With regard to parts (a) and (d) of the question, his attention is invited to the Prospectus of the School, which includes a copy of the Principal's Annual Report. Copies of the Prospectus are available in the Library of the House.

(b) Government have not reserved any percentage of vacancies in the public services for passed students of the Indian School of Mines as they consider it undesirable in the public interest that a candidate should be selected to a service in preference to others of equal or greater merit by reason only of the fact that he was trained in a particular institution.

(c) The total cost of the buildings and equipment of the Indian School of Mines, including residences for staff, etc., up to the end of the year 1930-31, was Rs. 15,50,000 approximately. The annual recurring expenditure varies from year to year ; the grant for the current financial year is Rs. 1,66,000.

(e) The School of Mines is primarily a teaching institution. The Honourable Member may rest assured that the desirability of publishing the results of research undertaken at it will not be overlooked.

Mr. Gaya Prasad Singh : In view of the fact that the Indian School of Mines, Dhanbad, is doing very good work, what steps do Government propose to take to encourage the students by helping them to get appointments after they have finished their course of study in that institution ?

Mr. E. W. Perry : My information, Sir, is that at the end of last year for which we have figures (1932-33), every passed student obtained a post very quickly.

CONVERSION OF ORES OF MINERALS INTO METAL.

559. ***Mr. Sitakanta Mahapatra :** What steps, if any, have Government taken to convert the ores of the different minerals into metal in India through Indian concerns ? If no steps have been taken, what is the reason ?

Mr. E. W. Perry : I regret that I do not follow the Honourable Member's question. The initiative in the matter of conversion of mineral ore into metal does not rest with Government.

AIMS AND OBJECTS OF THE RESEARCHES OF THE FOREST AND MINING INSTITUTES.

560. ***Mr. Sitakanta Mahapatra :** What are the aims and objects of the researches of the Forest and Mining Institutes ?

Mr. G. S. Bajpai : As regards the aims and objects of the researches of the Forest Research Institute, Dehra Dun, the Honourable Member is referred to the reply just given to question No. 556. Although the School of Mines is primarily a teaching institution research work of a miscellaneous character for the benefit of the Indian coal producer and consumer has been carried on there for a number of years. The question of putting this research on a more systematic basis is under the consideration of the Government of India.

CONVERSION OF ORES OF MINERALS INTO METAL.

561. ***Mr. Sitakanta Mahapatra :** (a) Is it a fact that the best Indian copper mines are in the hands of an English concern incorporated in England under the name of the "Indian Copper Corporation" ?

(b) Was any chance ever given to any Indian concern to convert ore into metal in India ? If so, in what direction and to whom ?

Mr. E. W. Perry : (a) More than half of the copper ore produced in India in the last calendar year for which figures are available, namely 1932, was obtained from the Indian Copper Corporation's mines in the Singhbhum District.

(b) The Honourable Member is as well aware as I am that Indian concerns convert ore into metal in India. We have been discussing the affairs of one very important concern of this character this Session. If his question refers only to copper ore, I have no precise information. The question concerns the provincial transferred subject of "Development of Industries".

PUBLICATIONS CONCERNING INDIAN MINERALS.

562. ***Mr. Sitakanta Mahapatra :** Are the publications concerning the Indian minerals and the possibilities of utilising them in India published in the form of separate pamphlets as is done in England ? If not, why not ?

Mr. E. W. Perry : The Government of India have published numerous separate pamphlets on Indian minerals and their commercial possibilities. Recent examples are the volumes on barytes and asbestos in the Memoirs of the Geological Survey of India. Other pamphlets have been issued in a cheaper form. I should be glad to consider suggestions, but would point out that our Geological Survey has a much smaller staff than its counterpart in England.

ACTIVITIES OF THE INDIAN LAC RESEARCH INSTITUTE.

563. ***Mr. Sitakanta Mahapatra :** (a) What have been the activities of the Indian Lac Research Institute so far, and what has been the total amount of expenditure up-to-date ?

(b) Why have not the results of their researches received publication in newspapers and what encouragement has been afforded to Indians to utilise the results of such researches, if any, to the benefit of the industry in India ?

Mr. G. S. Bajpai : (a) The attention of the Honourable Member is invited to the annual reports and bulletins of the Institute, copies of

which are available in the Library of the House. The total expenditure on the Institute since March, 1922, up to the end of March, 1934, was approximately Rs. 16,00,000.

(b) The results of the researches are published in the annual reports, technical bulletins and pamphlets of the Institute. They have been reviewed in the technical Press both in India and abroad and noticed in the daily Press. The bulletins and research notes of the Institute are widely distributed and are available to all who are interested in the production, manufacture or industrial utilisation of lac.

Dr. Ziauddin Ahmad : May I ask who pays the expenses of this Institute, the Lac Cess Committee or the Government ?

Mr. G. S. Bajpai : The Lac Cess Committee which raises its revenue from the producers of lac.

†564*—566*.

TECHNICAL INSTITUTIONS IN INDIA.

567. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state the number of technical institutions in India, run or aided by Central Government, in each Province ?

(b) What is the annual expenditure on each of them and how many students come out successful every year, and what percentage of them are provided with employment by Government ?

Mr. E. W. Perry : Information has been called for and a reply will be placed on the table of the House in due course.

RAILWAY ADVERTISEMENTS IN THE VERNACULAR NEWSPAPERS.

568. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state what is the percentage of the Indians who can read and speak English ?

(b) What is the proportion of Indians who can read and write vernaculars alone ?

(c) What proportion of the advertisements did the Railway Board and the Agents send to the vernacular papers ?

Mr. P. R. Rau : (a) and (b). I would refer my Honourable friend to Table XIII of Volume I of Part II of the Census Report for India, pages 426-27, which gives figures of literacy by age and religion.

(c) The Railway Board sends no advertisements to vernacular papers.

The information as regards Railway administrations is not available.

Dr. Ziauddin Ahmad : The Honourable gentleman has not given the reasons why these advertisements are not given to the vernacular papers ? Will he take it from me that the number of persons who can read only the vernacular papers is about ten times the number of those who can read English newspapers ?

Mr. P. R. Rau : I see that my Honourable friend has already got in his possession the information in regard to parts (a) and (b) of his

†These questions will be answered on the 15th August, 1934.

question. I may explain that what Railways are concerned with is to find out how they can reach the public whom they want to reach by means of advertisements. So far as the Railway Board is concerned, the only advertisements that they issue are in regard to the purchase of the rolling stock or of coal, and I do not think that anybody who reads only the vernacular newspapers is likely to be interested in them.

Mr. S. C. Mitra : Do the same remarks apply with regard to the advertisements issued by the various Agents ?

Mr. P. R. Rau : I have already said that I have no information as regards what Agents are doing.

Dr. Ziauddin Ahmad : We have said repeatedly on the floor of the House that the Railway Board here is responsible for all their subordinates including the Agents. My question was not only with regard to the advertisements issued by the Railway Board, but also with regard to the advertisements issued by the Agents and Divisional Superintendents of the different running lines.

Mr. P. R. Rau : If my Honourable friend wants the information particularly with regard to the Agents, I shall be happy to get it for him.

Dr. Ziauddin Ahmad : May I ask, Sir, why the Government ignore the vernacular papers in giving their advertisements ?

Mr. P. R. Rau : I am not in a position to say whether Government are ignoring the vernacular papers, because I am not aware of all the advertisements that are being sent by the Railway Administration to them, but so far as the Railway Board is concerned, I have already explained why Government considered it unnecessary to send advertisements to them.

Dr. Ziauddin Ahmad : My question was : What percentage of their advertisements do the Agents send to the vernacular papers ?

Mr. P. R. Rau : I have said already that I will get that information for my Honourable friend.

Dr. Ziauddin Ahmad : And it will be laid on the table ?

Mr. P. R. Rau : Yes.

REPRESENTATIVES OF INDIAN STATES TO THE LEAGUE OF NATIONS.

569. ***Dr. Ziauddin Ahmad :** (a) Is it a fact that some subjects of the Indian States have been employed by the International Labour Office as regular members of its staff, though none of the Indian States are bound by any international labour convention ?

(b) Are Government aware that none of the Geneva Conventions (of a non-political character) have been accepted by the Indian States ?

(c) Will Government be pleased to state the need of incorporating the representatives of these States in the Government of India's Delegations to the League ?

The Honourable Sir Nripendra Sircar : (a) Government are not aware whether any of the Indians, employed by the International Labour Office, are subjects of States in India.

(b) Government are not in a position to make any statement regarding action taken in those parts of India which are not included in British India.

(c) Inasmuch as the Indian Delegation represents India as a whole, it would be anomalous to confine their personnel to representatives drawn from British India.

Mr. Gaya Prasad Singh : With reference to part (a) of the question, may I know if Indians are appointed in this International Labour Office without any reference to the Government of India ?

The Honourable Sir Nripendra Sircar : So far as I am aware, no reference is made to the Government of India.

Dr. Ziauddin Ahmad : How is the selection made and in what way this Labour Office or its Secretary finds out the qualifications of the Indians ? Are the posts advertised ?

The Honourable Sir Nripendra Sircar : I am not in a position to tell my Honourable friend as to how the man who is employing a clerk comes to know of his qualifications. We have no information on the matter.

Mr. H. P. Mody : Do I understand that the Government of India do not take any trouble to ascertain which of the important Conventions have been ratified by the States or implemented by them ?

The Honourable Sir Nripendra Sircar : The Honourable Member himself must be surely aware which of the Conventions have been implemented.

Mr. H. P. Mody : But do not the Government of India think it necessary to compile information on this subject and place it on the table of the House ?

The Honourable Sir Nripendra Sircar : Speaking for myself, I cannot see any objection, and if the point is pressed I shall have to consider it.

Mr. H. P. Mody : May I suggest to my Honourable friend that this information would be of extreme importance ?

The Honourable Sir Nripendra Sircar : I shall consider this point.

Dr. Ziauddin Ahmad : In view of the fact that the Indian States are not bound to follow the Convention of the League of Nations, may I ask how far it is desirable to include the members of the Indian States in the Indian Delegation ?

The Honourable Sir Nripendra Sircar : A specific question raising that very point has been sent for answer, and I would ask my Honourable friend to wait for a couple of days.

UTILISATION BY INDIA OF THE TECHNICAL ORGANISATIONS OF THE LEAGUE OF NATIONS.

570. ***Dr. Ziauddin Ahmad :** (a) Is it a fact that a number of States-Members of the League—more especially China—have utilised the technical services of the League for national reconstruction, for example,

improvement of the transport system, agriculture, education, health organisation ?

(b) Have the Government of India availed of the services which the Technical Organisations of the League are capable of giving ? If not, why not ?

The Honourable Sir Nripendra Sircar : (a) The answer is in the affirmative.

(b) The Government of India have had no occasion to follow China's example in soliciting specific assistance from any of the League's technical services, but it is very far from being the case that the Government of India have made no use of their services.

Dr. Ziauddin Ahmad : Is it not a fact that there are very important questions waiting for solution such as malaria, cholera, and, therefore, is it not desirable that we should utilise the services and the resources of the League of Nations instead of putting burden on the tax-payer of India ?

Mr. G. S. Bajpai : May I answer that question, Sir, because my Honourable friend has made reference to malaria and cholera ? The position is that in 1929 the League sent out a Malaria Commission to this country in order to advise the Government of India in regard to such measures as they, in the light of their experience elsewhere, considered to be suited to India's needs. Over and above that, the League organises malaria courses every year to which we, that is to say, the Provincial Governments, send officers, and there have been other ways also in which the Government of India have made use of the League's epidemiological and other technical services.

Dr. Ziauddin Ahmad : Will Government be pleased to ask the League of Nations to send their representatives to India to deliver a course of lectures on the prevention of malaria ?

Mr. G. S. Bajpai : Well, Sir, seeing that we maintain a Malaria Survey of our own, which, I think, costs Government in the neighbourhood of a lakh and a half, and, further each Province has its own Public Health Departments including Malarial Experts, I do not think it is really necessary that we should ask the League of Nations to depute anybody to this country to instruct us in a subject about which we know just as much as they do.

Mr. B. Das : Did not the Government of India avail themselves of the services of Sir Arthur Salter and did he not submit a report on the economic re-construction of India which has been made use of by the Finance Department ?

Mr. G. S. Bajpai : My Honourable friend has correctly stated that Sir Arthur Salter came out to this country two years ago, but I think, since then he has severed his connection with the Economic Section of the League of Nations.

Mr. Gaya Prasad Singh : Is it open to the Government of India to communicate with the League of Nations except through the Secretary of State for India ?

Mr. G. S. Bajpai : Well, Sir, the position, as far as I know is that inasmuch as the Secretary of State for India is responsible for India's

external relations and as our membership of the League of Nations is a manifestation of India's external status, communications pass through the Secretary of State.

Dr. Ziauddin Ahmad : May I ask the Government of India that as the question about the competition between the road and rail is of such a great importance and is getting more and more important in India, will they get an expert from the League of Nations to advise us on this question ?

Mr. G. S. Bajpai : I think that my Honourable friend, the Financial Commissioner for Railways, will take due note of my Honourable friend's suggestion.

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

INDIA'S REPRESENTATIVES TO THE LEAGUE OF NATIONS.

571. ***Dr. Ziauddin Ahmad :** Are Government prepared to consider that steps should be taken to include in India's Delegation to the League of Nations each year (i) at least one Member of the Governor General's Executive Council, and (ii) one Member of the Opposition in the Legislative Assembly, the latter being selected by the Members of this House and the Council of State ?

The Honourable Sir Nripendra Sircar : Government must reserve absolute discretion to select what appears to them to be the best available delegation in the circumstances of any particular year, and if only for the reason that there may well be occasions on which it would be impossible to dispense with the presence in India of any Member of the Executive Council, they cannot lay upon themselves the rule of including a Member of the Executive Council in every delegation. The selection of a member of the delegation by the Members of the Legislative Assembly and the Council of State from among Members of the Opposition in the Assembly would, manifestly, be incompatible with the fact that delegates are bound by instructions which they receive from the Government.

Sir Abdur Rahim : Have they been given a brief ?

The Honourable Sir Nripendra Sircar : Yes. You may call it a brief.

DISCUSSION OF THE REPORTS OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS IN THE LEGISLATIVE ASSEMBLY.

572. ***Dr. Ziauddin Ahmad :** Do Government propose to give an opportunity to this House to discuss the reports of the Indian Delegation to the League of Nations ?

The Honourable Sir Nripendra Sircar : The Honourable Member is referred to my reply to part (c) to his own question No. 503, answered on the 9th August, 1934. If Government are made aware through the recognised channel of Party Leaders that there was a general desire to discuss any future report otherwise than on a Resolution making specific recommendations with reference thereto they would certainly be prepared to consider the possibility of allotting time for the purpose.

Dr. Ziauddin Ahmad : Does it include a discussion on the report for 1933 ?

The Honourable Sir Nripendra Sircar : My answer was that they would be prepared to consider any future report.

Dr. Ziauddin Ahmad : That is the report for 1934 and of later dates, and not the latest report available.

The Honourable Sir Nripendra Sircar : I have not considered that but I think that you are all anxious to get away from this place.

Dr. Ziauddin Ahmad : Since the latest report available is the 1933 report, can we have an opportunity of discussing that report before this Assembly disperses ?

The Honourable Sir Nripendra Sircar : I do not think that is likely, having regard to the time at our disposal.

earmarking OF A PORTION OF INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS FOR THE MAINTENANCE OF THE PARIS INSTITUTE OF INTELLECTUAL CO-OPERATION, ETC.

573. ***Dr. Ziauddin Ahmad :** (a) Have Government asked the League of Nations that certain portions of India's contribution for the maintenance of the League should be earmarked for the Paris International Institute of Intellectual Co-operation, the Rome Institute of Educational Cinematography, etc., which are run under the auspices of the League, but which are to a certain extent autonomous bodies ?

(b) Is there any Indian on the staff of the Paris Institute of Intellectual Co-operation ?

The Honourable Sir Nripendra Sircar : (a) No.

(b) The Government of India have no information on the subject.

REPRESENTATIVE OF THE GOVERNMENT OF INDIA ON THE LAC CESS COMMITTEE.

574. ***Mr. G. Morgan :** (a) Is it a fact that the Government of India are represented on the Lac Cess Committee by the Vice-Chairman of the Imperial Council of Agricultural Research ? If so, what are the position and powers of this Government representative ?

(b) Is it a fact that the Department of the Government of India, which deals with the Lac Cess Committee questions, does so through the Imperial Council of Agricultural Research ?

Mr. G. S. Bajpai : (a) The Vice-Chairman, Imperial Council of Agricultural Research, is *ex-officio* President of the Committee. His powers as President are regulated by the Indian Lac Cess Act and the rules made under the Act, copies of which are available in the Library of the House.

(b) The Imperial Council of Agricultural Research, on its administrative side, is a Department of the Government of India, and questions connected with the Indian Lac Cess Committee have been allotted to it under the rules of business.

Mr. K. C. Neogy : Is the Honourable Member aware that there is a section of the Indian public which holds that the control exercised

by the Government over the activities of the Lac Cess Committee is not adequate ?

Mr. G. S. Bajpai : The questions and answers on this subject in this Session, I think, have amply demonstrated that not only is there a section outside, but a section inside this House, that considers that the control is not as effective as they would wish it to be.

Mr. Gaya Prasad Singh : A very important section inside this House.

ACTION ON CERTAIN RESOLUTIONS ADOPTED BY THE LAC CESS COMMITTEE.

575. ***Mr. G. Morgan :** (a) Is it a fact that Government have so far taken no action on the following resolutions adopted by the Lac Cess Committee :

(i) to delegate its powers to an Executive Sub-Committee (resolution of October, 1933), and

(ii) resolution of March, 1934, recommending leave rules for employees,

and that up to date the Committee has adopted no rules and consequently its employees have great difficulty in applying for leave when required ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what action they intend to take in order to give effect to the Resolution of October, 1933 ?

Mr. G. S. Bajpai : (a) (i) and (b). Yes. The matter is still under consideration.

(a) (ii). The position is not as stated in the question. In October, 1933, the Indian Lac Cess Committee passed a resolution adopting the leave rules contained in the Fundamental Rules and Supplementary Rules of the Government of India as the leave rules for employees of the Indian Lac Cess Committee. These proposals were sanctioned by Government and these leave rules are in force. In March, 1934, a resolution was passed by the Committee, the effect of which would be to grant further concessions not admissible under the Fundamental Rules. This proposal is under examination.

Mr. B. Das : In the matter of delegation of power to the Executive Committee, will the Government bear in mind the facts that have been pointed out by this side of the House and will the Government delegate no further power to this Executive Committee which consists mostly of laymen ?

Mr. G. S. Bajpai : The position is that at the present moment there is no executive sub-committee.

Mr. Gaya Prasad Singh : Will the Honourable Member state the composition of this Committee and whether officials and European members do not predominate there ?

Mr. G. S. Bajpai : I have answered several questions on that point before. The composition of the committee is given in sub-section (1) of section 4 of the Indian Lac Cess Act, and if the House desires, I can read it out. So far as the actual racial proportion is concerned, the

position is that at the present moment including Indian officials there is a preponderance of Indians ?

Mr. Gaya Prasad Singh : Including, Indian officials.

Mr. B. Das : But mostly laymen.

PROVIDENT FUND ACCOUNTS OF EMPLOYEES OF THE LAC CESS COMMITTEE.

576. ***Mr. G. Morgan :** (a) Is it a fact that the Provident Fund accounts of employees, of the Lac Cess Committee, have not been properly maintained under the President's supervision, and that the Audit Department has been asked to reconstruct them for the last three years ?

(b) Is it a fact that the Committee in March last recommended renewal of the contracts of certain employees and that the Government of India have taken no steps in the matter ?

Mr. G. S. Bajpai : (a) The Provident Fund Accounts are maintained by the Secretary. The audit report for 1932-33 showed that the accounts had not been maintained in the proper form. Arrangements were accordingly made for the accounts to be prepared in the prescribed form by the Audit Department.

(b) Yes. The matter is under consideration.

Mr. K. C. Neogy : Are the accounts and these audit reports regularly published by Government as perhaps required by the rules ?

Mr. G. S. Bajpai : The audit reports are printed and submitted to the Government of India, but I could not say offhand as to whether they are actually published. But if my Honourable friend desires that they should be published, I will have that suggestion considered.

Mr. Gaya Prasad Singh : Is this audit report placed before the Public Accounts Committee ?

Mr. G. S. Bajpai : No, Sir, because the accounts of the Committee and their funds do not pass through the accounts of the Government of India at all. They are entirely separate.

Mr. K. C. Neogy : Is it a fact that the audit reports in the past few years have disclosed irregularities of accounts of a certain character ?

Mr. G. S. Bajpai : I think the irregularities that have been revealed by the audit report are all of a minor character, but they have laid stress upon certain concessions being enjoyed by the staff which they consider to be incompatible with the Fundamental Rules.

Mr. K. C. Neogy : Is that matter under the consideration of the Government of India ?

Mr. G. S. Bajpai : The Government of India have already considered that matter and find that inasmuch as most of these concessions are guaranteed to these officers by contracts which are still in force, the question of modifying these concessions can more suitably be taken up when the contracts terminate.

Mr. B. Das : Does the Vice-Chairman of the Imperial Council of Agricultural Research, who is the President, examine these contracts before they are actually contracted for ?

Mr. G. S. Bajpai : As I have already informed the House on a previous occasion, the existing contracts were started before the Vice-Chairman became the President of the Committee.

AMENDMENT OF THE LAC CESS ACT.

577. ***Mr. G. Morgan :** Do Government propose to consider the question of amending the Lac Cess Act in order to remove the anomaly of the administrative department of Government being also represented on the Executive of the Committee?

Mr. G. S. Bajpai : Government do not consider the presence of the Vice-Chairman, Imperial Council of Agricultural Research, on the Indian Lac Cess Committee to be anomalous. The second part of the question, does not, therefore, arise.

Mr. K. C. Neogy : His presence will rather be inconvenient for some people.

APPOINTMENT OF INDIAN TERRITORIAL FORCE OFFICERS TO THE CANTONMENTS DEPARTMENT.

578. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state how many Indian Territorial Force officers have been appointed to the Cantonments Department for the last two years? If none, are Government aware that a few deserving officers of the Force would be passing the age limit, if their claims for employment to the department are not entertained?

(b) Do Government propose to call for their applications in order to enable them to take their chances of appointment to the Cantonments Department?

(c) If Government cannot immediately call for their applications, in justice to the claims of such of the officers who are now fully qualified for appointment with the department, will they condone a slight over-age in their cases if the recruitment begins at a later date so as not to debar them from entering this department?

(d) Will the claims of these officers who are now eligible for employment in the Cantonments Department be adversely affected under the new scheme for recruitment for the posts of Cantonment Executive Officers?

Lieut. Colonel A. F. R. Lumby : (a) Two.

(b) and (c). Do not arise. Applications will, however, be called for when vacancies are likely to occur. I am afraid it would not be possible to waive the rule as regards age.

(d) The scheme is still under consideration, and I am, therefore, unable to give a definite answer.

PROVISION OF OPPORTUNITIES TO THE OFFICERS OF THE INDIAN TERRITORIAL FORCE FOR TRAINING WITH THE REGULAR UNITS.

579. ***Mr. Gaya Prasad Singh :** With reference to their reply to my starred question No. 88 (c) of the 19th July, 1934, are Government prepared to provide opportunities to the officers of the Indian Territorial

Force for training with the Regular Units throughout the non-training periods of the Force in order to improve the military efficiency of the units? If so, do Government propose to take the necessary steps in this direction?

Lieut. Colonel A. F. R. Lumby : The regulations permit of the training of officers of the Indian Territorial Force with regular units, at their own request and subject to the approval of the District Commander, up to the limit of the funds available for extra training. Practical effect is given to this rule, and, as stated in my reply to the Honourable Member's previous question, opportunities are provided annually for such training. I regret that at present no steps can be taken to increase the allotment of money made for this purpose.

ALLEGED REPRESSIVE MEASURES TAKEN AGAINST KHAN ABDUL SAMAD KHAN AND MIR ABDUL AZIZ KHAN OF BALUCHISTAN.

580. ***Maulvi Muhammad Shafee Daoodi :** Are Government aware that the Karachi Baluchistan Reform Committee have issued a statement in regard to repressive measures taken against Khan Abdul Samad Khan Achakzai and Mir Abdul Aziz Khan Kurd, under the signatures of the following thirteen leading men of Karachi :

- (1) Jamshed Nusserwanji (Chairman), Mayor, Karachi,
- (2) Haji Abdullah Haroon, M.L.A.,
- (3) Naraindas A. Bechar, ex-M.L.C.,
- (4) Sheik Abdul Majid, M.L.C.,
- (5) Ghazdar, M.L.C.,
- (6) Jethmal Parsram,
- (7) Tarachand J. Lalwani,
- (8) R. K. Sidhva,
- (9) Hatim A. Alvi,
- (10) D. P. Dastur,
- (11) Hakim Fateh Mahomed,
- (12) Mujtabba, and
- (13) Pirbux,

from their office Sindhuri, Bunder Road, Karachi?

Mr. H. A. F. Metcalfe : Yes.

CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.

581. ***Maulvi Muhammad Shafee Daoodi :** (a) Are Government aware that Khan Abdul Samad Khan of Baluchistan had gone to Karachi in the beginning of January last?

(b) Is it a fact that a representative public meeting of the citizen of Karachi was called and influential men, like Mir Ayub Khan, Fir Class Magistrate and other title-holders were present at the meeting, and the Mayor of Karachi, Mr. Jamshed Nusserwanji, presided over the meeting?

(c) Is it a fact that Khan Abdul Samad Khan's speech in the meeting demanded for Baluchistan elementary rights of civic and political life?

(d) Is it a fact that a resolution to that effect was unanimously adopted at that meeting and a committee was appointed to carry on the work?

(e) Is it a fact that Khan Abdul Samad Khan left for Baluchistan after that meeting and soon after he was arrested in Baluchistan?

(f) Is it a fact that he was arrested under section 40 of the Frontier Crimes Regulation Act, but the Pishin Court Magistrate charged him under section 124-A of the Indian Penal Code, and sent him for trial to the local Jirga of Pishin District?

(g) Is it a fact that the Jirga at first sent back the case on the plea that they had no jurisdiction in the matter, but, eventually they found nothing wrong in the speech of the said Khan for which he was tried?

(h) Is it a fact that the offence for which he was convicted, was one of making agitation in Karachi about the affairs of Baluchistan, and he was sentenced to simple A class imprisonment?

(i) Is it a fact that the Quetta-Pishin Political Agent changed the simple A class imprisonment to hard labour for three years and demanded security for Rs. 3,000 after release?

Mr. H. A. F. Metcalfe : The detailed information asked for is not available but the Local Administration have been asked for a full report and the information will be laid on the table in due course.

Dr. Ziauddin Ahmad : May I ask—perhaps the Law Member can answer—if it is legal for one Local Government to prosecute a person for an offence committed in another Province?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot have legal opinion without paying fees for it!

Dr. Ziauddin Ahmad : Was this prosecution correct legally?

Mr. H. A. F. Metcalfe : It is, of course, impossible for me to give any legal opinion on that, but the point, I understand, was considered by the local judicial administration, and I am, as a matter of fact, making further inquiries into the point on which I will consult the Legislative Department in due course.

Sardar Sant Singh : May I know what were the qualifications of those persons, who constituted the *jirga*, to understand the law on the point?

Mr. H. A. F. Metcalfe : I have no information at present as to who the members were who constituted the *jirga*: it is, therefore, quite impossible for me to say what their qualifications were.

Sardar Sant Singh : Does the Honourable Member know that the people in Quetta are absolutely dissatisfied that a crime like sedition should be referred to a *jirga* of illiterate persons?

Mr. H. A. F. Metcalfe : I have no information on that point.

Sardar Sant Singh : May I inform my Honourable friend that I have recently visited Quetta and that there is a lot of feeling against this procedure by the Government on that point?

Mr. H. A. F. Metcalfe : I do not know how recently the Honourable Member visited Quetta: when I visited it a year ago, there was no dissatisfaction.

Sardar Sant Singh : I only visited it in the month of July last.

Dr. Ziauddin Ahmad : May I know whether any person who comes into this country and commits an offence is entitled to demand that he should be tried according to the law of his own land and not the law of India?

Mr. H. A. F. Metcalfe : The Honourable Member is again asking for a legal opinion which I am not prepared to give on the floor of the House.

Mr. Gaya Prasad Singh : Before launching this prosecution, was the Law Member or any legal authority consulted?

Mr. H. A. F. Metcalfe : The opinion of the Government of India was certainly not taken. It is a matter within the competence of the local administration.

Sardar Sant Singh : Did the Honourable Member make inquiries as to the qualifications of the persons who constituted the *jirga* to decide a difficult and complex question like that of sedition?

Mr. H. A. F. Metcalfe : I have already stated that I am making the fullest inquiries, but until I get the answers, I am not in a position to make a statement on the subject.

Dr. Ziauddin Ahmad : What is the procedure—not the legal opinion—in this country where a person who belongs to a foreign nation commits a crime in India? Is he tried by Indian law or by the law of his own native country?

Mr. H. A. F. Metcalfe : Unless he has extra-territorial rights, which, so far as I know, do not exist in India, he is tried by the law of the country.

Sir Abdur Rahim : Is a man, who is tried before a *jirga*, entitled to any professional legal assistance?

Mr. H. A. F. Metcalfe : Actually, under the Frontier Crimes Regulation, which governs *jirga* procedure, legal assistance is not permitted. There is a definite section in that Regulation to this effect.

Sir Abdur Rahim : Are there any special reasons for refusing such assistance?

Mr. H. A. F. Metcalfe : I assume there were special reasons when the particular section was framed, but that was a good many years ago, and I am not now in a position to state exactly what those reasons were.

Sir Abdur Rahim : Will the Honourable Member consider the advisability of revising that provision of the law then?

Mr. H. A. F. Metcalfe : It can certainly be considered: I think it has often been considered before and so far no action has been taken to repeal that particular section of the Regulation.

Dr. Ziauddin Ahmad : Is it not a fact that once *jirga* has given its opinion and that opinion is not favoured by the A. G. G. or the authorities, the authority could dismiss that *jirga* and appoint another *jirga* and if necessary a third *jirga* till the required decision has been obtained ?

Mr. H. A. F. Metcalfe : If the Honourable Member will consult for himself the Frontier Crimes Regulation, he will find all the procedure laid down. If he wishes me to detail it on the floor of the House, I will attempt to do so, but it would seem to be more convenient that the Honourable Member should look up the Regulation himself.

Dr. Ziauddin Ahmad : I have looked up the Regulation, but I should like the House also to know whether it is not a fact that a *jirga* can be dismissed and a new *jirga* can be appointed, and another appointed in its place, and so on.

Mr. H. A. F. Metcalfe : May I explain, Sir, that that is not exactly the case. The position is that a *jirga* can be dissolved by the officer who convenes it, and then if the officer is dissatisfied with the opinion given by the *jirga* he is entitled, but only with the previous sanction of the Agent to the Governor General or the Chief Commissioner, as the case may be, to convene another *jirga* on the same subject. That is the legal position.

Sir Abdur Rahim : Is there any appeal allowed to any higher authority from the decision or sentence of a *jirga* ?

Mr. H. A. F. Metcalfe : The *jirga* does not really sentence at all : it is the officer who convenes the *jirga* who sentences : the *jirga* can only give an opinion, and the officer then, who has convened the *jirga*, pronounces an order on that opinion. The officer cannot convict unless the *jirga* convicts or gives an opinion in favour of conviction. Any conviction or any order passed by the officer, in pursuance of an opinion given by a *jirga*, can be revised by higher authority who is the A. G. G. in Baluchistan. There is no other appeal.

Sir Abdur Rahim : Is that appeal heard publicly and is there any professional legal assistance allowed to the appellant ?

Mr. H. A. F. Metcalfe : I have already explained that at no stage of the *jirga* proceedings are any legal practitioners allowed to appear. That is the position.

Sir Abdur Rahim : Is the proceeding before the appellate authority open to the public ?

Mr. H. A. F. Metcalfe : Any person who wishes can obtain a copy of the order of the revisional authority.

Sir Abdur Rahim : Does the appellate Court hear the appeal sitting in public ?

Mr. H. A. F. Metcalfe : Definitely, no.

Mr. K. C. Neogy : Will the Honourable the Home Member consider the desirability of substituting the *jirga* system for the Code of Criminal Procedure throughout British India ?

(No answer.)

Mr. T. R. Phookun : Are the proceedings of the revising Court recorded ?

Mr. H. A. F. Metcalfe : No : there is no record whatever, except the order passed by the revising authority.

EXCHANGES FROM LOWER TO HIGHER LEVEL OF PHAGLI QUARTERS IN SIMLA.

582. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government please state whether under the Rules for allotment of Phagli Government quarters the exchanges from lower to higher level are made on 1st April of each year ?

(b) Will Government please state whether some of the clerks living in lower levels of quarters and who were allotted quarters from a lower level to a higher level could not be present in Simla on 1st April, 1934, on account of the late move of the Government of India ?

(c) Is it a fact that the local P. W. D. took advantage of the inability of their presence in Simla and gave the higher level quarters to their friends who were for the first time allotted Government quarters and were not entitled to occupy these quarters ?

(d) Will Government please state whether one of the persons namely Mr. Mohan Lal Bajaj who has been given quarters on a higher level under the above pretext, is a close relation of a Superintendent in the P. W. Branch of the Industries and Labour Department ?

The Honourable Sir Frank Noyce : (a) Applications for the allotment of quarters in Simla must be made to the Estate Officer by the 1st of July next before the financial year or the season for which an allotment is required. Allotments, including those made on the transfer of lien, are thus carried out some months before the 1st of April, the date on which the financial year and the Simla season commence. But it is correct that actual changes in the occupation of quarters are made with effect from the 1st of April in each year.

(b) Yes.

(c) No.

(d) The Honourable Member is, I think, under some misunderstanding. The only disadvantage, which a prospective tenant suffers, if he is unable to be present in Simla on the 1st of April, is that he may be put to some inconvenience if he has to move his personal effects from one set of quarters to another. The Executive Engineer requested the clerks whose liens had been transferred to send him their keys so that he might move their personal effects to their new quarters and might have their old quarters put in order for the incoming tenants. Mr. Mohan Lal Bajaj was allotted quarters on the lower level, but the outgoing tenant of those quarters, who was to occupy quarters on the higher level, failed to send his keys to the Executive Engineer or to vacate his old quarters. In the circumstances, Mr. Mohan Lal Bajaj, was permitted, for the current year only, to occupy the vacant quarters on the higher level. It is a fact that he is the nephew of a Superintendent in the Public Works Branch of the Industries and Labour Department, but in the circumstances this appears to me to be immaterial.

ALLOTMENT OF QUARTERS IN SIMLA.

583. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government please state whether under the Rules for allotment of quarters in Simla, preference is given to juniors in pay ?

(b) Will Government please state whether it is a fact that in accordance with the list despatched by the Indian Stores Department

Mr. Rajendra Singh being the junior most in pay was the senior most on the waiting list for Simla unorthodox quarters ?

(c) Is it a fact that his claims have been ignored and Mr. Chunni Lal Gurg, who being senior in pay and much junior on the waiting list referred to above, has been allotted quarters in preference to Mr. Rajendra Singh ?

(d) Will Government please state whether they have considered the desirability of investigating whether any of the P. W. D. officials have shown undue favour to certain clerks ?

(e) Will Government please state whether they are prepared to consider the amendment of the Rule so that the clerks who are unable to come up to Simla by the 1st April, on account of the late move of the Government of India, may not be victimised in this respect ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) and (c). There are two men named "Rajendra Singh" serving in the Indian Stores Department. The name included in the list to which the Honourable Member refers was that of Mr. Rajendra Singh I. Mr. Rajendra Singh I had elected to live in orthodox style and, under the orders of Government, clerks who had elected to live in unorthodox style had to be given preference over him. It subsequently appeared that the clerk who required unorthodox quarters was Mr. Rajendra Singh II, but it was necessary for the Estate Officer to act on the information supplied to him and his decision in favour of Mr. Chunni Lal Gurg was, therefore, correct.

(d) No.

(e) No amendment of the rules appears to be necessary. The allotments are made considerably in advance of the 1st of April in each year, and the presence of a particular clerk in Simla on that date has nothing to do with his title to occupy particular quarters.

REDUCTION IN THE DELHI CAMP ALLOWANCE OF THE ARMY HEADQUARTERS STAFF.

584. ***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that Government propose to reduce the Delhi Camp Allowance for the Members of the staff of the Army Headquarters, proceeding to Delhi, in order to give such of the staff as do not go to Delhi the benefit of the reduction ?

(b) Is it not a fact that the object of this allowance is to compensate the staff for having to leave their permanent headquarters at Simla, on the same principle as the House Rent Allowance is given to the staff of the Civil Secretariat in Simla ?

(c) Is it a fact that this allowance has been enjoyed by the staff for many years ? If so, what is the reason for the proposed reduction ?

(d) Is it a fact that it is proposed to reduce the allowance out of all proportion to the present scale, and that the lower paid staff and lady clerks will be very adversely affected ?

(e) Are Government aware that the proposed reduction will operate very hardly on those who have to break up their homes in Simla and set up new homes in Delhi, and that the proposal is causing general dissatisfaction and alarm ?

(f) If the answers to parts (a), (b), (c), (d) and (e) above be in the affirmative, do Government propose to re-examine the matter fully and drop the proposal ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) to (f). Proposal of this nature is under consideration. I am afraid, however, that I cannot at this stage give any details of it.

PERCENTAGE ALLOTTED TO EUROPEANS AND ANGLO-INDIANS OF THE CONTROL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

585. ***Bhai Parma Nand :** (a) Is it a fact that the strength of the Control Staff is maintained at 50 per cent. Europeans and Anglo-Indians, and 50 per cent. Indians, on Metre Gauge System over the Bombay, Baroda and Central India Railway ? If so, why is such high percentage allotted to Europeans and Anglo-Indians ?

(b) Has any Indian Controller been promoted to Station Master's Branch, like European and Anglo-Indian Controllers, Messrs. Bickers and Garlings ? If not, why not ?

(c) Is it a fact that Messrs. Hemmer and Lamas are over and above the percentage and have been given Rs. 50 promotion from Rs. 70 to Rs. 120 as Probationary Controllers, although they are junior and over and above the percentage ? If so, why ?

(d) Is there any Indian trained Controller being given any such promotion ? If not, why not ?

(e) Is it a fact that the designation of European and Anglo-Indian Probationary Controllers after having their extraordinary lifts, was changed to Guard ? Does this change allow them to earn allowance while working in Control ? Is any Indian trained Controller treated in this manner, if not, why not ?

(f) Is it a fact that the staff in general get some promotion after qualifying themselves for some higher grade and Indian trained Controllers are debarred the privilege ? If so, why ? Is the Agent, Bombay, Baroda and Central India Railway, ready to remove the racial discrimination from Metre Gauge and to accord the same treatment to the Indian trained Controllers with due consideration to their arduous duties and grant some promotions ?

Mr. P. R. Rau : The information is being collected and will be laid on the table in due course.

STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

586. ***Mr. S. C. Mitra :** (a) With reference to the reply of the Honourable Mr. Haig to my supplementary question on the 21st September, 1932, that every effort is made to cause the least possible inconvenience to the public in connection with the stoppage of traffic on the Kalka-Simla Road—due to the tours of Their Excellencies, will Government be pleased to state on how many other occasions the inconvenience of the public officials other than His Excellency the Viceroy, and the Members of the Indian Legislature, due to the holding up of the cars on the Kalka-Simla Road on account of the journeys of Their Excellencies, has been ventilated through this House ?

(b) Are Government aware that on the 21st July, 1934, a large number of cars were held up at Kandaghat owing to the tour of His Excellency the Viceroy to Kalka by road motor?

(c) Are Government aware that cars were held up at Kandaghat without giving any notice to the road motor passengers at Kalka as to their possibility of being held up on the road for indefinite period?

(d) Are Government aware that road motor passengers were not allowed even to halt at Solon by the police?

(e) Will Government be pleased to state why no timely notice is issued to railway passengers at Kalka that the road motors are liable to be held up on the road?

(f) Are Government aware that Col. Dickens who arrived at Kandaghat at 8 A.M. was held up till 10-35 A.M.?

(g) Are Government aware that Mr. Ramsay Scott, M.L.A., arrived Kandaghat at 8-30 A.M. and was held up till 10-35 A.M.?

The Honourable Sir Henry Craik: With your permission, Sir, I propose to reply to questions Nos. 586, 587, 588 and 589 together. I have made enquiries in the matter, and will lay the result on the table in due course.

STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

†587. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state the time that is taken ordinarily by road motors to reach Simla from Kandaghat?

(b) Are Government aware that the questioner himself who was sick on that day arrived at Kandaghat at 9-15 A.M. and was also held up till 10-35 A.M.?

(c) Are Government aware that the police staff and sergeant on duty at Kandaghat informed all the road motor passengers that Deputy Commissioner's orders are to hold up all motors irrespective of the position, status or emergency due to illness or any other emergencies concerning even life and death of persons? If not, do Government propose to enquire into all the above grievances? If not, why not?

(d) Will Government be pleased to state the reasons for holding up of all cars at Kandaghat without any due notice being given to such passengers at Kalka? Do Government propose to do so in future? If not, why not?

STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

†588. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state the cost of police arrangements due to Their Excellencies patronizing the road motors in preference to the State Railway Saloons?

(b) Will Government be pleased to state since when Their Excellencies have begun to patronize road motor in preference to railway saloons between Kalka and Simla?

†For answer to this question, see answer to question No. 586.

(c) Are Government aware that the frequent use of the road motors by Their Excellencies is setting example to the public not to use the Kalka-Simla State Railway? If not, do they propose to enquire as to how far it is true? If not, why not?

(d) Will Government be pleased to state the number of times the road motor traffic was closed between Simla and Kalka and *vice versa* owing to the use of the road by Their Excellencies during the last one year from the 30th July, 1933, and the number of hours the road was closed to public traffic on each of such occasions?

STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

†589. ***Mr. S. C. Mitra:** (a) Do Government propose to construct a railway motor saloon for Their Excellencies between the Viceregal Lodge, Simla, and Kalka for relieving the public of these inconveniences? If not, do Government propose not to close traffic of motors between Kalka and Simla when Their Excellencies use that road?

(b) Do Government propose to send a motor a mile in advance of Their Excellencies' car so that police may stop the traffic after such advance car has passed at definite spots?

REDUCTION OF INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

590. ***Lala Rameshwar Prasad Bagla:** (a) Is it a fact that Lord Lytton was himself a delegate to the League of Nations and protested against the amount which was levied on India as contribution to the League of Nations?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they have taken in this direction?

(c) Have Government so far made any definite representation to the League of Nations with regard to the reduction of India's contribution? If not, why not?

The Honourable Sir Nripendra Sircar: (a) The Honourable Member is doubtless referring to the speech made by Lord Lytton, as Leader of the Indian Delegation to the 1923 Session of the Assembly of the League. The Honourable Member will find the speech reproduced in annex II of Appendix III to the Report of the Indian Delegates to that session.

(b) There are only two means by which a reduction could be secured in the amount of India's contribution to the League, namely, first, a reduction in the total expenditure of the League, and secondly, a reduction in the proportion of the total expenditure payable by India. If the Honourable Member will refer to the relevant passages in the reports of the Indian Delegations to the Sessions of the Assembly from 1930 to 1933 inclusive, he will find that India's Delegates have not failed to press for a reduction in the League's budget. As regards the second factor determining the amount of India's contribution, the Government of India have been constrained to agree with the view which has hitherto prevailed to the effect that the disturbed state of world economic conditions has not hitherto admitted and does not yet admit of the revision of the existing scale of

†For answer to this question, see answer to question No. 586.

allocation which has been in force since 1925. Indian Delegations have consequently received instructions in this sense.

(c) If the Honourable Member intends to suggest that the Government of India as such should address a representation in the matter to the Secretary General of the League, then I am afraid such suggestion is due to misapprehension as to the nature of the relations between the League as such and its individual members. It would be no less inappropriate for the Government of India to address a representation in the sense suggested to the Secretary General of the League than it would be for me to address to the Secretary of this Assembly a representation urging the Assembly to carry a motion. The question alike of the League's budget for any particular year and of the proportion payable by each member of the League can only be determined by the votes of members at a Session of the Assembly.

VOICE OF INDIA IN THE LEAGUE OF NATIONS INDEPENDENT OF GREAT BRITAIN.

591. *Lala Rameshwar Prasad Eagla : Will Government be pleased to state whether India, as an original member of the League of Nations, has a voice in the League of Nations independent of Great Britain ?

The Honourable Sir Nripendra Sircar : If the Honourable Member will refer to paragraph 4 of Article 3 of the Convention, he will find that every member of the League, whether Original or otherwise, has an independent voice in the League.

KEEPING OF A QUALIFIED NURSE OR MID-WIFE ON EVERY PILGRIM SHIP.

592. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Haj Enquiry Committee has recommended that in addition to a female attendant on board the pilgrimship there should be a qualified nurse or a mid-wife on every pilgrimship, and if so, what action has been taken during the past two years in this connection ?

Mr. G. S. Bajpai : Yes. The Indian Pilgrim Ships Rules, 1933, provide that, in the case of a ship engaged to carry more than 100 pilgrims, the owner, agent or master shall, if there are any female pilgrims to be embarked, appoint one female attendant and, if possible, also a mid-wife or nurse, preferably a Muslim, to assist the medical officer.

REPORTS ON THE ACTIVITIES AND WORKING OF THE PORT HAJ COMMITTEES.

593. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Haj Enquiry Committee has recommended that Port Haj Committees should concern themselves with all matters which may affect the pilgrimage and provide for the assistance and comfort of a pilgrim from the time even before he leaves his home till he returns to it ? If so, are Government prepared to lay on the table complete reports of the various Port Committees with regard to their activities and actual working of the organisations for the last Haj season ?

Mr. G. S. Bajpai : Yes. The Port Haj Committees at Calcutta, Bombay and Karachi, came into existence only in January, February and June, 1934, respectively, and no reports on their working have so

far been received by the Government of India. If these are received, copies will be placed in the Library of the House.

COMPLAINTS OF HAJ PILGRIMS DURING THE LAST HAJ SEASON.

594. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Port Haj Committees of the various ports have submitted to the Government of India certain complaints reported to them by the pilgrims during the last Haj Season on their voyage to Jeddah and back, and if so, are Government prepared to lay on the table copies of such detailed complaints ?

Mr. G. S. Bajpai : Sir, with your permission, I shall answer questions Nos. 594, 597 and 598 together. As stated in my reply to starred question Nos. 61, 62 and 99 on the 18th July, 1934, the complaints in regard to the arrangements made for the supply of food to pilgrims on board pilgrim ships, to which the Honourable Member refers, have been under examination and will be placed before the Standing Haj Committee at their meeting to be held on the 25th August, 1934. The action to be taken will be decided upon by Government after the views of the Standing Haj Committee have been elicited.

EXECUTIVE OFFICER OF THE PORT HAJ COMMITTEE AT BOMBAY.

595. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Haj Enquiry Committee has recommended that of the three Executive Officers of the Port Haj Committees at Bombay, Karachi and Calcutta, the officer of the Bombay Committee should be of superior rank, corresponding to that of a Deputy Collector, on a pay of approximately Rs. 500 to Rs. 700, and if so, will Government be pleased to state the name, qualification and pay of the Bombay Executive Officer, and the name of the authority by whom he has been appointed ?

Mr. G. S. Bajpai : Yes. A statement giving the particulars asked for in the second part of the question is laid on the table.

Statement regarding the Executive Officer of the Port Haj Committee, Bombay.

In consultation with the Bombay Port Haj Committee, the Government of Bombay propose to appoint Mr. T. C. Mayan, (a Moplah Muslim) as Executive Officer of the Committee with effect from the 1st September, 1934, when the post of Protector of Pilgrims will be abolished. He will, in the first instance, be given the same emoluments as the present Protector of Pilgrims, Bombay, namely a pay of Rs. 250 per mensem plus a conveyance allowance of Rs. 50 per mensem and a house rent allowance of Rs. 50 per mensem. The question of raising the status and emoluments of the post has been held in abeyance pending an improvement in the financial position. Mr. Mayan's educational and other qualifications are as follows :—

Studied up to the Matriculation standard of the Madras University ; passed the Government Lower Secondary Examination. Knows Tamil, Malayalam, Urdu and Arabic languages. Worked as Accountant and Office Superintendent, Mesopotamia Expeditionary Force at Basrah and Baghdad, during the Great War.

Officiated as Head Clerk of the Bombay Pilgrim Department on two or three occasions ; 20 years' service in the Bombay Pilgrim Department.

Acted as accountant for working the Pilgrim Deposit System for about 8 years.

Acted as Secretary to all the Sub-Committees appointed from time to time by the Haj Committee, Bombay, for solution of important problems.

Honorary Secretary of the Bowla Mohammedan Female Orphanage at Chinchpokli.

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PHOTOGRAPH OF THE LICENSEE ON LICENSES GRANTED TO PILGRIM GUIDES.

596. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the Haj Enquiry Committee has recommended that each license granted to Pilgrim Guide should bear a photograph of the licensee, and if so, are Government aware that all the leading and recognised headquarters of Ulemas ; such as *Darul Uloom* of Deobund, *Mazahirul Uloom* of Saharanpur, *Firangi Mahal* of Lucknow, and various Arabic Colleges in Agra, Cawnpore, Bareilly, Meerut, and other places of my constituency have found serious objections from purely a religious point of view in the proposal and are deadly against the said recommendation ?

(b) Do Government propose to consider the advisability of accepting in the usual way the signatures or thumb impressions of the licensees, in place of photographs, as has been recommended and applied for the Hedjaz pilgrims generally ?

Mr. G. S. Bajpai : (a) The reply to the first part is in the affirmative. The Government of India have not received any communication on the subject from the bodies referred to by the Honourable Member

(b) The Honourable Member's suggestion has been noted.

DEFECTIVE SYSTEM OF FOOD SUPPLY ON PILGRIM SHIPS.

†597. *Khan Bahadur Haji Wajihuddin : Are Government aware that Khan Bahadur Abdul Hadi Khan, retired Deputy Collector and Magistrate of the United Provinces, who has been on Haj pilgrimage four times during recent years, has stated before the Port Haj Committee of Bombay that the present system of food supply on board the ship was defective during the last pilgrim season and would one day or another result in a riot on the steamer, and if so, do Government propose to consider the feasibility of removing the complaint by amending the Act so as to have "Pay as you buy" system introduced in place of the present arrangement ? If not, why not ?

SUPPLY OF FOOD TO HAJ PILGRIMS ON SHIPS.

†598. *Khan Bahadur Haji Wajihuddin : Are Government aware that Syed Sajjad Hyder, Deputy Collector of the United Provinces, who was "Amirul Haj" on board the outward pilgrimship "Rahmani" and also was one of the members of the Committee of pilgrims on the returning pilgrimship "Rizwani" during the last pilgrim season, has stated in his report that food tickets should not be made compulsory and the pilgrims should be allowed to buy their food according to their own taste and need, for cash payment, and if so, what action do Government propose to remove the undue restrictions imposed by the recent legislation upon Hedjaz pilgrims ? If not, why not ?

GRATUITY GRANTED TO STATE RAILWAY EMPLOYEES.

599. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is a fact that according to State Railway Gratuity Rule No. 1 (1929 edition), the grant of gratuities is entirely at the discretion of the Railway Board and that the gratuities cannot be claimed as of right ?

†For answer to this question, see answer to question No. 594.

(b) Is it a fact that when an employee is held eligible for gratuity, the amount of gratuity to be paid to him is governed by Rule 19 (A) in respect of subordinate staff ?

(c) Is there any rule existing under which the amount of gratuity can be fixed at a lower rate than the one laid down in Rule No. 19 (A), (a) and (b), of the State Railway Gratuity Rule ?

(d) Is there any rule under which the amount of gratuity can be reduced to half of the one laid down in Rule No. 19 (A), (a) and (b), referred in part (c) above ?

(e) If the answers to parts (c) and (d) above be in the affirmative, will Government be pleased to lay on the table a copy of such rule and state why it is not printed in the State Railway Provident Fund and Gratuity Rule Book, corrected and published up to the 31st March, 1929 ?

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

(b) Rule 19 (A) prescribes the method of calculating the full amount of gratuity admissible for the period of qualifying service put in by an employee.

(c), (d) and (e). The Honourable Member is referred to rule (1) and the note thereunder of the Gratuity Rules.

LEAVE AND GRATUITY TO RAILWAY EMPLOYEES FOR HAVING FAILED IN EYE-SIGHT.

600. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if an employee who is discharged from service for having failed in eye-sight can claim :

(i) all departmental leave due, and

(ii) full gratuity under Rule 19 (A) of the State Railway Provident Fund and Gratuity Rules ?

(b) Are there any circumstances under which such an employee, as mentioned in part (a) above, can be denied full gratuity and the departmental leave due ? If so, what are those circumstances and conditions ?

Mr. P. R. Rau : (a) and (b). As regards leave, the practice followed is being ascertained from Railway Administrations, and the information will be laid on the table in due course. As regards gratuity, an employee, permitted to retire on account of defective eye-sight, would normally be entitled to a gratuity, based on the length of his service, subject to his service being good, faithful and efficient.

ARRANGEMENTS FOR THE DISPOSAL OF COMPLAINTS OF ROBBERY AND CHEATING BY HAJ PILGRIMS.

601. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Haj Enquiry Committee has recommended that arrangements should be made at each port of embarkation to depute an Honorary Magistrate or Bench of Magistrates with summary powers to dispose of complaints of robbery and cheating by pilgrims expeditiously, and if so, will Government be pleased to lay on the table a statement showing at each port of embarkation the names of officers appointed, the number of the cases filed, the number of convictions and the number of acquittals ? If no action in this connection has been taken as yet, why ?

Mr. G. S. Bajpai : Yes. The recommendations were carefully considered by Government in consultation with the Standing Committee on Pilgrimage to the Hedjaz, and it was decided that it was not practicable to give effect to it as it stood, but the Local Governments concerned were asked to see that everything possible was done to expedite the trial of complaints made by Haj pilgrims. Information regarding the number of cases filed, the number of convictions and the number of acquittals is not available.

NEUTRAL CONTROL SECTION OF THE INDIAN RAILWAY CONFERENCE
ASSOCIATION.

602. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to enquire and state if the Neutral Control section of the Indian Railway Conference Association is a Branch of the State Railway management ?

(b) Is it controlled by the Railway Board ?

(c) Are the rules regarding seniority of service in this Neutral Control section the same as on other State Railways ?

(d) Is it a fact that the staff employed in this Neutral Control section is brought from different State Railways holding permanent posts there ?

(e) Is it a fact that very often there are reductions in the establishment of this Branch due to simplification of the methods of working ?

(f) If the reply to part (e) above be in the affirmative, will Government be pleased to state how many times reductions have taken place during the last five years, and how many employees have either been retrenched or demoted ?

(g) When reduction is foreshadowed, why are the employees brought from different State Railways, not returned to their respective Railways, and why are they thrown out of employment or their pay reduced ?

(h) Is it a fact that transfer to this Neutral Control section is ordered by the administration and is not volunteered by the employees ?

(i) On what principles is reduction or demotion carried out in this Branch ?

(j) Does seniority in this Branch count on total length of service or on length of service in the same class ?

Mr. P. R. Rau : (a) and (b). The Neutral Control Section of the Indian Railway Conference Association is a Branch of the Indian Railway Conference and is controlled by it.

(c) to (j). I have called for the information and shall lay a reply on the table in due course.

ISSUE OF RETURN TICKETS ON INDIAN RAILWAYS TO HAJ PILGRIMS.

603. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Haj Enquiry Committee has recommended in their Report that the Railway Board should be requested to grant return tickets of all classes, available for eight months, at the rate of a fare and a third, issuable at all railway stations on production of a pilgrim pass, and if so, will Government be

pleased to state what action has so far been taken by them in this direction ?

Mr. P. R. Rau : I would refer the Honourable member to the reply given by my predecessor to Mr. M. Maswood Ahmad's starred question No. 1127, on the 25th March, 1931.

Maulvi Muhammad Shafee Daoodi : What was that ?

Mr. P. R. Rau : If my Honourable friend does not want to consult the Assembly Proceedings of that date, I can tell him that the reply was as follows :

"The matter was carefully investigated in connection with a recommendation made by the Haj Inquiry Committee, and it was found that no reduction could possibly so stimulate the traffic as to avoid loss to the railways."

CONSTRUCTION OF SHEDS IN THE PILGRIM CAMP AT KARACHI.

604. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Haj Enquiry Committee has recommended that of the four additional sheds proposed to be erected in the Pilgrim Camp at Karachi, two sheds are clearly necessary and should be erected at once ? If so, have these sheds been built since then or expected to be built in the near future ?

Mr. G. S. Bajpai : Yes. The two sheds were erected early in 1931.

COMPULSORY DEPOSITS BY HAJ PILGRIMS FOR THEIR TICKETS.

605. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Haj Enquiry Committee has recommended in their Report that section 203-A of the Merchant Shipping Act should be amended so as to make a deposit compulsory to the exclusion of single and return tickets in all cases, and if so, what action have Government taken in the matter ? If not, why not ?

Mr. G. S. Bajpai : Yes. The Standing Haj Committee of the Legislature advised that the choice should be left to pilgrims themselves. Government have accepted this advice and both the deposit and return ticket systems have, therefore, been retained.

TEST CHECK EXERCISED AT CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

606. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 189, parts (a) and (b), given in this House on the 23rd July, 1934, will Government be pleased to state if it is a fact that a test check was exercised at Patna, Gaya and Arrah on the East Indian Railway for 24 hours at each station in May, 1934, by the combined Operating and Accounts staff ?

(b) Is it a fact that the Operating staff utilised for this check did not belong to a department independent of the department normally responsible for the check and collection of tickets, i.e., the Operating Department ?

(c) Is it a fact that this test check was exercised under the direct supervision of an Accounts Inspector ?

(d) Is it a fact that during the days this test check was exercised, regular Travelling Ticket Examiners and the usual Flying Squads of the

Operating Department worked on the running trains, specially on the area where this test check was being conducted ?

(e) Is it a fact that despite this intensified check by the Operating Department, this test check under the supervision of the Accounts Inspector yielded increased earnings of about Rs. 387 during 72 hours only ?

(f) Will Government be pleased to lay on the table a copy of the report submitted by the Accounts Inspector on the results of this test check ?

(g) Is it a fact that this joint check by Accounts and Operating staff conducted under the supervision of the Accounts Inspector showed a great improvement in :

(i) the sale of platform tickets,

(ii) the collection of tickets at gates (reducing percentage of missing tickets),

(iii) the recoveries in respect of without ticket passengers, and

(iv) the recoveries in respect of unbooked luggage ?

(h) If the reply to part (g) above be in the affirmative, do Government propose to consider the suggestion contained in the concluding paragraph of the article "A suggestion to the Railway Board", referred to in the starred question No. 193, dated the 23rd July, 1934 ?

(i) Do Government propose to consider the desirability of keeping this Branch (Superchecking staff) independent of Operating control, as suggested by Dr. Ziauddin Ahmad, M.L.A., in the Railway Retrenchment Sub-Committee Report ?

Mr. P. R. Rau : (a) to (h). I have called for information and will lay a reply on the table of the House in due course.

(i) As I explained to the House recently in reply to another question, Government do not consider it desirable at present to make any change in the organisation of the department.

APPOINTMENT OF UNANI PHYSICIANS ON PILGRIM SHIPS.

607. *Khan Bahadur Haji Wajihuddin : Is it a fact that the Haj Enquiry Committee has recommended that, when a second medical officer is required on board the ship, a diploma-holding Unani doctor should be appointed, because many pilgrims are not used to allopathic treatment and in some cases even entertain sentimental objection to it, and if so, what action has been taken by Government ? If none, why not ?

Mr. G. S. Bajpai : The answer to the first part is in the affirmative. The Standing Haj Committee of the Legislature, to which the matter was referred, was opposed to the adoption of the recommendation but suggested that, if any Port Haj Committee wished to make provision for the pay of a Unani doctor and his medicines on board ship, it should be left to them to arrange the details for his sailing by negotiation with the shipping company concerned. The Government of India accepted the advice of the Committee and brought the suggestion to the notice of the Port Haj Committees and shipping companies through the Local Governments concerned.

†608*—609*.

†These questions will be answered on the 15th August, 1934.

PRISONERS DETAINED UNDER REGULATIONS III OF 1818.

610. *Mr. Bhuput Singh : Will Government be pleased to state :

(a) the number of prisoners at present detained under Regulation III of 1818 and other allied Regulations ;

(b) the number of such prisoners at present under detention for suspected terrorist activities ; and

(c) the number of such prisoners at present under detention for the prevention of acts which may affect the foreign and external relations of British India ?

The Honourable Sir Henry Craik : (a) 90, including 46 who are not confined in jail but are subject to surveillance.

(b) 23.

(c) 42.

Sardar Sant Singh : May I know if this number 90 includes the case of Maharaja of Nabha ?

The Honourable Sir Henry Craik : Yes.

Sardar Sant Singh : For how long has he been detained now ?

Mr. H. A. F. Metcalfe : Sir, on a point of order. Is the Honourable Member permitted to ask questions which affect the relations between the Governor General and an Indian State ?

Sardar Sant Singh : I may explain my position.....

Mr. President (The Honourable Sir Shanmukham Chetty) : What was the question ?

Sardar Sant Singh : My question was for how long the Maharaja of Nabha has been detained under Regulation III of 1818 ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Maharaja of Nabha ?

Sardar Sant Singh : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot ask that question.

Sardar Sant Singh : Sir, he has been deprived of the title of Maharaja, and he is now treated as a British subject. He is also confined in British territory, and, therefore, he is amenable to the jurisdiction of this House.

Mr. Gaya Prasad Singh : Can we not ask a question about a person who is interned in British territory under Regulation III ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Not about the Maharaja of Nabha.

Mr. Gaya Prasad Singh : He has ceased to be a Maharaja.

Mr. B. Das : Can we not ask questions about any foreigner interned in British India under Regulation III ?

Mr. President (The Honourable Sir Shanmukham Chetty) : No question can be asked about the detention of the Maharaja of Nabha or the ex-Maharaja of Nabha.

CONCESSIONS PROPOSED TO BE GIVEN TO A BRITISH FIRM TO START CHEMICAL WORKS IN INDIA.

611. *Mr. B. Das : Will Government be pleased to state :

- (a) whether the Imperial Chemicals or any other firm, in Great Britain is at present negotiating with the Government of India for concessions in any part of India to start Chemical Works ;
- (b) whether such concessions are asked for a period of 50 years ; if not, whether it is for a shorter or a longer period ;
- (c) whether the said firm proposes to open its works in Dundot in Jhelum District (Punjab) for the purpose of exploiting the salt and lime resources of India ;
- (d) whether the said firm is giving any assurance that it will have rupee capital, it will allow its shares to be subscribed to in India, and its directorate will have a substantial proportion of Indian Directors as recommended by the External Capital Committee Report ;
- (e) whether Government propose to consult this House before giving any concession to this firm for exploiting the chemical wealth of India ; and
- (f) whether Government have made any attempt to find out if such chemical industries can be organised by any firms in India with rupee capital raised in India ?

Mr. A. J. Raisman : (a) to (f). A proposal of the general nature indicated is, at present, under the consideration of the Government of India and the Punjab Government. The Government of India do not consider that they are at liberty to disclose the details of the scheme which has been placed before them. In so far as the matter concerns "Development of mineral resources" and "Development of industries", it is one primarily for the Punjab Government, but the Government of India are concerned as the owner of certain waste material. Both Governments have, however, carefully considered the bearing of the recommendations of the External Capital Committee on the proposal, and have satisfied themselves that the course proposed is in accordance with the views of that Committee. I would especially invite the Honourable Member's attention to paragraph 30 of the Committee's Report, which deals with mining and similar concessions. The matter being of an administrative nature, and involving no expenditure of public funds, it is not necessary to bring it before the Legislature, before taking a final decision. I can only add that no proposal has ever been received from any other quarter for an attempt to utilize the waste materials in question.

Mr. B. Das : Will the Honourable Member kindly tell me whether the Government of India, before they granted any concession to this British firm, incorporated safeguards and conditions so that Indians will have the right of training and subscribing shares if the company was promoted in Rupee capital ?

Mr. A. J. Raisman : Sir, the position is that the recommendations of the External Capital Committee which the Honourable Member has in mind do not apply to cases of this nature, and if my friend will

refer to paragraph 30 of the Report of the External Capital Committee, he will see that that is the case.

Mr. B. Das : May I just read the last line of paragraph 30 :

"The general criterion being that concession should only be granted to external concerns where it is clearly in the national interest that they should be developed and where interval capital is not forthcoming on reasonable terms, and then only subject to such safeguards as may be suitable for each case."

May I inquire if the Government of India are putting such safeguards in the interests of the Indian people and the Indian nation ?

Mr. A. J. Raisman : The Government of India have considered what safeguards may or could suitably be introduced into this arrangement.

Mr. Gaya Prasad Singh : Will Government kindly state the exact nature of the concessions which they propose to give to this foreign concern ?

Mr. A. J. Raisman : As I have already pointed out, the Government of India are not at liberty to disclose the details of this scheme.

Mr. B. Das : Did the Government of India take any opportunity to acquaint the business men in India that waste products of salt were available for utilisation, and did they in any way communicate that to them ?

Mr. A. J. Raisman : Every business man who is at all interested in the mineral resources of India must know of the existence of these waste products.

Mr. K. C. Neogy : The Honourable Member stated that the Government have considered the question of imposing safeguards. What decision have Government come to on the point ?

Mr. A. J. Raisman : Government have not yet come to a final decision on the matter at all. But as regards the question of safeguards, they have not considered that safeguards of the nature indicated by the Honourable Member could suitably be imposed in this case.

Mr. K. C. Neogy : Have the Government considered any other alternative safeguards ?

Mr. A. J. Raisman : The Government of India have in mind safeguards to protect their own interests and the national assets in question.

Mr. K. C. Neogy : We are not concerned with the Government's own interests. We are concerned with the interests of the people of India.

Mr. A. J. Raisman : I consider that the safeguarding of the future of these assets is undoubtedly a safeguard for India.

Mr. Gaya Prasad Singh : What is the reason for entering into a contract with a foreign firm in this surreptitious manner ?

Mr. A. J. Raisman : The reason for contemplating a contract with a "foreign" firm is that no other firm has ever made the slightest suggestion on the subject. I must object to the use of the term "surreptitious". I am not aware that negotiations of this kind could be conducted by correspondence in the newspapers.

Mr. K. C. Neogy : Will the Honourable Member kindly give the name of the firm concerned ?

Mr. A. J. Raisman : It is given in the question, and I have said in reply that the Government are considering a proposal of the general nature indicated.

Mr. K. C. Neogy : Is it a fact that an *ex*-Viceroy of India is the Chairman of the Board of Directors of that Company ? (Laughter.)

Mr. A. J. Raisman : I believe that is so. (Laughter.)

Mr. Gaya Prasad Singh : What is the reason of the Government of India interesting themselves in a matter which primarily relates to a private foreign concern ?

Mr. A. J. Raisman : Because the Government of India are the owner of the material which the concern proposes to utilise.

Mr. Gaya Prasad Singh : Did the Government of India advertise in order to find out whether Indians were in a position to take up this business ?

Mr. A. J. Raisman : When a scheme is for the first time put before the Government for utilising certain waste material, which nobody has ever before proposed to utilise, it is hardly fair to the proposer to broadcast this suggestion and ask if anybody else would like to do it instead.

Mr. Gaya Prasad Singh : May I know how this foreign concern came to interest itself in these waste materials without the Government of India or the Government of Punjab giving the required information ?

Mr. A. J. Raisman : Because they exercised their own enterprise and looked round for things of this kind.

Mr. Gaya Prasad Singh : Is it because an *ex*-Viceroy of India is concerned in this matter that this special concession is being given to this foreign concern ?

Mr. A. J. Raisman : Certainly not.

Mr. Gaya Prasad Singh : That is protesting too much !

Mr. F. E. James : Is it not a fact that the firm mentioned in the question is not a foreign firm, but it is a firm which is established in this country ?

Mr. A. J. Raisman : It is a fact that the Imperial Chemicals (India), Limited, is registered in India.

Mr. B. Das : Is the Honourable Member aware that another trust, called the New Investment Trust, has been formed in India and in London, of which Sir Basil Blackett has become a Director, only to exploit the mining resources of India ?

Mr. A. J. Raisman : I am not aware of that, but I am quite prepared to take it from my Honourable friend.

Mr. B. Das : Has not the Honourable Member seen in the newspapers.....

Mr. President (The Honourable Sir Shanmukham Chetty) : He said the other day that he does not read newspapers ! (Laughter.)

Mr. B. Das : May I enquire for what purpose the office of the Director of Public Information exists when such an outstanding piece of news is published in the papers and it is not communicated to the Finance Department ?

Mr. A. J. Raisman : I would like to point out, Sir, as regards newspapers that by the time I have to leave my house and go to office, the newspaper is not always delivered to me. (Laughter.)

Mr. B. Das : May I further enquire when this New Investment Trust with British capital, entirely British capital, although with one or two Indian Directors from Bombay, try to exploit the mining resources of India, whether the Government will safeguard the interests of the Indian people and Indian business men ?

Mr. A. J. Raisman : That seems to be a hypothetical question. I do not see how it arises out of this particular matter.

Mr. Gaya Prasad Singh : The interest of India is a hypothetical question ? (Laughter.)

Dr. Ziauddin Ahmad : May I ask if the Government of India have framed certain rules under which these contracts could be given to foreign companies, and, if so, will the Government be pleased to lay a copy of the rules on the table ?

Mr. A. J. Raisman : The grant of mining concessions is regulated by certain rules known as the Mining Rules, but any details on the subject would be within the cognizance of the Department of Industries and Labour.

Dr. Ziauddin Ahmad : The grant of contract to a foreign company is not limited only to this case ; it really applies to many other cases. I should like to know whether Government have got any rules, and if not, is it not desirable that they should frame the conditions under which such contracts should be given, that is, about capital, raising some money in this country, registration, employment of Indians, payment to Government, etc. ?

Mr. A. J. Raisman : My Honourable friend has raised a question of principle relating to the grant of mining concessions. The position is that the subject of development of mineral resources belonging to the Government is a provincial subject, and ordinarily these concessions are given by the Provincial Governments, and the Government of India are not concerned. In this particular case, it so happened that some of the material involved belongs to the Salt Department of the Government of India and that is why we are concerned and why the Finance Department of the Government of India is dealing with this question. But the question of policy relating to mining concessions is part of the provincial subject "Development of Mineral resources", and it is not a matter with which the Central Government is primarily concerned.

Dr. Ziauddin Ahmad : May I ask if in this particular case the contract will be given by the Government of the Punjab or by the Government of India ?

Mr. A. J. Raisman : The matter relates to both Governments. The Government of the Punjab are concerned in so far as the policy relating to such matters is part of a provincial subject. The Government of

India are concerned, because some of the materials involved belong to the Salt Department of the Government of India.

Mr. Gaya Prasad Singh : But who ultimately will enter into this contract,—the Government of India or the Government of the Punjab ?

Mr. A. J. Raisman : From what I have stated, it will be clear that both Governments will be involved.

Mr. B. V. Jadhav : The Honourable Member, in replying to the question of Mr. James, said that the Imperial Chemicals (India) was registered in India. I should like to know whether that Company is a private registered company or a public registered company ?

Mr. A. J. Raisman : It is a private company.

Mr. B. V. Jadhav : So there are no Indian shareholders, I presume ?

Mr. A. J. Raisman : As far as I am aware, it is perfectly open to any Indian to buy the shares of the parent concern.

Mr. B. V. Jadhav : Not of a private limited company ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Short notice question by Diwan Bahadur A. Ramaswami Mudaliar.

SHORT NOTICE QUESTION AND ANSWER.

FORTHCOMING GENERAL ELECTION.

Diwan Bahadur A. Ramaswami Mudaliar : Is it a fact that the course to be adopted, as announced in His Excellency the Governor General's Message to this Assembly, with reference to the forthcoming general election, will render it necessary for an elected Member of the existing Assembly, who desires to stand for re-election to the new Assembly, to resign his seat on the existing Assembly so as to escape the disqualification imposed by clause (c) of sub-rule (1) of rule 5 of the Legislative Assembly Electoral Rules ?

Mr. G. H. Spence : No, Sir. Government foresaw this difficulty and took steps to remove it by adding a further proviso to sub-rule (1) of rule 5 of the Legislative Assembly Electoral Rules. The Notification, amending the rules by the insertion of this proviso, was published on pages 919-20 of the Gazette of India of the 4th August, 1934.

Sir Abdur Rahim : One of the results will be that there will be two Members for the same seat ?

Mr. G. H. Spence : No, that is not the result. The position is, assume, or instance, that the Honourable Member stands for election to the new Assembly, and assume also, though to our great regret, he is unsuccessful in his candidature—the position will be that up to the 31st December, 1934, the Honourable Member will remain a Member of the Assembly, and from the 1st January, 1935, his successful opponent will become a Member of the Assembly. Up to the 31st December, 1934, the successful opponent would have the status of a successful candidate at an election to the Assembly which is not in existence.

Sir Abdur Rahim : Successful candidate, but not a Member ?

Mr. G. H. Spence : Yes.

Mr. Gaya Prasad Singh : How can he be a Member without taking the oath of allegiance ?

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

“ Sir, I am directed to inform you that the Council of State has, at its meeting held on the 13th August, 1934, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 30th July, and 7th August, 1934, namely :

1. A Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships ;
2. A Bill to give effect in British India to a Convention for the unification of certain rules relating to International Carriage by Air ;
3. A Bill further to amend the Sea Customs Act, 1878, for a certain purpose ; and
4. A Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft.”

MOTION FOR THE EXPUNCTION OF CERTAIN PORTIONS FROM THE PROCEEDINGS OF THE ASSEMBLY.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the passages in the speech of the Honourable the Law Member relating to Orissa, which he delivered on the 8th August, 1934, in connection with the Naval Discipline Bill and the passages in the speech of Mr. Sitakanta Mahapatra, which he delivered on the 9th August, in reply to the Honourable the Law Member, in connection with the Resolution moved by Dr. DeSouza, which have been already indicated to the Honourable the President, be expunged from the proceedings.”

I may add that I move this motion with the concurrence of the two Honourable Members I have mentioned.

Mr. President (The Honourable Sir Shanmukham Chetty) : These passages have been pointed out to the Chair by the Honourable the Law Member and Mr. Sitakanta Mahapatra, and if the House agrees, the Chair will have those passages expunged.

The question is :

“ That the passages in the speech of the Honourable the Law Member relating to Orissa, which he delivered on the 8th August, 1934, in connection with the Naval Discipline Bill and the passages in the speech of Mr. Sitakanta Mahapatra, which he delivered on the 9th August, in reply to the Honourable the Law Member, in connection with the Resolution moved by Dr. DeSouza, which have been already indicated to the Honourable the President, be expunged from the proceedings.”

The motion was adopted.

THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Assam Criminal Law Amendment (Supplementary) Bill.

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

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Henry Craik (Home Member) : Sir, I move :

"That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be passed."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I oppose this motion and I will only take a few minutes in giving some other stories regarding the veracity and the futility of having the Courts of Appeal in India. The Honourable the Home Member narrated the other day some stories justifying his position. Anybody, who devotes any time to reading the newspapers in India, knows the reports that we usually get, how the highest Courts in different Provinces pass strictures about the conduct of the police. Recently, within the last one week, I had occasion to notice at least two such cases. I do not like to go into the details of those cases unless I am contradicted, but, Sir, I like to tell the House about a well-known case that happened in Bengal known as Naraingar train-wrecking case. The police proved to the satisfaction of the Courts that the conspirators were guilty. They were punished with sentences ranging from penal servitude for life to several years. That incident happened, when there was an attempt on the train of the then Lieut. Governor of Bengal, Sir Andrew Fraser, while he was coming from Midnapore. After much police investigation there was a report. A conspiracy case was started against some of the railway coolies and the conviction was based on elaborate confessions not only from one but two or three of the accused.

[At this stage, the Honourable the Home Member crossed the floor of the House and sat in the Opposition Benches.]

Sir, I find the Honourable the Home Member has crossed the floor of the House to join the Opposition, and perhaps he agrees with me on the point of the veracity of the police.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : He has been converted by your speech !

Mr. S. C. Mitra : The Sessions Court, on the confession of some of the accused, delivered a long judgment and found them guilty. Some of them were sentenced to transportation for life. Subsequently, when the famous Alipore Conspiracy Case was started, on the confession of the principal accused, Mr. Barin Ghosh, it came out that the attempt for train wrecking was not the work of those coolies but was the action of the conspirators. Government was also convinced of the truth. So, Sir, it was found that though the whole conviction was based on confessions extracted by efficient police officers, to whom the Honourable the Home

Member gave long certificates only yesterday, Government had no option but to release those prisoners. So, Sir, it is hopeless if people are to be convicted on police reports, untested by proper cross-examination and the judicial procedure as regards evidence and other methods of trial. The only logical conclusion of the Honourable the Home Member's argument is to abolish all Appellate Courts of Law. When the Government have not seen its way to delete clause 3 of this Bill, Sir, I think the Opposition would be well-advised to throw out the whole Bill. Sir, I recommend that this Bill be thrown out by this House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be passed."

The Assembly divided :

AYES—47.

Abdul Aziz, Khan Bahadur Mian.	Lumby, Lieut.-Colonel A. F. R.
Ahmad Nawaz Khan, Major Nawab.	Metcalf, Mr. H. A. F.
Ali, Mr. Hamid A.	Morgan, Mr. G.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Mukherjee, Rai Bahadur Sir Satya Charan.
Anklesaria, Mr. N. N.	Pandit, Rao Bahadur S. R.
Bajpai, Mr. G. S.	Perry, Mr. E. W.
Bhadrapur, Rao Bahadur Krishna Raddi B.	Rafuddin Ahmad, Khan Bahadur Maulvi.
Buss, Mr. L. C.	Raghubir Singh, Rai Bahadur Kunwar.
Chatarji, Mr. J. M.	Raisman, Mr. A. J.
Craik, The Honourable Sir Henry.	Rajah, Rao Bahadur M. C.
Dalal, Dr. R. D.	Ramakrishna, Mr. V.
DeSouza, Dr. F. X.	Rastogi, Rai Sahib Badri Lal.
Ghuznavi, Mr. A. H.	Rau, Mr. P. R.
Grantham, Mr. S. G.	Richards, Mr. W. J. C.
Hockenbuhl, Mr. F. W.	Row, Mr. K. Sanjiva.
Hudson, Sir Leslie.	Scott, Mr. J. Ramsay.
Ismail Ali Khan, Kunwar Hajee.	Scott, Mr. W. L.
James, Mr. F. E.	Singh, Mr. Pradyumna Prashad.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Sircar, The Honourable Sir Nripendra.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.	Spence, Mr. G. H.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.	Studd, Mr. E.
Lee, Mr. D. J. N.	Trivedi, Mr. C. M.
Lindsay, Sir Darcy.	Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
	Zyn-ud-din, Khan Bahadur Mir.

NOES—22.

Abdur Rahim, Sir.	Pandian, Mr. B. Rajaram.
Bhuput Sing, Mr.	Parma Nand, Bhai.
Das, Mr. B.	Phookun, Mr. T. R.
Gour, Sir Hari Singh.	Reddi, Mr. T. N. Ramakrishna.
Isra, Chaudhri.	Sant Singh, Sardar.
Jadhav, Mr. B. V.	Sen, Mr. S. C.
Lahiri Chaudhury, Mr. D. K.	Sen, Pandit Satyendra Nath.
Liladhar Chaudhury, Seth.	Singh, Mr. Gaya Prasad.
Mitra, Mr. S. C.	Sitaramaraju, Mr. B.
Mody, Mr. H. P.	Thampan, Mr. K. P.
Neogy, Mr. K. C.	Ziauddin Ahmad, Dr.

The motion was adopted. (Applause.)

THE INDIAN ARMY (AMENDMENT) BILL.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I beg to move : (Applause).

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration."

In July, 1932, following on the decision to start an Indian Military Academy at Dehra Dun and to create an Indian Air Force, Government issued a communiqué in which they said that the adoption of these measures provided a suitable occasion for making certain changes in organisation which were implicit in the evolution of a purely Indian Army and which would bring it into line with the armies of the Dominions and also with the economic requirements of India. The communiqué went on to say :

"It has, therefore, been decided, with the approval of His Majesty the King, to confer upon cadets passing out of the Indian Military Academy, and also upon entrants to the Indian Air Force, commissions in His Majesty's Indian Land Forces and His Majesty's Indian Air Force, respectively, in a similar form, for instance, to those now granted to officers of the Canadian Forces."

It is primarily to make legal provision for the officers to whom that communiqué referred, who will be the Indian Commissioned officers defined in its clause 5, that this Bill has been introduced. The urgency of the matter lies in the fact that the first batch of cadets will be passing out of the Indian Military Academy in a few months' time and will receive their commissions at the very beginning of next year.

Before I go any further, I think it might interest the House if I said a few words about the progress of the Academy and the manner in which the cadets are shaping. I want, first of all, to read to you part of the opinion of the Commandant. He says :

"The accumulated experience of the past two years tends to prove conclusively the wisdom of the view that an Indian Academy would be able to provide the most suitable and efficient training for the Indian officer of the future. It is possible for me to state with confidence that the Academy has already laid the foundations of traditions not unworthy of the great military institutions of England where Indian cadets have hitherto been trained."

This is the opinion of an officer who is too modest to say a great deal about what is, in effect, his own handiwork. It is undoubtedly a satisfactory opinion, but I feel that Honourable members who have themselves visited the Academy and seen the work there will bear me out when I say that the Commandant might have said a good deal more. The fact is that with a staff who believe absolutely in the correctness of the decision to give India a Military Academy of her own and with the full support of the whole army in India from the Commander-in-Chief downwards, the Academy has made a wonderful beginning. The cadets are keen as mustard and are really doing very well. The training they get there lasts for two and a half years as against the one and a half year's course at Sandhurst and, of course, much of the training is more in keeping with the Indian character and Indian conditions than the training at that institution. As a result, I think I am right in saying, that the military authorities are firmly convinced that even the first batch of cadets to pass out of the Academy will compare favourably with their predecessors from Sandhurst. The Indian Military College Committee expressed the opinion that the Indian officer who received his training at Sandhurst might develop a superiority complex in regard to the officer who received his training at a Military Academy in India. If such a complex shows itself among the Sandhurst

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THE INDIAN ARMY (AMENDMENT) BILL.

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trained officers of the army, I have absolutely no doubt that the military authorities will deal rigorously with it, but even if that were not so, I do not think that any officer, who started to air such a complex, would do so for long ; for he would soon realise that he had really nothing to put on side about.

At the end of this year, the first batch of cadets will pass out of the Academy, and, as I told the House in reply to a question only the other day, the first batch will only consist of 23 instead of the full 30, because there has been a certain amount of wastage, as was only to be expected, and, this being the first term, it has not been possible for the military authorities to make it good in time to enable a full 30 cadets to pass out.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Does this number show only those who were admitted directly by examination or does it also include those who are risen from the ranks ?

Lieut.-Colonel A. F. R. Lumby : I am afraid I have not got the figures with me. I will try and get them and let you know later in the day. As I was saying, Sir, although the figure for the first half year will only be 23, there is no reason to expect that, as a result of the steps that have now been taken to make good wastage, the full figure of 60 a year will not always be very nearly reached in future. As regards this figure of 60, I want to repeat that it is based on the Government's policy of Indianising, as a first step, one division of all arms with its ancillary services. The policy is to Indianise all the units of an ordinary war division plus the departmental and other services which belong to it in peace. An adequate allowance has been made for wastage, and the number of 60 provides a reasonable quota to complete the Indianization of this division by the time that senior officers are available to fill the senior posts. According to the Skeen Committee table of Indianisation, which is often quoted as an example of an increased rate of Indianization, there were only to be 45 officers commissioned from the Indian Military College in 1941 and, in 1942, the number was to increase to 57 for a further period of three years. No allowance was made at all for wastage, but on the other hand I must admit, that the Skeen Committee recommended that 20 cadets a year should still continue to be sent to Sandhurst.

I am afraid, Sir, I have strayed rather far from the Bill itself and I will try to get back to it again. In order to carry out the policy to which I have just referred, the Indian commissioned officers, for whom the Bill makes legal provision, will gradually take the place in the Indianized division, not only of the Viceroy's Commissioned officers, but also of the British officers, until that division contains not a single British officer or British other rank. In fact, as I said in my speech when I first introduced the Bill, the first batch of young officers commissioned from Dehra Dun will be the forerunners of the purely Indian Army of the future. It is largely for this reason that it is proposed in the Bill that these officers shall be subject to the Indian Army Act, and not, like the British officers of the Indian army and their Indian predecessors, who were trained at Sandhurst, under the Army Act. It is only in this way that it will be possible to arrange that, in time to come, the whole Indian army, officers and men alike, will be subject to one Act, and that an Act which it will be within the power of this Legislature to amend. But, though, like Dominion officers, the Indian commissioned officer will hold a limited commission, the King's commission in the Indian Land Forces, yet there

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[Lieut.-Colonel A. F. R. Lumby.]

will be complete reciprocity within the Indian Army between the officers who come under the definition of "British officers" and the officers who come under the definition of "Indian Commissioned Officers" in the Bill. And though, as I suggested at the very start of my speech, it is proposed to fix the pay of these newcomers at a scale that will be more in keeping with the capacity of this country to pay, yet this does not alter the fact that the powers and privileges of these two classes of officers in the Indian Army will be identical.

Thus far the Government have pursued the analogy of the Dominion officers, and I want to make it clear at once that it is impossible for them to follow this analogy in the case of the Indian Commissioned officer beyond a certain point. The position of the Imperial Officer, *vis-a-vis* the Dominion Officer, is that neither has any automatic power of command over the other. Special provision is made in regulation in the rare cases when, for example, a few Dominion officers are attached to a British unit for their first year after passing out of a Dominion Cadet College, or when there is, as occasionally happens, an exchange between a staff officer of the British or Indian Army and a staff officer of a Dominion Army. But these types of occasions are very few and far between, and the number of officers affected from year to year can almost be counted on the fingers of two hands. On the other hand, an officer of His Majesty's Land Forces, by virtue of the fact that he is subject to the Army Act, whether he belongs to the British service or to the Indian Army, has powers of control over all the personnel of the Indian Army, though in the case of the British officer of the British service it must almost invariably happen that, unless he attains high rank, he never has any reason to exercise such powers during the whole of his time in India. An Indian Commissioned officer, though he will possess certain general powers of command under the Army Act, will not be able to exercise those powers in respect of British personnel until they have been defined by His Majesty's Government in King's Regulations. This House will realise that, though the British and Indian Armies function independently as regards the administration of their sub-units, and the officers of the one probably never have for years on end to exercise powers of command over personnel junior to them belonging to the other, yet obviously numerous kinds of occasions may arise when the two portions of the army will be in close contact, either as individuals or as bodies of men, and when it will be necessary for the Indian Commissioned officer to be able to exercise powers of command in relation to British personnel of the Army in India. It is for His Majesty's Government to settle what rules should be made for this purpose, and they are at present considering the matter. It was never to be expected that His Majesty's Government would give complete power of control over British personnel, at all times and on all occasions, to all Indian Commissioned officers, just as they would never be prepared to give unlimited powers of command to all officers of a Dominion Army or of any other service. His Majesty's Government have, however, accepted the need for rules to provide for those occasions on which the personnel of the two portions of the Army in India will be serving together and it will be necessary to ensure that the two portions of the Army in India can function efficiently side by side in all the varied conditions of army life. The power of punishment is one of the things which will certainly be withheld, but that is a normal limitation as between different services ;

it is a limitation which exists, for example, as between the British Army, the British Navy and the British Air Force when they are serving together. Though the rules which are being made by His Majesty's Government are not yet in their final form, they will, when framed, give to the Commander-in-Chief and to any subordinate Commander down to the Commander of a station the power to appoint the occasions on which Indian Commissioned officers may exercise powers of command in relation to the personnel of the British Army in India under his command.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : May I ask what sort of occasions ? Can the Honourable Member give us some examples ?

Lieut.-Colonel A. F. R. Lumby : It is exceedingly difficult for me to anticipate the rules which are being made by His Majesty's Government, and I hope that the Honourable the Leader of the Opposition will be content when I say that the rules will cover those occasions when it is necessary to provide for the smooth working of the two portions of the Army in India.

Sir Abdur Rahim : What about mixed formations ?

Lieut.-Colonel A. F. R. Lumby : Again I can only say that, so far as mixed formations are concerned, the same principle must apply as when only one officer of the Indian Army and one man of the British Service are concerned. The same principle must apply throughout, but I really cannot anticipate the decisions of His Majesty's Government in a matter of this kind. I notice that in the minute of dissent to the Select Committee's report reference was made to the practical difficulties to which the arrangement proposed is likely to give rise in the Army administration as well as in actual operations. I do not think anybody will deny that no arrangement which can be made to cover during this transitional period with which we are dealing will be free from practical difficulties, but I think we must be prepared to accept the view of His Excellency the Commander-in-Chief, who, after all, has got to administer both parts of the Army in India, that the difficulties are not likely to be nearly as serious as the signatories to the minute of dissent would have us believe.

As regards the minute of dissent there are two other points to which I should like to refer. Firstly, I submit that the statutory provision which the minute of dissent suggests should be included in the Indian Army Act is not within the competence of the Indian Legislature. The Government of India Act in section 65 provides for legislation in India for officers of His Majesty's Indian forces in so far as they are not subject to the Army Act. The proposed provision, in so far as it deals with the question of the mutual relations of the British officers and Indian Commissioned Officers of the Indian Army serving together in units of the Indian Army, seems to me to relate to the position of personnel of the Indian Army who are subject to the Army Act ; the ' British officers ' of the definition in clause 5 of the Bill are subject to the Army Act. If, as I gather, the proposal in the minute of dissent goes further and intends that this statutory provision should cover the case of mixed formations, which include not only units of the Indian Army but also units of the British service, then it seems to me still more certain that it is not within the powers of this Legislature to insert such a provision in the Indian Army Act, without the previous consent of His Majesty's Government. This is

[Lieut.-Colonel A. F. R. Lumby.]—a matter which will arise in a more concrete form in connection with an amendment moved by my Honourable friends, Sir Abdur Rahim and Mr. Sitaramaraju, and I would request the Chair to give a ruling on the matter when we reach that stage.

My second point, in connection with the minute of dissent, refers to the suggestion that the Indian Commissioned officers will in effect have a position in the Indian Army similar to that occupied on the civil side by officers of the Provincial Civil Service. This was a point on which I did my best on more than one occasion to try and reassure Honourable Members of the Select Committee, and I had hoped that, if any Members still thought it necessary to write a minute of dissent, they would give me credit for this and would couch their minute of dissent in something like the following terms :

“The Army Secretary has assured us that in practice the King's Commission and the King's Indian Commission will be equal for all essential purposes ; but we realise that he is only the Army Secretary, and, therefore, we should like to see his assurance set down in black and white in the Act.”

Sir Abdur Rahim : I do not want to pay that sort of compliment to the Honourable Member.

Lieut.-Colonel A. F. R. Lumby : But I was not prepared to find them assuming a superior knowledge of military matters to prove my assurances to be of no avail. I confess that, when I read that portion of the minute of dissent, I felt that the Honourable Members, the signatories of the minute, had been stricken with that very inferiority complex from which they are so anxious to save these young officers of ours.

Sir Abdur Rahim : We do suffer from inferiority complex : there is no doubt about it.

Lieut.-Colonel A. F. R. Lumby : One thing I know, and that is that these young officers, who will come out of Dehra Dun at the end of this year, and their successors, will not suffer from anything like an inferiority complex.

Sir Abdur Rahim : I hope they will not suffer from superiority complex.

Lieut.-Colonel A. F. R. Lumby : ...and they will not be allowed to suffer from a superiority complex.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Is not the pay proposed for these new officers inferior to the pay of those coming out of Woolwich ?

Lieut.-Colonel A. F. R. Lumby : Pay is not everything in this life. I can assure this House that the military authorities will take every possible step to ensure that these officers during the course of their service will not develop any kind of inferiority complex—an inferiority complex is no good in an army—in spite of the gloomy forebodings of the signatories of the minute of dissent, and in spite of the suggestions which I read almost daily in the Press that they are really going to be in a position of inferiority. Why, after all, should these officers have an inferiority complex ? They are being given complete equality with their brother officers, British and Indian, of the Indian Army who hold Commissions in His Majesty's Land Forces, and, surely, equality of position with them im-

plies equality as between the two kinds of commission. This is a thing that is not granted to the officers of any Dominion army who have no automatic equality with any other kind of commissioned officer. I am afraid, however, that the inferiority complex will whisper that their commission is a limited one. Every commission is limited. You cannot expect every Commissioned officer to be able to command personnel of every other army. A Dominion Commission has definite limitations, but if I were to suggest to an Australian officer, for example, that because he had a Dominion Commission and I had an Imperial Commission, I was therefore superior to him, or if I were to suggest to a Canadian officer that because he was trained at Kingston and I had the privilege of being trained in England, therefore I was a better officer than he, I should expect him to give me a thick ear or a bloody nose. And, if he did, I should have deserved it. There is no inferiority complex there.

What I am most concerned with, for the sake of these young officers, is to ensure that outside this House this question of superiority and inferiority is not developed into a stunt. Cannot we all combine to give these young officers as fair a deal outside the army as they are going to get inside it ? What I should like to feel is that Honourable Members of this House, if they come across any one running down these officers and talking about the question of their inferiority, would give them a thick ear, real or metaphorical ; and then if in a year or two, they find that anything I have said about them is not correct, they are welcome to come and give me a couple of real ones. Sir, I move. (Cheers.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration.”

There are two amendments in the name of Sirdar Harbans Singh Brar....

Sirdar Harbans Singh Brar (East Punjab : Sikh) : I do not propose to move the first.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair considers both the amendments as of a dilatory nature ; and, unless the Honourable Member is going to give very good reasons as to why he should be allowed to move the second amendment, the Chair cannot allow him to do so. The Chair is prepared to hear from him briefly any reasons he may have to give in support of the amendment which he wants to move.

Sirdar Harbans Singh Brar : Sir, the Bill is very important and deals with vital questions of the future of India and the administration of the army, and unfortunately, at the time when it was introduced last Session, we did not think that much importance was to be attached to it, and did not, therefore, ask for circulation ; nor did the Government, though they had this interval of four months, because they had already decided in the Delhi Session to postpone it till now—circulate it for eliciting public opinion thereon by executive action. The more we read this Bill, the more complicated we find it, even in the Select Committee, on the very first day when we sat, we thought that there was not much in the Bill ; and that it would be disposed of within a few minutes ; but when we went into the clauses and looked into the provisions, we tasked

[Sirdar Harbans Singh Brar.]

for more time ; and we came into possession of more facts and figures regarding what was really implied in the Bill,—it was not merely a Bill for the discipline of the Army, but that the concurrence of this Legislature was being invited to a particular policy which the Government have now adopted regarding Indianisation and the two sorts of Commissions which are to be segregated in the Army in India, and, therefore, after ten days' consideration, we appended this long note of dissent ; and, even since then, I got more facts and figures, and I consider that, in the light of these facts, and the fact that even a Bill like the Mechanical Lighters Bill was referred for eliciting public opinion thereon, this important Bill should be given a few months' time, and public opinion should be sought to give its considered judgment on it, as well as its representatives in this Legislature, so that its full implications and importance may be understood. I have nothing more to say.

Mr. President (The Honourable Sir Shanmukham Chetty) : This Bill has passed through the scrutiny of a Select Committee of this House, and, so far as the Chair can see, there is nothing either in the majority report or in the minute of dissent to suggest that sufficient time has not been available for the Select Committee to consider the provisions of this Bill or the principles underlying it. The Honourable Member has not given the Chair any valid reason to permit his being allowed to move a dilatory motion of this nature. The Chair does not, therefore, propose to allow him to move that motion.*

Rai Bahadur Kunwar Raghubir Singh (Agra Division : Non-Muhammadan Rural) : Sir, when the Indian Military Academy was established in Dehra Dun, it was thought that the prospects of those coming out of the Academy will be the same as of the students coming out of Sandhurst or Woolwich Colleges. But from the Bill, we find that the status and the privileges of the candidates will not be the same as those enjoyed by British officers coming to India. The Bill, I admit, is necessary to give them a status, but, Sir, several amendments are required to satisfy public opinion as it obtains in the country. The public opinion in India is at one in thinking that the status and opportunities of Indian Military officers should be in no way inferior to those enjoyed by British officers serving in India.

Secondly, Sir, Indian Commissioned officers will not have the same powers of command, even over mixed formations, as British officers. These will be left entirely to the commanders to decide, when they should and when they should not command, and this is certainly inferiority complex.

Thirdly, Sir, the conditions of service have not been improved, and so their position will be somewhere midway between the Viceroy's Commissioned officers and the British Officers.

Fourthly, the policy in regard to the creation of an Imperial Service and a Provincial Service, reserving superior services to Europeans and inferior services to Indians, as in the Civil Service, is going to be repeated here, and just as it was considered in regard to the Indian Medical Council Bill, that it was dictated by the British Medical Council, so it is feared in this case also that this measure has been dictated by the War Office in England.

* That the consideration of the Bill be postponed till the next Budget Session."

Fifthly, Indian Commissioned officers will not be eligible to sit in court-martial cases as British officers will be. This is also an anomaly because, if British officers can sit in court-martial to try Indian men, it does not seem proper that Indian officers should not sit in judgment over British men.

Then, sixthly, the status and prospects of Indian Commissioned officers will not be exactly the same as those of British officers serving in this country. I have gone through the Bill carefully, and I find that too much emphasis has been laid on punishments, and less on emoluments and privileges. Therefore, Sir, the question that arises is this : is this the way in which the wishes of Indians about their defence arrangements and military training and Indianization are going to be met after all their heroic deeds of gallantry in the past wars ? Is this the treatment that is going to be meted out to Indians after all their sacrifices in the great War ? In view of these considerations, it is highly necessary that amendments on the lines suggested by the minority of the Select Committee should be incorporated to make it a better Bill than it now is. I have seen, Sir, from the amendments that the Select Committee added one clause, clause (f) to clause 5 of the Bill, but Mr. Metcalfe has given notice of an amendment by which he wants to take it out. Therefore, I support the minority recommendations of the Select Committee and hope that this House will make the Bill more acceptable to Indian public opinion. (Cheers.)

Mr. B. V. Jadhav : Sir, it is well-known that the British Army is regulated by the Army Act and the Indian Army is regulated by the Indian Army Act of 1913, and the present Bill is an amendment to it. Before the Act of 1913, there were other Acts previously passed, either by the Local Governments or by the Government of India. It is profitable to see what was the beginning of the Indian Army. The Indian Army sprang from very small beginnings. Guards were enrolled for the protection of the factories or trading posts which were established by the Honourable the East India Company at Surat, Masulipatam, Armagon, Madras, Hughly and Balasore in the first half of the seventeenth century. These guards were at first intended to add to the dignity of the chief officials as much as for a defensive purpose, and in some cases special restrictions were even placed by treaty on their strength, so as to prevent their acquiring any military importance. Gradually, however, the organization of these guards was improved, and from them sprang the Honourable the East India Company's European and native troops. So the Indian Army began, first of all, as the protective guard of the merchants, and, ultimately, it developed into a full-fledged army.

The early merchants of the East India Company, Sir, took advantage of the Indian mentality produced by implicitly believing what was taught by the Ramayana. It is said that Ramayana teaches the highest standard of brotherly affection as shown in the conduct of Bharat and Lakshmana towards their elder brother, Rama. But there were other pairs of brothers also, notably Vali and Sugriva and Ravan and Bibhishana. Both Sugriva and Bibhishana invoked the aid of a foreigner in order to get rid of their elder brothers, and, with the aid of the foreigner, got for themselves not only the Kingdoms but the widows of their elder brothers.

Another high personage who is extolled in the Ramayana is Hanuman, the Monkey God, whose temple stands on the top of the Jakko Hill for his devoted service. When painted in the gorgeous colours of an

[Mr. B. V. Jadhav.] incarnation of God, Rama is invested with divinity and Hanuman's service is taken as devotional. But taking their relations divested of all later accretions, that is looking upon Rama and Hanuman as human beings; we see that Hanuman accepted the service of a foreigner and served him very faithfully even against his own people.

In this history, Sir, is the germ of India's mental and moral slavery. Indian mentality towards foreigners has been one of selfishness. Nobody was ashamed to call in the aid of a foreign invader to put down their brothers or near relatives, and they had the instances of Sugriva and Bibhishana highly extolled in Ramayana to justify themselves. We find in the history of Alexander or Sikander the same story when he planned the invasion of India. Many an Indian prince and scion of Imperial houses went to Kabul to secure his protection and help for the satisfaction of their own ambition. The Great Emperor Chandra Gupta (Sandra Kotus of Grecian History) was one of them. The story of Jaychand of Kanouj, who invited Muhammad Ghori to punish his son-in-law Prithvi Raj, is well-known. The history of John Company and the rise of the British power in India is full of such betrayals. Any foreigner who had enough money to pay never found want of willing Indian soldiers to serve him and to fight against their kith and kin. Among the Europeans, Dupleix the French General, is said to have made use of Indian sepoys and he found that they made excellent soldiers when properly trained and officered. The East India Company also took advantage of this discovery and the Indian Army was the result. The Indian army was at its zenith in numerical strength at the time of the Mutiny, but since the Mutiny their numbers have been reduced, and since the ancillary services have been started,—especially the artillery has been developed, the air service, mechanical service, tanks and so on and so forth,—the number of soldiers is being gradually diminished. In the British Army before the War the officer ranks were reserved for the Britishers and no Indian was ever allowed to be either a Lieutenant or a Captain. But, after the War, the mentality of the British people changed and they accepted the principle of giving commissions to worthy Indians, either from the ranks or from those who were selected to go to Sandhurst, Woolwich and other places of instruction. But all these were trained under British conditions and they are known as British officers. Then there was an insistent cry of an Indian Sandhurst, and numerous committees were appointed to devise means for bringing this about. I need not go into the history of those Committees. Suffice it to say that ultimately the starting of an Indian Military Academy was decided upon, and about 2½ years ago a beginning was made with 30 cadets. I had the honour of an invitation from His Excellency the Commander-in-Chief at the time of the opening ceremony and was really very much impressed by what I saw there. The cadets there were in training only for a couple of months, but they showed very good form, and, now, we have heard the Honourable the Army Secretary to say that they are shaping very well and they give promise of turning out efficient officers. So, it will be seen that the training at the Military Academy at Dehra Dun is in no way inferior to the training that is given to British cadets at Sandhurst or Woolwich, and in days to come, this Military Academy of India promises to be a great centre of military training for India, both Indian, India and British India. But, Sir, that which is troubling this side of

the House is the different status and the difference in the commissions of the two officers turned out from Dehra Dun and from Sandhurst. Those who will come out of the Sandhurst College will be called British officers and they will be governed by the Army Act. Those who will come out of the Indian Military Academy will be governed by the Indian Army Act and will be called Indian commissioned officers. There will also be a difference in their salaries. India is a poor country and we have up to this time maintained that the salaries of the Army officers and other officers are very high. Government have, at all events, accepted the correctness of this cry of the Indians and they have now decided to have a lower scale for Indian commissioned officers. So far, we are in agreement with them. I do not say that we have got any grievance, because the initial and also the future salary of the Indian commissioned officers will not be as high as the salary of the British officers. But it is well-known that the Army is a very expensive profession and we have seen that the officers who have up to this time come to India find it very difficult, especially during the first few years of their career, to make both ends meet. The Army Secretary has promised that steps will be taken to reduce the expenses that are entailed upon an officer serving in the army. So far so good. But, then, the question arises that in the same regiment there will be officers of the two services, the British officer and the Indian commissioned officer, with two scales of pay. The British officer on account of the big salary which he receives will be able to spend more and live in a more stylish manner, while his brother, the Indian commissioned officer, will not be able to spend as much and in that way an inferiority complex is bound to arise. I hope that the Army Secretary will think over this question and see that, especially during the transitional period, until a unit is completely Indianised, some steps are taken either to give an allowance to the Indian officers or to do some other thing which will help them.

As regards the amendments to the Bill I shall say that I have my sympathies with those who have sent the minute of dissent. It is our ambition that the Indian commissioned officer should have exactly the same status, the same opportunities and privileges as his brother from England. The Army ought to be considered as one whole, and although, on account of these special circumstances, there will be a difference between the British officer and the Indian commissioned officer as regards pay, in all other respects they ought to be on a footing of perfect equality, and that status of equality ought to be granted by Statute or by Regulations having the force of law. I need not go into the question whether the amendment accepted in the Select Committee, to remove which notice of an amendment by the Foreign Secretary has been given, was done without any legal authority. That question will be decided when the clauses are gone into separately. But in case no amendment can be had in the Act itself, I do hope,—and I do insist,—that steps will be taken by the British Government, the Government of Great Britain, and also by the Government of India to see that the Indian commissioned officer gets all the opportunities, gets all the privileges and the status of his brother officer who has turned out of Sandhurst.

The question may not arise for some few years yet. The scheme at present adopted is the scheme of Indianisation of a complete division with ancillary services. Formerly, the scheme, that was started in the beginning, was the scheme of the eight Units. In all these two schemes, the

[Mr. B. V. Jadhav.]

eight Unit scheme as well as the Indianisation of one division scheme, the chief idea, it appears, is that the British officers should not have a contingency of serving under Indian commissioned officers, because now the Indian Commissioned officers will join the ranks from early next year and then they will be at the bottom and as their number increases they will fill up the vacancies from the bottom and there will be no British commissioned officer under them in any circumstances. I have got no grievance in this respect, but then a time is bound to come as years go on, when the Indian officers may get senior in service and the British officers who will be their juniors in service may claim higher status or precedence at durbars and so on over them. That contingency ought to be guarded and provided for. The Honourable the Army Secretary has pointed out to us that there is nothing about this in the Canadian Army. There is no trouble in the Canadian army. The Canadian officer has got no such grievance and only at the time of the war, when they come together and have to fight shoulder to shoulder the question may arise. In Canada there is only one sort of officer, the Colonial officer, but in India we have got these two sorts of officers serving side by side and coming into contact with each other in military stations almost every day, and, therefore, it is quite necessary that the status and the position and opportunities of the two classes of officers should be exactly equal, and there should be no inferiority or superiority among them. The Army Secretary has given an assurance that His Majesty's Government will see to this. It would be much better if that assurance could be translated into exact words and introduced either in this legislation or in some way, in the form of Regulations. That is very necessary, because the Indian commissioned officers will have to work side by side with the British officers on many occasions which we may not be able to visualize just at present and a number of occasions may arise in which there will be friction and there will be some differences of status on one side or the other. So, I think the Army Department and the Government of India ought to take care that there should be no occasion for such differences, because when these differences arise, it is very difficult to avoid bad blood.

In this connection, I wish to say a few words about the Viceroy's commissioned officer.

Mr. President (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member take long ?

Mr. B. V. Jadhav : About 15 minutes more.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, **Mr. President** (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. B. V. Jadhav : Sir, I was pressing upon the attention of the House the point that the new cadets that will come out of Dehra Dun as Indian Commissioned Officers should have equal status with those who have come out of Sandhurst. Now, in the words "status and opportunities", I also include certain appointments which are open to the British Officers which should also be open to Indian Com-

missioned Officers. For instance, under a Government of India Resolution for a certain rule 29 the following was substituted :

"The Governor-General in Council may appoint a Member of the Indian Civil Service or an officer holding the King's Commission in the Indian Army or..... to the Indian Political Department,"

and so on.

Now, as the words here are used—, "holding the King's Commission in the Indian Army",—I presume the new Indian Commissioned Officers will similarly be entitled for this service. If I am wrong, the Army Secretary may correct me in this presumption. But there might be such "other services" in which the words may not be so very explicit, and, therefore, care should be taken to avoid all such occasions and it should be stated clearly that the Indian Commissioned Officer will have the same status, the same opportunities and the same privileges as his brother coming out of Sandhurst or Woolwich. Now, we are very anxious that the Indianization of the Army should be as rapid as possible keeping in mind the efficiency of the service. There should, of course, be no sacrifice of efficiency. At present, sixty cadets are admitted to the Indian Military Academy every year and in the first batch there was a wastage of about seven, or only 53 officers will come out of the Military Academy and will take their commissions in the Indian Army or to be more precise, in the Indianized Division. For the first year, this wastage is very high indeed. In conversation with the Army Secretary, I learnt that they compute the average wastage at about two and that they expect that 58 officers will join the Army every year, and, with this addition to the Army of Indian Officers numbering fifty-eight a year, they expect that in about eighteen years the Division will be completely Indianized. One has to remember that there are six Divisions in the Indian Army ; and, therefore, Sir, we cannot wait, at this rate, to see the Indianization completed within a reasonable time, and, therefore, Sir, I submit, the rate of admissions to the Indian Military Academy ought to be accelerated. Sir, in 1931, His Excellency the Commander-in-Chief had to state in another place that in about seven years' time, that is, in 1938, the Indian officers from Sandhurst would have completed about fourteen years' service, and, by that time, they would be permanent Company Commanders, and, at that time, the higher Army Authorities would be able to judge how far they were efficient as officers, and if their conduct is satisfactory and if they shape very well, then, His Excellency would decide how to accelerate the pace and in what ratio the admissions to the Indian Military Academy should be increased. This assurance of the Commander-in-Chief was a very important one, but then, in 1938, the present Commander-in-Chief will not be in office, and his successor may not remember what his predecessor had promised. I think the Army Secretary has told us that the new cadets as well as the old ones, who have already actually joined the service, are doing very well and are not deficient in any way. So, I think, we may expect in the near future the Army Authorities will take up for consideration the question of increasing the number of admissions every year to the Military Academy.

Now, by the abolition of the Viceroy's commissions, the number of Indian King's Commissioned Officers that will be required to replace the Viceroy's Commissioned Officers will be a very large one, and for that reason the Indianization of the officers' rank in the Army will be

[Mr. B. V. Jadhav.] ... retarded by about 2½ times. This is a very serious question. It may be pointed out that as the prospects of promotion to Viceroy's Commissions is denied in the Division which is set apart for Indianization, it is feared that the recruiting in those units will not be as satisfactory as in other units where the private enjoys the prospect of attaining to the Viceroy's Commission as well as the higher commissioned rank. So the personnel of the regiment is likely to suffer, and, at the same time, I may point out that if the Viceroy's Commissions are kept open, then young men with good education, that is those who have passed the matriculation or higher examinations, may be induced to join the army with a view to attaining, if not to the King's Commission, at least to the Viceroy's Commission, and, in that way, the recruitment to the army is likely to be more satisfactory than at present. But if there is no prospect of getting the Viceroy's Commission and the private has the only chance of retiring as a Warrant Officer, then perhaps the young man with good education will not think it worth his while of joining the ranks. Even at present there is a good deal of discontent among young lads who are not getting the chance of going to the Indian Military Academy as the number of claimants is a pretty large one. Many of them are now nearing 24 and some of them will be superannuated, and if such young men are superannuated and have no chance of going to the Military Academy, then their time in the army is wasted and they will have to retire as early as possible. That will be a loss to the army, one can very easily realise. Therefore, it is necessary that, at all events, for them the Viceroy's Commission ought to be open, so that there will be some consolation for their disappointment. The Indianisation is a very vital question and at the same time, as I have pointed out, this side of the House is very keen that the Indian officer should have no inferiority forced upon him. His position should be exactly on a level with other officers who have got the King's Commission and also with those who have got their education from Sandhurst or Woolwich. I, therefore, lay stress upon this point, and I hope, that this question will be satisfactorily solved by the Army Secretary. With these few words, I support the motion.

Hon. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, I congratulate the Honourable Colonel Lumby for his lucid explanation of the provisions and implications in this Bill to this Honourable House. He has given a graphic and hopeful picture of the Academy at Dehra Dun, and as I also had a chance of seeing the Academy in the very first year, I can testify to the very good beginning that has been made there. The cadets were all fine specimen and we can all well feel proud of this institution. I am convinced that the opening of this great institution will prove a landmark in the history of the Indian army. The first batch, as we have been told, is about to come out and it is with a view to find a place for them in the Indian Army Act, that this Bill has been brought forward before this Honourable House. The name given to them is Indian Commissioned Officers as their commissions will be issued by His Excellency the Viceroy. As a part of the scheme, the present Indian officer has to disappear gradually, but as Indianization cannot be completed in one day, this class will take some time to disappear. Now, these are the two main items under this Bill, and after the discussion we have had in the earlier

stages and after listening to the Honourable the Army Secretary, very little remains to be said. I would not open questions of policy or of economy on this Bill, as that would be outside the scope of this Bill. But I wish to bring one thing to the notice of the Army Secretary. I feel encouraged in doing so as I know that the class of officers about whom I wish to put in a word or two has the full sympathy of the Army Secretary. In his opening speech on the 16th July, the Honourable Colonel Lumby said as follows:

"And, thirdly, comes the fine body of men to whom the Indian army had owed and still owes so much, who are known at present in the Act and throughout the army as Indian officers and whom it is proposed to call in the future Viceroy's Commissioned Officers in order to distinguish them from the Indian Commissioned Officers."

Now, Sir, there is not a single British officer who does not admire this class, and who has not got a soft corner in his heart for them. These Subedars and Risaldars will now gradually disappear. What I wish to say is that there is a real feeling in the country, especially among the military classes on this question, and I will request the Honourable Colonel Lumby to use his persuasive tongue to save them from total disappearance. At present we have four such officers for each squadron and if two or at least one of them could be retained in the future army, they will prove very useful. I know that the age of illiterate officers is gone, as we will have no occasions for hand to hand fight; but when we realise that the rank and file could make better sacrifice under one who is so closely related to them, than under a mere officer, the need for the presence of this type of officers seems all the greater. The point has been stressed by my Honourable friend, Mr. Jadhav, also, and, I think, the Honourable the Army Secretary will do all he can to save them from this threatened annihilation. Besides, any number of educated men have joined the army in recent years, in the hope, that they will qualify themselves for Dehra Dun cadetship in due course. As we all know, the number that will have to be recruited from year to year for Dehra Dun is very limited. Some of these young men, though in every way fit and though they are being recommended by their commanding officers for Dehra Dun, will have to be disappointed because of this limitation in numbers and they will not be able to qualify themselves for Dehra Dun. So, some scope should be left for these young men and if one or two Indian officer's jobs are retained with each squadron, it might prove an incentive for these youngmen to make army as their career.

We must, however, admit, that the creation of this new service does not in the least affect the old Indian officer, if we take a broad and long view of things. He, with all his war service and his war medals, could only aspire to become a Risaldar Major or a Subedar Major, while his educated son or relation will begin as a Lieutenant and will aspire to retire as a General. The increase in the number of posts is another factor. There are at present 19 Indian officers and in the future constitution there will be 28 Indian Commissioned Officers with higher pay. So, the loss is fully compensated both in money and numbers. The Honourable Mr. Jadhav has referred to the inferiority in pay of the new officer as compared with his colleagues who come from Sandhurst. The minority report of the Select Committee also refers to this aspect of the question and compares them to Provincial Civil

[Captain Rao Bahadur Chaudhri Lal Chand.] Service and the I. C. S. respectively. I take a different view. The British officer is a necessity for some years to come and as one who serves far away from his.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : Question.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Has my Honourable friend got some material to maintain his position ? He has none. You can play with other services, but you cannot play with the army, otherwise the peace of India will be disturbed. As I was saying, as one who serves far away from his home he should get more pay than one who is serving in his own country. Besides, the general taxpayer also looks for some relief from Indianisation. The United Provinces Ministers, who are content with less pay than their colleagues on the reserved side, have not lost any prestige at all. Besides, we should not forget that the British officer, serving in a British regiment in India, will get the same pay as the cadets from Dehra Dun.

There is, however, one aspect on which the two reports differ. The minority report urges that there should be a declaratory clause to show that so far as the powers and privileges are concerned, there will be no difference between the future British officer and the Dehra Dun officer. The Honourable the Army Secretary has made it clear beyond doubt in his speech more than once. In his opening speech he says :

"In this connection there is one point that I wish to emphasise most particularly and that is that instead of this difference that I have just pointed out the Indian Commissioned officer will have within the Indian Army exactly the same powers and privileges as are at present enjoyed by the British officer. It is intended that there shall be a complete reciprocity between these two categories of officers."

An Honourable Member : Then why not insert in the Bill itself ?

Hony. Captain Rao Bahadur Chaudhri Lal Chand : I am coming to that presently. Then, again, in his reply, the Honourable the Army Secretary says :

"But the point that I want to make is that though there will be this reduction in pay, to bring the Indian Commissioned officer on to an Indian scale of pay, instead of the British scale of pay, drawn by the Indian officers trained at Sandhurst, there is every intention that otherwise his powers and privileges and certainly his powers and privileges under this Act shall be the same as those of the British officers of the Indian Army with whom he will be serving."

He wants this clause to form part of the Regulations that will be issued by His Majesty's Government while the minority report wants this to form part of this Bill. To me the difference on either side seems mostly sentimental. One is as good as the other. However, we will hear arguments for or against this point when the particular amendment is under discussion.

Sir, the Bill, as I said, is a simple one, and this occasion should not be utilised to deliver Budget speeches. The decision embodied in this Bill were taken after full deliberations in what is known as the Sandhurst Committee. There is nothing new that the Bill has imposed on us, or is taking away from us. The Army Department deserves our sincere congratulations in not delaying these reforms, and I am convinced that the pace of Indianisation will be accelerated as soon as our Dehra Dun cadets have joined the Indian Army, and have taken their places, for which this

Bill has been brought forward. Our hopes lie in their success and we should welcome them by giving in this Bill a status to these new officers. With these few words, I welcome this Bill and support it whole-heartedly.

Sirdar Harbans Singh Brar : Sir, I have chosen to take particular interest in this Bill, because the subject matter of it, to my mind, is most vital to the interest, peace and prosperity of this great nation. The provisions of this measure are to lay the foundation for the administration and discipline of a department or a force which is the very backbone of this country. We cannot afford to play with a subject of such magnitude and importance and it cannot be treated light-heartedly, because, to me, it seems that the army of a nation is of the utmost consequence. I give it preference and importance over all other subjects in the constitutional or administrative system of the Government. I have never been able to understand why this subject has been mostly relegated to the background by Indian politicians and preference given to petty departments or superfluous jobs. It is unfortunate that such an important measure has not been circulated and public opinion marshalled in its favour. But, be that as it may, we are here considering it, and it is our duty to bestow the best consideration on the policy underlying it and the provisions entered in it. I am convinced that the Government are perfectly aware that the Bill is not supported by public opinion, but is condemned by it. Otherwise, they would have chosen the occasion to circulate it by executive action during the period of time that has elapsed between its introduction and its consideration. We have seen Government circulating Bills by executive action of much less importance than this present one. One of my purposes in the amendment I intended to move was to attain that object. I consider this Bill is even more important than the so-called White Paper, the Communal Award, the Chhota Award or the Constitution Bill which is to be introduced in the Parliament.

I am very suspicious about the Government's intentions and *bona fides* in the matter. I fear that they are trying to smuggle through this Legislature a measure designed to keep India in chains and fetters till posterity. The Constitution Act is still in the making and its provisions are still unknown, but the fate of the defence forces of the country and the national militia is being decided here and now. Mr. President, as far as I am concerned, I would not care a farthing for either the Constitution Act or the Communal Award without the Army having been transferred to Indian control as a condition precedent. Do Indian politicians consider what is the good of having a responsible Government when the Army is to be under foreign and alien dictation, and the finance is controlled from White Hall. What good will it do India to have a few more Ministers and a few more Council Secretaries with the British bayonets hanging over our heads ? I for one would be prepared to give all appointments to British or Europeans and all the Departments of Government, but would never yield to keep the Army non-Indian or under non-Indian control even for a single moment. I am prepared to give to the Britishers a Department like Archaeology, because they are very good explorers, I am prepared to give a Department like Education, because they are good philosophers, and in such like Departments I do not mind the help of these people, but India for her self-defence must be self-independent. Mr. President, I would like to retain the Army under Indian control, and even for a single moment I would never be a consenting party to anything leading in the

[Sirdar Harbans Singh Brar.] The policy adopted by this Government, since the Mutiny, of Europeanising the commissioned ranks of the Army have dealt the biggest blow to the vitality of the nation and its martial spirit. The military prowess of Indians was equal, if not superior, to any other foreign nation, but the result of the policy of closing the commissioned ranks of the Army to Indians by force and fraud is being used against India now to prove that Indians are yet unfit to be officers in the defence forces of their country. It is like depriving the Dacca weavers of the means of producing fine muslin which at one time captured the whole of the British market, and, then, later on, saying that India is unable to produce finer cloth in competition with Manchester. It is idle to deny that the best of materials for the Army is available within the Indian Peninsula and that enough men can be found for the officering of the Army if the selection and control is transferred to Indian hands. The present so-called incapacity of the Indians is a camouflage and Government's own creation. Government have deliberately denied Indians the opportunity of training themselves in the different branches of national defence. I may quote here an eminent English historian who says :

"The founders of the native Army had conceived the idea of a force recruited from among the people of the country and commanded for the most part by men of their own race but of higher social position. Men in a word of the master class accustomed to exact obedience from their inferiors. But it was the inevitable tendency of our increasing power in India to oust the native functionary from his seat or to lift him from his saddle so that the white might fix himself there."

Lord Elphinstone, the Governor of Bombay, said :

"I agree with those who think that it is not judicious to train any native of India to the use of guns. They make excellent artillery men and attach great value and importance to guns but these very circumstances make it dangerous to place it in their hands."

Lord Ellenborough concurred in this opinion and said :

"It appears to be concurrent opinion of all men that we should keep the artillery wholly in our hands. The natives have the genius of casting and working gun and we should not afford the means of enjoying it. The natives die at their guns. Their practice in this War, the Mutiny, is admitted to have been at least as good as our own."

From this, one is drawn to the only conclusion that the so-called incapacity of the Indians to control their defence is merely a myth. The Government have deliberately deprived the Indians continuously for such a long time the practice and opportunity of doing so as to concoct theory of the incapacity and inability of the Indian to manage his own defence force. They for almost a century denied to the Indians the opportunity of officering their own Army and other branches of Indian defence. It is common knowledge that Indians have been one of the best sailors and fliers. But the Indian Navy, which existed about the middle of the last century, was disbanded and the opportunity to Indians to keep up their training was denied to them. Similarly, till a couple of years ago, Indians were not admitted to the Air Force so indispensable for the defence of the country. It is the same old story of eating up the vital bones of the nation, so that it may remain perpetually in the clains of slavery. The native princes were assured that the British forces will protect them from external attack as well as from internal commotion by the mighty arms of the British Empire, and they were told to disband their own army and to worry no more about their position as the British will maintain

them on their *gadis*, thereby making dormant the martial spirit and training among their subjects. The same thing was copied in relation to British India. British Indians were assured that the Imperial forces of the Crown were at their disposal, that the British Navy will protect the vast coast line of India at a nominal honorarium and the philanthropic and benevolent-minded British will always be at their service to protect them from a foreign attack and from internal disorders. It was no use for the Indian to worry or bother about their defence, thereby killing the incentive and vigour or aptitude of the nation. It is not long ago when a small community of Northern India was able to conquer and keep under control the virile tribes of the North-West as well as of Afghanistan for about half a century, which the mighty forces of the Crown have been unable to either conquer or permanently keep under control. It is, therefore, evident that the necessary spirit and material is still available if only opportunities are afforded for their display in the service of their country. It is an admitted fact that the Indian officers of the Army, enjoying only the Viceroy's Commission, stood the strain and test of efficiency remarkably well, when left to themselves under the most trying circumstances in different theatres of war during the Great War. They proved as efficient and able to rise to the occasion as any of the European officers of higher rank. Now, this is quite recent history. There is no reason to doubt that, if higher command was granted to these people, they would do just as well. It merely comes to this, that there is only lack of opportunity and no lack of qualifications or ability. All people are necessarily backward when you deliberately debar them from progress : they are necessarily ignorant when you keep them out from education and withhold knowledge from them ; they are necessarily lazy when you deprive them of means or the incentive to work. One cannot swim if the water to swim in or the opportunity to enter it is denied. Under these circumstances, I consider that it is a vain argument to say that we are unable when opportunities are not given : when opportunities are given, we are found quite fit.

As a result of the valuable services rendered by India to the Empire in the Great War and the declaration of His Majesty's Government of the 20th August, 1917, Indians were assured of increasing association in the administration of the country, both civil and military. Diarchy was introduced in the Provinces and Indians began to be granted King's Commission in His Majesty's land forces. In the year 1922, the Government of India appointed a Committee consisting wholly of military experts for the purpose of finding out within what period the whole of the Army in India could be completely Indianised. The Committee, after thoroughly going into the matter and considering all the relevant materials and facts, came to a deliberate conclusion that the whole of the Army in India could be Indianised within a period of thirty years or in any case the latest within forty-two years. They recommended the grant of King's Commissions to 81 Indians annually during the first period of 14 years, to 182 Indians annually during the second period of eight years, and to 227 Indians during the last period of eight years. According to their calculation, at the end of 30 years, the number of Indians who will join the Commission would be 6,864—the total number of Commissioned Officers at present in both sections of the Army in India, Indian and British. I realise that the Committee had not accounted for annual wastage in these

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figures, but apparently they must have had in mind that the annual replacement, by the recruitment of Indians, of this wastage will be in addition to the figures of new recruitment suggested by them, so that their purpose may be attained of Indianising the Army in a period of 30 years. That must have been their intention. Later on, the Skeen Committee was appointed by the Government of India and reported in 1926. According to their calculations, half of the total cadre of Commissioned Officers was to be Indianised by the year 1952. They had provided for an yearly intake into the military college of about 100 cadets. It is curious, and I would call it mischievous, that the report of the 1922 Committee or even the mention of its appointment was kept secret from the Skeen Committee. The recommendations of the Skeen Committee were not given effect to as far as all the major recommendations were concerned. Then came the Round Table Conference. The Defence Sub-Committee of the Round Table Conference unanimously resolved that, with the development of the new political structure in India, the defence of India must, to an increasing extent, be the concern of the Indian people and not of the British Government alone, and, in order to give practical effect to this principle, they recommended that immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view having regard to all relevant considerations such as the maintenance of the required standard of efficiency.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Dr. Ziauddin Ahmad, one of the Panel of Chairmen.]

Mr. Chairman, it must be remembered that the Defence Sub-Committee had left the question of the pace of Indianisation to be determined by the committee of experts which was to be appointed in pursuance of its recommendations. From the proceedings of the Sub-Committee we find that when Mr. Jinnah asked :

"We agreed in principle with the question that the Army should be Indianised, then the next question is how effect is to be given to the rate or pace of Indianisation."

the Chairman, Mr. Thomas, answered that his answer was that there should be, as a consequence or as net result of their recommendations, an expert Committee set up to give immediate effect to this. Lord Reading also said "Yes" to this. Mr. Jinnah still pressed and wanted to give some guide or to lay down some principles for that Committee, and then Lord Reading and the Chairman both stated that the matter was purely one for this expert Committee.

Further, when Mr. Jinnah was pressing for a clear indication as to pace of Indianisation or some words so definite that it will convey to the expert Committee that that was the intention of the Conference, the Chairman eventually replying said :

"It has been pointed out that this is a matter for the experts."

Further, in order to respond to the strong affirmation of one section of the Sub-Committee to the effect that complete Indianisation of the Indian Army should take place within a specified period as proposed in the Government of India scheme of Indianisation of 1922, known as the Shea scheme,

the Chairman further undertook that when, in pursuance of the resolution of the Sub-Committee, the expert Committee were appointed, they will, as a matter of course, take into consideration the proceedings of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Army known as the Shea Committee and the Skeen Committee. This is proof, if any proof were needed, to substantiate the contention that it was the business of this expert Committee known as the Indian Military College Committee to settle and fix the annual intake for the College, and not the Government of India. It may be mentioned here that the proceedings and report of the Government of India Committee of 1922 were kept secret even from the Defence Sub-Committee of the Round Table Conference until Sir Muhammad Shafi and Sir Tej Bahadur Sapru forced the Government to produce it. As they were the Members of the Government of India at the time, they had knowledge of the proceedings and report of this Committee. Now, let us see what happened at the proceedings of the Indian Military College Committee of 1931 which was appointed as an expert Committee, in pursuance of the Sub-Committee's resolutions, for the purpose of giving effect to them and for deciding upon the rate and pace of Indianisation. The Chairman, His Excellency the Commander-in-Chief, in his opening address on the 25th May, 1931, stated :

"Some may say that although we hope to arrange for an intake into the new Sandhurst of 60 or thereabouts, this is going far too slow. I, however, am quite unable to advise Government to experiment with a large number of units than this will mean, until such time as we can see a little more clearly whether an army officered by Indians is going to be a fighting proposition."

He further ruled that as far as the rate or pace of Indianisation was concerned, this was his final word and must be taken as gospel truth, and that Committee was not entitled even to discuss it, what to say of varying it. This is the manner in which the Government of India and their military advisers carry out the solemn pledges of the Sovereign or of His Majesty's Government. When we look back to the manner in which the Government of India have been deliberately evading the issue of the Indianisation of the Army, our minds are filled with horror and sorrow as to what our fate is likely to be if the destinies of India continue to be in their hands for any considerable time. The Government of India Committee of 1922 made unanimous recommendations for the complete Indianisation of the Army of India within a period of 30 years from that date. Those recommendations were fully concurred in by His Excellency the Commander-in-Chief and unanimously approved by the Governor General and his Executive Council. But what to say of giving effect to,—the recommendations were not even published, but were kept under lock and key. Had those recommendations been given effect to by the year 1936, we would have had 1,130 Indian Commissioned Officers. Then, if the Skeen Committee's recommendations had been accepted, by September this year we would have about 300 Commissioned Officers. But what we find today is about 150 as Indian Commissioned Officers. If the recommendations of the 1922 Committee were accepted by the Indian Military College Committee of 1931, even that would have provided us with about 300 as Commissioned Officers. But, alas! the Government, instead of going forward, are going backward as far as Indianisation is concerned. It must be remembered that nowhere, even in the R. T. C., the discontinuance of Indian cadets into British Sandhurst was ever contemplated. The Members of His Majesty's Govern-

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ment and Lord Reading, *Ex-Viceroy* of India, stated in explicit terms that that must continue and was of immense advantage, and that whatever the intake for Indian Military college, the Expert Committee may, in the light of the recommendations of the Government of India Committee of 1922 and the Skeen Committee of 1926, fix that that was in addition to the present number of cadets going to British Sandhurst. It was desired that in addition to the 20 replacements of British officers by Indians from British Sandhurst, the outflow of the Indian Military College will make additional replacement of British Commissioned Officers of the Indian Army as well as the British Army in India. The Military Requirements Committee of 1921 even contemplated, as also the Round Table Conference did contemplate, the replacement of British troops by Indians. It is creditable to Lord Reading that during his Viceroyalty the number of British troops in India was reduced by 10,000, and further gradual withdrawal was contemplated.

Now, to take stock of the situation, let us begin from the year 1931 and imagine what would have happened had the Committee of 1931 not been appointed. We would have every year replaced at least 20 European Commissioned Officers in the Indian Army, and what was expected of this Committee was to increase this number of British replacement by Indians. But what do we find today? The most vicious, retrograde and reactionary steps which have been taken by the Government of India Committee of 1931, known as the Indian Military College Committee, 1931, go to the very root of the problem of Indianization. We have at present in the Indian Army alone in India as many as 3,200 British officers and about the same number or perhaps a little more in British army in India. In addition, we have in the Indian Army about 4,000 Viceroy's Commissioned Officers. The wastage among the Viceroy's Commissioned Officers is about 100 per year. The decision of the Government is to abolish the Viceroy's Commission and to replace it by Indian Commissioned Officers from the Military College, Dehra Dun. It would thus be apparent that the outflow of the Military College will not be sufficient even to replace the wastage in the Viceroy's Commission, what to say of replacing British Officers. The clear effect would be additions to annual recruitment of British Officers instead of reducing them. The ambitions and aspirations of the Indian people were that we would be keeping the present Viceroy's Commissioned Officers to which the rank and file of the Indian Army look with pride and reverence and nobly aspire, and in addition will replace the total number of British Officers with Indians. The net result of the present policy of the Government would be that the Indian Army, what to say of in 200 or in 500 years, is never going to be Indianised, as was frankly admitted by the Honourable the Army Secretary in answer to a supplementary question of mine a few days ago.....

Lieut.-Colonel A. F. R. Lumby : May I make an explanation with regard to that particular point? The Indian Commissioned Officers will be posted to the units of the one Division which, as I remarked this morning, is being Indianised first of all, and not only the Viceroy's Commissioned Officers in those units but the British Officers also will be replaced by them. There is no question of the present output of 60 from Dehra Dun ever being intended to Indianise the whole Indian Army. That figure is worked out on the basis of Indianising that one Division,

and that one only. It was worked out on the basis of the new establishments, which will take the place of the present establishments, in which there are both British Officers and Viceroy's Commissioned Officers.

Sirdar Harbans Singh Brar : But for about three years the outflow of the Indian Military College will not exceed 30, and by that time....

Lieut.-Colonel A. F. R. Lumby : The outflow for the first half year will be 23, but there is no reason why, after the first term, there should be the same difficulty as at the start. Of course, we have to allow for a certain amount of wastage, but I think we expect to get 58 out of 60.

Sirdar Harbans Singh Brar : The Bill before us is designed to secure legislative sanction from the representatives of the Indian people to this most autocratic and reactionary step of this irresponsible Government's powers, and to put Indians, who are Commissioned Officers, not in the shoes of British Commissioned Officers, but Viceroy's Commissioned Officers.

Sir, we are told "No",—we are giving you a Commission like that of a Commission in the Dominions. Dominion status is not even in sight, what to say of its becoming a reality. Declarations of the British Government, for some time past, are becoming shy of even the mention of the word "Dominion status" in relation to India. What is the fun of imitating something which has no chance of becoming a reality? The present King's Commissions, granted to Indians, are in His Majesty's Land Forces, with jurisdiction and rank recognised throughout His Majesty's British Empire, while the proposed Commission in His Majesty's Indian Forces will carry no further than the boundaries of British India, not even in the Indian States, because the allegiance of Indian States is to His Majesty the King Emperor and not to the Government of India. The Indian Commissioned Officer would, therefore, be ineligible for being lent to the Indian States or exercising jurisdiction on behalf of, and in the interests of, the Paramount Power. It would, therefore, naturally mean communal or racial discrimination between the same rank of officers in the Indian Army on the grounds of colour and race. While His Majesty's European subjects in the Indian Army will have a Commission and an authority throughout the British Empire, His Majesty's loyal Indian Commissioned Officers will be reduced to an inferiority complex with jurisdiction and status limited to British India. In the matter of command on active service, the Commissioned Officers will naturally have precedence over Indian Commissioned Officers, because their Commission is more extensive and wider. The Honourable the Army Secretary referred to the position in the Dominions. In the Dominions, an officer of His Majesty's Land Forces takes precedence from the date of his Commission. If, for instance, a Canadian Officer is appointed earlier than the British Officer, the Canadian Officer will automatically become senior, but that will not be so in India, because the Commission signed by His Excellency the Governor General will not be as extensive as the Commission in His Majesty's Land Forces.

Lieut.-Colonel A. F. R. Lumby : I think the Honourable Member is quite wrong over that.

Sirdar Harbans Singh Brar : The Army Secretary is quite mistaken. I still say so, because the regulations which are to be made by His Majesty are not known to us; they are not placed before us; we do not

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know which particular occasions they are going to specifically mention when Indians may be given command. Unless we know those occasions,—the commanding officers, may, as a matter of privilege, or as a matter of grace grant the command to Indians, but at present in mixed formations, the command will automatically go to the senior officers in His Majesty's Land Forces, be they Indian or British, but with the rank of the Dehra Dun cadets being reduced from that of a Commission in His Majesty's Land Forces to that of a Commission in His Majesty's Indian Forces, one having a Commission in His Majesty's Land Forces will, in the present circumstances, unless the rules specifically lay down to the contrary and for ever, and for all time and for all occasions, have precedence over the Indians. At present the battalions are mixed formations even in peace time, and how are they to be governed in the matter of command? Let the Army Secretary, on behalf of His Majesty's Government and on behalf of the Government of India, say that seniority in the Army in India will be governed by the date of their Commission, whether they, the cadets, come from the Dehra Dun College or whether they come from the British Sandhurst, and that whoever is senior will have the right of command, and then we will be satisfied on that issue. The Indian Commissioned Officers, even though senior in rank, will not be entitled to sit on court martial of European Commissioned Officers who will be junior to them. I hope the Army Secretary concurs in that.

(Lieut.-Colonel A. F. R. Lumby nodded assent.)

He concurs. Therefore, the inferiority complex comes in there. If an officer who is commanding cannot punish those officers who are under him, if he cannot sit in judgment over them how is he to command? It is curious to see that they are going to provide for his command without the right to sit on court martial over his juniors.

Mr. B. Das : In the same way as Indians are Governors of Provinces !

Sirdar Harbans Singh Brar : Mr. Chairman, Indians are a sentimental people and they attach more importance to an act being done by their Lord, the Sovereign, His Majesty the King Emperor of India, than by His Majesty's representative in India. They will feel much injured in their pride if they are told that His Majesty's hands feel tired to append signatures on a few Commissions to his coloured subjects, but not so in the case of Britishers, that for His Majesty's Indian subjects His Governor General's initials should suffice and they ought to remember that, after all, they are subjects of a dependent and a slave race, that they should not aspire to equality with comparatively fairer looking subjects of His Majesty belonging to the ruling race, and that India ought to remember that the policy of His Majesty's Government is to fight shy of using even the words "Dominion Status", what to say of granting it. I would, therefore, recommend to His Excellency's Government to at least postpone this measure, if not withdraw it altogether, so that more mature and considered judgment may be passed on it by the representatives of the people of India in this Central Legislature pending the actual conclusions arrived at by His Majesty's Government in the United Kingdom on the proposed Constitutional Reforms for India and the rules to be made under this Act. I do hope and trust that the Government and Honourable Members of this House will forgive me for the valuable time I have

taken of theirs, but the importance and magnitude of the subject demanded it. I thank the Honourable House for the attention and patience with which they have listened to my humble remarks.

Mr. Bhuput Singh (Bihar and Orissa : Landholders) : Sir, the Bill under consideration is more or less the result of an insistent demand on the part of Indians for the grant of King's Commission to Indians dating as far back as the establishment of the Indian National Congress. I do not like to dwell on the history of the origin of the demand, but I may state clearly that from the beginning we wanted King's Commission for Indians always with the idea of obtaining the same rights and privileges for the Indian as well as the British cadets. I only desire to prove that, in meeting the wishes of the people of this country, the Government granted as far back as 1905, a special form of King's Commission in His Majesty's Native Indian Land Forces. This Commission carried only the power of command over Indian troops and the holders of such Commissions could not rise above the position of a company officer in a regimental unit.

Sir, the present Bill, though not so very bluntly, but indirectly and politely, desires to side-track these cadets who will come out of the Dehra Dun College in so far that they will not have the right of command over British units as a matter of right, but some of them may be given such chance of commanding British units by appointments. But these officers will not have the right to sit on a court-martial for trying British officers even by the framing of regulations by His Majesty's Government. In this connection, I may say that the commission which was thrown open in 1905 did not satisfy the Indians, and agitation for equality of status was carried on vehemently till 1918, when, during the War, a Cadet College was opened at Indore which remained open only for a year but which was closed as soon as the War was over. But all the cadets of that college were given the full equality of rights without any reservation like their British confreres. Here I may read the following sentence of the Skeen Committee Report of 1927, which will show the attitude of Indian leaders as regards equality of status even as far back as 1918 :

"Again, in 1918, the honourable part played by India in the Great War and the invaluable service which India then rendered to the Empire brought to Indians the realisation in some measure of the privilege which they had long claimed to be theirs as of right. Indians were declared eligible on equal terms with British youths to receive the King's Commission in His Majesty's Land Forces, which carries with it the power of command over British as well as Indian troops."

Even in 1922, when the Prince of Wales Royal Military College was opened at Dehra Dun, it was done with this following object as stated in the Skeen Committee Report :

"...for the purpose of giving prospective candidates for the army an education, commencing from an early age and on English public school lines, such as would fit them not only for the entrance examination but also for the subsequent ordeal of the Sandhurst course of training, and for their future association in the Army with British comrades."

In the course of their Report, the Skeen Committee declared in unambiguous terms the equality of status between the Indian and the British officers holding King's Commission. With your permission, Sir, I read the extract as follows :

"An Indian King's Commissioned Officer must, like the British officer, be capable of handling mixed bodies of men and for that purpose he should have the advantage of some period of association with the British cadets who are taking up commissions at the same time as himself."

[Mr. Bhuput Sing.]

Further on they state as follows :

"With Indianisation proceeding in the Army in any measure, the only means of ensuring successful Indianisation and, concomitantly, the maximum degree attainable of military efficiency, is to allow Indian officers to serve shoulder to shoulder with British officers each learning from the other in every unit of the Indian Army."

So the demand of those of us, who appended the minute of dissent to the Bill, is not a new one. It is rather surprising that, after about 50 years of agitation, when the Government brought into existence the Indian Sandhurst, it was only with the idea of forming an inferior cadre of commissioned officers as that of the Provincial Civil Service in the civil administration. It appears that the Government of the day is being carried away by the opinion expressed in Sir Valentine Chirol's book published as far back as 1926. We find there the following passage which reads as follows :

"But the racial feeling provoked by the question of Indianising the Army is not confined to the Indians. Though the Army Department may wish now to approach it chiefly from the point of view of military efficiency, it has to reckon with the strong racial objections of British officers to being placed in the position of ever having to take orders from Indian officers. Nor can one ignore the danger of personal friction between British and Indian officers with their very different outlook and social habits if they are made to rub shoulders in a common messroom. But the feeling goes far deeper, and responsible and experienced British officers, not unnaturally proud of the confidence and even personal affection of their native officers as well as of their men, are found to declare that the Englishman's prestige with the native troops themselves will be gone if they are ever placed under other than British command."

The Government in their temporary victory over the Indian National Congress may think that they have been able to completely break up the solidarity of the Congress by the communal electorate and the Communal Award, and, therefore, they can with impunity go back on their old promises and treat these Indians in this particular matter as they are treating today. I am not surprised by the attitude of Government so much as I am surprised by the attitude of some of my countrymen who are prepared to swallow this bitter pill without even raising a combined voice of protest against the assignment of inferior position to our young men who come out successful out of the Indian Sandhurst after spending a good deal of their parents money for no career worth the name. Every now and then we hear that if pay and prospects of the Imperial Services be reduced, no suitable Englishmen from English Universities would be forthcoming for taking up these posts in India. Sir, on that analogy, I claim that the same consideration has not been shown by Government in proposing an inferior status to the cadets of the Indian Sandhurst College at Dehra Dun. When this Indian Sandhurst was opened, the primary consideration was to get the right type of Indian recruits who would like to take the Army service as their career in life. If now we agree with Government and give them a lower status, the right type of Indian recruits, with a grain of self-respect in them, would not be forthcoming. Further, those who will come forward for admission into college and will be posted in the army will always be smarting under a racial inferiority which is not at all desirable. I admit that there may be technical and legal difficulty for this House to legislate on the subject conferring complete equality of status to the Indian cadets from the Dehra Dun Military College, but, at the same time, I cannot absolve the Army Department and the Government of India for not taking suitable

steps with the Secretary of State before bringing this Bill in this House. Certainly it was open to them to press on His Majesty's Government the views of the whole of India which has so unmistakably been ventilated both in the Press and on the platform for the last half a century if not more. Knowing the feelings of the country, it does not behove them now to come forward with the plea that these omissions will be rectified by Regulation as far as possible. Once the Bill is passed into law, this House will have no control either over the Government of India or His Majesty's Government. So far as the framing of proposed Regulations are concerned, I for myself have got my shrewd suspicions that once this legislation is passed, the Government may in their usual manner frame the Regulation to give us the shadow and not the spirit.

Sir Abdur Rahim : The subject dealt with by this Bill is one of the utmost importance and, it is, therefore, necessary that I should ask the House to listen to me while I go on explaining the position with the usual patience that the House always accords to me. My Honourable and gallant friend, Colonel Lumby, seemed to be somewhat disappointed at the minute of dissent which some of us have put in. He is disappointed because he thinks that we did not sufficiently appreciate the importance of the concession which he made in the Select Committee, that as a matter of fact we are giving a wrong lead to the public, while we emphasize the fact that the officers coming out of the Dehra Dun Military Academy will not have the same opportunities as the officers who are recruited from Sandhurst and Woolwich. We, in the Select Committee, were very much impressed by the conciliatory spirit which was shown by my Honourable friend, the Army Secretary, but as the army is a sealed book to most of us, we had to grope our way somewhat slowly and to find out what really was at the bottom of this Bill by questioning the Army Secretary at almost every stage. Sir, the design of this Bill, which seeks to amend the Indian Army Act, is of an extremely limited character. As the House is aware, the Indian Army Act, is intended to apply only to Viceroy's Commissioned Officers and non-commissioned officers and the rank and file of the Indian Army. It was never designed with a view to regulate the status and opportunities of officers enjoying a full commission in the army. We also know that the Viceroy's commissioned officers have very limited opportunities to command. I think, at the highest, they can be only platoon commanders, and they can go no further.

Mr. B. Das : They can be Honorary Captain like my friend, Captain Sher Muhammad Khan.

Sir Abdur Rahim : The Viceroy's Commission, as has been pointed out by my Honourable friend, Chaudhri Lal Chand, is, however, of some importance and value to the sepoy, to whom it gives the opportunity, by meritorious service, to attain to a somewhat higher rank. But for the purpose of commanding the Army, the Viceroy's Commissioned Officers' opportunities are extremely limited; they, indeed, hardly exist. The House is fully aware, how, for a long time, a very strong agitation was being carried on in the country in order to secure Indianization of the officer personnel of the Indian Army in order that India may at some time become as self-reliant, as self-sufficient and as efficient, in the matter of defence, as any other country. We have always felt and felt very deeply that it is not the right policy that a country like India, with its population of 350 million or 400 million, should be always dependent on others

[Sir Abdur Rahim.]

for their defence from outside aggression and for internal security. The question is one of the outstanding questions that were mooted at the Round Table Conference and there, after considerable deliberation, the conclusion was arrived at that if India was ever to become self-reliant in matters of defence, then it was absolutely essential that a Military College should be established in the country and that there should be no need for young Indians to go to Sandhurst and Woolwich for military training. The assumption throughout was—and if I am wrong I hope my Honourable friend will correct me—that the Indian cadets or officers who will be recruited through the Military College in India should have exactly the same opportunities for leading the army in due course, when they are found fit for it, as any other officers (Hear, hear); otherwise, there was no object in asking the Government to establish a military college here, which does, after all, mean considerable expense.

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

Sir, that was the very basis on which the Round Table Conference proceeded and they made a very strong recommendation to the Government of India that steps should be taken at once to establish a military college in this country. Sir, in accordance with that recommendation of the Round Table Conference, an expert Committee was appointed here and I happened to be a member of that Committee, though no one will accuse me of being an expert in military matters; anyhow, I was there, and there were several other Indians, who also were no more military men than myself (Laughter), who were also members of that Committee. His Excellency the Commander-in-Chief was the President of that Committee and throughout its deliberations—I say this without the least fear of challenge or contradiction from anyone—it was never even suggested that the officers who would be given their commissions on having passed out of this Academy should not have, in every possible respect, the same chances, not only of promotion but of command—which is the most essential thing in the army—as the British Officers. (Hear, hear.) Sir, that being the position, we have now to see how far that expectation is going to be realized. We have been told by my Honourable and gallant friend that this Bill is of very great importance to India because if the Bill is passed by the Indian Legislature, the Indian Legislature, afterwards, will have control of legislation on this point. But what is the legislation? We know, the Indian Army Act deals only with questions of punishment and courts-martial and matters of that nature, and it is concerned, not with officers holding the King's Commission, but, with officers holding the Viceroy's Commission and non-commissioned officers and warrant officers.

Now, it is proposed by the Army Authorities that those who have passed out from the Military College at Dehra Dun will receive what is called the Indian Commission, and my Honourable friend very triumphantly points to the analogy of the Canadian Commissions and the Australian Commissions. Sir, when my Honourable and gallant friend introduced this Bill, I ventured to point out that the mere name would not make the slightest difference; that when you have not got the substance of a Dominion Government, merely calling the commission that will be given to the army officers who will be recruited from Dehra Dun "Indian Commissioned Officers" will not put us, so far as army administration is

concerned, on the same level as Canada or Australia. In the Select Committee we had to sift this matter as carefully as we could. It struck most of us when this Bill was introduced and we heard the very eloquent speech of my Honourable and gallant friend—it struck us,—“where was the necessity of having another and a different form of commission to that which is in vogue at present”? All that we were told was, that somehow or other, that would enable us to legislate for the officers who would be given the Indian Commission as distinguished from officers holding the King's Commission.

Now, the first thing that we should like to know in a matter of this nature from the Army Authorities is, when you are introducing a new Commission in the Indian Army, what is the scope and value of that commission? That is the first question that we are bound to ask. And what is the answer? We were told that the officers from our Military College at Dehra Dun will have the same opportunities of promotion and power of command, rank and precedence as the British Officers in the Indian Army. But we had to probe that matter further and we had to find out exactly what was meant. At first we were rather impressed by the assurance given by my Honourable friend in the Select Committee in this connection, but the question struck most of us as to what will be their position in what are called the mixed formations? The House knows that in the Indian Army there are mixed formations and His Excellency the Commander-in-Chief pointed out in the course of a preliminary speech to the Committee that in modern war we do not fight with heterogeneous units but we fight in formations, brigades, divisions and army corps. Take, for instance, a brigade. A brigade consists of a number of regiments—say, two Indian regiments and one British regiment. Then several brigades form a division. Therefore, all these higher formations have a mixed British and Indian personnel. Up to the regiment or battalion in an Indian army, it consists of an entirely Indian personnel consisting of Indian sepoys almost entirely, if not entirely. Thus, so far as we have been able to understand, there will be no difficulty so far as the command of a battalion is concerned in the way of officers from the Dehra Dun Academy. They will have exactly the same opportunities of command as the British officers in the Indian army. By British officers, I mean, as the Act defines, not only British by race but also those Indians who have passed out from Sandhurst and Woolwich, about 140 in number. But when we come to higher commands from that of a brigade upwards, the question arises whether an Indian Commissioned officer who has been trained at the Dehra Dun Academy will have the same opportunities of command as the British Officers? The Army Secretary or rather the majority of the Select Committee point out in their report that they will not have the same opportunities. They will not automatically have the command in mixed formations as Indian Commissioned officers. The Select Committee say:

“We realise that the Indian commissioned officer will not automatically have any powers of command such as are possessed by British officers, as defined in the Indian Army Act, in relation to British personnel of the British Army in India. But we are assured that Regulations are being framed by His Majesty's Government to cover such powers of command, and that these regulations will in effect empower a commander from H. E. the Commander-in-Chief down to the Commander of a station to appoint the occasions on which Indian commissioned officers may exercise powers of command in relation to personnel of the British Army in India under his command.”

[Sir Abdur Rahim.]

Now, is not there a very substantial distinction between the two cases? The British officers will automatically attain the command if found fit and if they have undergone the necessary training and if they are selected by the higher authorities. But that is not the case with the Indian Commissioned officers. They may be equally fit and their record may be as good and as clean as that of any British officer, yet they cannot in the ordinary course expect to attain any of these higher commands in mixed formations. In their case, it will be left to the Commanders not even to give them so many commands out of so many, but to appoint the occasions on which they will be competent to command the British personnel, for if they do not command the British personnel they cannot command mixed formations at all. This is a very different thing altogether. My Honourable and gallant friend made a great deal of the question of superiority and inferiority complex. He is not only a very eloquent speaker but a skilful Parliamentarian. (Hear, hear.) He did his best to draw a red herring across our path but we are used to these things from the Benches opposite. It is not a question of inferiority or superiority complex. My Honourable friend waxed eloquent when he said that if any British officer dares to evince any sort of superiority complex, action will be taken at once. There can be no doubt about that, but the question is not whether you are providing for superiority or inferiority complex. We are not concerned with that. That is more or less a personal matter. What we are concerned with is what status you are going to give and what opportunities you are going to give to these Indian Commissioned officers? And if you are not going to give them opportunities for higher commands, then we have a right to complain. Were we, therefore, wrong in pointing out that their position will be more or less like that of provincial officers in the Provincial Civil Services? My Honourable friend will know that provincial officers can attain some of the listed appointments occasionally if the Government so choose to appoint them. But that is not the position of the Indian Civil Service officers. In their case there is no bar. Similarly, in the case of the British officers in the Indian army, they are entitled to look forward to these commands unless they are found unfit. May I ask, what reason is there for drawing this distinction between an Indian Commissioned officer, who is found equally fit, not to give him exactly the same chances as to the British officer? Sir, I have said on previous occasions that I am a great admirer of the discipline of the British army and I repeat that now. So far as I know,—and I am sure I shall be confirmed by the Honourable the Army Secretary,—officers are not promoted except on very strict selection. At almost every stage they have to pass certain examinations which are necessary for the next promotion. Even then a selection is made. The men are carefully sifted whenever the question of command comes in. For instance every Captain is not entitled to the command of the company nor even a Major. I think I am quite correct in making that statement. Therefore, there is not the slightest danger in putting these Indian Commissioned Officers on the same footing as the British officers, because the higher authorities have got absolute selection in the matter and they will not promote any officer to any command unless they are fully satisfied of their competence to hold that command. Then the question comes to this, that if the Indian Commissioned Officers, when they have reached a certain

stage in their career, cannot confidently look forward to attaining a command, what will be the position of those officers? Do you think that is good for the Indian Army? I put this question bluntly and frankly to my Honourable friend. I am certain that military officers will say that it would be a very bad thing for the army if these officers who are found fit and capable of leading are not given a chance to do so. Sir, that is a most serious question that has arisen over this Bill. We were inclined to be satisfied, when my Honourable friend just assured us, that if he could not agree to a statutory provision being introduced, the Army Authorities will see to it that proper Regulations are framed in order to regulate the matter. But, when he himself had to admit that even when these Regulations are framed, those Regulations cannot and will not provide for the automatic promotion of Indian Commissioned officers to command, then I do not see what right he has to ask us to say that he is giving the Indian Commissioned officers the same opportunities to command as the British Officer. There is no good having hundreds or two hundreds or 500 Indian officers if they are not given the opportunities to command. If they are not given the chance to lead an army in active service and also to command an army in peace conditions, then it is no good having such officers. That is why we say, the position you are assigning to these officers is something intermediate between the British officers and the Viceroy's Commissioned Officers. Is that inaccurate? Then, I wanted to know, while my Honourable friend was speaking, what are the occasions which will be appointed by the Commanders on which the Indian Commissioned officers can exercise the powers of command over mixed personnel. My Honourable friend was not able to give us any sort of answer. He says he cannot anticipate the regulations which are going to be framed by His Majesty's Government and, if that is so, how can we be satisfied with a position like that.

Lieut.-Colonel A. F. R. Lumby : What I said was that the occasions to be appointed will be occasions when it is necessary for the efficient co-operation of the two portions of the Army in India for such powers of command to be given.

Sir Abdur Rahim : Exactly. I wanted to know some concrete examples of such occasion. May I mention one occasion which my Honourable friend revealed in the Select Committee, if he has no objection.

Lieut.-Colonel A. F. R. Lumby : I am not the Commander-in-Chief or even a Commander of a Station, but the first thing that happens to the young officer when he passes out of Dehra Dun is that he goes and is attached to a British regiment for one year. I should think his position would be regulated under the proposed new provision during the course of his period of attachment to a British regiment. As I say, I am not the Commander-in-Chief and I cannot state this definitely, but I suggest it is a possibility.

Sir Abdur Rahim : We are not concerned with phrases like appointing occasions. My Honourable friend is not able to tell us, either of his own accord or on instructions from the Commander-in-Chief or from the Army Authorities from England, as to what are those occasions. How can we, therefore, say that our men are going to have any proper opportunities? I want to appeal to the sense of fairness and justice of my Honourable friend opposite. Is not that the real position? Is

[Sir Abdur Rahim.]

there any word in our minute of dissent to which he can take objection as being inaccurate or misleading or exaggerating the position. (Hear, hear.) As I have said, the crux of the whole position is, how far the Indian officers will, in course of time, if found thoroughly fit, be able to exercise the higher command, bearing in mind that a higher command in the Indian Army means command of mixed formations with British and Indian personnel. My Honourable friend has said that when the young officers are attached to a British regiment here for the purposes of training for one year, they will have some sort of power to command British personnel. But what is the power of command of an officer like that? I dare say there will be regulations laying down that the British soldiers will salute them and things like that. (Laughter.) Is that of any value? We really want to know what will be the position of these officers with respect to mixed formations? When you have done away with mixed formations, I can quite understand the position of the Army Authorities. Then the question does not arise but there is no promise and no assurance that mixed formations are going to be done away with.

Lieut.-Colonel A. F. R. Lumby : Mixed formations are by no means a necessity. We often have a complete Indian brigade, but it so happens that in the past organisation the war brigade has usually consisted of one British infantry battalion and three Indian infantry battalions. There is, however, absolutely no reason why we should not have a completely Indian organisation. If, I may, I will read what His Excellency the Commander-in-Chief said when he opened the Indian Military College Committee. He said :

"In dealing with the expansion of Indianisation, our object is to create a recognised combatant force on a purely Indian basis which would in time replace a force of a similar size in the Imperial Army. For it is by the gradual replacement of Imperial fighting formations alone that India will be able eventually to assume responsibility for her own defence."

Sir Abdur Rahim : These words, eventually, gradually and in due course of time, we are all perfectly familiar with, though my Honourable friend may not be so familiar. We know also in what sense the word 'emergency', for instance, is used by the Treasury Benches. I mean we are not going to be taken in by phrases of that character. Now, let us see what is the pace of Indianisation. What was the promise held out against our protests? They promised sixty officers a year. Now, the Army Authorities say there will be only 23 officers during the first term, and say, perhaps, 23 more in the next term. Now, how many years will it take to get sufficient officers for a complete division? I think the Commander-in-Chief himself in his speech said that it will take about 20 years for a complete division to be Indianised. Now, we have got six divisions and that makes—if there is no wastage, my Honourable friend rightly says there will be wastage—if there were no wastage, which is hardly possible, then at the rate of 60 men it will take 120 years! Is that a proposition which we can contemplate with any amount of satisfaction. This only refers to the Indian Army. A lot more still remains. There is the Air Force and we have got no facilities here for training for the Air Force which is the most essential wing of any Army nowadays.

Now, there is another very significant fact which I must bring to the notice of the House and that is this. In the Select Committee, my Honourable friend, the Army Secretary, who was assisted and advised by the Judge Advocate General, who is the legal adviser of the Army, accepted an amendment to clause 5, which is a very important amendment. Clause 5 is to amend section 7 of the Indian Army Act; and section 7 (8) of that Act is very important. That sub-section reads :

"Army, Army corps, division and brigade—(these are the higher formations)—mean respectively an army, army corps, division or brigade which is under the command of an officer subject to the authority of the Governor General in Council,"

—So far that is all right. It goes on—

"or when on active service, an army, army corps, division or brigade under the command of an officer holding a commission in His Majesty's Land Forces."

That excludes Indian Commissioned Officers. My Honourable friend shakes his head. Therefore, in order to make sure, we asked him to accept an amendment to make the position clear, and he did accept the amendment—that is in clause 5 (f)—

"to clause (8) the words 'or His Majesty's Indian Forces' shall be added ;"—

that is to say, a division, brigade, army corps or army on active service, could be commanded not only by a British Officer but also by an Indian Commissioned Officer. Otherwise, as it stands at present, in the Indian Army Act, it *prima facie* means that only a British officer—an officer holding a commission in His Majesty's Land Forces, which technically means a British Officer and not an officer holding an Indian Commission as defined in the Bill,—when on active service, will be able to command these formations. Now, I find that the Political Secretary here is very much perturbed : I do not know how the Political Department is specially affected by this amendment, but he apparently is very much perturbed because he has given notice of an amendment to the effect.....

Mr. H. A. F. Metcalfe (Foreign Secretary) : I should like to say, Sir, that I am not in the least perturbed and that I am not the Political Secretary.

Sir Abdur Rahim : I quite appreciate that he personally is not perturbed—I was under no illusion as to that. I meant the Foreign Secretary : he has now put in an amendment, I take it, at the instance of the Army Authorities, in order to get rid of it. What does that mean? We have not yet heard the Foreign Secretary and what reasons he is going to advance. It was suggested by my Honourable friend, the Army Secretary, that the amendment that stands in my name to clause 5 is out of order or *ultra vires*. However, I am sure, he has been advised afresh by the legal adviser of the Army, the Judge Advocate General, and he will give us the benefit of his arguments, unless my Honourable friend, the Law Member, chimes in.

As I said this proposed amendment which stands in the name of my Honourable friend, the Foreign Secretary, is extremely significant and throws a flood of light on the whole position. I do not think it is necessary that I should take up any more of the time of the House. The position is quite simple. In a few words, it is this : you are creating a new commission for our officers for whose training you are spending lakhs of rupees. We do not grudge the money, provided those officers are going to have a good chance of being able to command the army here. We want

[Sir Abdur Rahim.]

to know from you and we want to provide in order to make it clear to the public that the commission will not be of limited scope, that it will have the same scope as the King's Commission. It is not merely the name. I know the Commission will be granted by His Majesty and countersigned by the Governor General; but that is not all. The question is as to the respective effect of the two commissions. If the two commissions are of the same scope we have no objection. We shall express to the Army Authorities and to the Army Secretary our deep gratitude for having brought forward this Bill, provided he gives a definite assurance to that effect. What do we want? We want only a general provision in the law laying down that the opportunities will be the same. You do not deny the principle; you know there will be a great many practical difficulties unless this is conceded. But, possibly, there is some other objection, some legal objection. Apart from any legal objection, if it exists, are we to be told that you are absolutely helpless in the matter? Cannot you provide for this in some way or other? You say that, even in the regulations that are going to be drawn up or are being considered by His Majesty's Government, there will be some distinction left. I ask the Army Authorities to remove this distinction. You give us an assurance on the floor of this House that by regulations you will remove the distinction and put the Indian Commissioned Officers exactly on the same footing of equality as the British officers in every respect with regard, not only to the units of the Indian army, but with regard to all formations. In that case, I shall be prepared not to press my amendment. But we want an assurance to that effect. It is because my Honourable friend failed to give us an assurance on that crucial point that we had to write this minute of dissent. If he gives us that assurance, even now, it is not too late. I appeal to him to do that. We do not want by a provision like this to tie up the hands of the Army Authorities in any way. We simply want to give a general assurance to the public in this country and also to the Army Authorities also, that in all these matters, these officers will have the same status as the British officer. Then it will be for them to draw up any rules and regulations they like for sifting the quality and efficiency of the different classes of officers: we do not object to that. Let them have as rigorous examinations and as rigorous tests as possible. We do not quarrel with that. All that we want is that this principle should be clearly and lucidly laid down in some form or other, and as we cannot frame any regulations, we have asked that a provision should be inserted in the Indian Army Act to that effect. And why have we asked for that? Because there is no other Act before us. You are creating by this very Act a class of officers called the Indian Commissioned Officers, and, I say, that it is your duty, as you are creating this class of officers, to tell us what will be their functions, what will be their duties, and what will be their opportunities of command. This is all that we want, and I say this is an extremely modest request. It does not show any want of appreciation on our part of what the Army Authorities propose to do in order to Indianise the army. We merely want an assurance which will reassure the public, and especially the young officers coming out of Dehra Dun. (Applause from the Opposition Benches.)

Lieut.-Colonel A. F. R. Lumby: Sir, the Honourable the Leader of the Opposition has asked me to state what exactly will be the position and the powers of the Indian Commissioned Officers when they come out from

Dehra Dun. There are two aspects to this question. First of all, there is their position in the Indian Army, and secondly their position *vis-a-vis*, the personnel of the British Service, that is to say, the British portion of what we call the Army in India. As regards the Indian Army, as I have said before, these officers, though they will have a different kind of commission, and though some of their terms of service will be different, will be on exactly the same footing as the British officers of their own seniority. As regards the British service, the position is different. The British service is an entirely separate service from the Indian Army, and is controlled by His Majesty's Government. I think I am right in saying that the fact that His Majesty's Government are not prepared to give to Indian Commissioned officers the same powers of command over British Service personnel as are possessed at present by the British officers of the Indian Army is not due particularly to the fact that they are Indians. It is merely because the British Army is a separate service and His Majesty's Government would not be prepared to give complete powers of command to anybody who did not belong to the service. They have, however, said in effect that the opportunity of exercising the powers of command will be given to these officers, on such occasions as will be necessary, to enable the British and the Indian portions of the Army in India to function together efficiently; and, after all, an army must function efficiently or it might just as well be disbanded. Authority is, therefore, to be given to the Commander-in-Chief and other commanders in India to appoint occasions when the powers of command may be exercised by the Indian Commissioned officers over British personnel, and the occasions, to be appointed, will be the occasions when it is necessary for the efficient working of the two portions of the army that such powers shall be exercised. What those occasions are, I, as only half a soldier, am not in a position to say. But efficiency is, after all, the Army's chief aim, and these occasions will be appointed with due regard to efficiency. As regards this question of command.....

Mr. President (The Honourable Sir Shanmukham Chetty): This point should perhaps be made quite clear, because it might arise in the point of order which the Honourable Member has said he would raise. The Chair understood the Honourable Member to say that, so far as the Indian army is concerned, the Indian Commissioned Officer would have the same status and power of command as a British Officer in the Indian Army. Is the Chair right?

Lieut.-Colonel A. F. R. Lumby: Yes.

Mr. President (The Honourable Sir Shanmukham Chetty): Well, if that is so, that is exactly what the amendment wants. "The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army....."

Lieut.-Colonel A. F. R. Lumby: My difficulty, Sir, lies in the words "in units and formations",—the very point on which the Honourable the Leader of the Opposition has laid considerable stress. I think his amendment is intended to refer to mixed formations. The mixed formation, which we frequently have in India, includes troops both of the British Service and of the Indian Army, and the Indian Commissioned officer will not have any automatic power of command over the British Service portion of a mixed formation. The question is not, however, likely to arise for more than 20 years from now, for nobody, except

[Lieut.-Colonel A. F. R. Lumby.]

possibly in time of war, is likely to gain command of a brigade with under 20 years service, and we have not got the Indian Commission in existence yet. Sir, the fact, that the Indian Commissioned officer will have no automatic command over mixed formations, does not necessarily mean that no Indian Commissioned officer will ever be able to get command of any such formation. This is one of the things which would lie in the power of His Excellency the Commander-in-Chief. I cannot say whether a Commander-in-Chief, twenty years hence, would appoint an Indian officer to command, but it seems to me, though it is very difficult to prophesy, that if, as the Honourable Member has suggested, these Indian officers have passed all their examinations and justified their promotion at all stages, it will be difficult to refuse command of a formation to them. The alternative would be to make all higher formations in India purely British and purely Indian. There is no reason why that should not be done. In any case, I am absolutely convinced of one thing, and that is that, whatever rules may be made in respect of mixed formations, the opportunity will be given to efficient Indian officers to rise through the various stages to command higher formations. Otherwise the efficiency of the army will suffer, and it will be impossible also to carry out the Indianisation of the Indian portion of the Army....

Sir Abdur Rahim : Why confine it to occasions ?

Lieut.-Colonel A. F. R. Lumby : It is merely a way of putting it. I am not a lawyer, but it seems to me....

Sir Abdur Rahim : Then accept my wording. (Laughter.)

Lieut.-Colonel A. F. R. Lumby : It seems to be a very wide term, covering every conceivable kind of opportunity of command, provided the commander is satisfied that the circumstances.....

Sir Abdur Rahim : Did you have need for the same kind of phraseology regarding British Officers in your Regulations ?

Lieut.-Colonel A. F. R. Lumby : As regards the British officers of the Indian Army, the situation is really fortuitous, because they are subject to the Army Act, and, by virtue of that fact, have command over both British and Indian troops. That is one of the chief difficulties of the position which we have got to cope with in the transitional period before the process of Indianisation is completed.

It has been suggested, as an alternative to the present scheme, that we should go on giving to the officers coming out from Dehra Dun the same form of Commission as is now given to those who are trained at Sandhurst. I maintain that now is the time to make a definite change. We have opened a new Academy, and if you are going to introduce a new form of commission,—and I maintain that sooner or later, if the aspirations of this country for Indianisation are to be attained, you will have to have a new form of commission,—then I say that now is the time to introduce it and your new type of officer, simultaneously with the opening of your Academy. Otherwise, in the years to come, exactly the same situation will arise as we hope to avoid in our present scheme, and there will be the same question of superiority and inferiority complex. But in that case it will not be a case of British officers and Indian officers, but merely of two different types of the Indian officer.

Another point, though a comparatively small one, to which I want to refer, is the question of the conditions of service of the Indian Commis-

sioned officer. My Honourable friend, Mr. Jadhav, appealed to me to do something to ensure that the senior officers, British or Indian, in the Indianising units to which the boys from Dehra Dun are appointed, will not set them too high a standard of living. I can assure the House that the military authorities are doing everything they can to make it possible for the Indian Commissioned officer, even though he draws a lower rate of pay, to live on that pay, and one of those steps will, I am sure, be to make certain that nobody in the Indianizing units will be allowed to set an unnecessarily high standard of living.

My another point is the question of the gradual abolition of the Viceroy's Commissioned officer. That is, to all of us in the Indian army, a very sad thing, but it is one of the corollaries to the proposal to Indianise the Army. The Viceroy's Commissioned officer was primarily a link between the British officer and the Indian ranks. The reason for such a link will no longer exist when Indianisation proceeds further. There is no other army in the world that has two kinds of commission among its officers, and the existence of the second kind of commission, though it was necessary for a particular purpose, when most of the officers of the Indian Army were British, has definitely led to an over-complicated administration which does not make for flexibility, a thing, which is most important in the army. This question of the abolition of the Viceroy's Commissioned officer has been considered from every point of view by His Excellency the Commander-in-Chief, and all kinds of opinions have been taken on the subject. Ultimately, with great regret it has been decided that from the point of efficiency of organisation and administration it would be wrong to maintain this second form of commission in Indianising units. It was realised that the decision would be a hardship to the men who enlist at the present time who can aspire to obtain the Viceroy's Commission. The hardship is, of course, not quite as great as it appears at first sight, because now, many of those who would have aspired in the ordinary course of events to the Viceroy's Commission, are taken out of the ranks and sent to Dehra Dun to get their training with a view to their obtaining Indian Commissions instead of Viceroy's Commissions. But still that is not considered sufficient to mitigate the undoubted hardship, and, as a palliative at any rate, it is proposed to include in the establishments of Indianising units a number of appointments as warrant officers corresponding to those which exist in British regiments. These appointments, though they will admittedly not carry with them as much *izzat* as the Viceroy's Commission, will have a rate of pay and pension attached to them which will not be very far behind the rates available at present to the junior Viceroy's Commissioned officer,—the Jamadar.

One other matter to which I must refer is the point raised by Mr. Jadhav about the opportunities for employment outside the army which will be available to the Indian Commissioned officer. As far as I know, there is no proposal to reduce, in any way, the opportunities for extra regimental employment which are available to officers holding the King's Commission ; and, after all, the Indian Commissioned officer will hold the King's Commission just as much as the officer who was trained at Sandhurst. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration."

The Assembly divided :

AYES—44.

Abdul Aziz, Khan Bahadur Mian.	Lumby, Lieut.-Colonel A. F. R.
Ahmad Nawaz Khan, Major Nawab.	Metcalfe, Mr. H. A. F.
Ali, Mr. Hamid A.	Morgan, Mr. G.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Mukherjee, Rai Bahadur Sir Satya Charan.
Bajpai, Mr. G. S.	Noyce, The Honourable Sir Frank.
Bhadrapur, Rao Bahadur Krishna Raddi B.	Perry, Mr. E. W.
Buss, Mr. L. C.	Rafuddin Ahmad, Khan Bahadur Maulvi.
Chatarji, Mr. J. M.	Raisman, Mr. A. J.
Craik, The Honourable Sir Henry.	Rajah, Rao Bahadur M. C.
Dalal, Dr. R. D.	Ramakrishna, Mr. V.
Fazal Haq Piracha, Khan Sahib Shaikh.	Rau, Mr. P. R.
Ghuznavi, Mr. A. H.	Richards, Mr. W. J. C.
Grantham, Mr. S. G.	Row, Mr. K. Sanjiva.
Hockenhull, Mr. F. W.	Scott, Mr. J. Ramsay.
Hudson, Sir Leslie.	Scott, Mr. W. L.
James, Mr. F. E.	Singh, Kumar Gupteshwar Prasad.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Singh, Mr. Pradyumna Prasad.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.	Sircar, The Honourable Sir Nripendra.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.	Spence, Mr. G. H.
Lee, Mr. D. J. N.	Studd, Mr. E.
Lindsay, Sir Darcy.	Trivedi, Mr. C. M.
	Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
	Zyn-ud-din, Khan Bahadur Mir.

NOES—31.

Abdul Matin Chaudhury, Mr.	Murtuza Saheb Bahadur, Maulvi Sayyid.
Abdur Rahim, Sir.	Neogy, Mr. K. C.
Ba Maung, U.	Pandian, Mr. B. Rajaram.
Badi-uz-Zaman, Maulvi.	Patil, Rao Bahadur B. L.
Bhuput Singh, Mr.	Phookun, Mr. T. R.
Das, Mr. B.	Raghubir Singh, Rai Bahadur Kunwar.
Gour, Sir Hari Singh.	Reddi, Mr. T. N. Ramakrishna.
Harbans Singh Brar, Sardar.	Sant Singh, Sardar.
Ismail Khan, Haji Chaudhury Muhammad.	Sen, Mr. S. C.
Jadhav, Mr. B. V.	Shafee Daoodi, Maulvi Muhammad.
Jog, Mr. S. G.	Singh, Mr. Gaya Prasad.
Lahiri Chaudhury, Mr. D. K.	Sitaramaraju, Mr. B.
Liladhar Chaudhury, Seth.	Thampan, Mr. K. P.
Mitra, Mr. S. C.	Uppi Saheb Bahadur, Mr.
Mody, Mr. H. P.	Ziauddin Ahmad, Dr.
Mudaliar, Diwan Bahadur A. Ramaswami.	

The motion was adopted.

THE INDIAN PETROLEUM BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to present the Report of the Select Committee on the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 15th August, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 15th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

RECRUITMENT OF ASSISTANTS IN THE RAILWAY BOARD'S OFFICE.

612. ***Kumar Gupteshwar Prasad Singh** : (a) Will Government be pleased to state if it is a fact that some posts of assistants are being created in the office of the Railway Board? If so, will Government please state how many posts are being created?

(b) Is it a fact that it is intended to fill these posts by men to be imported from outside on the plea of *technical qualification*? If so, will Government please state what are the technical qualifications possessed by those men?

(c) Will Government please state whether it is a fact that the staff of the office has been totally condemned as a whole, and have not been given an opportunity to show their merits? If so, why?

Mr. P. R. Rau : (a) Five of the Assistants' posts, retrenched in 1932, are being revived as a temporary measure for the present.

(b) Actual recruitment to these posts is still under consideration, but it is probable that they will not all be filled from clerks in the Board's office, owing to the number of suitably qualified men being at present insufficient.

(c) No.

RECRUITMENT OF ASSISTANTS IN THE RAILWAY BOARD'S OFFICE.

613. ***Kumar Gupteshwar Prasad Singh** : (a) Will Government please state what are the technical posts reserved in the Railway Board's office for such staff?

(b) Will Government please state if the recruitment rules of the Board's office simply lay down the importing of men with technical qualification from Railways and not ordinary men? If so, will Government please state the rule or rules under which it is now proposed to import men from outside on exorbitant salaries?

Mr. P. R. Rau : (a) No appointments are specifically reserved, but many of the staff in the Railway Board's office are required to deal with work for which previous experience and training in accounts and finance or of the several operating departments of a railway are essential.

(1503)

(b) The special regulations for recruitment in the Railway Board's office, approved by the Government of India, permit the Railway Board to recruit men of railway experience as may be required. It is not proposed to pay such recruits exorbitant salaries.

RECRUITMENT OF ASSISTANTS IN THE RAILWAY BOARD'S OFFICE.

614. *Kumar Gupteshwar Prasad Singh : (a) Will Government please state if it is a fact that certain staff of the Railway Board represented to the Chief Commissioner of Railways for consideration of their claims for promotion in the forthcoming vacancies of assistants ?

(b) Is it a fact that the Secretary and the Assistant Secretary objected to such representations being addressed to the Chief Commissioner of Railways direct and under threat of dismissal at one month's notice returned or had the representations torn off and they could not reach the destination ? If so, will Government kindly state if it was in accordance with the Classification, Control and Appeal Rules ?

(c) Will Government please state what led to this action of the officers concerned ? Were these officers required to do so by the higher authorities ?

(d) Will Government please state if a similar complaint was raised on the floor of this House in the Budget session of 1933 ? If so, what action was taken by Government in the Railway Department to put a stop to this practice ?

Mr. P. R. Rau : (a) Four representations from members of the staff were addressed to the Secretary, Railway Board, and one to the Chief Commissioner, asking that the applicants might be considered for the vacancies. These were placed by the Secretary before a Member of the Board.

(b) The answer to the first part of the question is in the negative and the second part does not arise.

(c) Does not arise.

(d) I presume my Honourable friend is referring to starred question No. 1006, put by Mr. Ramakrishna Reddi, on the 28th March, 1933. I then informed the House that Government were not aware of any cases of representations being suppressed by any officer of the Board, and the practice was that the Secretary placed important cases before the Board. This practice was adopted in the present case.

Dr. Ziauddin Ahmad : Am I to understand that these applicants were penalized simply on the ground that they addressed a memorial to the Chief Commissioner of Railways ?

Mr. P. R. Rau : Nobody was penalized, so far as I am aware.

SUBMISSION OF REPRESENTATIONS BY THE RAILWAY BOARD STAFF.

615. *Kumar Gupteshwar Prasad Singh : (a) Will Government please place a copy of the Classification, Control and Appeal Rules under which the staff of the Railway Board's office is supposed to submit their representations, appeals, etc. ?

(b) Is it a fact that the officers are in the habit of disposing of the appeals and representations at their sweet-will ?

(c) Is it a fact that the Secretary has once remarked on the combined representation of the staff that such representations should not be submitted combined and the ink, pen, paper, machine, and time of the office should not be utilised for submitting the representations ? If so, will Government please state under what rule or rules the Secretary has issued such orders ?

(d) Will Government please state if the above orders had the approval of the Chief Commissioner of Railways ? If not, why not ? Is the Chief Commissioner Secretary to the Government of India and therefore the controlling officer and appointing officer ?

(e) Is it a fact that the present Secretary of the Railway Board had formerly stopped the increments of staff without the consent of the Financial Commissioner or the Chief Commissioner of Railways, and has committed other irregularities in the past ?

Mr. P. R. Rau : (a) Rules under the Railway Services Classification Rules have not yet been issued. They are under preparation. Meanwhile, if any cases arise, the rules issued by the Home Department, in their Notification No. F-9-19/30, of the 27th February, 1932, would be followed *mutatis mutandis* in the Railway Department Secretariat.

(b) I am not quite clear what is the precise allegation the Honourable Member is making. So far as I am aware, all representations are dealt with according to rules.

(c) In regard to a joint appeal signed by several members of the staff, the Secretary, I understand, suggested that in accordance with the principle recognised in the Appeal Rules, each appellant should submit his own appeal. The Secretary also expressed a hope that the staff would prepare the appeals in their own time and not use the office typewriters for the purpose. These directions were issued by the Secretary who is responsible for procedure and discipline in the Board's office.

(d) It was unnecessary to refer such a matter to the Chief Commissioner. The answer to the last part of the question is in the affirmative, but it does not follow that every minor order on questions of discipline in the office should be referred to him.

(e) Yes. I understand such an order was issued in the middle of November, 1933. Increments were withheld for a month pending an investigation. I am not aware of the irregularities alleged in the last part of the question.

REVERSION TO HIS SUBSTANTIVE POST OF THE SECRETARY OF THE RAILWAY BOARD.

616. *Kumar Gupteshwar Prasad Singh : Will Government please state the name of the railway on which the present Secretary of the Railway Board holds his lien and whether it is proposed to revert him to his substantive post ? If not, do Government propose to consider the advisability of transferring him to some other post ?

Mr. P. R. Rau : The present Secretary holds a lien on a post on the Madras and Southern Mahratta Railway. Government see no reason to revert him or transfer him to another post.

REDUCTION OF PAY OF RAILWAY BOARD STAFF.

617. *Kumar Gupteshwar Prasad Singh : Will Government please state whether it is a fact that when the pay of the officers was increased on the occasion of the last organisation of the Railway Board's office, the pay of the staff was reduced ? If so, why ?

Mr. P. R. Rau : In the last reorganisation of the Railway Board's office, the pay of the officers remained the same with a single exception where the scale was increased in view of increased responsibilities. The pay of the ministerial staff then in the Board's office was not changed, but a revised scale was introduced for new entrants on a slightly lower basis than that of the ministerial staff in other departments for the following reasons :

- (i) It was desirable to assimilate the pay as far as possible with that obtaining on railways because it was intended to recruit ministerial staff in an increasing measure from railways.
- (ii) It was recognised that the staff in the Railway Board's office had advantages of passes and other travel facilities not enjoyed by the ministerial staff of other departments.

STATUS OF THE RAILWAY BOARD STAFF.

618. *Kumar Gupteshwar Prasad Singh : Is it a fact that the status of the staff of the office of the Railway Board is lower than that of their colleagues of the other Departments of the Government of India ? If so, why ?

Mr. P. R. Rau : No.

INSOLVENT AND INDEBTED CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

619. *Kumar Gupteshwar Prasad Singh : (a) Will Government please state the number of clerks in the Government of India and their attached and subordinate offices :

- (i) who are insolvent,
- (ii) whose pay is being attached, and
- (iii) who are heavily in debt and whose pay will remain attached, during the next three years ?

(b) Will Government please state what action has been taken by the respective offices against such staff under the Government Servants' Conduct Rules ?

(c) Will Government please state how many men have been dismissed in each office during the last three years for the above offence ?

(d) Will Government kindly state what action they contemplate taking against such staff ? If no action is desired, will Government please state why the rule in the Government Servants' Conduct Rules was framed ?

The Honourable Sir Henry Craik : (a) to (c). Government regret that the required information is not readily available and cannot be obtained without an undue expenditure of time and labour.

(d) Government have no reason to suppose that action is not taken under Rule 16 of the Government Servants' Conduct Rules when the circumstances are considered to require it.

IMPORTATION OF A RATES ASSISTANT FROM OUTSIDE IN THE RAILWAY BOARD'S OFFICE.

620. *Kumar Gupteshwar Prasad Singh : (a) Will Government please state if it is a fact that it is desired in the office of the Railway Board to import a Rates Assistant from outside ? If so, why ?

(b) Is it a fact that very recently they took over the services of a clerk from another Department of the Government of India for this very purpose ?

(c) Have Government considered that a man can be trained by sending him on a railway and heavy expenditure can be avoided ? Do Government propose to consider the advisability of doing so ?

(d) Do Government propose to consider the advisability of getting a lower paid staff to help the present man from any railway and avoid the heavy expenditure ?

Mr. P. R. Rau : (a) Yes ; the post requires considerable practical experience of rates work and no person with that experience was available in the office.

(b) A clerk was recruited seven years ago for a similar purpose.

(c) Government do not consider that the suggestion will meet the needs of the present situation. A clerk with long experience is urgently required to replace an Assistant who is retiring.

(d) The Railway Administrations who were consulted were unable to recommend any suitable man who could be spared.

Dr. Ziauddin Ahmad : In view of the fact that the question of rate concessions has presumably been handed over to the Agents, is a special officer required in the Railway Board for the purpose ?

Mr. P. R. Rau : It is not a special officer but a clerk who deals with the question of rates.

Dr. Ziauddin Ahmad : Although the whole subject has presumably been transferred to the Agents and to the Rates Advisory Committee ?

Mr. P. R. Rau : The whole subject of rates has not been transferred to the Agents and to the Rates Advisory Committee : there are a large number of questions dealt with up here.

TRANSFER OF SEVERAL BENGALI STATE PRISONERS TO THE NASIK JAIL.

621. *Mr. S. C. Mitra : Is it a fact that several Bengali State prisoners have recently been transferred to the Nasik Jail ? If so, will Government please state their names and the reasons for their transfer ?

The Honourable Sir Henry Craik : The answer to the first part of the question is in the negative. The second part does not arise.

Mr. S. C. Mitra : May I take it that instead of it being Nasik, it may be somewhere near Nasik, some central jail near about there ?

The Honourable Sir Henry Craik : What was the Honourable Member's question?

Mr. S. C. Mitra : Have these State Prisoners been transferred to any jail near about Nasik where all the State Prisoners are being brought together?

The Honourable Sir Henry Craik : I think four State Prisoners have been transferred to a jail in Bombay.

Mr. S. C. Mitra : Near Nasik?

The Honourable Sir Henry Craik : To the Arthur Road Jail, Bombay.

PERMISSION TO MR. SAILENDRA NATH GHOSH TO RETURN TO INDIA.

622. ***Mr. S. C. Mitra :** (a) Will Government please state the objections for not permitting Mr. Saileendra Nath Ghosh to come back to India from America?

(b) Are Government aware that the present condition of his health is very precarious and that he is anxious to come back to his native land?

(c) Are Government aware that Mr. Ghosh is agreeable to give an undertaking that he will not take part in any undesirable political agitation in India? If not, are Government prepared to enquire into these facts?

(d) Are Government aware that Mr. Ghosh has recently written to his friends in India, requesting them to secure permission from Government for his return on any reasonable condition?

The Honourable Sir Henry Craik : (a) to (c). I would invite the Honourable Member's attention to the replies given by my predecessor on the 20th March, 1933, and 12th September, 1933, respectively, to Mr. Gaya Prasad Singh's question No. 788, and Mr. Bhuput Singh's question No. 874, and to the supplementary questions and answers in connection therewith, to which I have nothing to add.

(b) I am aware of Mr. Ghose's desire to return to India. I have no information as to his present state of health, but last February he stated that he had tuberculosis.

(d) I have no information, beyond the fact that Mr. Ghose addressed a letter to the Honourable Member himself last year which appeared in the Press.

Mr. Gaya Prasad Singh : What is the objection to granting permission to this gentleman to come back to India?

The Honourable Sir Henry Craik : The objection is that he is accused of a serious offence in India, and if he comes back, he will be tried. He has asked to be granted an amnesty, and that the Government of India are not prepared to agree to.

Mr. Gaya Prasad Singh : If this gentleman comes to India and if he is prepared to stand his trial for any charge that may be brought against him, what objection can there be to his being allowed to return?

The Honourable Sir Henry Craik : I have no reason to think that he is prepared to stand his trial.

Mr. Gaya Prasad Singh : Has he applied for permission to come to India? If so, is it not open to the Government of India to tell him that if he comes here he will have to stand his trial?

The Honourable Sir Henry Craik : No, Sir, he has not applied to return to India unconditionally. I understand that he has only applied to be allowed to return to India provided he is granted an amnesty.

Diwan Bahadur A. Ramaswami Mudaliar : Supposing he applies for an unconditional return, are the Government prepared to consider his case favourably?

The Honourable Sir Henry Craik : That, Sir, is a hypothetical question.

Mr. S. C. Mitra : May I take it that the Government have no objection to his coming back to India?

The Honourable Sir Henry Craik : Certainly not. Government have every objection to his return to India.

Mr. S. C. Mitra : What are the reasons for raising objection to his return to India, especially when he is agreeable to stand trial if Government desire to put him on trial?

The Honourable Sir Henry Craik : I have already explained that he is not agreeable to stand a trial, so far as I am aware. He has only asked to be allowed to return to India provided he is granted an amnesty.

Diwan Bahadur A. Ramaswami Mudaliar : It is not a question of the willingness of an accused person to stand for a trial. The moment he returns to India, can he not be proceeded against by Government if they so wish to do?

The Honourable Sir Henry Craik : He would not return on those conditions.

Diwan Bahadur A. Ramaswami Mudaliar : He has asked for permission to return, and why should it not be given?

The Honourable Sir Henry Craik : Let him try for it for himself.

Mr. Gaya Prasad Singh : Do I understand from the Honourable Member that Mr. Ghosh has applied to the Government of India for permission to come to India on the condition of his obtaining an amnesty?

The Honourable Sir Henry Craik : Yes, Sir, that is broadly the position.

Mr. Gaya Prasad Singh : In that case, why should not the Government of India write to him to say that no amnesty can be granted to him? And if, on these terms, he is prepared to come, let him come. He can then be hauled up for trial.

The Honourable Sir Henry Craik : Actually, Sir, I think he understands that perfectly well. But the permission to allow him to return to India rests with the Secretary of State. He could only get his passport with the agreement of the Secretary of State.

Mr. Vidya Sagar Pandya : May I ask, Sir, what would be the position if Mr. Ghosh comes to a French port, say Pondicherry, and then enters British India as Mr. Horniman once actually did?

The Honourable Sir Henry Craik : If he arrives in India without a passport, he would probably be prosecuted for entering India without a passport.

Mr. Vidya Sagar Pandya : In that case, he does not require the permission of the Government of India. As he is prepared to stand a trial, he can enter British India through one of the French ports ?

The Honourable Sir Henry Craik : The Honourable Member has misunderstood me. So far as I know, he is not prepared to stand his trial.

Mr. D. K. Lahiri Chaudhury : What objection can there be to his return, if he is prepared to stand his trial ?

The Honourable Sir Henry Craik : I have already explained that, so far as I am aware, he is not prepared to return to India unless he is granted an amnesty.

POLITICAL PRISONERS SENT TO THE ANDAMANS.

623. ***Mr. S. C. Mitra :** Is it a fact that a batch of political prisoners was sent to the Andamans on the 30th June, 1934 ? If so, how many prisoners were sent in the batch and what is the total number of political prisoners now in the Cellular Jail ?

The Honourable Sir Henry Craik : I presume the Honourable Member refers to terrorist prisoners. A batch of 14 such prisoners was sent to the Andamans on the 1st July, 1934. The total number of terrorist prisoners now in the Cellular Jail, Port Blair, is 190.

Mr. S. C. Mitra : Is it correct to say that it is only the convicted persons who are sent to the Andamans and not the detenus or State Prisoners ?

The Honourable Sir Henry Craik : Yes, Sir, that is correct.

ILLNESS OF MR. SUSHIL DAS GUPTA, A POLITICAL PRISONER IN THE ANDAMANS.

624. ***Mr. S. C. Mitra :** (a) Is it a fact that Sj. Sushil Das Gupta, a political prisoner in the Cellular Jail, Andamans, has been suffering from malaria for the last few months ? If so, for how many months has he been suffering and what is the condition of his present health and when had he his last attack of fever ?

(b) What was his weight on the 7th April, the 7th May, the 7th June, and the 7th July, 1934 ?

(c) Do Government contemplate sending Sj. Das Gupta to a jail in Bengal for proper medical treatment ? If not, are Government prepared to permit his brother, Mr. B. K. Das Gupta, who was once refused an interview, to see him in the Cellular Jail ?

The Honourable Sir Henry Craik : (a) This prisoner suffered from clinical malaria from the 6th to 9th May, 1933 and 24th to 29th March, 1934. His present condition is fit.

(b) His weight was 92 lbs. in April and May and 89 lbs. in June and July, 1934.

(c) As regards the first part of the question I am not aware of any such proposal. In regard to the second part, I would refer the Honourable

Member to the reply given by my predecessor on the 16th July last to the Honourable Member's question No. 44.

TRANSFER OF MR. NIKHIL GUHA ROY, A POLITICAL PRISONER, FROM THE CELLULAR JAIL, ANDAMANS.

625. ***Mr. S. C. Mitra :** (a) Is it a fact that Sj. Nikhil Guha Roy a political prisoner has been transferred from the Cellular Jail, Andamans ? If so, when and where ?

(b) Will Government also please state the reason for his transfer ?

(c) Is it a fact that Sj. Guha Roy has been suffering from tuberculosis ? If so, for how many months, and what is the present condition of his health ?

(d) Is it a fact that Sj. Guha Roy's health was perfectly sound before his transfer to the Andamans ?

The Honourable Sir Henry Craik : (a) and (b). The prisoner was returned to Calcutta on the advice of the Medical Board on the 5th April, 1934, as he was suffering from asthma complicated with chronic bronchitis.

(c) He was not suffering from tuberculosis while in the Andamans. Government have no information as to the present conditions of his health.

(d) He was declared fit for transfer to the Andamans before his deportation.

ATTACK OF TUBERCULOSIS OF POLITICAL PRISONERS IN THE ANDAMANS.

626. ***Mr. S. C. Mitra :** (a) Will Government please state how many of the political prisoners sent to the Andamans since 1932 have been attacked with tuberculosis ?

(b) Have Government made proper enquiries about the reasons of the attack of tuberculosis of so many prisoners in the Cellular Jail in a short period of two years only ? If so, with what result ?

The Honourable Sir Henry Craik : (a) Since 1932, three terrorist prisoners showed signs of tuberculosis. They were returned to Bengal in accordance with the standing instructions which require that prisoners suffering from tuberculosis should be removed from the Andamans as early as possible. I might add that in the case of two of these three prisoners signs of tuberculosis appeared after a hunger-strike.

(b) Government do not consider that the disease is in any way due to the confinement of these prisoners in the Cellular Jail. The incidence of tuberculosis is not higher in the Cellular Jail, Port Blair, than in jails in many other Provinces in India.

PUNISHMENT INFLICTED ON DR. NARAIN ROY, A POLITICAL PRISONER IN THE ANDAMANS.

627. ***Mr. S. C. Mitra :** (a) Is it a fact that Mr. Thakur Das Roy had an interview with his brother Dr. Narain Roy, a political prisoner in the Cellular Jail, on the 11th July last ?

(b) Is it also a fact that Dr. Narain Roy was under punishment during the second week of July? If so, why and for how many days? What is the nature of punishment inflicted on Dr. Roy?

(c) Has this any connection with the incident of the 7th July as referred to in the Home Member's statement of the 26th July in this House?

The Honourable Sir Henry Craik: (a), (b) and (c). Yes. The interview with his brother was allowed, though Narain Roy, who was one of the ring-leaders of the incident of the 9th July last, had been awarded punishment which involved the loss of certain privileges which are subject to good behaviour, such as interviews, writing letters, etc. The punishments were withdrawn a few days later on the prisoners offering apologies for their participation in the incident. The interview was allowed as his brother had started from Calcutta before the incident occurred and before the punishment was inflicted.

PUNISHMENTS GIVEN TO CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

628. ***Mr. S. C. Mitra:** (a) Is it a fact that several political prisoners in the Andamans have been flogged recently? If so, who were the victims and what is the reason for such punishment?

(b) Is it a fact that Sjs. Ananta Singh of Chittagong armoury raid and Jogen Sukul of Matihari Conspiracy Case are also under punishment? If so, why?

(c) How many of the political prisoners in the Andamans have been recently given solitary cell punishment?

(d) Is it also a fact that under the above circumstances, a hunger-strike by the political prisoners in the Andamans is still apprehended?

The Honourable Sir Henry Craik: (a) The Honourable Member presumably refers to terrorist prisoners in the Andamans. There is no truth whatever in the allegation contained in this question; no terrorist prisoner has been whipped up to date.

(b) Prisoners Ananta Singh and Jogan Sukul were punished, by being deprived of some of their privileges, as they took part in the incident of the 9th July last. Their punishments were suspended, when they apologised for their participation in the incident and the punishments are no longer in force.

(c) There is also no truth in this allegation.

(d) There are no grounds for apprehending a hunger-strike by terrorist prisoners. On the contrary, everything in the Cellular Jail is absolutely normal at present.

LOWER CLASS ACCOMMODATION ALLOTTED TO THE GOVERNMENT OF INDIA STAFF IN NEW DELHI.

629. ***Mr. S. C. Mitra:** (a) Is it a fact that large number of 'E' type quarters on Minto and Circular Roads, New Delhi, have been allotted to the staff of the various offices of the Government of India, who under the rules are entitled to a higher class of quarters?

(b) Is it the intention of Government to deprive the staff of the Delhi allowances by allotting a lower class accommodation against the allotment rules?

(c) Will Government please state whether the acceptance or the surrender of this lower class accommodation by the staff who are entitled to higher class accommodation will forfeit their claims for the Delhi allowances, if sanctioned? If so, why?

The Honourable Sir Frank Noyce: (a) Sixty-five E class quarters are surplus to the requirements of officers in that class for the winter season of 1934-35. Thirty-nine of these quarters have been offered, under the Allotment Rules, to migratory officers entitled to C and D class accommodation.

(b) and (c). Orders were issued in 1929 to the effect that refusal by officers or members of the staff of the Government of India Secretariat and Attached Offices of quarters of the class to which they are entitled, or of a class next above or next below their own, will render them ineligible for the grant of any Delhi allowances that may be sanctioned. I may point out that "out of class allotments" are permitted under the rules.

PERIODICAL TEST OF GUARDS ON THE NORTH WESTERN RAILWAY.

630. ***Mr. Gaya Prasad Singh** (on behalf of Mr. Lalchand Navalrai): (a) Will Government be pleased to state whether it is a fact that the guards employed on the North Western Railway are put to an examination in the railway rules after every three years up to the age of 45, and then annually?

(b) Is any other class of staff on the North Western Railway put to a similar test periodically? If so, will Government please state the names of these classes of staff? If not, why have guards alone been picked up for such a periodical test?

(c) Is it a fact that if a guard fails to satisfy the examining officer in the periodical test, he is re-called and the period between the date of his first failure and eventual passing of the test is treated as leave?

(d) If the reply to part (c) above be in the affirmative, are other classes of staff, going for refresher courses, treated similarly and their period treated as leave? If not, why is differential treatment accorded to guards?

Mr. P. R. Rau: I have called for certain information and will lay a reply on the table of the House in due course.

PROPOSED VISIT OF AN ITALIAN TRADE DELEGATION TO INDIA.

546. ***Mr. Gaya Prasad Singh:** Is there any proposal of an Italian trade delegation visiting India in the near future? If so, when is it expected, and with what object?

The Honourable Sir Frank Noyce: Yes, Sir. The Government of India understand that the Italian Government are desirous of entering into discussions with the Government of India on the subject of the trade relations of India and Italy. The negotiations may begin about October next if that is convenient to both Governments.

EXPENSES BORNE BY THE INDIAN EXCHEQUER IN CONNECTION WITH THE VISIT OF THE JAPANESE TRADE DELEGATION.

547. *Mr. Gaya Prasad Singh : Was any expense borne by the Indian exchequer in connection with the visit in India of the Japanese trade delegation ? If so, how much ?

The Honourable Sir Frank Noyce : Yes, Sir. Expenditure of about Rs. 18,250 was incurred on account of the Japanese Official Delegation and about Rs. 15,900 on account of travelling allowances and other charges for the un-Official Advisers to the Indian Delegation.

PROPOSALS TO SUPPLEMENT THE OTTAWA AGREEMENT RELATING TO INDIAN PROTECTIVE DUTIES.

548. *Mr. Gaya Prasad Singh : Will Government kindly state if there are proposals to supplement the Ottawa agreement, relating to Indian protection duties ? If so, do Government propose to make a statement on the subject, and state whether this House will be given an opportunity of discussing the same before a final decision is reached ?

The Honourable Sir Frank Noyce : Yes, Sir. The negotiations are now in progress and it is too early to make a statement on the subject. Honourable Members will have an opportunity to discuss any agreement arrived at, as a result of these negotiations.

Mr. H. P. Mody : Will a non-official Indian Delegation be associated as in the case of the Indo-Japanese negotiations ?

The Honourable Sir Frank Noyce : The Honourable Member will understand that I have answered this question on behalf of my Honourable colleague, the Commerce Member, and I would, therefore, suggest that he might put down a question on the point that he has now raised.

Mr. B. Das : Will the Honourable Member bear in mind Mr. Mody's suggestion as he played such an important part in the negotiations with the Japanese Delegation ?

STEPS TAKEN TO ENCOURAGE THE EXPORT OF INDIAN RAW MATERIALS TO FOREIGN COUNTRIES.

564. *Mr. Sitakanta Mahapatra : (a) How far have the Indian Trade Commissioners in foreign countries found out markets for Indian manufactured articles, and what new markets have they explored for India ?

(b) What is the total export of the Indian manufactured articles to different foreign countries where there are Indian Trade Commissioners ?

(c) Have the Trade Commissioners in foreign countries submitted any schemes, explaining the requirements of the foreign countries from India, which would help to develop the Indian industries ? If not, what are the activities of the Trade Commissioners barring their activities of encouraging the export of raw material to foreign countries ?

The Honourable Sir Frank Noyce : The Honourable Member is referred to the quarterly and annual reports on the work of the Indian Trade Commissioners, London and Hamburg, and the Sea-borne Trade Accounts of British India. The quarterly reports are published

in the *Indian Trade Journal*, copies of which are in the Library of the House. Copies of the annual reports and of the Sea-borne Trade Accounts are also to be found in the Library. I would also invite the attention of the Honourable Member to the reply to the Honourable Kumar Nripendra Narayan Sinha's question in the Council of State on the 20th September, 1932.

ESTABLISHMENT OF INDIAN CONCERNS IN FOREIGN COUNTRIES FOR THE BUSINESS OF INDIAN PRODUCTS.

565. *Mr. Sitakanta Mahapatra : Have Government done anything to encourage and establish Indian concerns in foreign countries for the business of Indian products in those foreign countries, if necessary, with State aid financially, as the other nations have done to develop their trade in India ? If so, how many concerns have thus been started with the help of Government aid in countries like Germany, Italy, France and England ?

The Honourable Sir Frank Noyce : The Government of India have no information as to the means adopted by other countries to develop their trade in India by State aid, but the Honourable Member is referred to the Resolution adopted by the Council of State on the 13th February, 1928, as a result of which the Government of India inaugurated a scheme for the appointment of Indian Trade Commissioners abroad with a view to promote India's export trade with foreign countries. For information as to the activities of Indian Trade Commissioners, the Honourable Member is referred to the annual reports on the work of these officers, copies of which are to be found in the Library of the House.

APPOINTMENT OF INDIANS IN THE OFFICES OF THE TRADE COMMISSIONERS.

566. *Mr. Sitakanta Mahapatra : (a) Will Government be pleased to state whether the staff employed in the offices of the Trade Commissioners in foreign countries are Indians sent from India ? If not, why not ?

(b) Are Government aware that a large number of Indians would be prepared to go to foreign countries in the offices of the Trade Commissioners and Agents outside India ?

The Honourable Sir Frank Noyce : (a) There is one Indian in the office of the Indian Trade Commissioner, London, who was sent direct from India. The other Indians employed in that office were recruited in London. Persons possessing the requisite qualifications are generally available there and it is not considered justifiable to incur unnecessary expenditure on passages from India.

(b) The Honourable Member's suggestion may be correct.

RATIFICATION OF THE RUBBER RESTRICTION SCHEME.

608. *Mr. K. P. Thampan : (a) Will Government be pleased to state whether it is proposed to take any legislative measure to ratify the rubber restriction scheme ?

(b) What was the genesis of the scheme and who represented the Government of India and the rubber growers of India at the settlement?

(c) What is the quota for this country and on what basis was it decided?

(d) In calculating the export from India in 1929, was the rubber shipped from the Indian States ports taken into account?

(e) Was any allowance made in fixing the quota for the area reaching maturity between 1929 and 1934?

(f) Was such allowance made in respect of other countries, such as Indo-China, Siam, North Borneo, Sarawak, etc.?

(g) Is it a fact that it is in respect of India alone that the quota is the export quantity of 1929, while for Indo-China and Siam, it is three times, Sarawak two times, North Borneo one and three quarters times, the 1929 export. If so, why?

(h) What steps do Government propose to take to remedy this anomaly?

The Honourable Sir Frank Noyce : (a) Yes.

(b) The attention of the Honourable Member is invited to the preamble to the Rubber Producers' Agreement and the Inter-Governmental Agreement relating to the regulation of the production and export of rubber, copies of which are in the Library. The interests of rubber producers in India were looked after by the Rubber Growers' Association, London, during the negotiations and the High Commissioner for India signed the Inter-Governmental Agreement on behalf of the Government of India.

(c) The basic quotas allotted to India and Burma are specified in Article 4 of the Inter-Governmental Agreement. These quotas represent the average exports during the four years, 1929 to 1932, with the addition of an *ex gratia* allowance and an allowance for young areas.

(d) Exports from ports in Indian States were not taken into account in determining the basic quota for India, but an *ex gratia* addition, considerably in excess of such exports, was made to the total Indian quota.

(e) An allowance was made for areas planted since the beginning of 1925.

(f) Yes.

(g) The Honourable Member's assumption that the basic quotas of the contracting countries have been fixed in relation to their exports in 1929 is incorrect. The Government of India understand that the basis on which the quotas were calculated in each case was the average exports in the years 1929 to 1932 inclusive, with allowances on a uniform scale for areas which were not fully mature in those years but which would be in partial or full bearing during the period of regulation.

(h) Does not arise.

Mr. F. E. James : May I have your permission to have this question (No. 609) postponed till the arrival of the Honourable the Commerce Member, because I may have to put some supplementary questions, and I do not know whether the Honourable Member for Industries and

Labour, who is going to answer this question on behalf of the Commerce Member, will be able to give answers to those supplementary questions?

The Honourable Sir Frank Noyce : I think my answer to the question, if I may be allowed to read it, will give as much information to the Honourable Member as we are in a position to give.

ABOLITION OF SURTAX ON TEA EXPORTED FROM INDIA TO NEW ZEALAND.

(09. ***Mr. F. E. James :** (a) Are Government aware that a Bill has recently been passed by the Legislature of New Zealand, revising the tariffs of that country?

(b) Have Government any information whether the surtax on tea exported from India to New Zealand has been abolished as a result of this legislation?

(c) Had Government made any representation to the Government of New Zealand, when they had their Tariff Bill under consideration, with a view to the abolition of the surtax on Indian tea? If not, why do Government not take the opportunity, which was afforded them when the New Zealand tariff was under consideration, of pressing for the removal of a handicap to Indian trade?

The Honourable Sir Frank Noyce : (a) Yes, Sir.

(b) No, Sir.

(c) The Government of India have been in communication with the Government of New Zealand, regarding a trade agreement and that Government intimated in December last that their tariff was to be revised as a result of the investigations of a Commission after which they would be in a position to communicate further with the Government of India. This communication is awaited.

Mr. E. Studd : Are Government aware that whereas the exports of Indian tea to New Zealand from the 1st April to the 7th August, 1933, amounted to just under 800,000 lbs., for the same period this year they have fallen to just under 15,000 lbs.?

The Honourable Sir Frank Noyce : I am prepared to take that information from my Honourable friend.

Mr. F. E. James : Do I understand that the position of the Government is that they do not propose to make any representation in regard to this particular matter until the whole field of the new trade agreement with this country and New Zealand has been explored? If so, how do they reconcile themselves to the injury which is being done to Indian tea *vis-a-vis* Ceylon tea on which there is no surtax in New Zealand?

The Honourable Sir Frank Noyce : I can only say that I am not in a position to add any further information to that which I have already given.

Mr. F. E. James : Is the Honourable Member aware that he has practically given us no information whatsoever?

The Honourable Sir Frank Noyce : I shall be glad to pass on that view to my Honourable colleague, the Commerce Member.

Mr. B. Das : Are the Government of India negotiating a trade agreement with New Zealand alone or with the other Dominions such as South Africa ?

The Honourable Sir Frank Noyce : Each Dominion is being dealt with separately.

Mr. B. Das : I do not want any trade agreement with South Africa.

The Honourable Sir Frank Noyce : I am not aware that South Africa has asked for a trade agreement. My Honourable friend, Mr. Bajpai, is perhaps in a better position to answer that than I am.

Mr. B. Das : Will the Honourable the Secretary for the Department of Education, Health and Lands say whether the Government of India are negotiating any trade agreement with South Africa ?

Mr. G. S. Bajpai : The Government of India in the Department of Education, Health and Lands have not entered nor do they contemplate to enter into any trade agreement with South Africa.

Diwan Bahadur A. Ramaswami Mudaliar : Or with any other Department ?

Mr. G. S. Bajpai : No, Sir.

Diwan Bahadur A. Ramaswami Mudaliar : Are Government aware that a special representative of the South African Government has come to Calcutta with a view to considering the possibilities of a trade agreement between South Africa and India ?

Mr. G. S. Bajpai : The consideration of possibility is, I presume, a condition precedent to the actual entering into negotiations.

Diwan Bahadur A. Ramaswami Mudaliar : Is there any possibility on the part of Government of saying whether they are willing ?

Mr. G. S. Bajpai : The Government of India cannot say anything as regards their willingness or unwillingness until they have the proposition from the Government of South Africa.

Dr. Ziauddin Ahmad : Have the Government of India received any letter from the gentleman who is now in Calcutta representing the South African Government seeking an interview with the Government of India ?

Mr. G. S. Bajpai : No, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

ASSISTANTS-IN-CHARGE OF BRANCHES IN THE GOVERNMENT OF INDIA SECRETARIAT.

56. **Mr. S. G. Jog :** (a) Is it a fact that in some Departments of the Secretariat of the Government of India first division assistants are employed as Assistants-in-Charge of Branches or Sections ?

(b) If the answer to part (a) above is in the affirmative, will Government be pleased to state whether first Division Assistants when so employed are granted any special pay in addition to their grade pay ? If so, will Government be pleased to state the principle which governs the grant of such special pay ?

(c) Will Government be pleased to state the names of the Departments of the Secretariat of the Government of India in which first division assistants are employed as Assistants-in-Charge of Branches or Sections in the following tabular form :

Name of Deptt.	Branches in-charge of 1st Dn. Assistants.	Whether the Assistant-in-charge is in receipt of special pay or not.	If in receipt of special pay, the rate p. m.

The Honourable Sir Henry Craik : I lay on the table a statement giving the information required in parts (a) and (c) and the first portion of part (b) of the question. With reference to the second portion of part (b), I would invite the Honourable Member's attention to Fundamental Rule 9 (25).

Statement showing the names of the Departments of the Government of India in which First Division Assistants are employed as Assistants-in-charge of Branches or Sections and drawing special pay.

Name of Department.	Branches in-charge of First Division Assistants.	Whether the Assistant-in-charge is in receipt of special pay or not.	If in receipt of special pay, the rate per mensem.
Army	Two	Yes	One is in receipt of Rs. 100 and the other Rs. 50.
Commerce	One	Yes	Rs. 50.
Financial Adviser, Military Finance	Four	Yes	Rs. 100 each.
Home	One	Yes	Rs. 75.
Imperial Council of Agricultural Research.	Three	No	
Industries and Labour	One	Yes	Rs. 50.
Legislative Assembly	Two	No	
Railway	Four	Three are in receipt of special pay.	Rs. 100 each.

CONCESSION PROPOSED TO BE GIVEN TO THE IMPERIAL CHEMICAL INDUSTRIES, LIMITED.

57. Mr. B. Sitaramaraju : (a) Is it a fact that the Government of India in conjunction with the Punjab Government are proposing to give a concession to the Imperial Chemical Industries, Limited, for a period of 50 years in the Jhelum District of the Punjab for the purpose of setting up alkali works ?

(b) If the reply to part (a) be in the affirmative, will there be any opportunity for any part of the capital to be subscribed for by Indians, and will there be any Indians on the Board of Directors ?

(c) What steps have Government taken to ascertain whether there are Indian capitalists in the Punjab, or other parts of India who are prepared to undertake the enterprise on the same, or any other suitable, terms ?

(d) If a concession for a long period is considered necessary, will Government be pleased to state whether they have considered that a period of 25 years is not sufficient from the point of view of public interests ?

(e) Will Government be pleased to supply this House with full information regarding the concession ?

The Honourable Sir James Grigg : The Honourable Member is referred to the reply given on the 14th August, 1934, to Mr. B. Das's starred question No. 611 on the same subject.

FINANCIAL POWER OF A FIRST CLASS POSTMASTER TO OBTAIN COPIES OF COURT JUDGMENTS.

58. Seth Liladhar Chaudhury : (a) Will Government please state whether the financial power of a first class Postmaster to obtain copies of Court judgments is limited to Rs. 10 in each case ?

(b) Will Government please state the cost of the copy of the judgment of the learned Sessions Judge, Amritsar, in the case *Crown versus Ram Nath, Clerk, Majeeth Mandi (Amritsar)*, under section 262, Indian Penal Code ?

(c) Was the copy of the judgment referred to in part (b) above, as well as of the evidence of certain witnesses, obtained by the Postmaster, Amritsar, piece-meal ? If so, why ? Was it to avoid the sanction of the Postmaster General ?

(d) In case the reply to the first portion of part (c) be in the affirmative, what is the action taken against the Postmaster for this irregular action ?

The Honourable Sir Frank Noyce : (a) No. The limit of financial power of a First Class Postmaster to obtain copies of Court judgments is Rs. 20 in each case.

(b), (c) and (d). Government have no information and do not propose to call for it as the Postmaster General, Punjab, is fully competent to deal with the matter. A copy of the question and of this reply will be sent to the Postmaster General, Punjab.

ELECTRIC AND BUILDING OVERSEER IN THE LAHORE GENERAL POST OFFICE.

59. Seth Liladhar Chaudhury : Will Government kindly state :

(a) the duties actually performed by the official designated as Electric and Building Overseer in the Lahore General Post Office ;

(b) whether the electric installation in the Lahore General Post Office building is attended to by the Engineering Branch of the Posts and Telegraphs Department at Lahore ;

(c) whether there is a qualified Conservancy Inspector in the Lahore General Telegraph Office and Building Overseers in the Punjab Circle Office and Divisional Engineering Office to look after the General Post Office building which is just across the road opposite the Lahore General Telegraph Office ;

(d) whether the Conservancy Inspector of the Lahore General Telegraph Office has a number of times offered to look after the conservancy arrangements of the Lahore General Post Office which is said to be attended to by the so-called Electric and Building Overseer in the Lahore General Post Office ;

(e) whether it was once decided to abolish the appointment of the so-called Electric and Building Overseer in the Lahore General Post Office but somehow or other these orders were subsequently cancelled ; and

(f) whether in these days of financial stringency the appointment of the so-called Electric and Building Overseer cannot be abolished by transferring his electric duties to the Engineering Branch of the Department at Lahore, building supervision to the Building Overseers in the Circle Office or Engineering Branch, and conservancy duties to the Conservancy Inspector in the Lahore General Telegraph Office ?

The Honourable Sir Frank Noyce : (a) to (f). Information has been called for and a reply will be placed on the table of the House in due course.

APPOINTMENT OF HINDUS AS LINE INSPECTORS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

60. Seth Liladhar Chaudhury : (a) Is it a fact that out of the nine posts of Line Inspectors sanctioned for the (Telegraph Engineering), Punjab and North-West Frontier Circle, not a single post is held by non-Muslims ? If so, what action do Government propose to take to adjust the communal inequality in this cadre ?

(b) Is it a fact that the post of a Line Inspector fell vacant in the Ambala Telegraph Engineering Sub-Division during the current official year and that it has also been filled up by a Muhammadan Sub-Inspector ? If so, will Government please state whether there were no suitable Hindu officials with longer service who could be promoted to the said post ?

The Honourable Sir Frank Noyce : (a) Government have no information. Recruitment to the grade of Line Inspectors is made by promotion of selected Sub-Inspectors and, as has been frequently stated

in this House, communal considerations do not apply to departmental promotion which is solely regulated by merit and seniority. Government do not, therefore, propose to take any action.

(b) Government have no information. The matter is entirely within the competence of the Postmaster General to whom a copy of the question is being sent.

APPOINTMENT OF TOWN INSPECTORS IN THE DELHI HEAD POST OFFICE.

61. **Seth Liladhar Chaudhury** : With reference to the reply to starred question No. 803, dated the 21st April, 1934, will Government please state whether the Director-General, Posts and Telegraphs, has received any appeals against the nomination of the Town Inspector, Delhi Head Post Office, from the senior dissatisfied graduates ? If so, what action has he taken on those appeals ?

The Honourable Sir Frank Noyce : It is presumed that by nomination the Honourable Member refers to the selection made by the Postmaster, Delhi ; if so, the reply to the first part of the question is in the affirmative. As regards the second part the appeals have been rejected after due consideration.

ALLEGATIONS AGAINST THE TOWN INSPECTOR, DELHI HEAD POST OFFICE.

62. **Seth Liladhar Chaudhury** : (a) Is it a fact that as a punishment for gross carelessness displayed, *vide* unstarred question No. 311, dated the 7th April, 1934, the Town Inspector, Delhi General Post Office, was ordered to be reverted by the Postmaster-General, Punjab, Lahore, but the Postmaster, Delhi, retained him ? If so, will Government please state what justification the Postmaster had for keeping in abeyance the orders of his superior ?

(b) Is it a fact that the Inspector again displayed carelessness by absenting himself from Air Mail duties on the 11th May, 1934, posting wrong test-cards and preparing false diaries ? Were these matters brought to the notice of the Postmaster-General ? If so, what action did he take against the official ? If none, why not ?

The Honourable Sir Frank Noyce : Information has been called for, and a reply will be placed on the table of the House in due course.

RECRUITMENT OF INFERIOR POSTAL STAFF IN DELHI.

63. **Seth Liladhar Chaudhury** : (a) Is it a fact that most of the new recruitments in the inferior staff made through the present Town Inspector of Delhi Head Post Office were effected from the junior men belonging to one and the same community and are Government aware that there is a general discontentment prevailing among the members of the inferior staff of the other communities on this account ?

(b) How many of the new recruits taken from July, 1933, upto July, 1934 were Hindus and Sikhs and how many were Muslims ?

(c) What action do Government contemplate taking against the official who spread so much discontentment ?

(d) Do Government propose to consider the desirability of introducing a half-yearly or annual change of Town Inspectors, as is being done

in the case of clerks employed in the Savings Bank, Sub-Accounts and Money Order departments ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Recruitment of the inferior staff in the Delhi General Post Office is made by the Postmaster and not by or through the Town Inspector. Government are not aware of the existence of any discontent in regard to recent recruitment of inferior staff.

(b) Information has been called for, and a reply will be placed on the table of the House in due course.

(c) Does not arise in view of the reply to part (a).

(d) No. There is no analogy between the duties and responsibilities of clerks employed in the Savings Bank, Sub-Accounts and Money Order Branches of a Post Office and those of a Town Inspector.

INITIAL PAY OF GRADUATES IN THE POSTAL DEPARTMENT.

64. **Seth Liladhar Chaudhury** : (a) Is it a fact that for some time past graduates were taken on enhanced initial pay in the clerical cadre of the Postal Department and were also allowed four years' benefit in seniority ?

(b) Is it a fact that a few years ago the Postmaster-General, Punjab, Lahore, issued a circular ordering that, so far as possible, graduates should be posted in the correspondence and accounts branches and also as sub-postmasters ?

(c) Is it a fact that the concessions referred to in part (a) above have been withdrawn for the new entrants and the orders referred to in part (b) are observed in breach ?

(d) If the replies to the preceding parts be in the affirmative, will Government please explain :

(i) why the concessions referred to above were allowed and why they have now been withdrawn ; and

(ii) what other facilities are allowed to them to show their worth and thus carve their way out to higher position ; if none, why ?

(e) Do Government propose to make amends by making some proper arrangements to ensure for them a regular flow of chances of service in more responsible spheres and also restore to the new entrants the concessions mentioned in parts (a) and (b) ? If not, why not ?

The Honourable Sir Frank Noyce : Information has been called for and a reply will be placed on the table of the House in due course.

EXCESSIVE HOURS OF WORK IN THE DELHI HEAD POST OFFICE.

65. **Seth Liladhar Chaudhury** : (a) Is it a fact that the staff of the Delhi Head Post Office and its town sub-offices work for eight hours or even more in continuous and split duties while the staff of the General Post Offices at Simla, Lahore, Peshawar, etc., as well as of the Presidency Post Offices in Calcutta, Bombay and Madras, work for seven hours only ?

(b) Is it a fact that in addition to the above excessive hours of work, the staff is further required to attend on every alternate Sunday or other postal holiday ?

(c) Is it a fact that the Bewoor Time Test Committee recommended rest for half an hour every day, but no such recess was ever allowed?

(d) Is it a fact that recently the International Labour Office, Geneva, passed a forty hours' week?

(e) Is it a fact that two or three years back the staff also submitted a large number of identical appeals for the grant of allowance for additional work on Sundays and foreign mail days but the appeals were rejected?

(f) If the replies to the preceding parts be in the affirmative, do Government propose to reduce the hours of work by changing either the closing or the opening hours of business, or grant them an allowance for additional work exacted from the staff on week days, holidays and foreign mail days and also grant them half an hour's rest? If not, why not?

The Honourable Sir Frank Noyce : (a) The facts are not as stated by the Honourable Member.

(b) The attendance of the necessary staff on Sundays and holidays is a recognised condition of service in the Postal Department. In order, however, to minimise hardship the Director-General has issued instructions that a rotation of duties should be arranged, as far as the exigencies of the service permit, among the whole staff of an office so that the turn for an individual to work on Sundays and Post Office holidays may recur as seldom as possible. In this connection attention is invited to the reply given to parts (c) and (d) of Mr. S. G. Jog's starred question No. 964, dated the 8th November, 1932.

(c) In his Report on the Revision of Time-Test in the Post Office, Mr. Bewoor recommended an allowance of 30 minutes for rest, refreshment and unavoidable interruptions to duty in the case of clerks on continuous duty and an allowance of 15 minutes for the same purpose in the case of clerks on split duty. Clerks are allowed recess for refreshment and rest so far as possible.

(d) No.

(e) The fact is that in 1931 representations were received from some of the clerks of the Delhi Post Office asking for the grant of an overtime allowance for work in connection with the special delivery of foreign mails and not in connection with the work on Sundays. These appeals were rejected after due consideration. The special delivery of foreign mails in the Delhi Post Office has since been discontinued.

(f) Does not arise

APPOINTMENT OF JUNIOR TIME-SCALE CLERKS AS INSPECTORS OF POST OFFICES AT CERTAIN PLACES

66. **Seth Liladhar Chaudhury :** (a) Will Government please state how they account for the appointment of junior time-scale clerks as Inspectors at Delhi, Amritsar, Jhelum and in the office of the Superintendent, Railway Mail Service, D. Division, Delhi?

(b) What new necessities have arisen which justify reconferment of wide discretionary powers of nomination of Town Inspectors on the first class Postmasters from amongst such officials?

(c) Is it a fact that this system of nomination was once tried and given up as a result of organised and protracted agitation by the All-India (including Burma) Postal and R. M. S. Union?

(d) Do Government propose to consider the desirability of fixing some standard or criterion, such as seniority coupled with academic qualifications, for the conscientious use of such powers? If not, why not?

The Honourable Sir Frank Noyce : (a) It is not clear whether the Honourable Member refers to Inspectors of Post Offices who are in the selection grade or to the Town Inspectors who are in the time scale and Government, therefore, regret that they are not in a position to reply in detail to this part of the question. I may add, however, that if any official considers that he has any grievance, it is open to him to represent it to the proper authority through the usual official channel.

(b) The posts of Town Inspectors are now in the ordinary time scales of pay, and, it is, therefore, within the competence of a first class Postmaster to appoint to such posts.

(c) Government have not been able to trace the case to which the Honourable Member refers.

(d) No. Government do not consider that the present system of selecting for appointments as Town Inspector those officials who are considered most suitable by the Postmaster concerned requires any change.

EXCHANGES OF THE STAFF OF THE POSTAL DEPARTMENT.

67. **Seth Liladhar Chaudhury :** (a) Are Government aware that owing to the want of exchanges the staff of the Postal Department is experiencing a great difficulty in the matter of transfers to their home stations?

(b) Is it a fact that contrary to Fundamental Rule 22 (b) the members of staff who desire to be transferred to the Divisions and other smaller Head Offices are required to give an undertaking that they shall accept less pay?

(c) If the replies to the preceding parts be in the affirmative, will Government please state under what rules they take an undertaking and whether they are prepared to make some suitable arrangements for the transfer of clerks to their home stations and also stop the practice of demanding written undertakings? If not, why not?

The Honourable Sir Frank Noyce : (a) Government have no information.

(b) No. the pay of officials transferred is fixed strictly in accordance with the Fundamental Rules and no question of any individual undertakings arises.

(c) Does not arise

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 14th August, 1934, agreed without any amendments to the following Bill :

which were passed by the Legislative Assembly at its meetings held on the 19th and 30th July and 7th August, 1934, namely :

1. A Bill to amend certain enactments and to repeal certain other enactments ;
2. A Bill to provide for the imposition and collection of an excise duty on mechanical lighters ; and
3. A Bill to consolidate and amend the law regulating labour in factories."

DEATH OF SIR MANMOHANDAS RAMJI.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, in the absence of the Leader of the House owing to illness, it has fallen to my lot to express, however inadequately, the regret with which we, on these Benches, have learnt of the passing of one who was a Member of this Assembly from 1921 to 1923 and who was an eminent figure in the public life of Bombay. That regret will, I am sure, be shared by all sections of the House. I had not the privilege of knowing Sir Manmohandas Ramji intimately, but during my spells of service in Bombay and my frequent visits to that city, I met him often enough to be in a position to appreciate the great qualities, the wise caution, the independence of character and the courteous disposition, which won for him the respect and regard of the commercial and industrial circles in that city. Sir Manmohandas Ramji fought manfully for what he conceived to be the best interests of India but he always fought fairly. (Hear, hear.) He was always ready to place his services at the disposal of the Government and of the public as is shown by the number of committees on which he served from time to time, the Braithwaite Committee, the Railway Advisory Committee, the Railway Risk Note Committee, and the Income-tax Committee. He has died, full of years and honours but in the troublous times through which we are passing, India generally and Bombay specially could ill-afford to lose a counsellor of his character and experience. I would request you, Sir, to convey our deep sympathy to his relatives in their bereavement.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, at the desire of my leader I beg to associate the Independent Party with the tribute which has been paid to the memory of the late Sir Manmohandas Ramji by my Honourable friend, Sir Frank Noyce. I knew Sir Manmohandas Ramji for a number of years. He was actively associated with a number of organisations with which my own connection has been very close. Sir Manmohandas Ramji was a typical Bombay citizen, a man of many-sided activities. He had very large business connections, and there was hardly an important trade or industry with which he was not associated. His shrewd common sense and his knowledge of men and affairs enabled him to make a success of every business which he touched. He was one of the most successful Mill-Agents in the whole of India, and it was instructive to see how he carried the burden of all his various business interests. If you walked into his office, you would find him sitting at a table devoid of any papers, in an office which seemed to be bare of any staff, and yet he knew every detail of his large business. His connection with public life was also many-sided. He was for many years a member of the Municipal Corporation of Bombay and was its President in the closing year of his connection with that body. As such,

he rendered meritorious services to the civic life of Bombay. He was equally intimately connected with a great many other organisations : he was a member of the Improvement Trust, the Port Trust, and the Legislative Council of Bombay. He was, with the exception of my old and revered friend, Sir Dinshaw Wacha, the oldest member of the Millowners' Association, Bombay ; and he was its President some years ago. Up to the very last, he kept a close touch with everything that transpired and his advice and counsel were of the utmost assistance. He did not speak very much : but his shrewd common sense and his intimate acquaintance with the commercial and industrial life of Bombay and the country generally enabled him to take a very active and useful part in the discussion of almost any question that came up before the Millowners' Association or any other public body. His most outstanding service to the commercial life of India, I think, was the part he took in founding the Indian Merchants' Chamber of Bombay. In those days, the voice of Indian commercial opinion was very little heard, and if it was heard at all, it was completely ignored. Sir Manmohandas Ramji, in the teeth of much opposition, in the face of many difficulties, founded, with the assistance of a few friends, the Indian Merchants' Chamber, and from humble beginnings he made it, within a very short time, one of the most influential bodies in the whole of India. For many years, until the Federation of Indian Chambers came into being, it may truthfully be said that the Indian Merchants' Chamber was really the voice of Indian Commercial opinion in India. It is a matter of regret that this leadership of Indian Commercial opinion threatens to pass into other hands. It is typical of the man that when, at a critical juncture in the history of the Chamber which he had founded, Sir Manmohandas Ramji was called last year to preside once again over the deliberations of that body, as one who would command the most confidence from all sections of the Chamber, he willingly gave his services, what time his health would surely have entitled him to seek retirement. It was also typical of him, that when he found himself in disagreement with the Chamber on a crucial question, namely, that of the Indo-Lancashire pact, he was not afraid of sending in the resignation of his Presidentship. My Honourable friend, Sir Frank Noyce, has spoken of the courage with which he voiced his opinions. That courage was exemplified most signally when he put himself against the current of public opinion, and stood up as an exponent of the 18 d. ratio. That courage was also exemplified in later years when he stood out against the reformist tendencies of the younger generation. He was not afraid of incurring unpopularity on such occasions, and it was, I think, his greatest merit that he served, whatever cause he intended to serve, without regard to any consequences that might arise to him personally. Sir, Bombay has lost one of its most respected citizens and the commercial and industrial life of India one of its most notable figures by the passing away of Sir Manmohandas Ramji, and I desire to associate myself in this expression of sympathy with the family of the deceased.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, my acquaintance with the late Sir Manmohandas Ramji could not possibly have been of the same intimate character as that of my Honourable friend, Mr. Mody, but, I think, I am one of the very few Members present here today, who had the privilege of having Sir Manmohandas Ramji as their Colleague in the first Legislative Assembly. He represented the Indian mercantile interests of Bombay during those three years, but, at the same

[Mr. K. C. Neogy.]

time, he was one of the promoters of the Democratic Party which we formed and which constituted the Opposition in the first Legislative Assembly. I very well remember that although a capitalist himself he used to take a very democratic view of things in all questions of public importance which came up before the House; and I was particularly struck by the urbanity of his manners. I have no doubt that the Indian mercantile interests have suffered a very severe loss in his death and I desire to associate myself and my Party with all that has fallen from the two previous speakers.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhamadan Rural) : Sir, I feel sure that not only this House but the whole country has heard with sorrow of the sad news of the death of Sir Manmohandas Ramji. Sir Manmohandas Ramji was a name which is very familiar in my constituency. Apart from the activities, which my Honourable friend, Mr. Mody, has enumerated, of Sir Manmohandas Ramji, he was a pillar of strength to the orthodox Hindu community of Guzerat, and of late he was appointed President of the Sanatanist Board, and as such he was carrying on a very manly fight against the revolutionary tendencies which have been attacking the Hindu society and Hindu religion, and I feel sure that the Sanatanists of Guzerat will feel his loss very keenly. I associate myself and the Centre Party with what has been said about Sir Manmohandas Ramji by the previous speakers, and I support the proposal for sending our condolences to the bereaved family.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhamadan) : Sir, I happen to be one of the few who have had the privilege of serving with the late Sir Manmohandas Ramji in the first Legislative Assembly inaugurated in 1921; and, as Mr. Neogy has pointed out, he was one of the foundation Members of the Democratic Party which was the main Opposition in the first Assembly. Those who will recall his services as a Member of this Assembly, will easily realise the words of wisdom which fell from him on every occasion when this House had to deliberate upon questions of commerce, industry or finance. Sir Manmohandas Ramji spoke but little in this House, but his influence in the Democratic Party, and through the Democratic Party in shaping legislation and measures passed in the First Assembly, was considerable; and we mourn the loss of one who was a great industrialist in this country, a great pioneer of the Bombay mill industry. We also mourn his loss, because he was one of those few men who, by his sound judgment and advice, shaped the policy of the Government during the formative stages of the first Assembly of 1921. I wish to associate myself and my Party with all that has fallen from the Honourable Sir Frank Noyce and Mr. Mody, and wish you, Sir, to convey to the family of the deceased our heartfelt grief at his death.

Sir Leslie Hudson (Bombay : European) : Sir, I wish to associate myself and my Party with all that has fallen from the Honourable Sir Frank Noyce and the other Honourable Members who have spoken on this motion. Sir Manmohandas Ramji, as my Honourable friend, Mr. Mody, pointed out, was an outstanding figure in the commercial and industrial life of Bombay for many years past. My own connection with Sir Manmohandas was more particularly on the Port Trust where his experience and

his advice were always keenly sought after by the Chairman of the Port Trust and his colleagues amongst the trustees. My own personal friendship, I am glad to say, with Sir Manmohandas existed for at least 10 or 12 years, and on more than one occasion I went to him for advice on knotty commercial subjects and was always helped by his very keen common sense and great knowledge and experience. Sir, I wish to associate myself and my Party with the remarks which have been uttered by the Honourable Members.

Mr. President (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the tribute that has been paid to the memory of the late Sir Manmohandas Ramji. Sir Manmohandas was one of the first of Indian businessmen who realised the need for co-operative action on the part of the business community of India and the need for Indian businessmen to take a more active part in the wider public life of the country. In his death India has lost a prominent citizen and the commercial and business world of India has lost one of its outstanding personalities. It will be my duty to convey to the bereaved family of Sir Manmohandas Ramji the sympathy and grief of this House.

THE INDIAN RUBBER CONTROL BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That leave be granted to introduce a Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India.”

The motion was adopted.

Mr. G. S. Bajpai : Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

Mr. A. J. Raisman (Government of India : Nominated Official) : Sir, in the unavoidable absence of the Honourable Sir James Grigg owing to indisposition, I ask your permission to move the motion standing in his name.

I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.”

Mr. F. E. James (Madras : European) : Sir, before this motion is put to the vote, may I ask for information on a point of order? In the case of a Bill which is put down in the name of one Honourable

[Mr. F. E. James.]

Member of the House, under what conditions is it possible for another Honourable Member to introduce that Bill on his behalf? I ask that merely in order to have a ruling from you which might apply to all Bills whether official or non-official.

Mr. President (The Honourable Sir Shanmukham Chetty): Under the Rules and Standing Orders, so far as Government Bills are concerned, the Member in charge of a Bill is deemed to be anyone acting on behalf of Government for the purpose.

The question is:

"That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose."

The motion was adopted.

Mr A. J. Raisman: Sir, I introduce the Bill.

THE INDIAN ARMY (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the Bill further to amend the Indian Army Act, 1911.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 5 stand part of the Bill."

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I move:

"That clause 5 of the Bill be re-numbered as clause 5 (1), and after the clause so re-numbered the following new sub-clause be inserted:

"(2) After section 7 of the said Act, the following section shall be inserted, Insertion of new section namely:
7A in Act VIII of 1911.

"7A. The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations."

Lieut.-Colonel A. F. R. Lumby (Army Secretary): Sir, on a point of order. I beg to submit that the amendment proposed is not within the competence of the Indian Legislature. My case is this. Firstly, under clause (d) of sub-section (1) of section 65 of the Government of India Act, the Indian Legislature has power to make laws for the government of officers, soldiers and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act. British officers of the Indian Army and the British officers of the British Service who would be with them in the mixed formations, which the proposed amendment would cover, are subject in all respects to the Army Act, and, consequently, the Indian Legislature is not competent to legislate for them. My submission is, therefore, that it is not within the competence of this

Legislature to enact the section which the amendment proposes to insert in the Bill; for, that section provides that the status and opportunities of Indian Commissioned officers in the Indian Army shall be the same as those of British officers in the Indian Army, and, in doing so manifestly purports to legislate for the British officers no less than for the Indian Commissioned officers.

My second point is that clause (i) of sub-section (2) of that same section 65 of the Government of India Act adds a proviso to sub-section (1):

"Provided that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting any Act of Parliament passed after the year 1860 and extending to British India, including the Army Act."

That sub-section, Sir, I submit, applies for the same reason as clause (d) of sub-section (1).

Thirdly, Sir, in so far as the amendment proposes to regulate the mutual powers of command of the Indian Commissioned officers and the British Officers of the Indian Army, I submit that it is contrary to section 71 of the Army Act, which lays down that it is for His Majesty to make the regulations as to the persons to be invested with command over His Majesty's forces, and as to the mode by which such command is to be exercised.

Mr. President (The Honourable Sir Shanmukham Chetty): What has the Honourable Member, Sir Abdur Rahim, got to say on that point of order?

Sir Abdur Rahim: Sir, the first objection taken by the Army Secretary is that this Legislature has no power to legislate with respect to British officers who are subject to English Army Act, but the amendment which I am placing before the House does not purport to legislate with respect to British officers at all. All that my amendment seeks to do is that the Indian Commissioned officers whom this Bill seeks to create shall have certain opportunities of command. They will have to serve in the same units and formations as the British officers. The majority of the Select Committee lay down that there shall be no difference whatever so far as powers of command and other matters are concerned in the units of the Indian Army. That is the position taken up by the Army Authorities themselves. Now, Sir, if the Bill can legitimately provide for equal opportunities in the ordinary units, not the mixed, but the purely Indian units of the Indian Army, where is the difficulty in making the same provision with respect to mixed formations? In one case if this Legislature has power to legislate, it has the same power in the other case also.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member means he is seeking to provide for a class of officers for whom nothing has yet been provided in the Army Act?

Sir Abdur Rahim: Exactly.

(At this stage, Lieut.-Colonel A. F. R. Lumby rose to speak.)

Mr. President (The Honourable Sir Shanmukham Chetty): Let Sir Abdur Rahim finish his speech, and then the Honourable Member can reply.

Sir Abdur Rahim : Sir, I say that the position taken up by Government is inconsistent, because they themselves admit that the Commissioned officer shall have the same opportunities and same status with respect to the units in the Indian Army as the British officers, and they cannot, therefore, take any objection and say they cannot have any provision to the same effect with respect to mixed formations. They themselves have introduced this Bill creating a class of officer called the Indian Commissioned officer. I do say, therefore, that it follows that this Legislature which is asked to pass this Bill has got the power to lay down what will be the functions, the duties and powers of command of the Commissioned officer who is going to be created by this Bill in the Indian Army throughout. By this amendment I am not seeking to make any provision with respect to command by Indian Commissioned officers over British forces of British service at all. The provision that I want this House to consider is that with respect to the Indian Army in all units and formations, not only in the ordinary units but also in mixed formations of the Indian Army, the Indian officer who is going to be created by this Bill shall have the same power of command as British officers. The amendment does not seek to make any law with respect to British officers. That is the first point.

Then, all that section 65 clause (d) says is that, for the government of officers, soldiers and followers of His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Indian Army Act, &c. My friend has only been able to refer to section 71 of the Army Act, and all that it says is that His Majesty the King may make such regulations as he pleases in order to remove doubts as to the powers of command duly vested in officers and others belonging to His Majesty's Forces. By this amendment we are not seeking in any way,—and nobody will think of doing it,—to encroach upon the power of His Majesty the King. Whatever law may be passed by this Legislature it will always be subject to any regulations that His Majesty may make. That is an obvious proposition which nobody can doubt. And here is my friend, the Honourable the Law Member, who, I am sure, will agree with me that whatever law this Legislature may pass, it will always be subject to whatever regulations His Majesty may be pleased to enforce.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's point is that his amendment is not inconsistent with section 71 of the Indian Army Act ?

Sir Abdur Rahim : Exactly, it is in no way inconsistent. I think these are really the two points that my Honourable friend, the Army Secretary, raised by way of objection to this amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, the Honourable the Army Secretary has referred to section 65 of the Government of India Act, clause (d). Now, if he will kindly read that very clause, he will see that it cannot possibly apply to the subject we have in hand at present. That section says that the Indian Legislature has power for the government of officers, soldiers, airmen and followers of His Majesty's Indian Forces wherever they are serving. Now comes the Exception. The Exception is,—in so far as they,—that is to say, the Indian officers are not subject to the Indian Army,—that is to say the Indian Legislature has got the power

of providing for the government of officers only so far, but it cannot have the power so far as these officers are subject to the Army Act. Nothing has been said by the Army Secretary as to how these officers, whom we are about to create, will be subject to the Army Act, and if they are not subject to the Army Act, the Exception in clause (d) ceases to apply.

My friend then referred to proviso in clause 2, which says that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting any Act of Parliament passed after the year 1860 and extending to British India, and any Act amending the same. Now, he has not actually referred to any Act of Parliament passed after that year which extends to British India. He has referred to section 71 of the Army Act. I have got that section before me, and as you rightly pointed out, Sir, if I may say so with due deference, all that section 71 of the Army Act lays down is to give His Majesty power to make regulations "as to the persons to be invested as officers or otherwise with command over His Majesty's forces", so that proviso (2) does not deal with any regulations at all. And, in so far as these regulations under section 71 are to be made by His Majesty in accordance with the provisions of the Army Act, my Honourable friend, Sir Abdur Rahim, has already pointed out that there are no regulations at the present moment applicable to the Indian officers about to be created, but, if, hereafter, any regulation is made applicable to the Indian officers, it will *protanto* supersede any powers which this House may confer upon the Indian officers. That is the plain meaning of section 71 of the Army Act. I cannot understand how my Honourable friend, the Army Secretary, questions the jurisdiction and authority of this House to legislate for officers which he himself proposes to create by virtue of this Bill. Some confusion has, no doubt, been caused in the mind of the Army Secretary by reason of the wording of my Honourable friend, Sir Abdur Rahim's amendment. Because he has said that : "the status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations,"—that is to say, by analogy with the British officers, he has compendiously categorised all the powers, authority, status and function which the Indian officers will discharge and enjoy. Now, supposing there were no analogy at all and supposing the Legislature were to say in so many terms that they will have this status, these powers and those functions without reference to the British officers in the Indian Army, could my Honourable friend then say that this House has no jurisdiction to define the powers and the status of the Indian officers which it brings into being ? My Honourable friend is quite prepared to cut out the closing words and give the specific status and powers and functions which we propose that these Indian officers shall enjoy, and, in that case, there can be no objection whatever to this Legislature enacting the measure we have in hand. I submit that the Army Secretary has not yet stated anything which would take this clause out of the jurisdiction of this Legislature.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : Sir, with regard to the point of order raised in respect to the amendment of my Honourable friend, Sir Abdur Rahim, may I, on this point, ask the

[Lieut.-Colonel Sir Henry Gidney.]
 Army Secretary, whether in raising his objection and quoting from various army regulations, his main objection is to one part of Sir Abdur Rahim's amendment, and that is the word "formations"? If the Honourable the Army Secretary objected to any other part, then I submit that my Honourable friend, Sir Abdur Rahim's amendment seems to be quite reasonable, but if the Army Secretary objects to that specific word "formations", I can quite conceive what is flowing in the undercurrent of his mind. By formation he means one consisting of British units and Indian units in one station and it is the difficulty regarding the command of that united formation which I think has actuated the Army Secretary in raising this objection. I should like to know whether the Army Secretary specifically objects to that word "formations" and not units of the Indian Army *qua* the Indian Army.

Lieut.-Colonel A. F. R. Lumby : With reference to the point which has just been made by my Honourable friend, Sir Henry Gidney, I certainly do base my major objection on the possibility of the proposed amendment covering mixed formations.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member mean to say that if the word "formations" is omitted, then the amendment would be *intra vires* of this Legislature?

Lieut.-Colonel A. F. R. Lumby : No, Sir. I was going to say that my objection is on the point of principle.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House is not concerned with any principle at all. What the Chair wants to know is, whether he would contend that this amendment will be *ultra vires* of this Legislature even if the words "all units and formations" are omitted. The Chair asks this specific question, because the answer to that will enable the Chair to understand the real point of the Honourable Member's objection.

Lieut.-Colonel A. F. R. Lumby : I would still maintain my view, even if those words were omitted, and the point I would make would be this. My Honourable friend, the Leader of the Opposition, based his case largely on the argument that we had already legislated in this draft Bill that the powers and privileges of the Indian Commissioned officers and the British officers of the Indian Army would be identical. But that is not so. This is purely a discipline Bill which does not cover status or powers of command or anything of that kind.

Sir Abdur Rahim : I thought my Honourable friend, the Army Secretary, admitted yesterday that so far as units are concerned there is no difficulty and the powers will be the same.

Lieut.-Colonel A. F. R. Lumby : My whole point in the course of my first speech and in the Select Committee and yesterday was that regulations will have to be made by His Majesty's Government under section 71 of the Army Act to govern these things. This Bill says nothing about such matters which in the case of the British and Indian Armies are covered by King's Regulations. It seems to me that there is nothing in the Bill which can be used as an argument to support any

other view than that it is by regulations that these various things will be governed and that those regulations will have to be made under section 71 of the Army Act by His Majesty's Government.

As regards my Honourable friend, Sir Hari Singh Gour's point on clause (d) of sub-section (1) of section 65, the term "officers, soldiers and followers in His Majesty's Indian forces" must be held, I submit, to include the British officers of the Indian Army. It is they who are under the Army Act, and it is because they are under that Act that I have submitted that it is not within the power of this Legislature to insert a section in the Bill which would govern their conditions of service. One point that may have been missed as regards this proposed amendment is this. The general impression that I have gleaned from the objections which have been raised to my point of order is that it is merely proposed in this amendment to raise the status of the Indian Commissioned officer up to that of the British officer. But that is not quite all that it would involve. At the present moment, there is nothing to regulate the mutual powers of command of the Indian Commissioned officer and the British officer, but under this amendment the British officer would be made junior, if he was junior in service and rank, to the Indian Commissioned officer and that would be, under present circumstances, a change in his conditions of service.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Army Act say in any section that a British officer can never act under the command of an Indian officer?

Lieut.-Colonel A. F. R. Lumby : The Army Act says nothing about the powers of command.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the authority for the Honourable Member to state that this will be in contravention of the Army Act? What I want to know is this. Is there any authority, either in the Army Act or in the King's Regulations made under section 71 of the Army Act, by which an Indian officer can never have command over a British officer?

Lieut.-Colonel A. F. R. Lumby : There is no such provision, for an Indian officer is not provided for as yet in the King's Regulations.

Mr. President (The Honourable Sir Shanmukham Chetty) : Then why does the Honourable Member say that it will change the status of the British officer?

Lieut.-Colonel A. F. R. Lumby : I think the point is that the sections in the King's Regulations that deal with powers of command only deal with powers of command as between officers of various categories of His Majesty's Land Forces, *plus* one specific clause which refers to the position of Dominion officers when they are doing duty with units of the British Army. The Indian Commissioned officer has not been legislated for at all. The Indian officers we have at present in the Indian Army come under the heading of 'British officers', as defined again in the present Bill, and no provision has yet been made in King's Regulations for the Indian Commissioned officer. The assurance that I have given on all occasions when supporting this Bill before the House has been that the regulations to govern the powers of command of this new type of officers will be made by His Majesty's Government under section 71 of the Army Act.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would like to know whether section 71 of the Army Act has the same application to the Dominions as it has to India.

Lieut.-Colonel A. F. R. Lumby : In section 71 of the Army Act, reference is made to His Majesty's forces. In section 190, which covers the various definitions under the Army Act, in paragraph 7(a), inserted by an amendment in June 1932, it says, that His Majesty's forces do not include His Majesty's Dominion forces.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : It seems to me the position is quite simple. The first objection of the Honourable the Army Secretary was that no legislation affecting British officers can be made at all by this House. I venture to suggest that in this very Bill there are clauses which relate to British officers, such as the clause relating to courts martial, section 20 :

"A general court martial shall consist of not less than five British officers or Indian Commissioned officers, each of whom has held a commission, etc."

And, again, section 23 :

"A general, summary general or district court martial may be composed of"—etc., etc.

So that, you are giving power to the British officers who are regulated by the Army Act under this very Bill which the Army Secretary has introduced, so that I do not think that section 65 has any application at all. Then, so far as the Army Act is concerned, the position seems to be even clearer. We are subject to Parliamentary legislation. I take it that the Army Act applies to India. After the passing of the statute of Westminster, the particular definition which my Honourable friend just now referred to—paragraph 7 (a) of section 190, was passed in 1932, but, taking it that the Army Act applies to India, what does it say? As my Honourable friend, the Army Secretary, said, it does not contemplate the class of officers which we are now discussing under this Bill—the Indian Commissioned officers. The Army Secretary has also admitted that the Army Act does not provide for any relationship between the British officers and the Indian Commissioned officers who are being realised under this Bill. So far the Army Act does not at all contemplate the relation between these two officers or recognise any position *qua* British officers and Indian Commissioned officers, so that nothing that we might enact about Indian Commissioned officers can be connected with the Army Act. That is quite clear. Therefore, section 71 has no application. The next question is, whether any regulations have so far been framed. Regulations framed under a Statute have, I concede, as much force as the Statute itself, and, therefore, if the Army Secretary were in a position now to lay his hands on particular regulations and point out that these regulations have already been framed and that, they are, therefore, binding on this Legislature as any particular section of the Parliamentary Statute, then I am willing to concede this particular provision may affect those regulations, and, therefore, will be *ultra vires* of this House. The Army Act is silent on the point. No regulations have yet been framed. Therefore, we have got plenary powers now to deal with the situation that might arise and to give a status to the Indian Commissioned officers. My Honourable friend is suffering under this overwhelming difficulty that in all probability there

will be a distinction between Indian Commissioned officers and British officers and that regulations may be framed which place the Indian Commissioned officers in an inferior rank to the British officers. Even so, he need not have any apprehension in the matter. What will happen is this. Directly a regulation is made by His Majesty under clause 71 of the Army Act, then that regulation has as much force as a Parliamentary Statute so far as any law passed by this House is concerned. To the extent that the regulation over-rides any provision that we have already made, it will have superior force and our Act, to that extent, will be inoperative. Therefore, my Honourable friend need have no apprehension. What we want to test is whether in that case a regulation will be forced positively to make discrimination between the Indian Commissioned officers and the British officers and then comes the question as to how far the assurance given by my Honourable friend, the Army Secretary, will be realised in the actual regulation that might be framed. Therefore, Sir, I submit that at present there is nothing which stands in the way of this Legislature framing a clause such as that which my Honourable friend, Sir Abdur Rahim, has pointed out.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, the matter strikes me in this way. (*An Honourable Member* : "Speak up please.") I have not started yet. Reading section 65 (d), we find there that the Indian Legislature can make laws for the government of officers, soldiers and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act.

Now, proceeding by stages, it is obvious that under 65 (1) (d), the Legislature has no power to enact any law in respect of a person who is subject to the Army Act. Now, if we start with that, we have got to remember that the British officers who are acting in India are subject to the Army Act. This is the first step in the argument. Therefore, *qua* those British officers, although they are acting in India, no legislation can be enacted by this House. This House has no power, not because they are British, but because they are subject to the Army Act.

Lieut.-Colonel Sir Henry Gidney : Both British forces and the Indian forces?

Mr. President (The Honourable Sir Shanmukham Chetty) : This amendment deals with a class of officers who are going to be created by an Act of this Legislature, and they are, therefore, not dealt with by the Army Act.

The Honourable Sir Nripendra Sircar : I am coming to that. I quite realise that these are officers who are going to be created by this Act, and, therefore, these are officers who could not have been referred to or dealt with by the Army Act. At this stage, I am not concerned with them, but with British officers, subject to the Army Act, about whom this House has no power. This House can create new officers, but cannot legislate for those governed by the Army Act. If we assume that the British Officer has certain rights under the Army Act, and that Army Act does not contemplate this new class of officers at all, then I may put the matter before the House, by following what was indicated by my Honourable friend, Sir Hari Singh Gour. Supposing this Legislature proceeds to put down, step by step, (1), (2), (3), that these will be the functions, authorities and powers of the officers who are going now to be enrolled, then, let us assume that, in this Act we had put it down that British

[Sir Nripendra Sircar.]

officers will always act under Indian officers whether the British officer concerned is junior or senior. I am testing the correctness of my argument. What would then be the position? Is the British officer, or is he not, entitled to say,—“under the Army Act” (supposing this Act had not been introduced at all), “under the Army Act and under the regulations enacted by His Majesty, I would never have been placed under this new class of officers which is now going to be created”. That is, as the Chair was pleased to point out, this is a class of officer which was not in the contemplation of the Army Act at all,—because it has now come into existence...

Sir Hari Singh Gour: What section of the Army Act provides for that, please?

The Honourable Sir Nripendra Sircar: My friend, Sir Hari Singh Gour, need not be so very impatient, I may tell him—or although I was not convinced by Sir Abdur Rahim's argument, whatever might have been the impression made by him, it was completely removed by Sir Hari Singh Gour; however, I may proceed in my own way and answer the specific question put to me by the Chair. I would ask the Honourable Members of this House to look at this from this point of view. The British officer takes up this attitude. He says: “If this had not been passed at all, if this new class of officers had not come into existence, then what was my right? My right was that I was a British officer, controlled by the Army Act, and my rights, duties and liabilities are all to be found in the Army Act in the matter of command and so on. Whatever happens to me, that will be done by the British officer, who is the only officer in contemplation under the Army Act.” Now, what are you going to do? You are going to do this. You are creating another class of officers who will have that right,—I am taking an extreme case, I am not suggesting that that is going to happen. Under this Act, you are saying, taking the illustration I have given, for testing the argument, “I a British officer shall be placed under an Indian officer, who is not an officer governed by the Army Act, although I am his senior, although that could not have been my position if this Act had not been enacted.” Sir, the wordings of which I place the greatest reliance are as much that of 65 (1) (d) as 65 (2):

“Provided that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting.....

(i)the Army Act.”

I draw the attention of this Honourable House to the word “affecting”. Sir, for years we had a long discussion and judicial decisions about the word “affecting”. If I might remind this House very shortly, Mr. Justice Mookherji, in connection with the Calcutta Improvement Trust Tribunal, which gave that Tribunal certain powers to deal with land affected by any scheme, after going through all the authorities, came to the conclusion that “affected” means “prejudicially affected”. If it is beneficially affected, then really that is not the idea of the word “affecting”. The House will remember that that was upset not only by the Full Bench of the Calcutta High Court but the decision of the Full Bench was accepted and confirmed by the Judicial Committee, and from that moment at least, so far as I am concerned, I have understood the word “affecting” to mean “which causes any change, which has any effect of any kind”—whether that effect is prejudicial or beneficial we

are not concerned with. But strictly speaking, that matter hardly arises in answer to the question which was put to me by the Chair. I will answer the question put by my Honourable friend, Sir Hari Singh Gour. He said: “suppose we had, instead of following the language of the Honourable Sir Abdur Rahim's amendment, we had put down *seriatim* (a), (b), (c), (d), that these are the powers of these new Indian officers, could you have said that the Act was *ultra vires*?” Sir, to that question the answer is that that depends on what your (a), (b), (c), (d) are going to be. I took the extreme case, *viz.*,—under item No. (c) it is set out, the Indian Legislature enacts, that a British officer, whatever his seniority, will be under the command of a junior officer of this new class of Indian officer. Take that extreme and improbable case for testing the validity of my argument. Supposing the Indian Legislature had said that he will, whatever his position may be under the Army Act, whatever the regulations may be, and so on, be under a junior of this newly created class of officers, that will be really affecting his rights under the Army Act. Now, proceed another step backward.

Sir, this Act, instead of saying that the British officer is bound to be under an Indian officer, proceeds to say that he may be under an Indian officer—not that he is bound to be. That is exactly the position which is going to be introduced by the amendment. It is only a question of degree, between the case supposed in my illustration, and the one you are enacting, but as a matter of logic, the positions are exactly the same, *viz.*, the other man is entitled to say that: “in one case you were regulating through the Indian Legislature that I was bound to be under an Indian officer; in the other case you are regulating that I may be under an Indian officer; that is not my position under the Army Act. The Army Act does not contemplate my being placed under anybody who does not come under the Army Act, that is to say, any other than a British officer.” Therefore, the point of view of this will be that his rights are ‘affected’ by the amendment which is going to be made: he is entitled to say that this House has legislated for one subject to the Army Act. If I may, before I resume my seat, read out the amendment, this is what my Honourable friend, Sir Abdur Rahim, proposes by his amendment:

“(2) After section 7 of the said Act, the following section shall be inserted, namely:—

“7A. The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations.”

Sir, I would ask you to look at these words—“rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers”. It is only a question of the language which is used, but what is the substance? The substance is that we are putting it in this way that the rank and precedence of the new Indian officers will be that of the British officers. In substance it means from the point of view of the British officer that whatever his rights may be under the English Army Act and although he is entitled to say that under this Act he will not recognise a newly created body like the Indian officers who are going to.....

Diwan Bahadur A. Ramaswami Mudaliar: Can he say so? What is the authority of the Honourable Member to say that he can say so?

The Honourable Sir Nripendra Sircar : Section 65 prevents this Legislature from legislating about him, and, further, my authority is section 71 of the Army Act. I thought it was conceded that the British Army Act does not apply to the Indian officers who are now going to be created, because, otherwise, there would have been no necessity for our taking the trouble of legislating. As that is so, in answer to the question of my Honourable friend, the Diwan Bahadur, I want him to consider this. If it is conceded that under the British Army Act you cannot place a British officer under an Indian officer for the reason that that class of officer is neither defined nor is within the contemplation of the British Army Act, then the position under the new Indian Act will be that the British officer will be liable to be placed under the Indian officer. Please remember that I am not going into the politics of the thing; I am only arguing the point of order, and not contending that the Indian officer should have inferior status. If this amendment is permissible, it is equally permissible to amend by suggesting that the British officer acting in India must always be placed under an Indian officer irrespective of the question of juniority and seniority. Taking the argument suggested by my Honourable friend opposite, let us see if the argument is sound. Why is this amendment *ultra vires*? We are providing that the British officer, whoever he may be and whatever his rank may be, under our legislation, is going to be under some Indian officer. It can be said, as has been suggested, where does the British Army Act say that a British Brigadier-General should not be under an Indian Lieutenant? But, Sir, why should the British Army Act say that? As I said,—I hope I am not repeating what I said before—the British Army Act does not contemplate this new officer at all. It does not contemplate the situation that the British officer will be placed under some other kind of officer who is going to be under the power of the Indian Legislature.

Sir Abdur Rahim : It does not provide against it either.

The Honourable Sir Nripendra Sircar : All that it contemplates is the British officer and it cannot provide either one way or the other, and, therefore, it follows also that if my friend's argument is right, it is not only permissible for us to say here by enactment that in the matter of rank and precedence it shall be the same, but it is equally permissible for us to say that a British officer whatever his position must be under the Indian officer.

Sir Abdur Rahim : I would not suggest such a painful necessity.

The Honourable Sir Nripendra Sircar : But that is the logical consequence. As I said, I am not going into politics. I am also keen on removing inferiority from the Indian officer, but I am only considering the legal position. It can equally be said: "Where does the British Army Act say that a British Brigadier-General cannot be placed under the Indian Lieutenant? It does not say that, and, therefore, it is argued such provision is not expressly inconsistent with any provision of the Army Act." But my whole point is that it is not necessary that a provision in the Indian Act should be in terms which are inconsistent with any provision of the Army Act or of any other Parliamentary Act. All that is wanted is that rights of men governed by the Army Act must not be affected. The word "affected" is the widest possible. Direct inconsistency in express terms is not required. You cannot *affect* the Army Act. Are you *affecting* the position of the officers under the Army Act? With regard to the

British officer, are you enacting that his position will be controlled by the Indian Act? You contend that, as a matter of fact, a British officer, under the powers exercised by this House, can be placed under a body of officers who are now going to be created. If the argument is right that so long as you do not find in the Army Act something which is the direct contrary of any express enactment here, then there will be considerable force in the arguments which have been suggested by my Honourable friend, the Diwan Bahadur.

Diwan Bahadur A. Ramaswami Mudaliar : Then clause 20 is also *ultra vires* of the House.

The Honourable Sir Nripendra Sircar : That is an argument of despair!

Diwan Bahadur A. Ramaswami Mudaliar : That is a logical absurdity!

The Honourable Sir Nripendra Sircar : No, that is not so. Either my argument is right or that argument is wrong. It must be one of two things. If my argument is right and if it makes clause 20 *ultra vires*, that is neither here nor there. This argument must be judged on its merits. We have not yet discussed clause 20 and we have not heard the Diwan Bahadur on clause 20 whether it is *ultra vires* or not.

Sir Abdur Rahim : May I ask the Honourable the Law Member whether Government have got the power to enact sections 20, 21, 23 and 25 because, after all, you are going to be a party to enacting this very measure.

The Honourable Sir Nripendra Sircar : Will the Honourable Member kindly repeat the sections he has just cited?

Sir Abdur Rahim : I have mentioned as an example sections 20, 21, 23 and 25. We are not arguing a particular case. I want my Honourable friend to give his opinion on those sections especially in view of the word "affected" and the meaning he has suggested to that word. He might also look at the definition of a "British officer" as given in clause 5 (a) (1).

The Honourable Sir Nripendra Sircar : I have looked at the definition, Sir.

Sir Abdur Rahim : I want to know the opinion of the Honourable Member as regards the whole Act.

The Honourable Sir Nripendra Sircar : I thought my friend wanted to know what my opinion was about sections 20, 21, 23 and 25. As regards the "definition", I do not find any difficulty whatsoever, and, for this reason. A "British officer" means a person holding His Majesty's commission in His Majesty's Land Forces or in the Royal Marines or in the Territorial Army, and includes, in relation to a person subject to this Act when serving under such conditions as may be prescribed, a person holding a commission in His Majesty's Naval Forces or the Royal Air Force.

Sir Abdur Rahim : May I interrupt my Honourable friend. I referred to that definition to show that you are legislating with reference to this very officer. That is the whole object. The Law Member says that it will affect the Army Act because the British officer is mainly under the Army Act.

The Honourable Sir Nripendra Sircar : I thought I made my position perfectly clear. I was arguing that if the argument put forward from the opposite Benches is right, then we can not only say, that he can be placed on the same footing as the Indian officer, but it will be equally within our power to say that he will be always under the Indian officer. In any case, apart from "affecting", this Legislature cannot legislate in respect of officers subject to the Army Act and that is being done. That difficulty has to be got over, before we consider whether anything has been "affected" or not.

Mr. President (The Honourable Sir Shanmukham Chetty) : To show that it is not inconsistent with the provisions of the Army Act. Is that the Honourable Member's position?

The Honourable Sir Nripendra Sircar : My point was that as regards the Army Act the Indian officer was not in contemplation and the "Regulation" in section 71 of the Army Act only means this; instead of this matter of superiority of command and so on being left to the Legislature, it is being taken away from the Legislature to His Majesty the King who will settle that matter by Regulations, and, therefore, it will be no longer within the competence of the Legislature or of any other body to prescribe anything for the respective precedence and so on of the officers *inter se*. I would submit in conclusion that this amendment to section 7 states :

"The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations."

And that, in my submission, will be hit by section 65, sub-section (2) of the Government of India Act, as also by 65 (1) (d).

Sir Hari Singh Gour : May I put one question, if you do not mind, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has heard enough.

Sir Hari Singh Gour : I only want to put one question.

Some Honourable Members : Order, order.

Mr. President (The Honourable Sir Shanmukham Chetty) : The legislative jurisdiction of the Indian Legislature is derived from the authority of the British Parliament. The limitations imposed on the legislative jurisdiction of this House are contained in section 65 of the Government of India Act. Whenever a question is raised, whether a certain provision is *ultra vires* or *intra vires* of this Legislature, the Chair has to carefully examine the provisions of section 65 of the Government of India Act. Section 65, sub-section (1), defines the territorial and personal jurisdiction of this House, and sub-section (2) defines the limitations imposed upon the jurisdiction of this House. The Chair will have first to consider whether the amendment or the clause in question is covered by the positive territorial and personal jurisdiction conferred upon this Legislature by section 65 (1). The relevant sub-section runs as follows :

"The Indian Legislature has power to make laws for the government of officers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act."

Now, the expression "Indian forces" used in this section does not have a racial connotation, but a territorial connotation. It does not mean Indian officers, but it means both Indian and British officers serving in the army in India. (Hear, hear and Applause.) The expression "Indian forces", therefore, has got a territorial and not a racial connotation. The Bill before the House creates a new class of officers called the Indian Commissioned Officers. This class of officers may be composed either of Indians or of Britishers, and this House has got jurisdiction to legislate for both those classes. The amendment of Sir Abdur Rahim seeks to define the status and powers of the Indian Commissioned Officers who are to be created by the present Bill, and it is open to this Legislature to define what the power and status of those officers will be. This House has, therefore, got the right to define the status and powers of the Indian Commissioned Officers. Since the Indian Commissioned Officers are to be created anew, by an Act of this Legislature, they cannot obviously have been covered by any of the provisions of the Army Act or the King's Regulations framed thereunder. What the Chair has, therefore, now to decide, is whether the amendment of Sir Abdur Rahim would, in a negative and indirect manner, affect the position and status of officers who derive their status under the Indian Army Act or the King's Regulations. The contention of the Honourable the Law Member and the Honourable the Army Secretary is that the amendment of Sir Abdur Rahim will affect the status of those British Officers whose status is derived by the King's Regulations made under section 71 of the Army Act. But neither the Honourable the Law Member nor the Army Secretary have shown the Chair any provision of the King's Regulations by which it is specifically provided that a British Officer should, under no circumstances, be placed under the command of an Indian officer (Hear, hear) ; and, in the absence of any such provision, the Chair must hold that even indirectly the amendment of Sir Abdur Rahim does not contravene any of the provisions of the King's Regulations made under section 71 of the Army Act. (Applause.)

The Chair has now to examine the amendment in the light of the limitations imposed by section 65 (2) of the Government of India Act. That sub-section—the relevant portion of it—runs as follows :

"Provided that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting—(i) any Act of Parliament passed after the year one thousand eight hundred and sixty and extending to British India (including the Army Act, the Air Force Act and any Act amending the same) "

If it can be shown that the amendment seeks to repeal or affect any of the provisions of an Act of Parliament referred to in this sub-section, the amendment would be clearly out of order. The Army Act, which is an Act of Parliament, has been brought to the notice of the Chair and both the Honourable the Law Member and the Army Secretary have relied on section 71 of that Act. Their contention is that the amendment of Sir Abdur Rahim will affect section 71 of the Army Act. The Chair accepts the argument of the Honourable the Law Member that "affecting" means affecting in any sort of manner and not necessarily affecting prejudicially. Let us look into section 71 of the Army Act on which reliance has been placed. That section runs as follows :

"For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to His Majesty's forces, it is hereby declared that His Majesty may, in such manner as to His Majesty may from time to time seem

[Mr. President.]

meet, make regulations as to the persons to be invested as officers, or otherwise, with command over His Majesty's forces, or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised."

What the Chair has to decide is whether the amendment of Sir Abdur Rahim would in any manner affect section 71 which the Chair has just read out. Now, the purport of section 71 is to vest in His Majesty the King the power of making regulations to regulate the command of officers. It has not been contended either by the Honourable the Law Member or by the Army Secretary that the purport of this section 71 is to vest that power exclusively in His Majesty the King. The interpretation that the Chair puts upon the section is this. Unless there is any provision to the contrary in a Local Act, His Majesty the King may frame regulations to provide for the command of officers; or where there are positive provisions in a Local Act, His Majesty the King may override those provisions and make fresh regulations. That, in the opinion of the Chair, seems to be the interpretation of section 71 of the Army Act. If the purport of section 71 is to say that no one except His Majesty the King shall make any rules to define the command of officers, then the contention of the Honourable the Law Member would be right in the light of section 65 (2) of the Government of India Act. But that is not the interpretation that can be reasonably placed on section 71. By incorporating in this Bill the amendment of Sir Abdur Rahim, this Legislature will not, and in fact cannot, in any way interfere with the power of His Majesty the King vested by section 71 of the Army Act. If the House agrees to the incorporation of this amendment, the result, in the opinion of the Chair, seems to be this; if no fresh regulations are made by His Majesty the King under section 71, then the powers of command with regard to the Indian Commissioned officers will be regulated by this amendment of Sir Abdur Rahim. But it would be open to His Majesty either to alter or over-ride the provisions contemplated in the amendment of Sir Abdur Rahim. For all these reasons, the Chair must hold that the amendment of Sir Abdur Rahim is in order. (Applause.)

Sir Abdur Rahim : Sir, the House realise that the ruling that you have just given is extremely important not only so far as this Bill is concerned but that it is likely to affect any such questions that may arise with respect to other Bills in this House of a similar nature.

Sir, on the merits, I spoke yesterday at great length and I do not desire to repeat any of the arguments which I advanced then. This amendment being within the power of the Legislature, I do ask the Army Secretary, as representing the Army Authorities in India, to accept this amendment, as I do not think he will dispute the fact that it is extremely undesirable to make any sort of distinction between the Indian Commissioned officers and the British officers as defined in the Act. If he agrees with me that it cannot be desirable in the interests of the efficiency of the army, which after all is the paramount consideration, then I do say to him that he cannot but accept this amendment, the only object of which is to give the Indian Commissioned officers, who have been created by this Act, the same opportunities as the British officers enjoy at present. I did not hear throughout the speech of my Honourable and gallant friend one word to the effect that on the merits there is any objection whatever to this amendment. Now, that the legal difficulty has been brushed out of the way, I do ask, in the interest of the

efficient and harmonious working of the Indian army, that he should accept this amendment and make no other difficulty whatever.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That clause 3 of the Bill be re-numbered as clause 5 (1), and after the clause so re-numbered the following new sub-clause be inserted :

'(2) after section 7 of the said Act, the following section shall be inserted,

Insertion of new section namely :
7A in Act VIII of 1911.

'7A. The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations'."

Lieut.-Colonel Sir Henry Gidney : Sir, I rise whole-heartedly to support this amendment. My reasons are the same as were so ably adduced by my Honourable friend, Sir Abdur Rahim, yesterday. Sir, the Army Member, who has presented this Bill with great sympathy and concern for the future of the Indian officer as he is to exist under the new Act, has assured this House that since neither the Army Act nor the Indian Army Act cover the powers of command, and since these are to be found under power given in section 71 of the Army Act, the matter of equality of status between the Indian Commissioned officer and the British officer will be regulated by His Majesty's Government. Now, Sir, I think no one in this House has any reason to doubt the credit, the depth of feeling or the sincerity of the Army Member, for in all his dealings with this House, I think all sides will agree with me, he has put matters before us always in a fair and square manner. (Applause.) And in my mind I have no doubt that the Army Secretary will carry out his assurance or see that it is carried out to the satisfaction of the House. But, Sir, the question is this. Let me try and put a picture before the House. Let us take a small military station consisting of two Indian units and one British unit. I am now discussing that special part of the amendment regarding the word "formations". Here is a mixed formation of troops and an officer must be appointed as officer commanding that station. Hitherto, there has been no difficulty, because the officer commanding the Brigade or the Division generally selects the senior officer, if efficient, whether he belongs to the Indian unit or the British unit. Now, with the introduction of the new Indian Commissioned officer, there is just the possibility, as Sir Abdur Rahim said, of—I will not call it the "inferiority" or the "superiority complex"—let me call it the mid-complex, or, as I was reported to have said in the shorthand proceedings of the Sandhurst Committee "mid-complexion". The question here arises, will the Senior Indian Commissioned officer be selected? In my mind there is a definite doubt as to whether there will be an equality of status; and I submit, Sir, as a member of the Committee who sponsored the Military Academy of Dehra Dun and speaking on behalf of Anglo-Indians and Domiciled Europeans whose sons enter this Academy, I cannot for the life of me see why, if this assurance is given to us, there should be any doubt in the mind of Government or there should be any delay in now announcing on the floor of this House that there shall not be any difference in the status. I do not say for a moment that Indian Commissioned officers who enter the army today will be as equally disciplined and learned in the art of warfare as

[Lieut.-Colonel Sir Henry Gidney.]

experienced British officers—possibly we have lost it in India for a little while. But I do submit that, if Government are going to give Indians a chance to learn the art of defence or eventually going to give India the control of its own defence and help her along the path of complete self-government, it must make a serious and honest effort today, and at the outset there must be no difference whatever between the British and the Indian officers in the Indian Army. Sir, supposing there is to be any difference, surely this House will not for a moment tolerate it. I certainly would not vote for it, because I am very emphatic on this point that there must be no camouflage in this effort. It must be a serious, complete, honest and entire effort, as I know the Army Secretary intends it to be. But there is a doubt, and the doubt certainly exists, as I brought out just now, in my question to the Army Secretary, in the question of the command of mixed formations. Our memories are not dull: we remember some years ago, in this very House, this very question was debated, and our friend, Mr. Jinnah, was here and our late lamented friend, Colonel Crawford, was also here. We know what transpired in that discussion, and, I believe, without any doubt that there does exist a belief in the mind of the British officer, and this is the crux of the impasse, that he will not serve under an Indian officer. There is no need to camouflage it. Let us frankly admit it. The Government must either encourage it or discourage it; and the only way to discourage it and to instil confidence in the minds of the youth of India so as to encourage them to join the Army which will ultimately be the army by which we shall defend India, an absolute sense of equality, i.e., there will be no difference in status or treatment between the Indian Commissioned officer and the British officer, just as no difference exists between British officers of the Indian Army and British armies today especially as regards formations mixed or unmixed. With these few words, and with the full assurance that I know the Army Secretary will do his best, I would ask him in his reply to repeat his assurance. I know he cannot give a pledge, because he is not in a position to do so, but I want him to reiterate that assurance in unequivocal terms that there will be no difference between the British and the Indian officer: If I may say so, your ruling, Sir, on the objection raised by Government will, I think, stand out as a classic ruling, and if you will pardon me saying so, it is one of the most perfect rulings that have been given in this Honourable House within the last thirteen or fourteen years that I have been a Member of this House. In my mind I feel convinced that your ruling was certainly the correct one and I only hope that this House will support this amendment. If not, you might just as well scrap this Army Act. There is no use introducing an Army Act that will make much more of a British officer than of an Indian officer and create individious differences. Let them all in equality be officers of His Majesty the King and of His Army. (Cheers.)

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, even a worm will turn, and I find my gallant friend, Sir Henry Gidney, a great supporter of the Government, is turning against the Government. I was glad to hear from my Honourable friend, Colonel Sir Henry Gidney, that he spoke on behalf of the Europeans also—he assured us that the Europeans are in agreement with the views expressed by Sir Henry Gidney on the floor of the House. That makes my task a little

easy. I would not go so much for the dishonesty of the Government as I would otherwise have gone; but I would like my Honourable friends from the European Benches to make it clear that they are in agreement with my Honourable friend, Colonel Sir Henry Gidney. I see, Sir, they are in agreement. When I was listening to the Honourable the Law Member I was reminded—I was then not a politician in the beginning of the Montagu-Chelmsford reforms period—of how the Civil Service revolted against serving under Indian Ministers. When I heard the very sympathetic speech of my gallant friend, Colonel Lumby, I find the whole thing that is agitating—that is not only at the back of the mind of the gallant Colonel, but of the whole British forces practically,—is that they will not serve under an Indian Officer. Sir, I congratulate you on that excellent and, as my Honourable friend, Colonel Sir Henry Gidney, pointed out, classic ruling; but when I heard the arguments on the Government side, I felt what is the use of the Army Secretary coming to this House and asking us to pass this Bill? Why does he not ask His Majesty the King Emperor to pass an Ordinance or frame regulations by which a few Indian boys will be made into Indian Commissioned officers? If the Government is going to oppose this amendment—I do hope they will have more common sense and that better sense will come to the Army Secretary, the Army Council in India and the British Army Council. But I do hope if the Army Secretary cannot make up his mind today, let him follow the precedents of other Government measures; when Government have not made up their mind they have taken time; let him take time and let him consult the Army Council in India and let him consult the War Office; let him consult also the British Cabinet; but let them not be hasty today. I shall not say now what I wanted to say: I shall reserve that to a subsequent stage and, if I find that the Government do not use their common sense and agree to the unanimous opinion of this House, I will have to oppose this Bill.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, we have got a very simple question before us and that question is whether by this Act the Army Secretary and the Government want to create a body in the Indian Sandhurst equal in efficiency and equal in merit to that what they have been providing by English Sandhurst or not. If the intention is to give the same training as is given at Sandhurst and if the boys are going to be brought up in the same spirit as the boys in England are brought up, then there is no other way but to give them the same status. If the intention of the Government is not to give them the same training as is given at Sandhurst, then I would rather chuck off the whole of this scheme of Dehra Dun. If this school at Dehra Dun is going to serve the purpose and the intention is sincerely to teach and bring the boys in India with the same training as is given in England, then the distinction of colour and race has got no force whatsoever. There was a time when we had neither District Magistrates who were Indians nor Commissioners in Provinces who were Indians; but now, in the last few years, we have seen that there have been Indians who have held the office of Governor with great credit and they have discharged their duties in most satisfactory manner. In military service, the Indians have always been exemplary and Indian officers and Indian regiments have discharged their duties during the war with such great efficiency. Indians also lead

Mr. Muhammad Yamin Khan.]

ish troops at the time of emergency and in the battlefields of Iraq, stine, Syria and France have rendered great services. Then, what are that makes the Indian to be deemed as inferior to a British officer of the same rank? I would point out that if a Major who comes from Dehra Dun is to serve under a Captain who comes from Sandhurst, or a junior Captain coming from Dehra Dun is to serve under a junior Captain who comes from Sandhurst, if an Indian is to be treated like that, then it would mean a great deal of danger in the army. If an Indian officer is to be discouraged like this, then it will mean a great danger to the army, because the same brotherly feelings and comradeship, which at present exist in the British army, will never remain there, that is a very great danger, and I would warn the Government that they should take note of this fact. There should exist the same brotherly friendly feelings between British and Indian officers as between British and British officers in the army. They must all feel that they are equals, and there should be no inferiority complex, because once this inferiority complex is put into their minds, then co-operation, which is essential for the efficient working of the army, will cease to exist. Therefore, I feel that I need not say much on this subject, which is a very simple but vital matter. I hope the Army Secretary will accept it. I support this amendment.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, on behalf of Government, I am quite prepared to accept the suggestion put forward from the other side that Government should give time to consider their position in regard to this amendment. If you, Sir, are prepared to agree to that, I venture to suggest that we might leave further discussion on this matter to a future date.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam ; Non-Muhammadan Rural) : Sir, I wish to point out that the Majority Report of the Select Committee state here :

"But we are assured that Regulations are being framed by His Majesty's Government."

and so forth. So far as the merits of the question are concerned, some assurances were given.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Government have asked for time. Has the Honourable Member, Sir Abdur Rahim, any objection?

Sir Abdur Rahim : We have no objection.

Mr. President (The Honourable Sir Shanmukham Chetty) : As there is no more business for the day, we may adjourn the House now.

The Assembly then adjourned till Eleven of the Clock on Thursday, 16th August, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 16th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 12 to 15 asked by Seth Haji Abdoola Haroon on the 16th July, 1934.

GRIEVANCES OF THE PRINCES OF THE MOGHUL DYNASTY.

No. 12.

(a) Yes ; a copy* with translation is enclosed.

(b) The reply is in the negative, except (1) that a few descendants of the ex-Royal family of Delhi receive monthly pensions of Rs. 5 or Rs. 6 ; (2) that a stipend of Rs. 6,000 was granted to Mirza Sulaiman Shikoh by Nawab Asafuddaulah which was later secured on the interest of the first Oudh loan taken from King Ghazi-ud-din Hyder. The principal of this stipend, namely, Rs. 12 lakhs, was repaid in 1838 when Mirza Sulaiman Shikoh died. No provision therefore exists for the continuance of the stipend ; and (3) that the assignment of Rs. 76 lakhs made by Nawab Saadat Ali Khan Bahadur was in consideration of the subsidy payable for the maintenance of a military force. A portion of the subsidy, viz., Rs. 2,04,000 was intended to provide for the maintenance of the Benares branch, and pensions are still being paid subject to the Oudh pension rules.

(c) Does not arise.

Troubles of the Princes of the Moghul Dynasty.

Appeal to the British Government and the public.

During the reign of the renowned (Kingdom of the) Moghul dynasty in India there was no community which did not receive favours. Hundreds of Hindu Mahants, Rajas and Maharajas as well as Muslim Moulvis and members of Nawab families are even today deriving benefit from (its generousities). It is, however, deplorable that noble ladies and princes of that very dynasty are today not only passing their lives in obscurity but are also ashamed to own themselves as members of that dynasty. Some members of this dynasty receive pensions of Rs. 5 or 6 per mensem for their subsistence from the charity fund, while many do not receive even this. Some members of this dynasty sell vegetables, while some have opened pan and cigarette shops. There are also a few who maintain themselves by plying trollies but their sense of self-respect does not allow them to live upon the gift of the public or Government or to be supported out of the charity fund.

God be praised ! the notable rai of Oudh, Nawab Hamid Husain Sahab, Khan Bahadur, Taluqdar of Lucknow, has for the last one year been striving for the prosperity and well-being of (the members of) this dynasty. The members of the United Provinces Legislative Council and of the Legislative Assembly have also drawn the attention of the British Government to it and probably a deputation consisting of Hindu, Muslim and Christian members of the Legislative Council will wait upon His Excellency Sir Malcolm Hailey, the Governor of the United Provinces. It is, therefore, necessary that the public and the members of the Legislative Council should very carefully go through the agreements with the British Government.

English officials who come to India these days remain isolated from us even though they may not despise our civilization and culture. But there was a time when English officials preferred even their graves to be made in this country. (They) used to contract marriages in exalted royal families and gave their daughters in marriage to the princes. For instance, Mirza Ali Tahir Sahib, who was the grandson of the last Emperor of India, was married to the grand-daughter of Colonel Garren (sic.) and General Martin married a *begum* of Oudh. Two daughters, named Sally Begum and Peggy Begum, were born to General Martin by this very *begum*. Sally Begum was married in Lucknow to Mirza Muzaffar Bakht, who was the eldest son of Mirza Sulaiman Shikoh, the prince of Delhi. The Committee of Waqfs should ponder (over this).

The tomb of Sally Begum lies in Barudkhana, Golaganj. The municipality has now laid out a park over the garden attached to this tomb. The tomb of Peggy Begum lies on the Latouche Road at the place where Duke Company is situated now. The *Kothi* in which Munshi Ebtisham Ali Sahib, Rais of Kakori, now resides in Khyaliganj belonged to Sally Begum and the building in which Mumtaz Darul-Yatama of the Bagh of Gungay Nawab in Aminabad is located was the tomb of Prince Mirza Sikandar Shikoh of Delhi. English officials had recommended some princes who had come from Delhi to the Nawab Viziers of this place (Lucknow). One of the princes purchased the "Terhi Kothi", near the Chief Court, from an Englishman for his residence and this very prince later on shifted to the *kothi* near Sikandar Bagh, as a mark of which (*kothi*) a beautiful gate still stands near the place where the grave of Englishmen and also the Sinkandar Bagh are to be found now. The Terhi Kothi and the Sikandar Bagh are now in the possession of Government. It is hoped that when evidence is recorded by the Waqfs Committee at Naini Tal light would be thrown on the properties which are in the possession of Government or other persons. All the tombs or Imambaras of Nawab Viziers in Lucknow are very big and spacious. Hence they remained safe and no one could gain permanent possession over them. But these princes of Delhi were our respected guests. Their tombs were small. They were strangers. The Waqfs Committee should, therefore, make correct inquiries about their properties wherever they may be found in our province of United Provinces. As the members of the *ex-royal* dynasty of Delhi have, in order to remove their troubles set up an Anjuman in Lucknow, known as the Ale Taimur Association, of which the Deputy Commissioner is the patron, I appeal to Hafiz Hidayat Husain, the leader of the Waqfs Committee, and to Moulvi Fasihuddin to give an opportunity to the Anjuman Khandan-i-Jahandar Shah, Benares (and) the Ale Taimur Association, Lucknow, also to give evidence before it.

There are properties of the princes of Delhi in Lucknow and the Municipality realizes house-tax on them. It is therefore the duty of the Municipal Board to help (the members of) this dynasty, who are living in our city as our respected guests. If their properties cannot be returned to them at least some favour in one form or another should be shown to them.

Mirza Sulaiman Shikoh, the prince of Delhi, had settled in Lucknow. Bahu Begum, the mother of Nawab Asafud-Daulah Bahadur, had made provision for their maintenance. The Government had taken a permanent loan of one crore, eight lakh and fifty-thousand rupees at 6 per cent. per annum of which mention is made in the Book of Treaties, Part II, page 158, along with a statement (sic.). The first name is that of Prince Mirza Shikoh (and it is stated) that he should receive a pension of Rupees six thousand per mensem out of the interest thereon. As the princes had permanently settled (in Lucknow) as guests, the Kings of Oudh known as the Nawab Viziers had, on their own behalf, settled another pension of rupees six thousand (per mensem). In this way the princes received a pension of rupees twelve thousand per mensem, and it is mentioned in the treaty that the pension derived from the interest on this loan would be paid permanently so long as the British Government lasts. This treaty bears the signature of His Excellency Robert Honourable (sic.) Governor-General and G. Bailey, the Resident. It was made on November 14, 1814. The interest on the whole amount comes to rupees fifty-four thousand and two hundred per mensem or to rupees six lacs and fifty-one thousand per annum. Full details about it are to be found in the treaty under which the loan was taken in the name of the Honourable East India Company. Bahu Begum Sahiba had made a mention of the pension of princes of Delhi in other treaties also. The Emperor of Delhi had adopted Bahu Begum, the mother of Nawab Vizier Asafud-Daula, as her daughter and on the occasion of her marriage the Emperor of Delhi had sent a marriage present comprising twenty-two camel-loads of jewellery. Now

that the members of that dynasty are involved in great distress and trouble they are demanding back their money which is still in deposit. They do not want to impose any new burden on the State treasury. They only want to support the members of their family out of the interest of that money. But their demands are not at all attended to and even their representations and memorials are not forwarded to the higher authorities. At the very most the Commissioner gives them what reply he chooses. On realizing this difficulty they have set up a regular Anjuman of their own, which is demanding its representation in the provincial council as well as in the Legislative Assembly in order to make its voice heard by the Government and the Parliament.

Mirza Jahandar Shah, who lives in Benares, was the eldest prince of Delhi. As he was the eldest prince it was stated in the treaty made by Nawab Vizier Sa'adat Ali Khan of Oudh that villages in Azamgarh, Gorakhpur, Farrukhabad and Allahabad districts yielding an annual income of 76 lakhs may be set apart for his maintenance so that his whole family may be supported thereby in perpetuity. A permanent pension of Rs. 23,638 per annum was fixed for the maintenance of that branch of the family which had migrated to Farrukhabad. This is also mentioned in detail in the treaty. This treaty which was made on November 15, 1801, bears the signatures of Mr. N. B. Edmonstone, Secretary to Government in the Political Department, Mr. Henry Wellesley and Lieutenant-Colonel Scott—vide Book of Treaties, Volume II, page 121. This treaty was ratified by the Governor General himself on the bank of the Ganges in Benares on November 14, 1801 (sic.). But the condition of the princes belonging to the family that had settled in Benares is very bad. Those who had orderlies and batteries in their retinue are now on the verge of starvation and the wonder is that they have been ignored in spite of their loyalty to Government. No regard was shown for this family even at the time of the Simon Commission, the Lothian Committee and the Round Table Conference. There are five hundred descendants of the *ex-royal* dynasty of Delhi in this province and they have also got two regular organizations of their own. Mirza Mohamud Sirajuddin Bakht Bahadur is the president of the Anjuman at Benares and Prince Mirza Md. Sultan Shah Bahadur is that of the Lucknow Anjuman. The latter is descended from Prince Mirza Shikoh while the former from Mirza Jahandar Shah. It is hoped that the British Government and the public will pay due consideration to the matter.

Qudratullah Siddiqi,

Founder of the Anti-Anarchist League,
Lucknow.

PENSIONS PAID TO THE MEMBERS OF THE OLD ROYAL FAMILY OF DELHI.

No. 13.

A very few of the pensioners are in receipt of pensions of Rs. 5 or Rs. 6 per mensem. Most of the pensions are paid from Central Revenues but in a few cases, compensation pensions are paid representing the interest on the value of the properties sold by the pensioners.

LOAN TAKEN BY GOVERNMENT FROM THE LATE BAHU BEGUM, MOTHER OF THE LATE NAWAB VAZIR ASAFUDDOWLAH.

No. 14.

(a) No.

(b) I would refer to the answer given to part (b) question of No. 12. The other parts of the question do not arise.

MONEY EARMARKED BY A VAZIR OF OUDH FOR THE PENSION OF PRINCE JEHANDAR SHAH'S DESCENDANTS.

No. 15.

(a) Yes. The date of the treaty is 1798.

(b) Yes, vide list enclosed.

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List of Members of the Ex-Royal Family of Delhi drawing Pensions or Compassionate Allowances.

(I) From the Lucknow Treasury.

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
1	1799	Alamara Begam.. ..	7 4 8	
2	..	Achchhey Mirza.. ..	12 9 8	
3	1570	Banno Begam	8 6 9	
4	..	Fatma Sultan Begam	16 10 8	
5	..	M. Faredun Qadar	22 10 8	Transferred to Benares.
6	2746	Nurjahan Begam	250 0 0	
7	1047	Sipehrbano Begam	5 0 0	Compassionate allowance.
8	1569	Shah Hasan Mirza	16 13 8	
9	1956	Shah Husain Mirza	16 13 8	
10	..	Sultan Begam	8 6 10	
11	2107	Sughra Begam	6 6 5	
12	..	Zohra Begam	7 0 0	
13	2423	Gauhar Shah	5 0 0	Compassionate allowance.
14	2378	Sikandarbakht <i>alias</i> Babhan Saheb	11 14 5	
15	..	Gauhar ara Begam Sarkabza ..	17 0 0	
16	C. P. L. 275	Shaukat ara Begam	17 0 0	
17	2728	Farnkh Shah	5 0 0	Compassionate allowance.
18	..	Sultan Jahan ara Begam	9 0 0	
19	..	Shamsuzzaha Begam	10 0 0	Compassionate allowance.
20	2595	Imtiaz Begam	12 1 2	
21	C. P. A. 92	Qurishia Begam	10 13 4	
22	2727	Asmanqudar	9 4 0	
23	C. P. L. 353	Zihosh Qadar	9 4 0	

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
24	C. P. A. 31	Muazzam Bakht	5 0 0	Compassionate allowance.
25	C. P. A. 32	Bahadur Bakht	5 0 0	Ditto.
26	C. P. A. 33	Ahmad Bakht	5 0 0	Ditto.
27	C. P. A. 98	M. Azam Qadar	5 0 0	Ditto.
28	C. P. A. 97	Maryam Jahan Begam	5 0 0	Ditto.
29	C. P. L. 123	Ali Raza Khan under the Sarkabzi of Ata Husain Khan. ..	2 4 3	
30	C. P. L. 154	Falak Qadar	13 1 5	
31	C. P. L. 155	Azam Qadar	13 1 5	
32	C. P. L. 277	Sultan Husan Jahan Begam ..	5 0 0	Compassionate allowance.
33	C. P. L. 280	Mohd. Sultan Shah	5 10 0	
34	2487	M. Baland Qadar	7 4 0	
35	1288	Aftabuzzamani Begam	5 10 9	
36	2685	{ Ahmad Mirza Sarkabz Akhtar Mirza	5 0 0 5 0 0	Compassionate allowance. Ditto.
37	798	Masooma Begam	20 0 0	
38	..	Akhtar Bakht <i>alias</i> Aktar Mirza for the support of his minor children (for 5 years) in the first instance..	5 0 0	Compassionate allowance.

(Sd.) S. ZAMIN HUSAIN,

Wazirka Officer.

List of Members of the Ex-Royal Family of Delhi drawing Pensions or Compassionate Allowances.

(II) *From the Benares Treasury.*

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
1	3384	Mst. Mehr Sultan Begam ..	50 0 0	
2	3385	M. Moinuddin Bakht ..	10 0 0	
3	3386	M. Kamaluddin Bakht ..	10 0 0	
4	3459	Mirza Zahid Bakht ..	33 5 4	
5	3955	Mst. Ahsanara Begam ..	30 0 0	
6	3959	Mst. Akhtari Sultan Begam ..	25 14 0	
7	3992	Mirza Zahid Bakht ..	6 11 0	
8	4009	Mirza Ejaz Bakht ..	16 0 0	
9	4015	Mirza Shahood Bakht ..	7 4 0	
10	4016	Mirza Asad Bakht ..	7 4 0	
11	4017	Mirza Babar Bakht ..	7 4 0	
12	4019	Mirza Khurd Bakht ..	7 4 0	
13	4020	Mst. Gauhar Sultan Begam ..	40 0 0	
14	4021	Mirza Moinuddin Bakht ..	80 0 0	
15	C. P. L. 538	Mst. Amna Sultan Begam ..	8 0 0	
16	C. P. A. 54	Mirza Jalaluddin Bakht ..	44 8 0	
17	C. P. A. 74	M. Fahimuddin Bakht ..	2 8 0	
18	C. P. A. 118	Mst. Amina Sultan Begam ..	10 0 0	
19	C. P. L. 163	Mst. Quraisha Sultan Begam ..	39 3 3	
20	C. P. L. 236	Mst. Aiwan-unnisa Begam ..	7 0 0	

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
21	C. P. L. 263	Wajiha Sultan Begam .. Zakia Sultan Begam .. Razia Sultan Begam ..	9 0 0	
22	C. P. L. 266	Mst. Ruquia Sultan Begam ..	5 0 0	
23	C. P. L. 267	Mirza Ejaz Bakht ..	10 0 0	
24	C. P. L. 269	Mst. Ayesha Sultan Begam ..	12 0 0	
25	C. P. L. 270	Mst. Fatima Sultan Begam ..	12 0 0	
26	C. P. L. 276	Mirza Fakhruddin Bakht ..	8 0 0	
27	C. P. L. 255	Mst. Alamara Sultan Begam ..	15 0 0	
28	C. P. L. 345	Mst. Fahium-nisa Begam ..	8 0 0	
29	C. P. L. 361	Mirza Shahdyar Bakht ..	6 0 0	
30	C. P. L. 362	Mirza Fazaluddin Bakht ..	32 0 0	
31	C. P. L. 363	Mirza Wahiduddin Bakht ..	32 0 0	
32	C. P. L. 364	Qaisar Sultan Begam ..	15 0 0	
33	C. P. L. 366	Mst. Majida Sultan Begam ..	7 11 2	
34	C. P. L. 367	Mst. Hafiza Sultan Begam ..	7 12 2	
35	C. P. L. 368	Mst. Halima Sultan Begam ..	7 11 2	
36	C. P. L. 369	M. Zubairuddin Bakht ..	10 10 0	

Serial No.	P. P. O No.	Name of pensioner of Sarkabz.	Amount of monthly pension.	Remarks.
37	C. P. L. 377	Mirza Sirajuddin Bakht ..	51 11 9	
38	C. P. L. 379	Mst. Wajia Sultan Begam .. Mst. Zakia Sultan Begam .. Mst. Razia Sultan Begam ..	6 0 0	
39	C. P. L. 389	Mirza Munawar Shikoh ..	5 5 0	
40	C. P. L. 399	Mirza Aminuddin Bakht ..	6 0 0	
41	C. P. L. 412	Mirza Mohd. Baqar Ali Khan ..	15 0 0	

(Sd.) S. ZAMIN HUSAIN,

Wasika Officer.

Information promised in reply to starred question No. 226, asked by Mr. Bhuput Sing on the 25th July, 1934.

ACQUISITION BY THE EAST INDIAN RAILWAY AUTHORITIES OF LANDS ATTACHED TO HINDU PLACES OF WORSHIP AT AZIMGANJ.

Enquiries have been made from the Agent, East Indian Railway, and the facts are as follows :

There are two shrines on railway land at Azimganj—one is situated near the landward boundary of the Railway and the other near the ferry ghat on the river bank. These two shrines came into existence, as far as can be traced, in 1920 whereas the land on which they stand was acquired by the Railway in 1897. Thus, the shrines erected on railway land are clearly encroachments. As, however, they have been in existence for several years, the limits of one of the shrines have been demarcated by the Railway and access allowed thereto. Round the other shrine at the ferry ghat too a fence has been erected. The area enclosed measures 32' x 31'. It is proposed that these shrines should be allowed to remain on condition that no further shrines are erected. In addition to these two, early this year, two new shrines appeared within the railway land, between the Railway line and the river bank. It was proposed to remove these unauthorised shrines and on the occasion of the last Chaitra-Sankranti the civil authorities posted police to prevent access to the railway land at the boundaries adjoining the shrines. The District Magistrate held a meeting at Azimganj on the 17th April and it was decided at that meeting that these shrines should be removed. The idols were taken away by the local people.

Information promised in reply to starred questions Nos. 250 and 253 asked by Seth Haji Abdoola Haroon on the 30th July, 1934.

CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.

No. 250.

(a) Abdul Samad Khan Achakzai was tried and sentenced to three years' rigorous imprisonment for offences committed under section 124-A, Indian Penal Code.

(b) (i) No.

(b) (ii) In view of the reply to part (a) above the question does not arise.

TRIAL OF KHAN ABDUL SAMAD KHAN IN BALUCHISTAN.

No. 253.

The question of jurisdiction was considered in the course of Abdul Samad Khan Achakzai's trial, and it was decided that the Quetta Court had jurisdiction.

Information promised in reply to starred questions Nos. 277 and 278, asked by Mr. Bhuput Sing on the 30th July, 1934.

HARDINGE BRIDGE ON THE EASTERN BENGAL RAILWAY.

277. (a) Some Rs. 50 lakhs have been spent to date and about Rs. 20 lakhs more remain to be spent.

(b) The answer is in the negative. The supply of stone is being made by twenty contractors; eight contractors are working at the bridge. These persons are unrelated so far as the Railway Administration is aware. All work is being done within schedule rates.

(c) The immense supply of stone has been arranged for under the tender system. The work at the bridge has been done without calling for tenders, the bulk of it by two contractors. When the Guide Bund was breached during the night last September and repairs were emergently necessary, there was no time to call for tenders, hence these two men, who were on the spot, were called upon to arrange for several thousand men. Having collected this large labour force, it was considered expedient to let them continue the work, which once started could not be stopped suddenly, as that would have imperilled the safety of the bridge. The two contractors had carried out extensive work on the Damukdia Bund, and it was imperative that only reliable and tried men should be engaged as the work was of immense magnitude and any failure on the part of the contractors would have endangered the scheme as a whole;

(d) Yes, this is already in vogue;

(e) The answer is in the negative. The major part of the work is measured by officers and petty works are measured by subordinates and checked by officers, in accordance with the Code Rules.

(f) Mr. Harvey is unmarried. Government are not aware that contractors provide him with any of the amenities referred to. Government do not propose to enquire into allegations of this sort unsupported by evidence.

(g) Yes, Government is aware of Mr. G. C. Bannerjee's article in the *Amrita Bazar Patrika*. They have already taken the best advice available.

(h) The Chief Engineer, as an inducement to the contractors to finish the work before the river was in flood, has promised them a bonus in the shape of an enhanced rate provided they complete the work by a given date. An inducement of this nature is a recognised practice.

ISSUE OF COPPER COINS FROM THE BOMBAY CURRENCY OFFICE.

Question No. 393.

Attention is invited to the answer given to question No. 392.

Information promised in reply to the starred question No. 396, asked by Bhai Parma Nand on the 6th August, 1934.

DELAY IN THE DELIVERY OF POSTCARDS, ENVELOPES, ETC., ADDRESSED IN HINDI IN THE PUNJAB.

(a) The reply to the first part of the question is in the negative. The second part of the question does not arise.

(b) Does not arise.

Information promised in reply to starred questions Nos. 475 and 476, asked by Mr. Lalchand Navalrai on the 7th August, 1934.

ISSUE AND EXCHANGE OF COINS BY THE BOMBAY CURRENCY OFFICE.

Nos. 475 and 476.

Attention is invited to the answer given to question No. 392 asked by Sardar G. N. Mujumdar.

THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by Mr. Amar Nath Dutt on the 2nd August, 1934 :

"That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, the Honourable the Mover of this motion, a fortnight ago, in a very elaborate and lucid speech, gave the history and the application of this century-old Regulation. I do not intend to cover the same ground, but I think I shall be discharging my duty in regard to a Repealing Bill if I only show that there is no further utility in having this measure on the Statute-book. I shall, first of all, deal with the very cogent and relevant speech of my Honourable friend, the Foreign Secretary. He said :

".....at least 75 per cent. of the objects of the Regulation are devoted to matters other than quelling internal commotion, and I think I am right in saying that probably some 75 per cent. of the use which is made of this Regulation at present is intended to serve those purposes and not the purposes of dealing with internal commotion."

I agree with his first point that 75 per cent. of the object of this Regulation was really to deal with the preservation of tranquillity in the territories of Native Princes, the security of British Dominions from foreign hostility and maintenance of the alliances formed by the British Government with Foreign Powers. But as regards the latter portion, i.e., the 25 per cent. relating to "internal commotion," and the use of the Regulation according to the percentage of the different objects of his statement, I think, are not correct. I have asked for specific figures and gave notice about ten days ago, and I expected some reply by this time....

THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL. 1561

The Honourable Sir Henry Craik (Home Member) : If I may interrupt my Honourable friend, I laid figures on the table in reply to a question yesterday, I think.

Mr. S. C. Mitra : That was not my point. In my question I wanted to know the classification according to different categories of objects of the Regulation.

The Honourable Sir Henry Craik : I laid a statement on the table showing the classification. I think there were 73, and of those, 46 were imprisoned for reasons of foreign policy and 27 for internal commotion.

Mr. H. A. F. Metcalfe (Foreign Secretary) : Might I explain that I never claimed complete accuracy for the figures? I think, if the Honourable Member will work out the sum for himself, he will find that it is something like 70 per cent. and according to what I have said,—near enough.

Mr. S. C. Mitra : I accept the figures and I do not contend that they must be accurate to the very 75 per cent. But what I say is this. As my Honourable friend, Sir Hari Singh Gour, said, following the recommendation of the Repressive Laws Committee, if there is a necessity for maintaining this part of the Regulation, there should not be any objection, but the application of this old Regulation to deal with "internal commotion" has long ceased. It has been contended by my Honourable friend, the present Home Member, as well as by his predecessor in office, that for dealing with terrorism and communism they have enacted, and they had this House to agree to the enactment of laws, both Provincial and supplementary laws by this House, to deal with this kind of political crime. Now that we have made these legislations permanent, I think the necessity under the fourth category of "internal commotion" has ceased. Sir, it has been even admitted by the Honourable the Home Member, when we were discussing the case of Mr. Sarat Chandra Bose the other day, that the part which the Central Government plays in this connection is more or less the part of a post office. It is the Local Government in Bengal who are responsible and who finally decide as regards the detention and continuance of detention even of State Prisoners from Provinces....

The Honourable Sir Henry Craik : On a point of personal explanation, Sir. I never admitted that the Government of India merely acted as a post office. I made it quite clear that the responsibility lay with the Government of India but that it was entitled to consult Local Governments in the exercise of that responsibility.

Mr. S. C. Mitra : The 'usual responsibility', the general responsibility of the Government of India for the superintendence and control of the Local Governments lies certainly with the Government of India, but, I think, we on this side of the House understood that though technically the Central Government is responsible, yet the main responsibility of deciding these matters lies greatly or substantially with the Local Government.

The Honourable Sir Henry Craik : No, Sir. That is not correct.

Mr. S. C. Mitra : I shall be glad to hear from the Honourable the Home Member whether the few cases from Bengal as regards Regulation III so far as 'internal commotion' is concerned, cannot now be adequately dealt with under the laws that have been recently enacted.

[Mr. S. C. Mitra.]

whether they cannot deal with all these State Prisoners under the Bengal Criminal Law Amendment Act. I shall be glad to have some definite reply to that question. The other point of my Honourable friend, the Foreign Secretary, that he will be absolutely helpless to deal with the foreigners, I think, is not also correct. There are British Statutes which apply to India, and one is the Aliens Restrictions Act which says in section 1 :

"His Majesty may at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, by Order in Council impose restrictions on aliens, and provision may be made by the Order....."

for sending them out of the country, etc.

There are other drastic powers also. There have been Indian Acts also, such as the Foreigners Act of 1864, which empowers the Indian Government to deal summarily with undesirable foreigners by sending them out of India. So, Sir, I think even from the standpoint that was taken by the Honourable the Foreign Secretary, it cannot be said that the repeal of this old Regulation will make the Government of India absolutely helpless, but I concede that if there is still any necessity to deal with those special cases, the proper course for the Government should be not to rely on a Regulation of 1818, but to have a new Act passed by the Legislature or in any case they should not object to the fourth category of cases being deleted from this Regulation.

Sir, I wanted to refer only by way of reference to a remark of the Honourable the Law Member when he interrupted my friend, Mr. Lahiri Chaudhury. I read from the Law Member's speech reported on page 935 of the Debates. Mr. Lahiri Chaudhury was referring to the causes of some of these terrorist activities. This is what the Law Member said :

"Is my Honourable friend aware that what is supposed to be her speech or defence has been taken *verbatim* from one of the older English trials. Only the names have been changed."

I shall only refer to the statement of Miss Bina Das and let the House judge for itself how it can be a *verbatim* report of any speech in an English trial.

The Honourable Sir Nripendra Sircar (Law Member) : Will the Honourable Member allow me to explain? I said "speech for the defence". I was referring to Mr. S. K. Sen's speech which was taken *verbatim* from one of the State trials, with the names changed. I did not refer to Bina Das' statement. If it has been taken down like that, then it must have been a mistake. I said "speech for the defence", not "Bina Das' statement from the dock".

Mr. S. C. Mitra : I accept the Honourable the Law Member's statement, but as it is reported, it must be due to bad reporting. I have quoted from page 935, where it is said "her speech or defence". In view of the Honourable the Law Member's statement, I have nothing more to say on that.

The Honourable Sir Nripendra Sircar : It must be "speech for the defence".

Mr. S. C. Mitra : As regards some of the statements that were made even by the Honourable the Home Member about the connection of some of these detenus under Regulation III, I can only say that the privileges

that we enjoy in this House of immunity from suits, civil and criminal, help the Government side much more than the Opposition. The Honourable the Home Member the other day said that Mr. Sarat Chandra Bose was deeply involved in terrorist activities. Only yesterday, I read in newspapers that Mr. Bose, even from his confinement, has protested to the Government of India through the Government of Bengal as regards the utter falsity of these charges. Anybody who knows Mr. Sarat Chandra Bose or his brother, Mr. Subhas Chandra Bose, knows it full well that it is impossible for men of their character and the position they hold to entertain these views. It is absurd to think, except in police circles or amongst the officials who get all their information from police spies and give credence to their reports, that men like Mr. Sarat Chandra Bose or Khan Abdul Ghaffar Khan may be in any way connected with the terrorist or violent activities. Sir, as I have said, if there is any necessity to deal with "internal commotion" in the country, there are enough laws and rules in each Province for that purpose and there is no necessity to take recourse to this antiquated Regulation. Sir, on these grounds I support the motion of my friend, Mr. Amar Nath Dutt, for the repeal of this Regulation.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : If anything impressed me on the last occasion when the Honourable the Home Member made his maiden speech when speaking on this motion, it was the utmost candour and frankness with which he put forward his views. The Honourable gentleman told us as to what was happening in the other countries. He reminded us particularly about the methods that the Governments some of the European countries were taking to deal with their political opponents. I very much hope my Honourable friend took the opportunity of his leave to study the measures that were now taken in Europe and that he will very soon give this country and the Government of this country the benefit of his experience, and, if necessary, bring forward measures on those very lines. My Honourable friend referred, not merely to what was happening in Europe, but, also, to the steps the Americans are taking at the present moment for the purpose of disposing of what he described as the Public Enemy No. 1. I also hope that at least in this instance he will not think it derogatory to copy the Americans. Now, Sir, I do not think in view of the Honourable Member's sympathies with what is happening in Europe or steps that are being taken in Europe and America.....

The Honourable Sir Henry Craik : I have no sympathy whatsoever with what is happening in Europe or America.

Mr. K. C. Neogy : Then what was the object of my friend referring to those measures which have been taken in those countries? He said these are the measures that are being taken by other countries. So you must not complain.

The Honourable Sir Henry Craik : May I make a personal explanation? My only reference to America was to explain the phrase "Public Enemy No. 1" which I was not sure was familiar to Members of this House. I merely said that it first came into use in connection with that particular notorious gangster who was called Public Enemy No. 1. I did not express any approval either of his actions or the steps taken to dispose of him. Still less do I remember expressing any approval of action taken in countries in Europe to dispose of the opponents of the Governments

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now in power. I certainly did not express any such approval nor do I feel any such approval. In fact, the exact contrary is the case.

Mr. K. C. Neogy : That was the impression left on my mind.

The Honourable Sir Henry Craik : It is quite erroneous.

Mr. K. C. Neogy : I, therefore, thought he would not miss this measure, and, therefore, it is that I was going to support the particular motion now before the House. Now, I have really a good deal of sympathy with straightforward dealings of the character which my Honourable friend seems to promise in his future administration of the Home Department. My Honourable friend referred to Lord Morley and pointed out that these doctrinaire liberal politicians are after all great hypocrites because they do not practise what they profess. I also share in that contempt of these doctrinaire politicians; these hypocrites, and I am a great admirer of the Die-hards, and may I tell my Honourable friend that I am a great admirer of his as well, because when we are dealing with the Die-hards, we at least know where we are; we cannot say that when we deal with hypocrites of the type of Lord Morley. Now, my Honourable friend also gave us a very frank description of the procedure that was followed inside the Government of India Secretariat in regard to actions under measures of this kind. I know my Honourable friend referred to his experience of dealing with a somewhat similar measure in the Punjab; but I take it, the procedure which he outlined as being appropriate to the occasion was also more or less the procedure that is followed in determining as to whether action was to be taken under this particular Regulation. My Honourable friend told us that action is generally taken on the report of some responsible police officers. But, as a result of certain interruptions, he had to admit that those responsible police officers have, in the ultimate resort, to depend upon the reports of spies and informers. I do not want to do any injustice to my Honourable friend, and, therefore, I should like to place just a few words from his speech before the House. "That information"—said my Honourable friend—"is given by methods which are necessarily secret and devious" (*Mr. Gaya Prasad Singh* : "Devious?")—yes, "devious, but to which I have myself on several occasions applied every possible test". Now, the House will see the kind of test that perhaps was applied in these cases. My Honourable friend proceeded as follows :

"It is easy enough to say 'Ah, this man is a police informer, he is not worth anything', but you can believe him when he makes a statement if you know that ninety-five per cent. of his previous reports are true, and when you can check up by actual past events or by information drawn from other sources that the report put forward is one which the informer could not have invented or could not have found out for himself, unless the events related had come to his own actual knowledge."

Sir, that is, therefore, the ultimate foundation for the action taken by the Government in such cases. May I, therefore, take it that what the Government do, by way of discharging their responsibility in this matter, is to find out as to whether the particular informer had in the past given any information which turned out to be true? That was the primary consideration in accepting the statement of the informer; and as soon as that is established, perhaps there is hardly any hesitation on the part of the Secretary in the particular Department concerned to put his signature to a warrant which is required under an Act of this kind. Now this, I

take it, is the procedure which my Honourable friend considers to be perfectly correct and sufficient to meet the needs of the case; but, unfortunately for us, there was a rather hypocritical Viceroy who gave us an idea as to how *he* understood his responsibilities in the matter; and I am going to place a few lines from a speech made by Lord Reading. He after all was a "professional lawyer", as my Honourable friend, Khan Bahadur Abdul Aziz, said the other day, and, it may be, that the procedure which he used to follow is, therefore, somewhat different from the procedure followed or rather approved of by the Honourable the Home Member.

The Honourable Sir Nripendra Sircar : What is that book?

Mr. K. C. Neogy : The Assembly Proceedings, dated the 31st January, 1924. The *ex-Viceroy*, in his Address to this House, made a reference to the action that was taken under Regulation III of 1818 against several people in Bengal :

"After the arrests in Bengal were made"—said Lord Reading—"as you are aware, all the documents and evidence relating to each individual have been placed before two Judges of the High Court for the purpose of thoroughly sifting the material on which action was taken, of submitting it to the technical tests of judicial knowledge and experience and of framing recommendations regarding each case. I shall myself re-examine the case of each man concerned with the greatest care in the light of the recommendations of the Judges in each case and with the assistance of their detailed scrutiny of the evidence and the documents."

Then he proceeded as follows :

"In this manner the greatest possible precautions will be exercised to secure that no individual shall run the risk of suffering injustice because of the gravity of a situation; and his right to an impartial investigation of a charge will never be imperilled by the immediate necessity for measures of prevention."

Now, Sir, it is extremely strange, however, that while the Viceroy was making that statement, he was being guilty of an inaccuracy which came to light just a few weeks later in the course of several questions in this House.

The Honourable Sir Henry Craik : What was the date of this?

Mr. K. C. Neogy : The speech which Lord Reading made was delivered on the 31st January, 1924; and, I think, it was on the 19th February, 1924—just a few weeks later—that it was admitted by the Government in reply to certain questions that when the Viceroy was referring to two High Court Judges as being entrusted with the scrutiny of these papers and this evidence, what was actually meant was "two District Judges". (Laughter.) Now, I have been here for these fourteen years, a Member of this House, and never before did I come across an inaccuracy of this description in a Viceroy's speech delivered to this House or elsewhere! As is well-known, the Viceroy's speech is based upon notes, very elaborate notes perhaps, in some cases, prepared by the various Departments concerned, and, in this instance, therefore, I may take it, that it was the Home Department which was responsible for misleading the Viceroy in this manner. Now a few years later, on the 10th February, 1932, there were several questions relating to the detention of the late Mr. J. M. Sen-Gupta, and another very straightforward Home Member had to reply to these questions, I mean Sir James Crerar; and when I put some supplementary questions to him, inquiring as to whether the papers relating to the arrest of Mr. J. M. Sen-Gupta were ever placed before any High Court Judge or any Judge whatsoever, he said that that

[Mr. K. C. Neogy.]

was not done, not merely that, but "there was no undertaking"—I am quoting his words—"to that effect and no such undertaking has been infringed". Then I put this question: "May I remind the Honourable Member of the speech delivered by Lord Reading in this House where he referred to that practice?" The reply was: "No, I am not aware of any such speech". Now, what are we to think of the Home Department, which is supposed to be the keeper of the conscience of the Government of India, in regard to the administration of Regulation III?

Mr. B. Das (Orissa Division: Non-Muhammadian): Was not Sir James Crerar the Home Secretary at the time Lord Reading made his speech?

Mr. K. C. Neogy: I do not know. Now, the truth, after all, has come out from my Honourable friend that the materials before the Government are nothing more than the information supplied by an informer which has been endorsed by a responsible police officer. No further evidence of any kind, no scrutiny by any judicial officer or anybody, excepting perhaps the Secretary of the Department. But that is not what Lord Reading gave us to understand to be the procedure in such cases. Now, Sir, referring to the case of Mr. Sen-Gupta, I do not know, whether my Honourable friend will make the statement that he also was deeply involved in the terrorist conspiracy. Here, again, I must compliment my Honourable friend for being so very frank with this House, because, in my experience, never before has any Home Member ever given us any idea as to the nature of the charges against each individual who had been treated under Regulation III of 1818. All that we could get from the previous Home Members was that the detention was due to the circumstances stated in the Preamble of the Act. The Preamble of the Act, I may remind the House, runs as follows:

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of British Dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding or when such proceeding may not be adapted to the nature of the case or may for other reasons be inadvisable or improper."

So, on every previous occasion, we were merely referred to this Preamble when we asked for information as to the reasons that had led the Government to take action under Regulation III of 1818 in any given case, and it was left to my Honourable friend to give us a more definite information than was possible to be obtained from his predecessors. Now, Sir, my Honourable friend, Mr. Mitra, has already referred to the protest that Mr. Bose has lodged against the statement made by him to the effect that he was deeply involved in the terrorist conspiracy. I do not know what my Honourable friend's statement would be with reference to Mr. J. M. Sen-Gupta's detention under this Regulation III of 1818.

The Honourable Sir Henry Craik: I was not responsible for it.

Mr. K. C. Neogy: No, you are not. Of course, I do not expect my Honourable friend to have any great knowledge of things that were happening in Bengal when he was occupying a very responsible administrative post in the Punjab, but I may tell him that, so far as Mr. Sen-Gupta was concerned, he was arrested on board an Italian ship. When he had

returned from his stay in England and had reached the Bombay harbour, he was not allowed to land and a warrant under Regulation III of 1818 was served on him on board an Italian ship and that itself formed the subject-matter of several questions in this House. Now, Mr. Sen-Gupta was away for several months from this country and, as is well-known, he was a leading personality in the Congress circles in Bengal and had taken a very prominent part in the non-violent Civil Disobedience Movement. Nobody knew that the Government could have possibly any charge of any kind which could have justified action of this character, and as far as we know there was no objection taken to his trip to England either. I think he visited England in the autumn of 1931, and I may tell my Honourable friend that whatever his instructions may be about the nature of the charges against Mr. Sen-Gupta, justifying action under Regulation III of 1818, public opinion in Bengal will refuse to accept any statement to the effect that he was deeply involved in the terrorist conspiracy. He was essentially a man of peace and anybody who knew him would strongly repudiate any such suggestion. I expect that my Honourable friend's candour will permit him to make a statement with reference to Mr. Sen-Gupta just as he did with reference to Mr. Sarat Chandra Bose.

Now, Sir, I want to tell this House as to what the public in Bengal think to be the reason that impelled the Government to take such action. I am very sorry to have to refer to incidents that happened in the autumn of 1931 in Chittagong, but I can assure the House that I do not propose to go into the details of the incidents that took place there on Sunday, the 30th of August, 1931. Mr. Sen-Gupta, as many Members in this House know, belonged to Chittagong, and the incidents reported from there naturally agitated him more than they did anybody else. He was, therefore, responsible for convening a public meeting in Calcutta, which appointed a non-official Committee of Inquiry to go down to Chittagong and make an inquiry there and report about the incidents that were alleged to have happened there on or about the 30th of August, 1931. I should like to read out the names of the members of this Committee. They were as follows: Mr. Jatindra Nath Basu, a gentleman highly respected in Bengal. He is a Member of the Bengal Legislative Council and was also a Member of the Round Table Conference representing Bengal; Mr. J. M. Sen-Gupta himself; Maulana Akram Khan, a highly respected Muhammadian journalist of Calcutta; Mr. B. N. Sasmal, a practising Barrister of Calcutta; Mr. J. M. Das-Gupta, a very well-known physician practising in Calcutta; Mr. T. C. Goswami, a gentleman whom the Honourable the Home Member will have the opportunity of meeting at Delhi next cold weather; Mr. Satyananda Bose, a gentleman held in high esteem in Bengal; Dr. Naresh Chandra Sen-Gupta, a very well-known Advocate and a Member of the Bengal Legislative Council; Professor Nripendra Nath Banerjee, an educationist; Mr. Nishith Chandra Sen, a very well-known practising Barrister in Calcutta; and Maulvi Ashraf-uddin Chaudhury of Tipperah. Now, these gentlemen constituted themselves into a Committee of Inquiry. I do not propose to go through the whole report. My Honourable friend, the Home Member, will find it preserved in the Indian Annual Register, 1931, Volume II, which he will find in the Library of this House. Now, Sir, these are some of the findings recorded by this Committee. I am quoting them from the report itself: "Monday's looting was with the knowledge of the local authorities and at the instigation of the Police. It was started and carried on under the protection of the Police."

[Mr. K. C. Neogy.]

In the Mofassil the disturbances took place under the orders from the local authorities.

Behind the disturbances which had been planned the motive was to terrorise the people, particularly the Hindus.

And the House must remember that there were two very responsible Muhammadan gentlemen associated with these findings.

The Honourable Sir Henry Craik : Was this about Dacca or Chittagong?

Mr. K. C. Neogy : This was about Chittagong. Does my Honourable friend want to hear more about Dacca? I can easily oblige him.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Will you also please mention the name of the gentleman who is now in this Hall and who was then one of the local authorities at that time?

Mr. K. C. Neogy : Now, Sir, this report was duly published, it was printed *in extenso* in several newspapers, besides there was a Town Hall meeting at which Mr. J. M. Sen-Gupta challenged—perhaps my Honourable friend does not like that word,—I will say, made an offer to be arrested and tried for having brought these charges against the police and the local authorities. Nothing was done, no action was taken against him or against the other signatories of this report. No action was taken against the newspapers which published the report *in extenso*, and no action has also been taken against the publishers of this Annual Register which has permanently preserved it and made it available to every part of India. My Honourable friend will say that these are wicked and malicious lies. But does not my Honourable friend realise that the thing has gone a little too far to be disposed of in that summary fashion? Here was a committee of inquiry composed of gentlemen of standing, members of the Local Legislature, very responsible citizens and they made very serious charges, not merely against the local authorities generally, but if my Honourable friend were to go through the report he will find, there were charges against individuals too. Nothing could have been simpler for Government or for the officers concerned to have proceeded against these persons under the ordinary law of the land. Nothing would have been easier for the Government to have proceeded against the newspapers for having published this document, nothing would have been easier for the Government to have proceeded against the publishers of this Annual Register for having preserved it for all time to come. Nothing was done. Mr. J. M. Sen-Gupta goes to England, broadcasts this report among the public men, Members of Parliament, and carries on an intensive propaganda there. Then as soon as he seeks to return to his country, he is not permitted to land but is spirited away under Regulation III of 1818. That is why the people believe, the circumstances, I have referred to be the real reason behind the arrest of Mr. J. M. Sen-Gupta under Regulation III of 1818. I might inform my Honourable friend, because he is new to his office and perhaps this would be confirmed by his Secretary, Mr. Trivedi, who is sitting behind him, that some of the sufferers from these disturbances in Chittagong were subsequently compensated by Government. What does that prove? I would also enquire of my Honourable friend as to whether he has read Mr. Nelson's report since when I

asked him about it, because I said that, even if Government were to publish the report submitted by their own Divisional Commissioner, Mr. Nelson, there would be found to be a substantial corroboration of some of the charges made in this non-official enquiry report.

Mr. Sen-Gupta's case illustrates the use to which this Regulation is being put, and, it is for this reason, that no one who knows anything about its actual administration can possibly be a party to its continuance any longer on the Statute-book. I entirely sympathise with my Honourable friend the Foreign Secretary; he does need some kind of powers in order to enable him to discharge the serious responsibilities which the Foreign Department has got, but I think a more straightforward course for him would be to have a kind of consolidated measure comprising the provisions of the Foreigner's Act for instance and some of the provisions of this measure, and if such a measure were brought forward in this House, so far as I am concerned, I promise to give it a sympathetic consideration. (Laughter.) But so long as Regulation III of 1818 is to be used for the purpose of dealing with men like Mr. J. M. Sen-Gupta.....

The Honourable Sir Henry Craik : Men like who?

Mr. K. C. Neogy : Men like Mr. J. M. Sen Gupta.

The Honourable Sir Henry Craik : I thought the Honourable Member referred to men like himself.

Mr. K. C. Neogy : I was referring to Mr. Sen-Gupta. No doubt I was once arrested at Midnapur for the simple reason that I along with several others had gone down to make enquiries of allegations of a similar character, having been authorised to do so at a public meeting held in Calcutta; and as I happened to witness some of the deprecations committed by the police party headed by the Sub-Divisional Officer who was subsequently promoted to be a District Magistrate, I was immediately placed under arrest along with the other members of the Committee. (Laughter.)

The Honourable Sir Henry Craik : Under Regulation III?

Mr. K. C. Neogy : No, no. Not under Regulation III. I would not have been here then, because once arrested under the Regulation, I would never have any chance of being able to attend the House. (Laughter.)

The Honourable Sir Henry Craik : Many of them have been released.

Mr. K. C. Neogy : When was that?

The Honourable Sir Henry Craik : Many of the people who have been confined under the Regulation have been released quite recently.

Mr. K. C. Neogy : Do I take that as a kind of promise that my Honourable friend is considering favourably the question of the release of Mr. Sarat Chandra Bose and others?

The Honourable Sir Henry Craik : I only said that many of them have been released.

Mr. K. C. Neogy : As I said, so long as this Regulation is going to be used in the manner in which it has been used, for dealing with men like Mr. Sen-Gupta, I cannot be a party to its continuance on the Statute-book. (Applause.)

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir I confess there seems to be an air of unreality in this debate, because we are conscious of the numerical strength of the Government and our own weakness in that respect. But, nevertheless, we have to discharge our duty against heavy odds. I know the fate of the motion which my Honourable friend, Mr. Amar Nath Dutt, has placed before the House, but still I want to add a few words to the debate which has been proceeding for the last two days. The existence of this Regulation III of 1818 is a negation of the elementary principles of justice. It may be law, but it is no justice. Every accused person has a right of being tried before a court of law, and his innocence is to be assumed till his guilt is established in a regular manner. This Regulation is a denial of that elementary right of justice and, I may add, of humanity. Sir, the way in which this law has been administered during recent years has been narrated very eloquently by my Honourable friends who have spoken on this measure, and, I do not, therefore, want to add anything more to it. My Honourable friend, Mr. Neogy, has already referred to the case of Mr. Sarat Chandra Bose who happens, unfortunately or fortunately, to be the brother of Mr. Subhas Chandra Bose whom we know so well and who is now in exile in Europe. The other day, a question was asked about Mr. Sarat Chandra Bose, and my Honourable friend, the Home Member, had no hesitation in levelling very serious charges against him, namely, that he was concerned in the terrorist activities. Mr. Sarat Chandra Bose has lost no time in repudiating the charge even from his prison. Is it not an elementary act of justice on the part of the Home Department of the Government of India to give him an opportunity of establishing his innocence? He has thrown out a challenge, and I have put down a question on the subject which will probably come for answer in due course of time. But I ask, is it not only fair and honest on the part of Government to give this gentleman an opportunity to rebut this charge? Probably this is the first time during his incarceration that he has heard of the serious charge brought against him behind his back and in his absence. Now, Sir, I do not know whether Regulation III of 1818 makes it incumbent upon Government to inform the prisoner of the charge of which he may be believed to be guilty. So far as I could see, there is nothing in this Regulation III which makes it incumbent upon Government to inform the prisoner of the charge against him. I would, therefore, contend that it is on mere suspicion that persons,—at least a good many of them,—are placed under restraint under this Regulation. I do not say that none of the prisoners under Regulation III of 1818 could be guilty of any offence, but it is just possible,—and I am putting it at a very low estimate,—it is just possible that some of them at least might be innocent. My Honourable friend, the Home Member, himself stated the other day that it is on secret, confidential, and devious methods that the evidence is collected against an accused person behind his back, and it is on the strength of such evidence that the man is proceeded against, is laid by the heels and imprisoned for an indefinite length of time. In my own Province, I believe, there are a few persons who have been dealt with under Regulation III of 1818 although they have been acquitted by a competent Court of law, I referred the other day to the case of Mr. Vidya Bhusan, for instance. He was an accused in the Delhi Conspiracy Case some time ago and he was acquitted by the Court. He is a highly educated young man, an M.A. of the Benares Hindu University. He was honourably acquitted by the Court, but as

soon as he came out of the Court room as I am told, he was arrested under Regulation III of 1818 and he has since been kept in confinement in the District Jail of Delhi. I ask my Honourable friend whether this is just? Is it not an insult to the Court itself to arrest him in the shadow of the court of justice and to imprison him for an indefinite length of time without any charge being framed against him and without his being asked to enter upon his defence even *in camera*? Sir, I do not think I have anything more to add. I strongly support the motion before the House, although I know the usual fate will overtake it.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, it passes my comprehension why such a great insistence is made by Government in keeping this Regulation on the Statute-book. It was in the year 1920 or 1921 when there was internal commotion of a very high order that Government agreed to set up a Committee to inquire into all the repressive laws; and when there was some quiet in the country, the Committee worked day and night and put before the House their unanimous report. In that report I find that this Regulation III of 1818 was recommended to be dropped out of the Statute-book. Since then we have been expecting Government to come before this House with their own Bill on the subject, but nothing had been done after that by Government. Now that a Non-Official Member reminds Government of their report and wants the repeal of this Regulation, I am surprised to find the Political Secretary and the Home Member on the other side putting forward arguments which do not hold water. I think, up to now, they have not suggested a word about the report of the Repressive Laws Committee, and I do not know what they have to say on that point. But it is an irrefutable point which no amount of argument on the part of these two Honourable gentlemen will convince us. The only thing that will convince us is to redeem their pledge and come forward frankly before this House and tell us why they have not done what they promised in that compromise report. When I look to the necessary powers which Government require to put down men who, as the Regulation says, create internal commotion or disturb the security of the British Dominions from foreign hostility or matters of that kind as mentioned in the Preamble of that Regulation, I find that ample powers have been given to Government by so many repressive laws which we have enacted during the last three or four years. Against the Indian States I find a definite set has been enacted. Against internal commotion so many laws have been enacted that I do not see the necessity of sticking to this old Regulation. I do not know why Government are not taking into consideration the change of conditions. In the old days there was no such ordered and established Government as we see now. The Regulation was passed at a time when the military rule of the country was not so perfect as it is now, when there was no aircraft to defend the dominions. At that time I could understand that on mere suspicion a man might be arrested and kept in custody till he had no hope to live in this world. But, now at this stage, when the brute force in the possession of Government is so enormous and when the sources of information as to any action taken by an agitator is so great, I do not understand the necessity of sticking to this old law. I have read the speeches of the Political Secretary and the Home Member. They have made general statements and given us general arguments why they stick to it. I shall see whether they are going to give us something convincing.

Now, I have got to appeal to my Honourable friends in this Assembly

[Maulvi Muhammad Shafee Daoodi.]

who have regard for the reports of their own Committees and for the opinions which are expressed in the Committees appointed by them. I was not at the time in the Assembly, but I find that the report is very frank and candid and makes no apology for saying that this old Regulation is now out of date and should be taken out of the Statute-book. Now, that report of the Committee—very learned men sat on that Committee—should be redeemed even at this late stage in 1934, so that when the new era is going to dawn in the country by the inauguration of the reforms the people may feel satisfaction of the fact that Government have got some regard for their pledges, for the promises they give sometimes to Honourable Members of this House. They should not let the country live in that mood of suspicion which has held the field for long. I, therefore, appeal to the Honourable Members of this House and to the Honourable Members of the European Group to see their way to help us in this matter, so that at least this Regulation III of 1818 may be done away with by us at this late stage of the Assembly.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly :

12 Noon.

Non-Muhammadan Rural) : Sir, at the outset I may state that I am wholly against any repressive laws. All my life I have been trained in the British system of jurisprudence to which detention without trial is an abhorrence. I do not like, however guilty or innocent a man may be, that he should, without being told of what he is guilty, without being given a fair chance of defending himself, after hearing what the prosecution story is, to be told that he would be detained in jail indefinitely—no one knows for how long—until his natural period of life expires. That is an injustice which it is impossible to contemplate under any government. Macaulay said in the olden days "The tyrants smile and the victim's head was cut off". That at least is one kind of justice—I do not like it, but one can understand it to be the way of a tyrant ; but to call yourselves civilised, to say that you are following civilised methods of government and at the same time to lock up people without any trial, without their knowing what they are being confined for and without their even knowing as to how long they are going to be in jail, that is not a piece of justice which at any rate I have been able to appreciate ; nor, if I may say so, with respect, does the Honourable the Home Member appreciate it. I hope I am not misrepresenting him ; and if I am not stating what I heard him say the other day correctly, perhaps he will kindly excuse me because he is generally not heard here on this side of the House—he said the Englishman's sense of justice asserted itself the other day that he himself did not like repressive laws, but there were certain circumstances and conditions under which these laws have got to be put into execution, and the present is one of these. That, I believe, is what he said. Consequently, as a matter of abstract justice, as a matter of legal position, we are all agreed upon this question that repressive laws ought to go. Now, if this Regulation III of 1818 was the only repressive law on the Statute-book, the only powers which the Government may require in times of emergency, I should certainly support the Government as against this measure ; but the Government has got so many arms in its armoury that it is perplexing to them which to use at what time. In that plethora of repressive enactments, it does not matter if one more enactment either existed or did not exist.

One matter to which I think I may invite my friend, Mr. Amar Nath Dutt's attention is this : a few days ago, a question was put as to the extent of the allowances given to some of these detenus, and one gentleman with whom I shall deal presently was being granted Rs. 1,500 a month—others Rs. 600 a month and Rs. 200 for his son's education in England—the son being born of an English woman. These things almost made me like to be a State prisoner under this Regulation, so that I may get this Rs. 1,500 and I would be rid of worries—no Temple Entry Bill no Anti-Untouchability Bill and no more repressive laws to fight on the floor of this House : it is an ideal position.....

Mr. S. C. Mitra : Is money the only consideration in life ?

Raja Bahadur G. Krishnamachariar : At certain periods money is always a consideration though it may not be the chief consideration : I should like to see the face of a man who stands up and says—who lives in the world and has not retired from the world—really, honestly and sincerely, that he does not want money. Sir, it is all humbug, it is all camouflage to say otherwise : we do want money : only money is not the chief thing. Man does not live by money alone ; but I decline to admit that so long as we live in this world, so long as we have to live in society, we do not want any money. But seriously speaking, one of the gentlemen detained under this Regulation is, I believe, a gentleman with the name of Mr. Sarat Chandra Bose : he was a barrister—I have not had the honour of being acquainted with him, nor, have I had any communication from him : I do not even know anything of him except what I heard about him on the floor of this House. He was an eminent barrister : his income was about Rs. 15,000 to Rs. 20,000 a month. That sort of man is not going to dabble in terrorism, especially when it is remembered that all the money that he earned has, I believe, been given away in charity and today he is in debt : his house is under mortgage, and, today he has not got much property : a man like that who earns with both hands and earns an income which makes men like myself very envious of him, it is not that sort of man who has got either the time or the inclination to dabble in terrorist activities : and after all with what purpose ? If he was a young man, if he were a youth without his ideas being formed, if in his impulsive nature he had caught hold of some of these terrorist people and joined with them, I can quite understand ; but a man who in the Calcutta Bar can earn about Rs. 15,000 to Rs. 20,000 a month is, I think, a man of some sense : otherwise he could not have attained the position that he did. Is it possible for the Government to imagine, whatever may be the evidence that they have got on record, unless that evidence has been placed before him and unless he is put on trial and asked what he has to say with reference to that evidence—I say, is it possible, is it reasonable, is it fair to say that that man was concerned with terrorist activities to the extent that his liberty should be curtailed, and that he should be put on practically short commons at Rs. 225 a month ? It is rather hard on a man who had been earning Rs. 15,000 to Rs. 20,000 a month to ask him to live on Rs. 225 a month. I think it is similarly the case with other persons. I admit this Regulation is far more liberal than the Criminal Law Amendment Act and all those Acts in Bengal and I cannot for the life of me understand why my friend, Mr. Amar Nath Dutt, wants to get rid of this Statute, because, at times, in a generous mood, if the Government take

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advantage of this Regulation and lock people up, they would be entitled to be treated with better consideration than if the same man was locked up under the Criminal Law Amendment Act or whatever is in force in Bengal, may I respectfully invite the attention of the Government to the speech made by Lord Reading on the floor of this House, and see that justice is done to the extent to which Lord Reading undertook it shall be done: viz., that himself, a very eminent lawyer, an *ex-Lord Chief Justice* of England, he promised to this House that he himself would revise these cases: of course we cannot always have *ex-Lord Chief Justices* as Viceroy in this land; but there is any amount of legal talent within the portals of the Government of India, and I think that that legal talent might be requisitioned in order to satisfy, as far as possible within the limits of their own policy—I do not want that they should abandon their policy—that the evidence against the man should be sifted and the person who deals with it in a judicial manner should be satisfied on that evidence that there was a fair and *prima facie* case against this man and that he should be locked up. That, Sir, is only fair. That, I believe, is what the Honourable the Home Member too considers to be fair. The only trouble is in giving effect to that proposition, which everybody admits, there is always a lacuna, and that lacuna is so broad that the good effect, and the good intention underlying the provisions of the Regulation that ought to be observed in connection with the administration of that Regulation is not being followed. I, therefore, Sir, with these few remarks, would ask my friend, Mr. Amar Nath Dutt, to withdraw his motion, or if he would not do so, I would support him.

Mr. B. Das: Sir, as a man in the street and as a public man, I have to apply the test to this law and see how it is working against the political aspirations of the nation. The speeches of my Leader, Mr. K. C. Neogy, and of the Honourable Sir Hari Singh Gour, the other day, proved that the law has become obsolete, and it is only applied against the national aspirations of the people and against the national workers who work in a most patriotic spirit for the freedom of their country. Sir, I do not wish to criticise the speech of the Honourable the Foreign Secretary, but I wish to ask,—how is it that he has very few foreign prisoners in India, and why is it that these foreigners are kept interned under Regulation III of 1818 and are paid from the Indian Exchequer? If foreigners come to India, they may be deported or sent back to their country. There is no use of applying this obsolete Regulation to those foreign prisoners, paying them costly pensions and allowances at the cost of the Indian taxpayer. Of course, when we examine the Budget, we often find certain items of payment made in the shape of political pensions and allowances, but there are unwanted and unwelcome guests of India from the neighbouring territory of Afghanistan, who draw large allowances, because the Foreign Secretary is trying to maintain them in India.

only refer to the communistic aspect of the question. If there was this Regulation III of 1818, I want to know why, during the Meerut trial, lakhs and lakhs of rupees were spent, why so much money was paid to lawyers some of whom became so rich that they have retired from the profession. Why is it that Messrs. Bradly and Spratt were not arrested the moment they landed in India and detained under Regulation III of 1818? Will the Honourable the Home Member, when he rises to reply, let us know how many political detenus detained under Regulation III of 1818 had advocated communistic doctrines in India? Sir, I am no sympathiser with communists or their doctrines.

Some-Honourable Members: Question.

Mr. B. Das: Sir, in the meetings of the All-India Congress Committee, I have expressed strong criticism against them and also on the floor of this House, but if I understand the labour movement in India aright, it is socialistic in principle, and very few of the labour leaders are communists. It is true that the Honourable the Home Member in reply to a question of my friend, Mr. Gaya Prasad Singh, gave a long reply as to the state of the communist movement in India. This is not a new thing at all. We are accustomed to this sort of activities from 1926-27. The Secret Department of the Home Office used to control all letters and circulars that used to come from Russia and from the Socialist Party in England, and we have often heard statements made by Government that these circulars that were circulated were sent out by Mr. M. N. Roy who is now imprisoned at Dehra Dun, and if newspaper reports be true, he is very much ill-treated by the Government and he has gone down much in weight,—it is not a civilized method of treating a political prisoner at all. We are now accustomed to all that sort of thing, but we have never found that the communistic doctrine has spread, and if we are to judge by the results of the Meerut trial, the manner in which prisoner after prisoner was discharged showed that Government had no case behind them. And what is this statement which the Honourable the Home Member made? If one reads any books on Russia, and there are dozens of books on Russia in our Library and in almost all libraries throughout the country,—one finds that all these principles are contained in those books. There is nothing new. If some hot-headed youth, or somebody who has read these doctrines in some Russian book, and said that such and such will be the future communists policy, it is hardly fair for the Home Member to alarm the country and say that a new crisis is coming on India. A new crisis has always come when the Government wanted to apply new forces of repression and oppression on the people of India. Sir, at one time even the Government of India used to think of the great Pandit Jawaharlal Nehru as having sympathy with the communist movement. At that time the Home Members of the Government of India were not clear in their minds what was really communism and what was socialism. Pandit Jawahar Lal Nehru, in his presidential address at the Lahore Congress, made it clear what is the doctrine he stands for. His heart goes for the masses, and he wants that the workers in the land should get adequate wages. I will just quote one or two lines from his speech delivered at the Lahore Congress in 1929:

“Our economic programme must, therefore, be based on a human outlook and must not sacrifice man to money. If an industry cannot be run without starving its workers, then the industry must close down. If the workers on the land have not

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enough to eat, then the intermediaries who deprive them of their full share must go. The least that every worker in field or factory is entitled to is a minimum wage which will enable him to live in moderate comfort, and human hours of labour which do not break his strength and spirit."

Nobody, even the die-hard capitalist like my friend, Mr. Mody, will deny that the workers in the factory and the field should not get a minimum living wage, but, in 1929, the way in which the Government Members used to address this House showed that Pandit Jawaharlal Nehru or Mr. Subhas Chander Bose were nothing but communist leaders fermenting the doctrines as was explained by the Home Member two days ago, and one of this is "hatred for God and all forms of religion". I cannot believe in India with our society as it is constituted, with our old world life as it has been formed, that anybody can even gather half-a-dozen fellows who would have this kind of ideals. I particularly brought out Pandit Jawaharlal Nehru's speech—I am sorry I could not find his other book, "Whither India?" which was published only last year and as a result of which, I think, he was imprisoned by the Government of Bengal. I take this opportunity to express my appreciation of the sympathetic attitude which the Government have taken in releasing him temporarily to look after his sick wife, over which the whole of India is so distressed and perturbed. I do hope that Mrs. Jawaharlal Nehru will soon be all right and also that the Government will, in the meantime, reflect on their action and not lay blame on one Government or another, either the United Provinces Government or the Bengal Government, but that they will unconditionally release Pandit Jawaharlal Nehru.

But the thing is this. We have found, I, as a public man, have found that whenever any public man has worked conscientiously for the salvation of his country, he is accused of heinous crimes. I am a little bit scared away by the speech of the Honourable the Home Member the other day that there are communists in India, and the statement that he laid on the table of the House wanted to demonstrate such activities. This is the third or fourth line of defence—I do not know what it is—of Government. If there are no communal riots, if there are no Hindu-Muslim quarrels, then let us start something else. Socialism was the *bête noir* of the Government of India a few years ago. Now that Socialism is an accepted principle of Government in many civilised countries of Europe, so the Government here must think of communism and crush it. Those of us who have read the development of Soviet Russia know that today they have got an orderly Government, and above all, what they preach they have put into practice. Their five years' plan succeeded to a certain extent, they have extended it to a ten years' plan. Their method of collectivisation is a collective method of cultivating land so that nobody is a peasant proprietor but the land is cultivated collectively and belongs to the State which means belongs to the nation. The latest book, which I was reading only a week ago, shows that it has produced very successful results. So, the doctrines which may frighten the Conservative Baronets in England, including my Baronet friend, the Home Member, here, to mortal fear, have proved a success and a salvation for those down-trodden millions which were kept subjected almost to a slave condition in the Russia under the Czars. The Conservatives in England, the die-hards in England, may be 20

years' ahead of the old Czarist regime in Russia, but they have not advanced in the democratic system any further, and if I can picture the Government of India, they are no further than the old Czarist regime of Russia. What do we find? The people want here self-determination, self-government. The more they want it, the more the Government bring out archaic and obsolete legislations. They forge new weapons, and as was pointed out by my Honourable friend, Sir Hari Singh Gour, all the new legislations in the shape of Criminal Law Amendment Acts and other Acts cover everything, except what the Foreign Secretary wanted, and for which my Leader has already given an assurance that if he brings a consolidated Bill it will receive the sympathetic consideration of this side of the House. If that be so, what is the use of perpetuating this evil piece of legislation? The Regulation was enacted at a time when India was under one man's rule. The army officers—I do not know if there were Civil Servants at that time, and if there were they were all autocrats. They were worse autocrats than even the Czars of Russia. They adopted these expediences only to keep themselves going. When the Government of India created the Imperial Legislative Council, what they ought to have done was to have repealed all the Ordinances and brought in regular legislations. Therefore, I support the repeal of this Bill.

My Honourable friends, Messrs. Neogy and Mitra, have mentioned that Mr. Sarat Chandra Bose should be released. He was my school friend at Cuttack, he was two years senior to me, and I have known him for a very long time. If Mr. Sarat Chandra Bose committed any crime it was the crime of being patriot. He was a patriot, and he wanted and still wants that India should have self-government. To connect up Mr. Sarat Chandra Bose or Mr. Subash Chandra Bose with either the communists or the terrorists—until the Government bring forward on the floor of this House facts or publish documents showing that either of these gentlemen were connected directly or indirectly with the terrorist movement nobody in India will believe it. There is a grave responsibility on the Honourable the Home Member; whatever may have been the policy of his predecessors, the time has come when the present Home Member should be reasonable and conciliatory and adopt a different line of attitude towards this question of terrorists. I find he has already got in his sleeve the repression of communists; the communist bogey will scare the Government of India and the Home Member for another five years till a new bogey starts. I do hope that the Honourable the Home Member will sympathetically examine the case of Mr. Sarat Chandra Bose. Let him be bold enough to tell this House what Mr. Sarat Chandra Bose is accused of. If he does not reveal that to us, then we know that there is no case against Mr. Sarat Chandra Bose and that he is suffering from the sins that many a great patriot in India suffered, that Lokamanya Tilak, Lala Lajpat Rai and Mahatma Gandhi suffered in the past—that to be a patriot is a sin under the present Government of India, and for that they must suffer imprisonment. With these remarks, I support the motion that the Regulation III of 1818 should be repealed.

Mr. Amar Nath Dutt: Sir, I am thankful to my friends like Mr. Mitra and Mr. Neogy who, having regard to my ill-health, have almost replied to all the points that have been urged on the opposite side in support of the retention of Regulation III of 1818 on the Statute-book. There

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seems to prevail a certain misconception about the repeal of this enactment for which I have been fighting for the last 11 years, since I entered this Assembly and if I am permitted to come again, I shall again do so, as long as I am a representative of the Province of Bengal. I was pained to find certain observations in the Press which were made about the repeal of this Regulation. It was said that when there are so many measures on the Statute-book which are more drastic, why do you fight for the repeal of this enactment. My friend, Raja Bahadur Krishnamachariar, said that Mr. Sarat Chandra Bose was getting Rs. 1,500 a month for his family and Rs. 225 for himself during his detention. I would ask whether my friend, Raja Bahadur Krishnamachariar, would be willing to accept that amount and go into retirement from his activities in this House or outside. The misconception I was referring to was this. It is not this House which was a party to any enactment like the Bengal Criminal Law Amendment Act. It was the Bengal Legislative Council from which most of the representatives of the people withdrew and the few representatives of the people who were there fought against it. In fact, I would not weary the patience of the House by reading out the names of the Members of the Bengal Legislative Council to show who were in favour and who were against the passing of that Act. Sir, I am sorry that it should be said in the Press that this House was a party to the passing of that Act. It is only the Supplementary Act, which empowers an appeal to the High Court, that was passed by this House, and that was also done with the help of the Government bloc, as the Leader of the Nationalist Party says. Be that as it may, it does not appeal to me that because there are drastic measures elsewhere, therefore, we should also submit to the retention in the Statute-book of measures like this. Be it said at least to the credit of this House that we were not a party to such Acts. So, this misconception should be cleared not only in this House but also elsewhere, because I have also seen friends of mine remarking that there are more drastic measures on the Statute-book. I shall not take up the time of the House by replying to everything that has been said against the repeal of this measure. I shall only take up one or two points and ask the House to support my Bill. Before I do that, I beg to point out that there is a very unhappy mistake in the report of my speech in which I referred to the deportation of the Natu Brothers which occurred in 1898 and the news of the release was hailed with joy in the Congress of 1899, and not in 1889, which is of course impossible. That mistake has occurred and, it may lead to some confusion. Having cleared up that mistake, I beg to reply to one of the remarks of my friend, Captain Lal Chand, who has been pleased to observe that the Bengal Council has passed a Bill by an overwhelming majority, and, therefore, it is the opinion of my Province. I cannot for a moment believe that my Honourable friend does not know the constitution of these Councils. There is an Official bloc. There is a nominated bloc and some representatives of the people have taken it into their heads to boycott this Legislature. There are several people who are certainly not representatives of the people. I would not use harsh words against my own countrymen, such as have been used.

Hon. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-official): Do your remarks apply to this House also?

Mr. Amar Nath Dutt: I shall never use such expressions as my friend from Bihar does. As I have already submitted, in the Bengal Legislative Council, Members who count were opposed to the passing of this Act, but that is neither here nor there. Let us look at the voting, and we find that Mr. Jatindra Nath Basu, against whom it cannot be said that he is an extremist in politics, voted against the measure. He is a liberal politician, nephew of Mr. Bhupendra Nath Basu who had the confidence of both his countrymen as well as the Government, and he himself is the President of the Indian Association, an association with which is associated the great names of Sir Surendra Nath Banerjea and Mr. A. M. Bose. Honourable Members from Bengal will remember that on the day on which the inauguration ceremony of this association was to be performed, the only son of Sir Surendra Nath died. He was called to perform this public duty and he went there to perform it. That was more than half a century ago. He used to speak with feeling about this association in after life. Mr. Jatindra Nath Basu is now the President of that Indian Association. It is certainly not a terrorist association. Now, my friend over there said that the Reforms are coming and why not wait. If the thing is not wanted, it is not a question of waiting for any contingency. My friend, Mr. Anklesaria, has been pleased to observe in connection with this motion of mine that it is something which defies commonsense and experience. He was not pleased to let us know to what commonsense and to what experience he was referring to. So, I am not in a position to reply to him. My official friend from Bengal, Mr. J. M. Chatarji, who has administered several districts and sub-divisions also referred to the miseries brought on many homes in Bengal. I also sympathise with the view that many a fair home in Bengal has been ruined by mischievous activities, but it is not the Regulation which I am asking for repeal which is meant for the suppression of these particular mischievous activities. For those, there is the Bengal Criminal Law Amendment Act, and why have this also?

My Honourable friend, Mr. Metcalfe's argument when he appealed to us in connection with this measure was that there were a few international complications involved and international refugees and other men who gave trouble on the borders; well, I would have been glad if an assurance had been given by the Government that the provisions of this Regulation would be confined only to such cases as my Honourable friend, Mr. Metcalfe, the Foreign Secretary, was pleased to refer to, but, Sir, there was no such assurance given; on the other hand, we find that it is being applied to such cases for which there already is some other provision in force. My Honourable friend, Sir Henry Craik, said with reference to some wrongs that were committed upon men of revered memory like Aswini Kumar Dutt, Subodh Chandra Mullick and a veteran public man like Krishna Kumar Mitter, that the repeal of this Regulation would not right past wrongs. Yes, I know that, but what I was appealing to him was not for any reparations for past wrongs committed on people, many of whom have gone away from the jurisdiction, not only of the law Courts of India, but also from the jurisdiction of the Honourable the Home Member, and neither he nor I do expect that these past wrongs can be righted. That was not the reason for which I was appealing that this Regulation might be repealed; I was appealing that this Regulation might be repealed so that wrongs of this nature may not be committed in future, that was my argument,

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and I am quite in sympathy with my Honourable friend, Mr. Metcalfe's view that there should be some provision of law by which he can deal with refugees from foreign countries and on the borders. As has been observed by my Honourable friend, Mr. Neogy, I may say the Government will have our sympathy if they will bring in a consolidated measure like that in order to safeguard such international complications and guard against them, and I may assure the Government also that in that case they will have not only our sympathy but also our support for such a measure if it is confined only to international complications of the nature referred to by my friend, Mr. Metcalfe, but what I complain is that this Regulation, which was primarily meant for use against cases not like the present ones, and was meant for circumstances which existed in old times but which do not exist at the present time and which are not likely to occur again in the future, should be freely invoked for cases for which there, otherwise, is ample and separate provision in the law. As regards my Honourable friend, Sir Henry Craik's reference to Public Enemy No. 1, all that has been amply replied to by my Honourable friends over there. So, Sir, what I ask on this point is that either an assurance may be obtained that the application of this Regulation will be confined to its legitimate sphere, or, if that be not possible, to have any other measure placed before us by my Honourable friend, Mr. Metcalfe, to deal specifically with the cases he had in mind. Sir, much has been said about repression and terrorism, anarchism, communism, and so forth. I do not want to take up the time of the House by repeating what I have said already, but I can only say this that official and executive repression has not been able to cure revolutionary patriotism or anarchism. There is the menace of revolution but who makes and contributes to that revolution? Sir, I may conclude by quoting from a document published some years ago, and signed by almost all the savants of Europe—Romain Rolland, Bernard Shaw, Bertrand Russell and Rabindra Nath Tagore, and in that historic document, it is declared that it is the Governments who make revolutions everywhere while the counter-revolutions make the revolutions bloody. With these words, Sir, I appeal once more to the House to have this Regulation repealed.

The Honourable Sir Henry Craik : Sir, one of the speakers in today's debate, I think my Honourable friend, Mr. Gaya Prasad Singh, expressed the view that there was a certain air of unreality about today's proceedings, because he said that those who supported my Honourable friend's Bill knew that they were certain to be defeated. It is reassuring to know that we on this side are to be successful, though surprising things happen in this Assembly, but I do agree that there is an air of unreality about today's debate.

Mr. Gaya Prasad Singh : On account of the reason which I have assigned?

The Honourable Sir Henry Craik : No, for another reason and that is that, as I remarked on the first day on which we discussed this motion, the subject is really worn so thin as to be actually threadbare. Owing to my Honourable friend's consistence and persistence in bringing it up before this House on many occasions, the arguments both for the abolition and for the retention of the Regulation are really, I am afraid, familiar to every Member of this Assembly and it is very difficult to find anything

new to say, but I can imagine my Honourable friend, the Mover, saying to himself, like the character in Virgil, if I may quote Latin :

*"Flectere si nequeo superos,
Acheronta movebo."*

Which, translated, means :

"If I cannot move Heaven, I will move Hell."

Or perhaps in more topical language :

"I have not had much success with Haig, but I will try it on with Craik."

That is perhaps really the object of this motion and of the revival of this somewhat ancient corpse.

Sir, there are one or two preliminary points which have been raised in the course of today's discussion which I should like to reply to. The first speaker, my Honourable friend, Mr. Mitra, asked me how many State Prisoners there were in Bengal and why these people could not be dealt with under the special legislation which gives power to detain them? I think at the moment there are 19 prisoners under the Regulation, not in Bengal but belonging to Bengal, but they were all interned before the Bengal Criminal Law Amendment Act of 1932 came into force; they were all, in the opinion of the authorities, terrorists of a dangerous type whom it was not desirable to intern in Bengal itself. They were, therefore, dealt with under the Regulation, because the Bengal Government had at that time no legal power to order the detention of anyone outside their jurisdiction.

Mr. S. C. Mitra : But at present there is no necessity to bring them under this Regulation.

The Honourable Sir Henry Craik : I will consider the point whether it would now be possible to deal with them under the other powers now possessed by the Bengal Government. I was merely explaining why at the time they were interned it was necessary to use the Regulation because the legislation which has since been passed was not at that time in force. Apart from that particular point about the Bengal prisoners, the Honourable Member will, of course, realise that in other parts of India the special powers that exist in Bengal by virtue of recent legislation do not exist. For example, in the Punjab and the North-West Frontier Province there is a special Act but there is no power to intern. There is merely power to detain for a period which must not exceed two months, and a detention for two months is not obviously of much use in the case of a man who, the authorities are satisfied, is a dangerous terrorist.

Another point raised was regarding the reply I gave in answer to a supplementary question the other day about one of the Bengali internees, Mr. Sarat Chandra Bose. I am being told that I have violated the rule of silence or secrecy or reticence observed by my predecessors in making that reply, but I may point out that what actually happened was that Mr. Bhuput Singh put a question to me which ran : "May I know what are the reasons, other than the Civil Disobedience Movement, for detaining Mr. Bose?" Now, if I had said : "No" or "I shan't reply" or anything like that, I should have been accused of grave discourtesy, and so, I stated the conclusion to which I had come after a study of the papers, namely that there were strong grounds for considering that this gentleman is deeply involved in the terrorist movement.

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Mr. K. C. Neogy : The Honourable Member was complimented for it and he need not take the trouble of explaining his position.

The Honourable Sir Henry Craik : I am coming to that.

Mr. Gaya Prasad Singh : I hope the Honourable Member will be more communicative with regard to other detenus and the reasons for their detention.

The Honourable Sir Henry Craik : A telegram of remonstrance or protest has come from Mr. Sarat Chandra Bose to which allusion has been made by one or two of today's speakers. It only reached me half an hour before I came to this Chamber, as it was not sent to me direct but through one or two intermediaries. I am not in a position, nor do I think, this is the proper place to enter into any argument about it, but I may say that he takes the point that what I have stated is in conflict with statements which he alleges were made orally in certain conversations by high officials of the Government of India and I think also by some high officials of Bengal. I have, hitherto, had no time to ascertain whether there is any record or corroboration of his allegation, that such statements were made, but, I shall, of course, look into the point. I have only to say that, before the receipt of this telegram, and, in consequence, I think, of certain allusions made in this House and of what I have read in the Press, I have again carefully perused the papers regarding this person and I see no reason whatever to alter one single word of what I said on that occasion. I am convinced that there are grounds for considering him to be deeply involved in this movement and there I must leave the matter for the present.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Will the Honourable Member kindly place these papers on the table ?

The Honourable Sir Henry Craik : Certainly not. Those papers are confidential documents.

Mr. Gaya Prasad Singh : Will you give an opportunity to that gentleman to explain his conduct and to prove his innocence if he can ? Of course, it can be done *in camera* and not before the public. This is what bare justice demands.

The Honourable Sir Henry Craik : I cannot at the moment give any undertaking to that effect, but I will consider that question.

Now, Sir, I come to my Honourable friend, Mr. Neogy. I would like to say at once that I thoroughly enjoy an argument with Mr. Neogy. I recognise him as a fair and courteous debater and one after my own heart, not only because of those qualities, but because I always feel that I am contending with a much more subtle brain than my own. Honourable Members who play golf will appreciate the simile when I say that I always feel when engaging in an argument with my Honourable friend that though I am almost certain to be defeated, yet I hope that my game is going to be improved. The Honourable Member was kind enough to refer to the candid way in which I have placed the case of Government on this motion and I very much appreciated what he said. But I was a little hurt when he said something which implied that he considered me a die-hard. Now, that is an imputation which I cannot admit. I am afraid the Honourable Member must have read the comment of a well-known nationalist paper of my Province when my appointment to my present office was

announced. It said in effect : " As for Sir Henry Craik, all that we know about him is that he is every bit as reactionary as his predecessors and has none of their Parliamentary gifts ". Of course, I am painfully conscious of the second part, which is perfectly true, but the first part does seem to me to be rather begging the question both as regards my predecessors and myself. I honestly think that I cannot fairly be accused of being a die-hard. At least, I hope not.

Mr. K. C. Neogy : I would gladly accept a variant of that, if the Honourable Member suggests one.

The Honourable Sir Henry Craik : If my Honourable friend persists in that opinion, I can only hope that, in the months or years to come, when, I trust, we may be associated in this Assembly, my conduct will convince him that he is wrong. (Applause.) My Honourable friend went on to quote the speech made by Lord Reading to this Assembly in January, 1924, and he contended that the Government have been guilty of a breach of faith in not implementing what he said was a clear promise made in that speech that the cases of all these internees would be referred to two Judges. I do not for the moment say High Court Judges because I think it is perfectly possible that there was a *bona fide* mistake about the point whether they were to be High Court Judges or Sessions Judges. But I have read the speech since my Honourable friend spoke, and, I must say that I cannot find there that there was any definite promise made that that procedure would invariably be observed. However, be that as it may, that is a very old question which has frequently been raised on the floor of this Assembly as my Honourable friend must know. There was a question put to Sir Alexander Muddiman in 1926 on this very point, and he was challenged by Mr. Rangaswami Iyengar as regards this alleged breach of faith, and he replied :

" It is very important that I should make myself quite clear on that point. I am answering a general question in regard to the general use of the Regulation. As the Honourable Member quite correctly states, a different procedure was adopted in regard to the prisoners whom His Excellency the Governor General was referring to. I want to make it quite clear that Government are not in all cases committed to that procedure."

Whether there was a breach of faith or not, the position of Government was made perfectly clear eight years ago. I really do not think my Honourable friend need have dug up in defence of his arguments the alleged sins of my predecessors, for I have no doubt that in course of time he will find plenty of my own. But it does illustrate the weakness of his case when he has to go back to these forgotten controversies of eight years ago to reinforce his arguments.

Mr. K. C. Neogy : Yes, to Lord Reading.

The Honourable Sir Henry Craik : Yes, it was to Lord Reading. Sir,

I have very little more to say, but there are just one or two points made by later speakers to which I feel it would be courteous to refer. My Honourable friend, Mr. Gaya Prasad Singh, quoted the case of a Delhi prisoner, Vidya Bhushan, who, he says, was arrested under this Regulation after being honourably acquitted by a Court. I took down his exact words. I have only a somewhat vague recollection of that case, and, unfortunately I have not had the opportunity of refreshing my memory about it. But I must say that my recollection is that the Honourable Member had no justification for using the expression

[Sir Henry Craik.]

"honourably acquitted". The man's guilt was not proved, but I do not believe, to the best of my recollection, that it was ever definitely said that he was innocent. If the Court had said that he was innocent, that would be quite a different thing.

Mr. Gaya Prasad Singh : If his guilt is not proved then he must be presumed to be innocent in the eyes of the law.

The Honourable Sir Henry Craik : There is a difference. In Scottish Law, as my Honourable friend knows, a jury can return a verdict intermediate between guilt and innocence, known as a verdict of non-prover, but in English law there is no such thing. Still it must be within the common experience of every human being that there are cases when you cannot say that a man is definitely guilty and yet you are not satisfied of his innocence. In that particular person's case I do not believe that the verdict can be fairly described as having amounted to one of honourable acquittal.

Mr. Gaya Prasad Singh : Will the Honourable Member himself kindly look into that case?

The Honourable Sir Henry Craik : Yes, I will. Now, Sir, I come to my Honourable friend, Mr. B. Das, and, I wish to remove a misapprehension that seems to exist in his mind that the communist movement in India is entirely a figment of my imagination. I wish I had as fertile imagination as the Honourable Member seems to suppose. Let me assure him that the statement that I laid on the Table of the House the other day, in order to spare the House the horror and indignation and boredom which I knew its reading would cause, was a document of which every single sentence was based not on my imagination but on papers and proofs in the possession of the Government of India. That statement as to the teachings, the aims and objects of the communist party in India is one which, I think, I may claim, is carefully and thoroughly documented and in no sense based on imagination or even on guess work. I do not think that any reasonable person reading that document can fail to agree with me that in describing the communist as "Public Enemy No. II", I have not been guilty of any exaggeration whatever. The Honourable Member asked me, how many communists or communist agents were interned under this Regulation? There were a short time ago six, but four of them have now been released as they are not considered any longer dangerous and there are still two left. The suggestion to which I have just referred that the communist movement was a wholly imaginary danger, a sort of bogey suddenly dug out of some dark cellar to justify the retention of the Regulation, is certainly not one that is shared by my Honourable friend's own Leaders or future leaders as he no doubt has observed from the sayings reported in the Press of Mr. Vallabhai Patel and even of Mr. Gandhi himself. They are fully alive to the dangers of the communist movement. If the Honourable Member is going to appear in the next Assembly, as representing the Congress, he must make himself better acquainted with the views of the leaders that are to be.

Mr. B. Das : Out of 35 crores, two detenus only. There are only two communists out of 35 crores of people in India. That shows there is really no communist movement in India.

THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

1585

The Honourable Sir Henry Craik : Apart from those, there are many who have been convicted in regular Courts in Bombay and I believe also in Calcutta.

Sir, I do not think I have anything more to say, for, as I have remarked, the subject is one regarding which every Member of the House is familiar with the arguments on both sides and I do not think that anything I can say is likely to, certainly not to turn the scales, or even influence one vote. But, Sir, I feel some confidence in now leaving the question to the verdict of the Assembly. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to repeal the Bengal State-Prisoners Regulation, 1919, be taken into consideration."

The Assembly divided :

AYES—37.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Ba Maung, U
Badi-uz-Zaman, Maulvi.
Bhuput Singh, Mr.
Chandi Mal Gola, Bhagat.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Hari Raj Swarup, Lala.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.
Mahapatra, Mr. Sitakanta.
Mitra, Mr. S. C.

Mudaliar, Diwan Bahadur A.
Ramaswami.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Pandya, Mr. Vidya Sagar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Phookun, Mr. T. R.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhraj.
Sant Singh, Sardar.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.

NOES—52.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major. Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Duguid, Mr. A.
Fazal Haq Piracha, Khan Sahib Shaikh.
Ghuznavi, Mr. A. H.
Grantham, Mr. S. G.
Hockenhull, Mr. F. W.
Hudson, Sir Leslie.

Ismail Ali Khan, Kunwar Hajee.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Lindsay, Sir Darey.
Lumby, Lieut.-Colonel A. F. R.
Metcalf, Mr. H. A. F.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank.
Pandit, Rao Bahadur S. R.
Perry, Mr. E. W.
Puri, Mr. Goswami M. R.
Rafuiddin Ahmad, Khan Bahadur Maulvi.

NOES—*contd.*

Raghubir Singh, Rai Bahadur Kunwar.	Singh, Kumar Gupteshwar Prasad.
Raisman, Mr. A. J.	Singh, Mr. Pradyumna Prashad.
Rajah, Rao Bahadur M. C.	Sircar, The Honourable Sir Nripendra.
Ramakrishna, Mr. V.	Spence, Mr. G. H.
Rau, Mr. P. R.	Studd, Mr. E.
Richards, Mr. W. J. C.	Trivedi, Mr. C. M.
Row, Mr. K. Sanjiva.	Zakaullah Khan, Khan Bahadur Abu
Scott, Mr. J. Ramsay.	Abdullah Muhammad.
Scott, Mr. W. L.	Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

THE GIRLS PROTECTION BILL.

Rai Bahadur Kunwar Raghubir Singh (Agra Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That the Bill to protect Minor Girls be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Sir Abdur Rahim, Mr. K. C. Neogy, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. Muhammad Yamin Khan, Sardar Nihal Singh, Goswami Mr. R. Puri, Sir Hari Singh Gour, Mr. F. E. James and the Mover, with instructions to report within a week, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This Bill was sent out at Delhi for circulation in order to elicit public opinion thereon. Opinions have been received. As we know, the opinions are generally from District Magistrates, Commissioners, High Courts and other Government servants. Non-official public opinion also was obtained, and as I shall show later on, public opinion is generally in favour of the Bill. I shall also refer to the bodies which are against the Bill, but, before I do so, I wish to point out that those who are interested in the welfare of girls are generally in favour of my Bill. The very famous paper of Allahabad, *the Chand*, of May, 1934, has supported my Bill. Then there is the paper of Lahore started by the late Sir Ganga Ram which is known as the *Widows' Cause* which has also supported my Bill. As for individuals, the Honourable the Chief Justice of the Allahabad High Court supports my Bill, as well as Justice Iqbal Ahmad. Dr. Muthulakshmi Reddi of Madras has written to me personally supporting the Bill. Khwaja Hasan Nizami of Delhi, the Government Pleader, Silchar, Deputy Commissioner, Garo Hills, Chairmen of the Local Board and Municipal Board, Nowgong, Secretary, District Bar Library, Sylhet, Mr. G. L. Subhedar, Additional Judicial Commissioner, Central Provinces, Mr. F. H. Staples, Additional Judicial Commissioner, Central Provinces, the Deputy Commissioner, Buldana, Mrs. Y. K. R. Cama, Honorary Magistrate, Nagpur, Mr. P. Mukherji, M.L.C., Delhi, Rai Bahadur Ram Kishore, Advocate, Delhi, Dr. S. P. Shroff, Delhi, the Senior Sub-Judge, Delhi, Raja Bahadur Suraj Baksh Singh, O.B.E., of Kasmanda, the District and Sessions Judge, Guntur, the Inspector General of Police, Burma, the Government Pleader, High Court, Bombay, the Collector of Broach and Panch Mahals, the Collector of Thana, all have supported my Bill. As for institutions, the Assam Saurakshani Sabha, Gauhati Kai-varta Sammilan, Gauhati Hindu Sabha, the Bar Association, Chhindwara,

the Bar Association, Jubbulpore, the Gurudwara Prabandhak Committee, Sisganj, Delhi, the Secretary, Cambridge Mission, Delhi, the Women's Indian Association of Madras, the Burma Provincial Hindu Sabha, Khalsa Diwan, Burma, the Europeans Association, Calcutta, the Bengal Sanskrit Association, the Bombay Presidency Social Reform Association, the Bombay Presidency Women's Council, the Madras Hindu Association, Rangoon, the All-India Sanadhya Mahamandal, Agra, the Unewal Brahmin Sudharak Yuva Mandal, Khakharea and the All-India Bharat Varshiya Agarwal Mahasabha, Calcutta, have all supported my Bill. Now, I come to those who have criticised the Bill and want to go farther than the provisions contained in the Bill. The first criticism which is general is that the word "sale" has not been defined. I think that this can be done by the Select Committee which I have suggested. The second criticism is that the punishment proposed is inadequate. I think that can also be done by the Select Committee. The third objection is that section 372 of the Indian Penal Code is enough. But the words in that section are "if one sells a girl for immoral purposes"; but here it is no case of selling a girl for immoral purposes, but for regular marriage. So the case which I am referring to this august Assembly will not be covered by that section. The fourth objection is that the Sarda Act is there and the age proposed in this Bill is the same as that in the Sarda Act, and so, if that Act is made more effective in the same direction, it would be enough. I say, the age of the girl can also be increased by the Select Committee, and I wish to emphasise it that I want stoppage of selling of girls for marriage purposes; and if any changes are proposed in the Select Committee or by the House, I am willing to accept the same. I am open to conviction. It is simply in the human interests that I want this Bill to be passed, and the poor girls who are tied down to those persons will be saved. It is also pointed out that the object and reason for this Bill is to prevent widowhood in case of great disparity of age. Only those people will pay big sums of money who are older in age: those who are young can get brides, but those who cannot get brides have, of course, to pay a large sum to get them. So, if this Bill is referred to Select Committee the criticisms can be considered there and rectified. With these few words I move my motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to protect Minor Girls be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Sir Abdur Rahim, Mr. K. C. Neogy, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. Muhammad Yamin Khan, Sardar Nihal Singh, Goswami M. R. Puri, Sir Hari Singh Gour, Mr. F. E. James and the Mover, with instructions to report within a week, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, there is no doubt that the object which my Honourable friend has in view is good. He wants that minor girls should be protected. He was frank enough to say even on the last occasion that the Bill was not properly drafted, and that any drafting defects there might be could be remedied in the Select Committee. But my friend has not realised the difficulties of sending a measure, as he has conceived it, and in the form in which it stands now, to the Select Committee for remedying any defects in it. In order to appreciate not so much the principle of the Bill as the value of this legislation, I think we should consider two or three circumstances. Now, what exactly is

[Mr. B. Sitaramaraju.]

my friend driving at in order to protect minor girls? His first idea is, according to his Statement of Objects and Reasons, that there shall be no inequality of ages between a bride and a bridegroom. That, however, is not provided in the provisions of the Bill and obviously difficult to have a cut and dry provision and the second point is that girls should not be treated as commodities. As I have said, Sir, we have nothing but sympathy for the view that minor girls should not be treated as commodities. But, my friend has not taken note of the legislation which we already have on the subject. If selling as he calls it, though the word "selling" has not been defined and is incapable of being properly defined in a matter like this, if selling of a girl is done for monetary considerations and for an improper use, then we have the Indian Penal Code which deals effectively with such crimes. If it is not for immoral purposes, but is merely for purposes of giving the girl in marriage, then we have the Sarda Act. The Sarda Act says that there shall be no marriage if a girl is of the age, which my friend has in mind. Therefore, whether it is for an immoral purpose or for a marital purpose, if a girl is minor, then there is already legislation which can effectively deal with both classes of these moral offences. He has not provided for girls above the age of 14 to come under the operation of this Bill, but it is just as bad if a girl above the age of 14 is sold as a girl under the age of 14 is sold. In our part of the country selling is meant to be for a monetary consideration. That being so, all marriage transactions where monetary considerations pass must be considered as sales. At the time of marriage, two forms of monetary considerations generally come to pass. One is called the *Kanya-sulka*, and the other is called the *Vara-sulka*. In both cases, certain monetary considerations do pass in this way. If that is considered an offence, then there is no reason why the bridegrooms sold under one of these categories should not be protected just in the same way as girls. From a purely Shastric point of view, these monetary considerations are always held bad, and even as early as in pre-historic days, Manu says that even a cow, if it is given as a consideration for marriage, could be considered as a monetary consideration and, as such, would constitute an offence against religious purity and render the marriage unpraiseworthy. Therefore, there is no doubt that from the point of view either of the Shastras or from the point of view of our ordinary notions of morality or of civilization, monetary considerations are bad and should be discouraged, but how legislation can effectively deal with such problems, I for one am unable to see, because all these matters depend more or less upon the way in which society looks at them. If the society looks upon with disfavour, then, by the mere force of public opinion, the people concerned can be dealt with more effectively than by legislation, and that, often, is the only effective remedy. But, Sir, monetary considerations, not only in this country, but all over the world, are realised as bad, and yet allowed to pass. They have been known to exist among all classes of people and in all countries. For instance, an aristocrat bankrupt is sold to an heiress of the lower orders in America today and patrician ladies in poverty are sold to the newly rich of the middle classes.

Mr. B. Sitaramaraju : Parents themselves offer in marriage their girls in consideration of the status or money which a husband is willing to offer as consideration. That is one class of people. Then there is the other class also to which my friend, Diwan Bahadur Mudaliar, just referred, that is, where the girls themselves sell, for money, irrespective of every other consideration, just for the sake of that money, though the bridegrooms may differ temperamentally, though they be too old, and though they may be objectionable in every other conceivable way. Therefore, I do consider that in a matter of this kind, it is far better to leave the matter for public opinion to put such restraint as it possibly can, instead of resorting to legislation, which, for all practical purposes, can at best remain a dead letter. My friend referred to certain opinions which were given on his Bill. He evidently misunderstood that the opinions which were expressed in his favour as opinions expressed in favour of the provisions of the Bill. They are merely opinions expressing their approval for the object he had in view. I will read only three important opinions without taking much of the time of the House. The High Court of Madras says : "The Honourable Judges consider that the Bill is unnecessary.....".

The opinion of an eminent lawyer, Sir P. Sivaswami Aiyer, is as follows :

"The object of the sponsor of the Bill may be good, but the Bill is so ill-considered and ill-drafted that it should be rejected. It is very doubtful whether the framer of the Bill has any clear ideas in his own mind as to what he wants. He states that the evil of daughter-selling has assumed dangerous proportions in Hindu society. It is not clear whether he refers to selling in marriage or for immoral purposes. I do not believe that this evil has grown in this Presidency. On the other hand, the practice of the sale of the bridegroom by this parents or by himself is far more rampant. So far as the sale of girls for immoral purposes is concerned, it is adequately dealt with in the Penal Code.

The author of the Bill states that he wishes to provide for the protection of minor girls and against the disparity of age between the bride and bridegroom. There is no reason why he confines the protection offered by his Bill to girls below the age of 14. Marriage of such girls is already prohibited by the Sarda Act. There is no reference in the Bill to sale for purposes of marriage, nor to any inequality of age between the bride and the bridegroom. There may be great disparity of age between the bride and the bridegroom even in cases where the girl is above 14 years of age. There are numerous other objections to the Bill, but it is unnecessary to refer to them in detail in view of the exhaustive criticism of Captain Lal Chand which has torn it to shreds."

With one more opinion I shall close, and that is the opinion of the Advocate General of Madras :

"If the object of the framer of the Bill is to strike at sales of girls, the sale of girl above 14 is as much objectionable as a sale of girl under 14, though it has to be admitted that there is a greater possibility of a girl above 14 exercising some sort of discretion of her own than a girl under 14. Among the lower classes of the Hindu community certain forms of marriage are prevalent in which a small sum of money at present is paid as a part of the marriage ceremonial. A question may arise whether those forms of marriages are hit by the Bill. A small settlement of property on the parents of the girl or an advance for the expenses of the marriage, it may be urged, may bring the particular marriage under the expression of 'sale' in the section.

There is also this further point that the Child Marriage Restraint Act has made it an offence for any person above the age of 18 to contract a marriage with a girl below 14 years of age. If the sale is for purposes of prostitution or for illicit intercourse or for unlawful purposes the same is already an offence under section 372, I. P. C.

On all these grounds I think no purpose is served by the Bill and the matter

[Mr. B. Sitaramaraju.]

I do not wish to refer to other adverse opinions, but I find there are many such opinions with regard to both the terms in which the Bill is drafted and the points which my Honourable friend mentioned. When I say that the Bill will not serve any useful purpose by being referred to a Select Committee, I am not actuated by personal or communal views. I say so on the opinions that I have just now read out to the House by eminent men. I will say at once that so far as we as a community are concerned, we do not practise neither *Kanya-Sulkam* or *Vara-Sulkam*, i.e., the sale as you may call it of the bride or the bridegroom. There is no such practice as the system of passing monetary considerations at the time of marriage in my community. If, at the time of marriage, even a small coin is given, that will be construed as a monetary consideration, and, therefore, in our community, it has been jealously practised that such monetary considerations should not be allowed to interfere on marriage occasions.

An Honourable Member : Is your objection only to monetary consideration ?

Mr. B. Sitaramaraju : There are other considerations also, but for the present we are considering only the monetary consideration. Though the Kshatriya community in Northern India still practise dower and other monetary considerations, we do not. Therefore, I am not interested from any communal point of view in opposing the motion. On the whole, the Bill, as drafted, will not serve the purpose which my Honourable friend, the Mover, has in view, namely, the protection of minor girls before the age of 14. We have got already two Acts, one the Sarda Act for the marital age, and the other the Indian Penal Code as regards immoral purposes. These two amply cover the ground which my Honourable friend wants to provide for, and to enact another piece of legislation is, from the point of view of principle, bad. You cannot have two legislations and two sets of punishment on one and the same transaction, and that is always considered to be bad from the point of principle of legislation. I consider, therefore, that no useful purpose will be served by referring the Bill to a Select Committee, and so the motion should be opposed.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural) : Sir, the object of the Mover of the Bill is a very laudable one, and I do not think that there is any difference of opinion with regard to this matter. This Bill, as framed, in reality concerns only girls who are below 14 years of age, and sometimes these girls are given in marriage for money consideration. This Bill has been introduced to stop this practice. It often happens that because there is no custom of widow remarriage in the higher castes of Hindus, if people of 50 or 60 years of age want to marry, naturally, as there are no widows available, they must marry minor girls of 12, 13 or 14 as the case may be. Sir, the evils of early marriage are best known to us. As a social reformer has said, "impression, good or bad, made in the time of childhood can never be effaced in after-life, and the illiterate mothers of unripe age and experience can never be expected to exert that wholesome moral influence on their children which can be of substantial good to them in the battle of life". The principle of the Bill is very sound, and I do not think that there can be any objection to the acceptance of the principle. Some opinions are to the effect that the Bill is badly drafted.

These defects can be removed when the Bill goes to the Select Committee. For the present, I support this Bill going to a Select Committee.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, from the moral point of view I would certainly like to have a Bill of this nature passed. But there are several difficulties which make it difficult to have a legislation of this kind. So far as my part of the country is concerned, from time immemorial there is a custom amongst Muhammadans, not of the very lowest class, but except and barring those richer people and those Muhammadans of higher class.....

An Honourable Member : You speak for the Hindus.

Mr. Lalchand Navalrai : I am coming to Hindus also. Because this Bill applies to both communities, it is not restricted to Hindus only. I shall come to Hindus also and show whether this Bill should be taken into consideration or not. I was saying that amongst the Muhammadans, barring the higher classes, and taking the Hindus, the Hindus of lower classes, who are not very few in the country, there is a custom by which they marry their girls for money. The father gets the money, the mother gets the money, and they marry their children. They do not consider that immorality at all.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : How do you know ?

Mr. Lalchand Navalrai : Not the Anglo-Indians I am talking of. There is a custom where they do not consider in the least that it is a harm or a degradation, and that is going on for a very long time. Would that mean selling ? If that is selling, then that would come under this. But if there is a custom to that effect, custom prevails over the law too. If you pass this Bill and there is a custom to that effect, the law will not over-ride that custom. Therefore, I submit, there are difficulties with regard to this Bill being passed. Not only that, but the money that these people give is being used for the purpose of the nuptial rites too. They use the money for the expenses that are required for the ceremonies or for some other purposes ; they make ornaments for the girl. Therefore, I submit that, so far as that is concerned, this Bill will not be a practicable one.

Then, there is another kind of marriage which may also be considered as sale, and it is this. Instead of giving money in exchange, they give the daughter in exchange. A gives his daughter to B and in turn takes the daughter of B. Would that be sale or not ?

An Honourable Member : Of course not.

Mr. Lalchand Navalrai : If that is not sale, then sale is not defined at all. Exchange is also sale under the Contract Act—
3 P.M. a horse for a donkey. What I am submitting is this.

I have very much sympathy with the Mover of this Bill. I would very much like that a Bill of this kind may be enacted, but there are difficulties, and I think the best course that we should adopt is that this should be left to those communities which are concerned in this matter and that this matter should be decided by social *panchayats* among themselves, because different customs and manners prevail in different parts of the country. So this Bill should be considered in that light.

[Mr. Lalchand Navalrai.]

The second objection that appears to me is this. We have already a legislation in force called the Sarda Act.

An Honourable Member : There is a motion for its repeal.

Mr. Lalchand Navalrai : I will certainly object to that Bill being repealed. It is of very great help in improving the society as also the vitality of the people. On the other hand, there is a defect in it, and I have put in a Bill which will come up before the House. It says that the Sarda Bill is not being implemented to the extent to which it ought to be, because people go across the border of British India into some Native State and then come back to India with impunity. The Government are doing nothing. I hope Government and especially the new Law Member will do something, otherwise that Act will be infructuous. There is, as I say, the Sarda Act in existence which punishes a man who marries his girl under the age of 14. That covers this also. If a man gives money and marries his girl under 14, he will come under the Sarda Act. Is not that sufficient punishment? Why should there be double punishment? On the contrary, my friend should support the Sarda Act rather than bring in this Bill. To pass this Bill will be inflicting one more punishment and nothing more. Even one punishment is enough. I am submitting that when the Sarda Act is in existence, this Bill is unnecessary. The Sarda Act should be fully implemented and people should be taught a lesson if they are going to contravene it. To give money and to marry is not good, but this custom has been in existence for a long time, and there may be difficulties in the way. I do not know the views of those people whom I represent and also the Muhammadan community in Sind and in the Bombay Presidency. If they are of opinion that this practice is wrong, then they will stop it.

An Honourable Member : Their opinions are on record.

Mr. Lalchand Navalrai : I have not read the Bombay opinions, I am sorry. I asked for them and could not get them. They were circulated a long time back. I came here only this morning from my place and I have not got those reports with me. My position is that I cannot possibly support this Bill without knowing full well the opinions of those people who actually contract such marriages.

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) : Sir, when I moved for circulation of this Bill in the last Session at Delhi, I dwelt at length on some of the draw-backs that were apparent in this small Bill. I am not going to repeat all those arguments and will only refer to a few points for the consideration of the Select Committee. There is disparity in the opinions that have been received, but I would not repeat them because I do not wish to oppose the motion for Select Committee. But, all the same, I think, my friend, Mr. Lalchand Navalrai, is right when he says that these things should be left to the social reformers.

Mr. Lalchand Navalrai : Once in a way you think I am right.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : I think the Select Committee should be at liberty to say so. The object is laudable no doubt, but the remedy suggested is hardly commensurate with the objects which the Honourable Member has in view. Some of the apparent draw-backs of this Bill are : In the first place, in the Statement of

Objects and Reasons we have it, that this is a Bill for the protection of minor girls against inequality of ages of bride and bridegroom. There is not a word about this in the body of the Bill. The Honourable Member has at the back of his mind cases where minor girls are disposed of in marriage to elderly people. This is fairly common among the so-called advanced classes among Hindus, I mean the *mahajans* and Brahmins, but surely when he has mentioned that this is one of the objects of the Bill, he ought to have incorporated a provision in the body of this Bill to that effect. There is no mention of this in the clauses. I hope the Select Committee would consider this, and, if necessary, would add a clause to meet the object in view. Again, the wording of clause 3 is unhappy. It runs like this : If a parent sells his or her daughter before she has attained majority, etc. Does it mean that he will be free to sell the girl after she has attained the age of 14? Well, this should be remedied, because if it were so, the parent will only have to wait a few months or a few years before selling his daughter, and he will thus escape. Thirdly, the word "sale" is not a good choice. It means that when a minor girl has been disposed of and passing of consideration is not proved, then the accused is let off. We all know how difficult it is to prove the passing of consideration, and I think my Honourable friend ought to have said : "sells or otherwise disposes of". I hope the Select Committee will consider this point also. Then, fourthly, if a parent is to be punished for this offence, why not the man who induces the bride's parents to dispose of his daughter? He should not go scot-free. I mentioned this point in my last speech, when I moved for circulation, and I refer to it now for the consideration of the Select Committee. Fifthly, Sir, the punishment provided is very mild, and I said last time that that showed there was some complicity between the culprits and the Mover of the Bill. We find that the corresponding section of the Indian Penal Code, section 372, under which the disposing of a minor girl takes place with a particular object, the punishment is ten years. It runs thus :

"Whoever sells, lets to hire, or otherwise disposes of any minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose of prostitution, or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

There is, only this difference, that there in section 372 a particular object has been defined and that object is illicit or immoral intercourse. I admit, that in the present case, the punishment should not be ten years, but surely two months is ridiculous, if the Bill is at all meant to have any deterrent effect upon society.

Mr. Lalchand Navalrai : What is the punishment under the Sarda Act—it is only a fine.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : I was not present when the Sarda Act was passed, and for the law Courts it is practically a dead letter.

Mr. Lalchand Navalrai : I hope you were present when the Indian Penal Code was made.

The Honourable Sir Henry Craik (Home Member) : Simple imprisonment for one month,—under the Sarda Act.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Lastly, Sir, the Preamble says :

“Whereas the evil of daughter-selling has assumed dangerous vogue in society”.

Now, it will be for the Select Committee to go through the opinions that have been received. Sir, those opinions do not support this sort of aspersion upon the whole of society. It may be prevalent in certain communities, it may be so in a few cases, but surely this evil of daughter-selling has not assumed dangerous vogue in the whole of society. I hope the Select Committee will amend this also suitably. I am glad the Honourable the Mover has himself agreed to the raising of the age in the Bill from fourteen or sixteen to eighteen and the Select Committee may consider what is the proper age to adopt. Then, again, Sir, the offence has been made cognizable. Well, this will be giving another handle to the so-called bureaucracy and will unnecessarily add to the work of the Honourable the Home Member who is already over-worked ; there will be so many questions of the police interfering in such and such a case and so on and I think it is for the Select Committee to consider this point also. Sir, I have nothing more to add, but I do not oppose this Bill at this stage.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the Bill, as it is drafted, appears to me to be quite unnecessary, and it will lead to a series of prosecutions and a series of troubles on account of the interpretation to be placed upon the word “sale”. Sale may mean anything—the changing of one commodity for another commodity. Now, suppose in the case of sale, as is usually the custom, money or ornaments, or clothing or property are given to the bride at the time of the marriage, then does it or does it not amount to a sale ? This is a very important question.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Brides are not commodities.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Bridegrooms are !

Dr. Ziauddin Ahmad : If the bride is not a commodity, then the question of sale according to the General Clauses Act will not arise. (Laughter.) The question that will arise is this. This is the usual custom amongst various people that certain things are always given to the bride at the time of the marriage ceremony. Very often the father of the bride, if he finds that the father of the bridegroom is very extravagant, takes jolly great care to see that certain properties are put down in the name of the daughter so that the whole property may not be wasted. It is also very customary that people give money on such occasions not only to the bride, but also to the father of the bride, the mother of the bride and their relatives at the time of the ceremony (Laughter) ; it may be given in the shape of money, it may be given in the shape of clothes or in some other form. Then all these things will come under the definition of “sale” if this Bill goes through. Sir, I find that the general opinion of the various Local Governments is definitely against this. Thus, the United Provinces Government says :

“The Governor in Council does not approve of the Bill as drafted and is inclined to think that legislation in this form is not required.”

Now, in the case of Baluchistan, I draw attention to Extract No. 7—The Honourable the Agent to the Governor General and Chief Commissioner is also definitely against this legislation and the Political Agents think that this will be a very unpopular move in Baluchistan. Coming to the North-West Frontier Province, there also :

“the Bill, as it stands, virtually finds no support from anyone consulted on the subject in this Province” (*vide page 12 of Paper No. 1*).

“The grounds on which it is opposed are :

- (1) It would be unpopular and contrary to established custom.
- (2) It would be impossible to enforce.
- (3) It is unnecessary in view of the provisions of section 372, Indian Penal Code, and of the Child Marriage Restraint Act.
- (4) It would not effect the purposes which it seeks to achieve.
- (5) It does not go far enough.

The Governor in Council is therefore of opinion that the Bill is redundant.”

That, in effect, then, is the opinion of the three Governments which I have quoted and I do not see any reason for enforcing this Bill ; I foresee enormous difficulties in interpreting the meaning of the word “sale” ; and I am afraid even the ordinary marriages which are now performed in good faith, and without any question of immorality or otherwise, might be dragged in by one magistrate or other in a Court of law by someone giving a wrong interpretation to the word “sale”, because unless the word “sale” is very clearly defined, it would be exceedingly difficult to accept it in this particular form. Sir, for all these reasons, I oppose this Bill.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I want to place before the Honourable Members of this House an idea of the position under the Hindu law of marriages where money is paid. I shall be extremely brief, and I propose to read from page 484 of the last edition of Mulla, paragraph 428 :

“(1) The ancient Hindu law recognised eight forms of marriage, of which four were approved forms, and four unapproved. The only forms of marriage now recognised are—

- (i) the *Brahma* form, which is one of the approved forms ; and
- (ii) the *Asura* form, which is one of the unapproved forms.

(2) Where the father or other guardian of the bride gives the bride in marriage without receiving any consideration from the bridegroom for giving the girl in marriage, the marriage is called *Brahma*. But where he receives such consideration, which is technically called *sulka* (a word which was used by my Honourable friend Mr. Sitaramaraju) or bride's price, the marriage is called *Asura*, even though it may have been performed according to the rites prescribed for the *Brahma* form. The test in each case is whether any consideration was received by the father or other guardian for giving the girl in marriage. The mere giving of a present to the bride or to her mother as a token of compliment to her does not render the marriage *Asura* marriage.

(3) Hindus belonging to any class (*this is the conclusion*) may now marry either in the *Brahma* form or the *Asura* form. Thus a Brahman may contract an *Asura* marriage, and a Sudra may contract a *Brahma* marriage.”

Therefore, the position is this, that under the Hindu Law it is well recognised that there may be a valid marriage although price or consideration for the bride has been paid. Speaking for myself. I come from a Province where we do not hear of sale of brides, but we hear

[Sir Nripendra Sircar.]

every day of the sale of bridegrooms. Sir, I would not have opposed this measure going to the Select Committee, if I had felt that there, by the joint efforts of the Members of the Select Committee, any effective shape or form could have been given to this Bill. But I do consider that that is absolutely hopeless, and for this reason. The Honourable the Mover said that the word "sale" might be defined by the Select Committee, but I very much wish he had given me some idea of what he meant by "sale". If he could give us that idea, there may not have been much difficulty in the Select Committee to put that idea into legal form. I think, if I am not wrong, what he has in his mind is the extreme case, namely, of a guardian or a parent who, without any consideration for the welfare of the girl, takes a sum of money being induced thereby by somebody who wants to marry the girl. That is an extreme case. But my Honourable friend has got to bear in mind that, between that extreme case and cases at the other end, there will be infinite gradations. For instance, what I mean to say is this. Supposing, in the case of a marriage, the father of the bride says: "I want Rs. 500." He has the best interests of his daughter at heart. He wants this Rs. 500, because probably he is too poor to pay for any ornaments for the girl. In another case, it may well be that the poor father wants some money because he is unable to meet even the marriage expenses. Now, is that going to be a sale where the father receives money, but he receives it from no improper motive, but from the proper motive of helping the girl? Surely that case is not intended to be covered by the Mover of this Bill. Let us now take an intermediate case, that is to say, where the father gets a thousand rupees and intends to invest Rs. 500 for the benefit of the girl and wants the remaining Rs. 500 for himself. Will that be a case of sale? Consideration may be anything; it may be in the shape of coin or it may be in the shape of presents, such as clothing, etc., or it may even be two baskets of sweets that may be sent. Consideration does not necessarily mean silver or gold coins. Therefore, I feel that, however, gallantly the Select Committee may try to put this Bill into shape, I am afraid they will fail. For that purpose, and for no other purpose, I would strongly object to this matter being referred to the Select Committee and thus avoid a waste of time of several Honourable Members of this House.

Sir, I have spoken on this Bill although I am not the Member in charge of this Bill. But I thought that it would be better to place my views as a lawyer before the Honourable Members of this House for their consideration to show that the idea, laudable as it is, is so impracticable to be carried out into the form of a Statute that no object will be gained by referring this Bill to a Select Committee.

Mr. S. C. Sen : Sir, I oppose the reference to the Select Committee of this Bill. I do not understand what is meant by this Bill and what defects are to be surmounted by the provisions of this Bill. The Bill prohibits the sale of a minor girl. Now, I do not understand the meaning of the word "sale" that has been put in this Bill. A sale may mean the exchange in consideration of price and such a price may be either of monetary value or otherwise. To avoid this confusion, provision has been made in the Sale of Goods Act that the price in that Act must be monetary. But nothing is said about it in the Bill. Now, what is the

meaning of a monetary price? As the Honourable the Law Member has explained, anything that you may pay during the marriage must be considered to be a price. Now, Sir, amongst the Hindus also, in the case of the lower classes in Bengal, such as milkmen class, they have to pay cash. There are also some Brahmins in Bengal who have a similar custom. (Interruption by Mr. Gaya Prasad Singh.) I do not know about Bihar, but I am told that a similar custom exists there amongst the Brahmins. I do not know whether the same custom is followed by the Rajputs, but, probably, they still practise what they did in ancient times, the abduction of girls from their house! Sir, even amongst the Muslims, at the time of the marriage, there is a system called the *Mehr*. It is obligatory and its payment may be prompt or it may be deferred. So far as the prompt portion of the *Mehr* is concerned, it must be paid in cash.

Khan Bahadur Mian Abdul Aziz (Punjab : Nominated Official) : This amount is payable to the wife, and not to her parents.

Mr. S. C. Sen : Yes, it is payable to the bride; here also the money is payable to the bride. The payment is in consideration of which the bride is transferred to the bridegroom. That is the Muhammadan Law. Will that also be affected under the provisions of this Bill? Will it be a sale of the bride for a monetary consideration paid by the bridegroom? Therefore, this Bill will affect everybody in their honest endeavour to marry their children. If it is supposed that the marriage is to be banned, then we can all support this Bill, but we have not yet come to that stage. In these circumstances, without taking any more time of the House, I would protest against this Bill. This is a mischievous way of doing reform work in this country. Let the society proceed further in their own efforts, and let public opinions grow and we shall be able to effect proper reforms.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir (Applause), I am somewhat astounded to find an occupant of the Treasury Benches as an apologist for the Shastric law. My Honourable friend, Sir Nripendra Sircar, has quoted a very ancient Sanskrit Shastric law.

The Honourable Sir Nripendra Sircar : But that is from an edition of 1934. (Laughter.)

Sir Hari Singh Gour : I am afraid that my Honourable friend probably looks at the title page and not at the contents of the book. (Laughter.) It deals with eight forms of ancient marriages, and if he will read that very page of the text, he will find that one form of marriage is marriage by capture.

The Honourable Sir Nripendra Sircar : Allow me to say that the case as given in the foot notes is of 1911, 1921, 1923 and 1933. If I make a diligent search, probably I shall get a case for 1934 also.

Sir Hari Singh Gour : I am afraid my Honourable friend has not understood what I said.

An Honourable Member : It is very difficult to understand.

Sir Hari Singh Gour : I was referring to the eight forms of orthodox marriages which the Shashtras enumerate as current in their time. I was not dealing with the cases which deal with marriages in which

[Sir Hari Singh Gour.]

a price is received by the parent or guardian in return for the bride or the daughter given away in marriage. When I was dealing with those eight forms of marriages, I was mentioning that one form of marriage that was at one time customary was the marriage by capture. If my Honourable friend refers to the eight forms of marriages, the *brahma* form and the *asura* form, etc., my Honourable friend cannot forget that, out of these eight forms of marriages, at least six have fallen into desuetude.

The Honourable Sir Nripendra Sircar : That is what I read out.

Sir Hari Singh Gour : All the former forms of marriages, which custom has perpetuated up to date, is regarded as a very low form of marriage and they are described as forms of marriages which Hindus are not enjoined to contract. Now, Sir, we are not, therefore, affected in the slightest degree by the citation of any Shastraic text-books. If Honourable Members will re-call the history of this measure, they will find that its genesis lies in a measure introduced in the first Assembly known as the Age of Consent Bill, afterwards converted into the Children's Protection Bill. The object of that Bill was to protect minor children against being given away in marriage to ineligible husbands. That Age of Consent Bill did not deal with marriages, but dealt with the pollution of girls before they attain the age of full maturity. The object of that Bill was to protect minor children, and Honourable Members will remember the long and chequered history of that measure, introduced though in the first Assembly, it passed through the gamut of the first, second and the third Assembly, the Government opposing all the time. But when they found that the phalanx of public opinion and of the Members of this House was strongly in its favour, they adopted the flank movement of consenting to appoint a Committee to go into the whole question affecting young children. That Committee, presided over by Sir Moropant Joshi, went through the length and breadth of the country and very strongly supported a measure to protect children being given away in marriage or being subject to carnal intercourse before they had attained the age of discretion. Following the report of that Committee, one of us drew up a revised Bill, the Age of Consent Bill No. 2, and it was introduced in this House as the Children Protection Bill. That Bill again encountered opposition from the Government Benches with the result that it made no progress. Sir, when I dealt with measures of social reform that have been introduced into this House during the last 14 years, I felt that the contribution of the Government during those 14 years has been not one of mere apathy, but one of active hostility. I can well understand that the collectors of taxes and the preservers of law and order are not concerned with the betterment of the nation. (Hear, hear.) But when the Government find themselves confronted with a strong body of public opinion in favour of the protection of children, then it is that the Government had to yield, though reluctantly yield. So it happens that the age of consent was reluctantly raised from the age of 12 to 13. Now, Sir, what this Bill wishes to do is to protect minor children against being sold away in marriage for valuable consideration. Honourable Members on this side of the House have criticised this measure as being somewhat unprecedented in its character. Those who have done so must be suffer-

ing from short memories, because only last year this House, with exultant enthusiasm, passed a measure for the protection of girls and boys below a certain age being sold away by their parents for the purpose of doing compulsory labour or compulsory work. Let me re-call the facts of that case, and Honourable Members will see in a moment the analogy between that measure and the measure which has been introduced now. In Act II of 1932, the object was as stated in the Preamble in the following terms :

"Whereas it is expedient to prohibit the making of agreements to pledge the labour of children and the employment of children whose labour has been pledged ; it is hereby enacted as follows "

Then follows the Act, and so on, and it says :

"In this Act unless there is anything repugnant in the subject or context an agreement to pledge the labour of child means a certain agreement which is hereby defined."

Then, it says that an agreement to pledge the labour of a child shall be void. Now comes the operative clause :

"Whoever being a parent or guardian of a child makes an agreement to pledge the labour of that child shall be punished with fine which may extend to Rs. 50."

And, then, there are two other clauses. Now, the principle of that Bill which culminated in Act II of 1933 was that the parent or guardian should not compulsorily pledge the labour of his child for a valuable consideration. I ask, *a fortiori* does it not follow that the parent or guardian shall not dispose of for all time his child for a valuable consideration ? I submit that if it is illegal for the parent to dispose of his child for labour, how much more illegal it should be to dispose of that child in marriage ? Because compulsory labour might affect the child in health, but compulsory marriage destroys the very soul of that child.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I, therefore, ask this House one question. This House stands committed to the principle of the Bill which became enacted as Act II of 1933. That Bill suppressed a long-standing custom, and if my friend, the Law Member, had been in the place which he now occupies, I am sure, he would have got hold of some school book on Hindu Law and quoted from it verses to show that children and cattle belong to the parent and the parent is able to dispose them off at his sweet will. He would have said, "How can you possibly pass a Bill of this kind when the Shastraic law,—and what is more than Shastraic law, custom which is the transcendental law,—establishes the right of the parent to give away his children, to pledge his children and dispose them off for labour ?" That, I submit, is the argument which has been advanced today. I ask this House to dismiss that argument as not worthy of the distinguished gentleman from whom it emanated. Let us look at the question in its broad aspect. Does anybody in this House approve of the parent selling his daughter to another person, not out of love or affection, but in return for a price ? I am quite sure that stated in this naked light there will be no one in this House.....

The Honourable Sir Nripendra Sircar : Naked what ? (Laughter.)

Sir Hari Singh Gour : When my Honourable friend finds it difficult to argue, he descends to jeering. My Honourable friend, Mr. Lalchand

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Navalrai, tells me that this is one of the tactics of the legal profession. No doubt it may be the tactics of the pettifogging profession, but not of the learned profession to which he and I and Mr. Lalchand Navalrai belong.

Now, Sir, I, therefore, ask this House to dismiss from its mind all questions which are not germane to the main discussion. The question that is germane to the main discussion is, can you tolerate and sanction the sale by the parent or guardian of his daughter for a price? If you do not and cannot, then the right principle underlies this Bill. I quite admit that the Bill is ill-drafted; I equally admit that clause 3 of the Bill is open to the objection which my friend, Captain Lal Chand, has pointed out. But the question is not at the present moment whether the Bill is well or ill-drafted, but whether it embodies a principle to which this House should not stand committed. And that principle.....

The Honourable Sir Nripendra Sircar : Will my Honourable friend give us some idea of a definition of "sale" which he would like to be embodied in this Bill? What is "sale"?

Sir Hari Singh Gour : My friend asks me a question. May I ask my Honourable friend to read Act II of 1933 which not only deals with the point to which he has referred, but amply provides for any evasions on the part of any parent or guardian to dispose of their children?

The Honourable Sir Nripendra Sircar : Do I understand that Sir Hari Singh Gour is unable to give a definition of "sale" for this Bill?

Sir Hari Singh Gour : Sir, I will not descend to quibbling. I shall ask this House to deal with the question in a broad and statesmanlike manner; and if the House is of opinion that it is not in the interests of the child any more than it is in the interests of the parent or of the society to which both parents and children belong that children should be disposed off in marriage in return for a price, then, I submit, a sufficient case has been made out for committing this Bill to a Select Committee.

The Honourable Sir Nripendra Sircar : What is the definition of "sale" you propose?

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : If there is bankruptcy of legal talents on the Government side, the Select Committee can find out some definition.

Sir Hari Singh Gour : My friend asks me what is the definition of "sale" that I propose. I have already said, Sir, that neither the author of the Bill nor the supporters of it on this side of the House are committed to the phraseology of that Bill. What they want is that marriages should not be contracted by parents and guardians in return for a consideration, and for that and no other purpose. That question is a very simple one. If you do not like the word "sale", use the language of Act II of 1933. That was a case popularly known as the sale of children for labour; and when the Bill was originally drafted, it was very inartistically worded. But when we went into Select Committee, we threshed out such questions as the Honourable the Law

Member has raised, as to whether we should use the word "sale" or "dispose off for consideration"; and, after a careful inquiry, we used the language which you find embodied and enshrined in this Act of the Imperial Legislature, so that there will be no difficulty about finding suitable words if we only knew how to do it.....

The Honourable Sir Nripendra Sircar : I profess my ignorance, but what is the definition of sale?

Sir Hari Singh Gour : My Honourable friend asks me, what is the definition of sale? I will enlighten him in the abstract. (Laughter.) You have section 54 of the Transfer of Property Act, and you have the definition of sale in the Sale of Goods Act, and now we shall add another sale in the Sale of Brides Act, and there will be no difficulty in describing the mischief which you have to arrest, namely, the disposal of girls for valuable consideration, and, if I was in the Select Committee, I would follow exactly the language of Act II of 1933, intended to prohibit the sale of children for compulsory work. The definition is a very long one.....

The Honourable Sir Henry Craik (Home Member) : We want to hear it.

Sir Hari Singh Gour : The Honourable the Home Member is new to this House, and I should certainly like to oblige him by reading the definition of sale or disposal in section 2 of that Act. It says :

"In this Act unless there is anything repugnant in the subject or context, an agreement to pledge the labour of a child means an agreement, written or oral, express or implied whereby the parent or guardian of a child in return for any payment or benefit received or to be received by him undertakes to cause or allow the service of the child to be utilised in any employment....."

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhamadan Rural) : That is a definition for pledging.

Sir Hari Singh Gour : If we can define pledging, we can also define sale (Laughter) :

"Provided that an agreement made without detriment to a child and not made in consideration of any benefit other than reasonable wages to be paid for the child's services and terminable at not more than a week's notice is not an agreement within the meaning of the Act.

Child means a person who is under the age of fifteen years.

Guardian includes any person having legal custody of or control over a child."

Now, if I had to paraphrase this and adapt it for the present purposes, I should have no difficulty whatever. (Laughter.) I should say that an agreement to marry a child for money means an agreement to marry the child for valuable consideration....

Diwan Bahadur A. Ramaswami Mudaliar : Means to give a child in marriage—not to marry the child! (Laughter.)

Sir Hari Singh Gour : I am dealing here with the parent or guardian disposing of the child—or to use a popular expression—selling a child in marriage, and then, as I have said, the language of Act II of 1933 could be easily adapted to serve the purpose we have in view.

The Honourable Sir Nripendra Sircar : You cannot do it : it might be easily adaptable, but you have not been able to do it.

Sir Hari Singh Gour : I am not the Select Committee : I am only a member of it, and the Honourable the Law Member and the official draftsman will assist the Select Committee to make a suitable draft upon the lines on which this Act of 1933 was drafted and subsequently enacted....

The Honourable Sir Nripendra Sircar : I inquired from the official draftsman ; he told me he would be unable to draft it even if his salary is increased.

Sir Hari Singh Gour : My friend says that the official draftsman would not be able to draft it even if his salary is increased. The Select Committee then would say that, if he does not draft it, his salary should be decreased (Laughter), and then a suitable draftsman would be forthcoming. I quite see that in a matter of this kind there must be difference of opinion and that public opinion must be sharply divided upon these questions. What question of great national importance has ever engaged the attention of this House that has not sharply divided public opinion for and against it ? I have not yet come across any measure of this importance passed by this House during the last 14 years on which public opinion was not ; and in a case of this kind where public opinion is expressed by the mere man and you have not an expression of opinion of these unfortunate children who are disposed of in so-called marriages for life, or of the women's organisations which are only in their inception in this country, I should be extremely chary of public opinion and I should, therefore, rely more upon what I consider to be the innate justice of the case than upon the preponderance of opinions collected from the male public of this country. I do not for one moment profess to be enamoured of the language of this Bill, and if I were free at this stage to criticise it, I should certainly be as hypercritical as my Honourable friend, the Law Member. But we are not here concerned with the language of the Bill : we are here concerned with the principle of it (Hear, hear from the Opposition Benches) ; and I ask this House to send this Bill to Select Committee to lick it into shape, make it a workable measure, circumvent all the objections that may be raised against it and consider calmly and deliberately the fundamental question which we want the Select Committee to consider, and that is, whether a girl should be given away in marriage in her nonage, not for her own benefit, but for the benefit of her parent, guardian or custodian. That, I submit, is a question which calls for a humanitarian answer, and I am quite sure that the Honourable the Home Member will realise the importance of the subject upon which we are engaged and he would not offer unnecessary opposition to the committal of this Bill to the Select Committee. (Applause.)

Diwan Bahadur A. Ramaswami Mudaliar : Mr. Deputy President, if I rise at this stage to speak a word or two on this Bill, it is due to two reasons. I am afraid that the half hour of hilarity which this House has passed would give an extremely incorrect impression of the feelings of Members of the House with reference to the merits or otherwise of this measure, and I wish to avoid that feeling—a completely incorrect and mistaken feeling as I venture to state it—going abroad from this House.

With the object of protecting girls from what may be termed unfair marriages or unsuitable marriages which bring misery on the girl, I do not think there is any individual sitting on either side of the House who will not sympathise. In fact, almost all

of us are parents or have had to deal at one stage or other with the marriages of girls or have come to know of the unfortunate condition in which some of the marriages, conceived with the idea of promoting the happiness of the girl, have ended. But, Sir, two points arise in the consideration of this measure. Is the worst aspect of the case the case where a girl is given in marriage in return for a monetary consideration for the parent and exclusively for the parent ? As I shall show presently, this Bill includes the case where the consideration is utilised by the bride herself. Even that, according to this measure, would mean a sale of the girl. Take the extreme case. A parent receives a certain consideration and gives his girl in marriage to a person. Is that the only or the most extremely unhappy case for the girl ? Let me put certain other cases which have occurred in society, and which have promoted, not the happiness of the bride, but extreme misery. A man is wealthy, lives in luxury, keeps a fleet of motor cars, and a parent thinks that by giving his girl in marriage to such a man, all that could be accomplished by money, as my friend Raja Bahadur Krishnamachariar would say, can be accomplished. It turns out that it is a most miserable marriage for the bride, because there may be unsuitability of age, unsuitability of temperament, unsuitability in views and outlook on life, and that marriage is one of those which could really be called an *asura* form of marriage, if the spirit of the ancient writers has any value at all for modern society. There are many other cases which can easily be conceived where brides, who have been given away in marriage with the best of intentions by the parents without any iota of selfish thoughts for themselves, have ended their lives miserably and unhappily. My friends Mr. Sitaramaraju and the Honourable the Law Member, referred to some of those cases. There is a practice which has grown to enormous proportions during the last few years in many Provinces whereby the parent of the girl is forced to give a heavy dowry to the boy in consideration of the boy marrying the girl. That is what they term as selling the boy rather than selling the girl. What happens in these cases ? Sir, I have very vivid recollections of the tragedy that has overtaken these marriages and of the fate of the girl when the promises held out by the parent of the girl were not redeemed in course of time. I can recollect many individuals who have played what I consider a dastardly part of the bridegrooms,—some of them are foremost in the political life of the country today,—who, because they have not received the consideration which was promised to them at the time of the marriage, have made an utter misery of the life of the girl. These are not touched by the Bill at all. What can be done by legislation of this kind ? And, Sir, there is another aspect to which I should like to advert, an aspect which has never been disclosed in this House by any speaker so far. When we are thinking of these matters, and particularly when any Member comes before the House and asks it to deal with a reforming measure, it is fair to the country that the extent of the evil that is proposed to be curtailed should be placed before the House. Does the Honourable the Mover of the Bill give us any idea of the extent of this evil ? To many of us, this is a new thing, this is a novel thing. Coming from Madras, I can state that I have not heard of this sort of selling of girls in marriage, but I have repeatedly heard, as I have said, of the offer to pay a certain amount of money to the bridegroom in consideration of the marriage being performed. It is the duty of the Mover of the Bill, and of my extremely learned and legally talented friend, Sir Hari Singh Gour, to place before the House some of these considerations.

[Diwan Bahadur A. Ramaswami Mudaliar.]

Now, what is the measure or extent of this evil? Where does it prevail? In what Provinces does it assume a serious form, or in what districts, and amongst what community or classes of people does it prevail? We are not told anything about these things, and the whole debate has gone on one side as if this is an evil of the gravest magnitude to the community at large, and on another as if this evil is unknown. Sir, I protest against this sort of debate being conducted, and I protest against it, because it gives a very unfair view of the whole system of Hindu and Muslim society to those outsiders who do not know the real and inner life of the people of this country, and who go about gathering from the gutter some of those odd sayings that my friend, Sir Hari Singh, indulged in this afternoon and publish them as mementos of their visits to India. It is unfair to the community, both Hindus and Muslims, that the Bill should be freely debated upon without any attempt being made at assessing the extent or the volume of the danger that is sought to be curbed or curtailed by a measure of this kind.

Sir, on the merits of the measure itself, my friends have already spoken. They have pointed out that this Bill ignores the fact that, under the Sarda Act, girls under 14 cannot be given in marriage. My friend, the Mover, said,—“No, it does not matter, you change the Bill and make the age 16 or 18 at which the girl can be considered a major.” It is not so simple as all that. While I am free to confess that I have a great deal of sympathy with any sort of marriage which is contracted on behalf of the girl and which does not go against her interest, I must protest against the sort of ill-considered measures being brought forward and this House being asked to enact such measures. Those who, in season and out of season, proclaim that they are reformers of Hindu society, that they know what is good for the Hindu society, have done more harm than those who have honestly tried to improve society without proclaiming from housetops that they are such reformers. If today there is reaction in Hindu society, if today the Sanatanists and the orthodox are more and more coming into the limelight and are putting forward obstacles against even reasonable reforms, it is because ill-considered measures of this kind are brought forward on the floor of the House, and the House is asked to accept such measures.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : We do not oppose reasonable reforms.

Sir Hari Singh Gour : Don't you?

Raja Bahadur G. Krishnamachariar : No.

Diwan Bahadur A. Ramaswami Mudaliar : I am very glad to have that assurance, but I say that there are some at least who have been roused out of all their inactivity and inaction by the very extremity of the proposals that have been placed before the House from time to time, and, Sir, if there is one individual in this country who has contributed more than another to the rousing of that inactive spirit amongst the orthodox people, who have prompted them to violent agitation on matters, some of which may be considered by some as even reasonable, the credit or the discredit of it goes to my friend, Sir Hari Singh Gour. (Applause from the Nationalist Benches.) Marriages ordered according to the will of the people, companionate marriages being advocated, divorce being advocated, all sorts of revolutionary things, for which the state of

society is not yet prepared, are being thrown on the floor of the House, because non-official days for Bills are allotted by His Excellency the Viceroy, and the ballot sometimes favours those who least deserve to be favoured. (Laughter.) These have been the causes which have actuated that amount of resentment in the community at large, and I know the extent of that resentment. My friend, Mr. Ranga Iyer, will in a few minutes probably have the occasion to speak of another Bill, and he will then have to state what the position of the society is, how the foremost of them, who have been in favour of that Bill at one time, have gone back on their favourable opinion and have put forward the formula that if the whole nation is for it, then they are also for it....

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : I hope the Honourable Member is aware that eminent men, once favourable like Mr. Satyamurti, are strongly opposed to that Bill now.

Diwan Bahadur A. Ramaswami Mudaliar : That is exactly what I was referring to. We know, in the Delhi Session in March last what a vast number of people were sitting in those galleries, how many of them came round and asked us to support certain measures, what a volume of enthusiasm was created, and I recollect with regret how many tea parties there were then which I now miss. Sir, it seems to me that measures like this should be considered very much more carefully when they are brought before the anvil of the Legislature and we are asked to pass it. Under these circumstances, while expressing my full sympathy with this measure, I am unable to support it. What should be done is that society must try to educate its own members, public opinion must grow stronger and stronger, and these evils should be put down, not by legislation which will be completely infructuous, but by the promotion of public opinion in the country by looking down upon marriages which have been contracted in this manner and by trying to show that public opinion will not countenance these things when such marriages take place. I will give an instance where public opinion has been able to assert itself in many of the Provinces in India. At one time, when I was very young, it was not infrequent to find a husband marry a second wife while the first wife was living. People went to that marriage freely and gaily, they attended the dinner parties given on the occasion, and presents were given to the unfortunate bride and the fortunate bridegroom, and then they returned thinking no more of it. Now, in my part of the country, at any rate, it is extremely difficult, almost impossible, to find an educated or even an uneducated man countenance the second marriage of a husband while the first wife is living. Has not public opinion developed? They have put down that atrocious practice merely by the growth of public opinion. It was only the other day that I read in the *Bombay Chronicle* of a famous case which occurred in the heart of Guzerat where Mahatma Gandhi is supreme. I do not want to refer to that case, my Honourable friends who come from Guzerat know it extremely well. But I know this that public opinion has been shocked, a wave of abhorrence has gone throughout Guzerat among all people. That is the sort of public opinion that I wanted to grow and to become strong, and by its own power put down such atrocious practices as that which this Bill refers to. Sir, I oppose the motion.

Some Honourable Members : Let the question be now put.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadian Rural) : Sir, I fully appreciate the motives of the Mover of this Bill, and

[Mr. B. V. Jadhav.]

he is really shocked at unsuitable matches, matches between old men and young girls. And, Sir, who is not so shocked? All thinking, reasonable men will condemn such marriages. But the scope of this Bill is not confined to the prevention of such marriages. The Bill, as drafted and as it is before us, seeks to do something more. The Bill uses the word "selling", and there is the other counterpart of it, the purchase of girls. As a matter of fact, the Hindu Law or the law of any country does not countenance selling in these civilised days. Selling was formerly practised, but it has been put down now. The *asura* form of marriage which was looked down upon by many has been one of the eight forms of marriage recognised by the Hindu Law. In that *asura* form of marriage the bride is not purchased but some consideration is given to the parent or guardian of the girl.

In the Mahabharata we find that when the venerable Bhishma wanted to marry Pandu to a second bride, after his marriage with Kunti, he selected the princess of Madra. As one of the conditions of the marriage, her brother and her uncle asked Bhishma to pay down a certain amount on the ground that it was the custom of the family and that custom ought to be respected and should not be overlooked. That marriage was as honourable as the marriage of Kunti with Pandu although no bride price was paid. So, the payment of the bride price or not paying anything at all does depend upon the circumstances of the case. Here, Sir, as the previous speaker has said, on certain occasions girls are given to men advanced in age because the parents think that the happiness of the girl will be thereby secured. They are generally mistaken in their ideas, the happiness is not secured, but all the same, if we look to the motive of the parents we shall have to say, more often than not, that the parent generally cares more for the happiness of the girl than otherwise. In my part of the country, among the agricultural population, especially the poorer class, no marriage takes place without some sum passing from the bridegroom's side to the bride's side. It is a recognised custom and nobody ever thinks about it. Even in the marriages of parties in which the age difference is not much such amounts change hands. Therefore, we have to see that such payments are not penalised under the Bill. It is very difficult to define "sale" as the Honourable the Law Member has pointed out. A few years ago, the question was under the consideration of the Government of India whether the selling of girls at the Sipi Fair near Simla was to be allowed or not. The opinions of Local Governments were invited and about 300 girls from the Sipi bazar were traced in the city of Bombay. Ultimately, the Government came to realise that it was much better for the welfare of the society to allow that open sale and purchase in the bazar at Sipi than to stop it. All the 300 girls that were traced to Bombay were regularly and honourably married, and were, I think, doing very well. So, the Government decided that it was much better to allow this open traffic than to stop it by legislation and allow it to go underground. In the present circumstances, the addresses of the purchasers or the prospective husbands are well-known, and, therefore, the girls can be traced. But if the traffic went underground there would be no evidence to trace them; perhaps the girls may be purchased for immoral purposes. So, when passing legislation on this point, care must be taken that the exchange of money is not concealed. If a prospective husband wants to purchase a girl and if the sale is made illegal under law, then he need not publish or he need not tell anybody that he had paid so many rupees to

the father of the bride and it will be very difficult to secure conviction in these cases. Although the motive is very good, it is very difficult to adjust it by legislative methods. I, for myself, am for the reform. I would like that these ill-assorted marriages are stopped, but I do not think that any legislation will be able to do it. As my Honourable friend, Diwan Bahadur Mudaliar, has just now said, the proper remedy is to educate public opinion, and with that education this evil can be stopped. In my part of the country, one of our dramatists dramatized the evil effects of ill-assorted marriages. It is in Mahrathi and the drama is well known on the Bombay side as Sharda. This play was shown in many places and was very popular at one time. Its teaching went deep into the minds of young man and woman and the evil practice of giving girls to old men has almost come to a stop. That is the right way. Every method to educate public opinion ought to be taken advantage of, and the stage and the screen in these days are very powerful agencies. They ought to be made use of to educate the people as to the evil effects of such ill-assorted marriages. Although I have my full sympathy with the principle of the Bill, and although I admire my Honourable friend who has introduced this Bill, still for the reasons I have stated I do not think that I can support this measure. It will be very much better if the Mover sees the trend of public opinion. Public opinion is on his side no doubt, but the measure as placed before us is not properly worded, and, however much it may be amended in the Select Committee, it has got certain inherent defects which will make it almost useless as a piece of legislation. I, therefore, hope that, he will see his way to withdraw the motion.

The Honourable Sir Henry Craik : I entirely agree with my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, that this is a subject which the House is bound to treat as a very serious one. The question at issue in this Bill is one of the greatest importance, and the measure itself forms one of a long series of measures of social reform, which in one way or another have been or are likely to come before the Assembly during this Session, a series of measures which have attracted and continue to attract a great deal of attention not only in India itself but in countries beyond India. Now, Sir, I fear I shall have to ask the House to listen to me for a little time, not that I want to occupy their time uselessly, but because on a subject of such importance, I feel it my duty to explain in some detail the point of view of Government. I am afraid Government must oppose the reference of this Bill to a Select Committee, and, when I say that, I hope my Honourable friend, the Mover, will not assume that Government is out of sympathy with his objects. His object is a lofty one, indeed I may say a noble one—to try and elevate the status of women and to lift them out of their present position, which according to the Statement of Objects and Reasons is one in which they are regarded rather as commodities than as human beings. That, Sir, is an object with which I am certain every Member of this House—and I can speak quite definitely on behalf of the Government of India,—every Member of the Government of India, has the fullest sympathy and I congratulate my Honourable friend on his courage in bringing this Bill forward. But, I fear, that the form in which he has selected to bring forward this object has been unfortunate.

Now, Sir, if I may explain the reason which have led Government to come to this decision and to oppose this motion, I would say that they are broadly three. The first is that this is essentially a measure on which

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Government must be guided by public opinion, and I submit that, since the Bill was circulated and since the opinions have been received, it is clear that the great weight of public opinion is overwhelmingly against this Bill. That is the first reason. I will develop that later. The second reason is that the Bill has been condemned as impracticable, unnecessary and as likely to do more harm than good. In fact a good many of its critics have said, and there is considerable force in the point, that the Bill is one that can be made and is likely to be made an engine of oppression. The third reason for our opposition is that we feel that this is essentially a matter in which the remedy for what is admittedly, I won't say deplorable, but an undesirable state of affairs is to be found not in legislation, which possibly might have to be forced through in the teeth of considerable opposition, but in the slow and steady growth of public opinion. On that point, I entirely agree with my Honourable friend from Madras that that is the proper remedy for defects in the social system on which everybody is at the moment agreed.

To take the first of these reasons, the balance of public opinion, as I have said, as expressed in the written opinions received, is, I submit, overwhelmingly against the Bill. My Honourable friend, the Mover, claimed in his opening words that the majority of opinion was in his favour. Now, I cannot claim to have read every single one of this great mass of printed opinions through, from start to finish, but I have spent a considerable time over them, and, I am afraid, I cannot for a moment accept the view that the majority of opinions is in his favour. On the contrary, I think, any impartial person who really studies these written opinions must admit that the great bulk of opinions—I am not counting heads but I am counting the opinions that contain really considered views and have been thought out with care—the great mass of opinion is against his Bill. The Honourable Member, for instance, I notice, referred to the opinion expressed in his favour by the Chief Justice of Allahabad, a name that ought to command great weight in this House. When I turned up that opinion, all that is said there, I find, is that “the Chief Justice and Mr. Justice so-and-so are in favour of the Bill”. No reasons whatever are given, and one can hardly say—though doubtless the view expressed was a perfectly sincere one—that it is a very strong argument in favour of the Bill. Another name that carries considerable weight is the European Association of Calcutta. That association merely said that “while it hesitated to express any opinion on a matter of this kind it thought that the principles underlying the Bill were sound”. Now, on the other side, we have practically all Local Governments, and, I submit, all those who are best qualified to judge in a matter of this kind are against the Bill. For example, there is in Bengal an Association called the All-Bengal Women's Union—an Association which is described as having been formed largely to work for the prevention of traffic in women and girls. Now, I should have thought—I do not know anything beyond that, about this Association,—but I should have thought it would have been obvious that the opinion of an Association of that sort which was specially formed to deal with problems of this kind must carry very great weight. Now, what does that Association say? It considers that:

“The Bill will not serve any useful purpose or effect any real improvement in social conditions. On the other hand, its enactment would be likely to stand in the way of more progressive measures. Better results would be secured from a strict enforcement of the Child Marriage Restraint Act of 1929.”

The Association also points out—this is a mere matter of detail—that the Bill might operate to penalize a charitable society or individual wishing to adopt a girl under fourteen and paying compensation to the parents, while it does not prevent a parent from deliberately selling a girl of over the age of fourteen for immoral purposes. That seems to me a very weighty opinion to which great importance must be attached. Another point that has been taken by previous speakers is mentioned in a great many of the opinions received, that the Bill is in one respect superfluous, if it is intended to check the marriage of children under fourteen years, because such marriages are already penalized under the Child Marriage Restraint Act. If, on the other hand, the Honourable the Mover's intention is to stop the selling of children for immoral purposes or for purposes of prostitution, then that is covered, and very much more effectively covered, by section 372 of the Penal Code. That section makes it an offence punishable with no less than ten years' imprisonment to dispose of any person for immoral purposes. Moreover, the section goes very much further than my Honourable friend's Bill, in that the age is there fixed at eighteen and not at fourteen as in his Bill. The age was raised from sixteen to eighteen by an amendment of the Penal Code in 1924.

Sir, I need not enlarge on another point, though it is really more than a point of detail, in fact, I think it is a point of primary importance—the absence of a definition of the word “sale” and the difficulty, which I think was obvious from the speech of my Honourable friend, Sir Hari Singh Gour (Laughter), that even a lawyer of his eminence, qualified in all branches of law including the branch we heard of today, “transcendental law” (Laughter), was not able to suggest, within a reasonable compass, a suitable definition. That, I think, is really by itself an insuperable obstacle. Yet another very important point, to which grave objection has been taken in the opinions received, is the provision in the Bill whereby offences under it are to be cognizable offences. For example, there is an opinion received from the Bar Association at Dhubri in Assam to the effect that this provision is one which is likely to be used to turn the Bill into an engine of oppression. They point out that while the marriage ceremony is actually going on, it might be possible for the police to intervene and arrest the parent on the ground that one of the children was under fourteen years of age. It would be impossible to prove, or at any rate it would be impossible to decide the exact age of the child and it is quite possible,—I think the House will agree that it is quite possible—that in that way the Bill might become definitely an engine of oppression or a weapon to be used by those who sought to gratify a personal grudge or a malicious spite.

Sir Hari Singh Gour : May I point out to the Honourable the Home Member that the offence is not made cognizable under the Bill? (Laughter.)

The Honourable Sir Henry Craik : Has my Honourable friend read clause 4? (Laughter.)

Sir Hari Singh Gour : I am sorry.

The Honourable Sir Henry Craik : Sir, the Statement of Objects and Reasons sets forth two main purposes of this Bill,—first of all, to provide against any inequality between the ages of the bride and bridegroom, and secondly, that which I have already quoted,—to provide against the

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treatment of minor girls as commodities as opposed to human beings. The first of those objects does not really appear in the Bill at all, and I submit that the Bill only provides very inadequately against the second of those objects. I am assured that in most forms of marriage practised in this country or at any rate in a very great number of marriages practised in this country, there is, in some way or other, the passage of some pecuniary consideration. It may be in the form of a dowry, it may take the form of gifts, it may be in the form of jewels or a gift to pay for the expenses of the actual wedding ceremony; but, broadly speaking, I believe that there are very few forms of marriage in which there is not some payment of some kind. Now, all of them will come under the mischief of this Bill, though a great many of them are recognized and sanctioned by custom, and a great many of them do not meet with any universal disapproval, and indeed there is no particular reason why they should (Hear, hear); for example, in many parts of India, I understand, it is customary for the bridegroom's parents to give some present in cash or in kind to the parents of the bride. I cannot see why that should in itself be objectionable or contrary to public morals. Nevertheless, it would, as I say, come within the mischief of the Bill. In other cases there is a dowry, either of cash or of jewellery, which forms a sort of insurance for the bride, and which, I believe, is recognized as a very useful and a salutary form of insurance, and indeed is often all that a woman who is left a widow at a comparatively early age has to live on.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : It is called *Stridhan*.

Sir Hari Singh Gour : That won't be the price, because it is an endowment—(Voices : "Why not? Why not?")—because that would be an endowment for the bride; but it would not be a consideration for the guardian.

The Honourable Sir Henry Craik : I challenge my Honourable friend to draw up a definition of "sale" which would expressly exclude anything like that. I do not believe it is possible.

Sir, another point that I would like to take up is that the Bill is to apply under clause 1 to the whole of British India. It will apply not only to Hindus but will also apply to Muhammadans, Christians, Sikhs and indeed everyone. Among the Muhammadans, we have heard from my Honourable and learned friend, Dr. Ziauddin Ahmad, it would run contrary to their customs and would be very much resented. He quoted the opinions received from two purely Muhammadan Provinces, the North-West Frontier Province and Baluchistan, which were to the effect that the Bill could not possibly be applied in those two Provinces. Among the people of my own faith, Christians, I do not say that brides are sold, but there is frequently some form of pecuniary transaction in the form of a marriage settlement or something like that which comes into the marriage contract. And as I have said, in most parts of India there is always some kind of payment or dowry.

Now, Sir, I come to the first object of the Bill, namely, to prevent marriages between people of unequal ages, and there, as I said, the Bill, though professing to deal with the evil, does not, in fact, attempt to do so. Now, I admit that there is a considerable amount of public opinion

against the marriage of a man of middle age to a young girl. But, on the other hand, one must remember that it is one of the first duties of a Hindu to have sons, and if a Hindu is left a widower without sons, he would probably consider it, I understand, a religious as well as a social duty to re-marry. We have seen, from time to time, marriages of that kind pilloried in the Press. I can recall reading myself on good many occasions articles or letters protesting against such marriages and holding up the individuals who had contracted such marriages to obloquy. But I fancy—I may be wrong—that the number of such marriages is a very small fraction of the total number. My Honourable friend from Madras pointed out that public opinion, condemning these marriages, is steadily growing in force. If I am right in thinking that marriages of that kind are comparatively few, and, if my Honourable friend is right in saying that public opinion in condemnation of them is steadily growing in strength and force, then what necessity is there for legislation of this kind on the subject? Surely, it is better to leave it to public opinion to gradually eradicate this evil, if it is an evil, from our social system. While on this subject, I may remind the House that when the Child Marriage Restraint Bill was under discussion, my Honourable friend, Mr. B. Das, moved that a clause should be added to clause 4 of that Bill. His clause ran as follows :

"Whoever, being a widower above 40 years of age, marries any woman who is not a widow, shall be punishable with simple imprisonment which may extend to one month or with fine or with both." (Laughter.)

Mr. B. Das : May I inform the Honourable Member that I could not make a speech as the whole House roared with laughter?

The Honourable Sir Henry Craik : Perhaps it is rather late in the day, but, I am glad to have the opportunity of supplementing the Honourable Member's silence, and pointing out that his object was to make it impossible for any man above 40 years of age, who had once been married and who had lost his wife, to marry anyone except a widow. The point raised by my Honourable friend then was substantially very much the same as that which the Honourable the Mover of this Bill has included in his Statement of Objects and Reasons. I think, it was in 1929, that the Sarda Act was passed. My Honourable friend's amendment was put to the Assembly, and it is a significant fact that it was rejected without any discussion by no less than 52 votes to 4. I cannot think that it is likely, even if my Honourable friend, the Mover, had included in his Bill any provision of that kind, that it would have had the slightest chance of passing into law in this House.

Sir, my Honourable friend, the Mover, may take the line—in fact, his supporters have already taken the line—that admittedly this Bill is not perfect in its present form and that it may be possible to improve it in Select Committee. I am afraid I cannot agree with that view. I think the Bill is so impracticable and the remedies it devises are so inefficient and so likely to be abused that it would not be of the slightest use to refer it to a Select Committee. I think, therefore, that my Honourable friend would be well-advised to allow the slow and steady growth of public opinion, as I have suggested, to cure the evil of which he complains. I do not believe that the best way is to seek a remedy by what I am afraid I must call rather hastily thought out and ill-considered legislation. If you press this legislation, you will put up the backs of people who may

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be described by certain sections of the Assembly as reactionary but who probably hold their opinions just as conscientiously and just as sincerely as Honourable gentlemen who are in favour of reform. If you provoke their opposition, you will find that your measures of reform will encounter bitter hostility and by pressing a somewhat injudicious and ill-considered measures of this kind, if I may say so, you may actually be putting back the clock of progress where you mean to advance it. Sir, I ask the House to reject this motion.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural) : If I rise at this late hour to speak on this Bill, it is because I want to prove that certain statements made by the Honourable Members in this House ought not to be considered by the public as the considered opinion of the non-official Members of this House. Before I advert to those facts, let me congratulate the Honourable the Mover of this Bill for the public spirit as well as the humanitarian sentiment which prompted him to bring this measure (Hear, hear) before the House. Sir, many Honourable Members of this House as well as the public, whose opinions have been called for, have misunderstood the scope and object of this Bill. The main object of the Honourable the Mover of the Bill is to prevent the marriages of female children with grown up persons and octogenarians. That was his main object. On the other hand, the public opinion has not been expressed upon that important point. They have stated that if the object of the Bill is to prevent child marriages, then there is already the Sarda Act. Then, if the object of the Bill is to prevent marriages for immoral purposes, then there is already a provision in the Penal Code. In that way they have side-tracked the main issue before the House. Sir, the Honourable the Home Member has stated the case on behalf of Government. Many of the Honourable Members of this House also have opposed this Bill. I have great sympathy with the object of the Bill. But I oppose the Bill for some other grounds altogether. I do not oppose the Bill as my Honourable friend, Raja Bahadur Krishna-machariar, the leader of the Sanatanists, would have opposed it, because he would say that the Legislature ought not to interfere with religion. That is not my object. I do not oppose this Bill because public opinion has not sufficiently been expressed as some Honourable Members have stated. I do not say it should not be passed unless there is public opinion developed in favour of the Bill. Sir, I do not hold that view. Where was the public opinion when the Suttee was put down. If in those days, when Suttee was put down, public opinion were taken into consideration, I am sure, there would not have been any public opinion against the suppression of Suttee. Where was the public opinion when there was infanticide practised in this country? If, at the time of Lord William Bentinck, any public opinion were taken, the majority of people would have been against putting down that practice of infanticide. So, I do not oppose this Bill because we must have public opinion behind the Bill or that we must cultivate public opinion in favour of the Bill before a measure of this kind is passed into Law. That is not my objection. I oppose this Bill because it is impracticable to enforce the provisions contained in this Bill. In the first instance, there is no definition of the word "sale". Generally, in almost all the marriages in Southern India, some consideration passes from the side of the bridegroom to that of the bride. It is, as the Honourable the Home Member pointed out, in the nature of *Stridhan*.

That is a very important consideration. There is a whole chapter in the Hindu Law on *Stridhan*. *Stridhan* is an important provision for her against adverse circumstances. Under this Bill, the payment of any money by the bridegroom to the bride will bring him under the mischief of this Bill. Further, Sir, if this Bill is passed, then it will be very difficult for the poorer parents to get good match for their girls which will defeat the object for which this Bill is brought. Supposing there is a poor parent and he wants to give his daughter in marriage to a man in very good circumstances and derive benefit for his own livelihood and the bridegroom who is in a position to bring up his wife in affluent circumstances is prepared to save the parent also from his miserable existence, then this Bill comes in the way. The parent cannot accept that money and hence he has to forgo a good match for his daughter. Sir, this very morning we were all discussing about the removal of the obnoxious Regulation III of 1818 from the Statute-book. If this Bill is passed, then we will be bringing in another oppressive measure which will be of the nature of another Regulation III. It will be intolerable for any marriage to take place, because there will be police officers who will interfere at every stage of the marriage ceremonies, from the time when the marriage is mooted, the police officer will be watching to see if any consideration passes. He may ask the parents of the bride to produce accounts or he may search the house on the pretence of payment of consideration. I submit, it will seriously interfere with any marriage ceremonies taking place. Again, Sir, this Bill does not go far enough. It is only to bring the parents or guardians of the children to book, but it allows the other party to the bargain, namely, the bridegroom's party, to go scot-free. Hence, I submit that this Bill does not go far enough. If this Bill is properly conceived and if the Bill is properly framed, then I will have absolutely no hesitation in supporting this Bill in so far as it prevents the marriages of children to old people which seems to be the underlying object of this Bill. With these words, I have to oppose the Bill.

Mr. C. S. Ranga Iyer : Sir, I rise to support this Bill, not with a view to carrying on the discussion till the next debate on the non-official day, for I believe certain Honourable Members of this House want to obstruct my Temple Entry Bill being taken up.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member can resume his speech on the next non-official day. The Honourable the Law Member will now make a Statement of Business.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Law Member) : In view, Sir, of the fact that there will be no further meetings of the Select Committees after the current week and of the anxiety of Members that the Session should terminate as soon as possible, I would ask you to direct that the House should sit for the transaction of official business on Saturday next week and on Friday and Saturday, the 31st August and the 1st September. I do not propose a meeting on Friday next week as that day is the Solono holiday. For next week the business on the paper will include the consideration and passing of the

5 P.M.

[Sir Nripendra Sircar.]

Indian Iron and Steel Duties Bill, as reported by the Select Committee, the consideration and passing of the Indian Petroleum Bill, as reported by the Select Committee, and the consideration and passing of the Indian Rubber Control Bill and the Indian Income-tax (Amendment) Bill. If the Honourable the Leader of the House has recovered sufficiently as to enable him to proceed with the Iron and Steel Duties Bill on Monday, this business will be taken in the order which I have indicated. Should it unfortunately happen that he is unable to come, the Indian Petroleum Bill will be taken first. The discussion of the Indian Army (Amendment) Bill will not be resumed until the following week.

The Assembly then adjourned till Eleven of the Clock on Monday, the 20th August, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 20th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

GOLD EXPORTED FROM INDIA.

631. *Lala Rameshwar Prasad Bagla : Will Government be pleased to inform this House as to how much gold, stating the value in rupees and the quantity in tolas, was exported from India up to the 1st August, 1934, since Britain went off the gold standard ?

The Honourable Sir James Grigg : Approximately 206½ crores of rupees and 68½ million tolas up to the 4th of August, 1934.

DESIRABILITY OF LEVYING A DUTY ON GOLD EXPORTS FROM INDIA.

632. *Lala Rameshwar Prasad Bagla : (a) Is it a fact that there has been some correspondence between the Secretary of State and the Government of India with regard to the levying of a duty on gold exports ?

(b) If the answer to part (a) be in the affirmative, will Government please inform this House as to what has been the result of that correspondence ?

(c) If the answer to part (a) be in the negative, will Government be pleased to state if they are prepared, in view of the heavy exports of gold, to consider seriously the desirability of levying a duty on gold exports from India ?

The Honourable Sir James Grigg : (a) Yes.

(b) Government are unable to disclose the correspondence which took place between them and the Secretary of State.

(c) I would refer the Honourable Member to the reply which I gave to question No. 25, asked by Mr. M. Maswood Ahmad on the 16th July, 1934.

SENIORITY OF EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKHAND RAILWAY STAFF.

633. *Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : (a) With reference to their reply to question No. 818, dated the 12th September, 1933, will Government please state why, when a separate seniority list is maintained for the old Oudh and Rohilkhand Railway and the East Indian Railway staff, the East Indian Railway staff

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is promoted to posts falling vacant in the old Oudh and Rohilkhand Railway Section, thus depriving the old Oudh and Rohilkhand Railway staff of their chances of promotion? Are Government prepared to amalgamate the seniority list of the staff of both the sections, or restrict promotion of each to its own section, or in the alternative to fix a proportion of the posts in Grades I and II for the old Oudh and Rohilkhand Railway staff?

(b) Is it a fact that the revised scales of pay were forced on the staff against their wishes? If so, under what rules? Is it a fact that it has definitely been laid down that new scales of pay will apply only to new entrants or to staff who elect to come under the new rules?

(c) Are Government prepared to review the cases of all those men who have been brought on the new scales against their wishes and to restore them to the old grades with retrospective effect?

(d) Will Government please explain those exceptional cases fully in which certain staff was brought on to the new scales?

Mr. P. R. Rau : I have called for information and will lay a reply on the table of the House in due course.

PROVISION OF A RAILWAY CONNECTION TO MOURAWAN AND PURWA.

634. ***Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government please state if it is a fact that they contemplate providing Railway connection to the towns of Mourawan and Purwa in the Unao districts in the United Provinces?

(b) Is it a fact that some years back, a survey for this purpose was carried out?

(c) What was the result of that survey? What will be the cost of providing a railway connection?

(d) Are Government aware that there is a large amount of passenger and goods traffic between Mourawan and Cawnpore, Mourawan and Lucknow, and Mourawan and Unao?

(e) Are Government prepared to investigate again the commercial possibilities of providing a railway connection to Mourawan and Purwa and, if found remunerative take this work in hand at an early date?

Mr. P. R. Rau : (a) No such project has yet been considered.

(b) No.

(c) Does not arise.

(d) No.

(e) Government will consult the East Indian Railway Administration on this point, but judging from the position of the places named on the map, and their close proximity to existing railway lines, it does not seem likely that railways are the most suitable means of communication for the area.

Mr. Gaya Prasad Singh : If the zamindars of that locality are prepared to give land, free to the Government for the construction of a railway line, will Government then consider the proposal, because I am authorised by this gentleman, Rai Bahadur Lala Brij Kishore, to say that they are willing?

Mr. President (The Honourable Sir Shanmukham Chetty) : The reason for the asking of a question need not be given.

Mr. P. R. Rau : I shall convey that information to the Agent of the East Indian Railway.

UNSATISFACTORY ARRANGEMENTS FOR SUPPLY OF FOOD ON PILGRIM SHIPS.

635. ***Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that Haji Muhammad Hamza of Hyderabad State and party, who performed their voyage to Jeddah and back during the last pilgrim season by S.S. "Rizwani" and "Jehangir", have stated their experience before a responsible officer of the Port Haj Committee at Bombay on his return from the pilgrimage in the following words :

"Chapaties were half-cooked, mutton dishes were of very bad taste. On S.S. 'Jehangir' people threw away their food. Hotel people also threw away the food when not taken by pilgrims. Sheep after slaughtering being cleaned by sweeper. Pilgrims were dissatisfied with food arrangement."

If so, what action do Government propose to take in the matter?

(b) Is it a fact that the pilgrims named below have performed their inward voyage during the last Haj pilgrim season by S.S. "Rizwani" from Jeddah to Bombay :

(1) Muhammad Din and party,

(2) Ghulam Dastgir (with a party of 25 pilgrims),

(3) Muhammad Esa Dare (with a party of 30 pilgrims),

(4) Khawja Moinuddin, retired Director of Medical Sanitation Department of Hyderabad, Deccan,

(5) Chowdhury Sirdar Khan, retired P.C.S., Ferozewalla, and

(6) Mr. Ahmad Saood, retired Extra Assistant Commissioner?

(c) Are Government aware that all these pilgrims were perfectly dissatisfied with the food provided to them on board the ship, and that in spite of repeated reports made by them to the master of the ship, no improvement in the supply was made throughout the voyage to India? If so, do Government propose to consider the advisability of abolishing compulsory advance payment for food and introduce "Pay as you buy" system?

(d) Is it a fact that Dr. M. U. S. Jung, M.A., LL.D., Bar-at-Law, of Allahabad, who performed his voyage from Jeddah to Bombay during the last pilgrim season per S.S. "Khusro" has stated, in his report as a member of the Ship Haj Committee that :

"Food was of very poor quality. Hajis were dissatisfied with ordinary food and they took special dishes at extra amount. In the price paid in advance with ticket much better quality food can be purchased, special spaces were reserved for steamer servants who sell them to passengers on payment. Owing to mismanagement of the Shipping Company at Jeddah three pilgrims fell into the sea. Steamer Company collected cooly charges but coolies again extorted money from the pilgrims."

If so, will Government be pleased to state what action they propose to take to compensate the pilgrims who suffered on the voyage and to remove the difficulties experienced by the pilgrims after the passage of Merchant Shipping Act (Amendment Act) of 1932?

(e) Are Government aware that Moulana Hasrat Mohani, a well-known Muslim leader, and Musammat Fatma Begum, Lady Superintendent, Municipal Girls School, also worked as members of the Ship Haj Committee along with Dr. M. U. S. Jung, M.A., LL.D., and both the members endorse the experiences stated by Doctor Jung?

(f) Have any suggestions been made by them, or any other Pilgrimage Committees, to improve the lot of Indian pilgrims during the voyage and if so, do Government propose to lay on the table of this House copies of their reports in this connection?

Mr. G. S. Bajpai : I would refer the Honourable Member to the reply given by me to his starred questions Nos. 594, 597 and 598 on the 14th August, 1934. I would add that some of the complaints referred to by the Honourable Member in parts (a)–(e) of the present question have not been seen by Government.

PREVENTION OF TRAVELLING WITHOUT TICKETS ON THE EAST INDIAN RAILWAY.

636. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 155, dated the 16th February, 1934, laid on the table of this House on the 9th April, 1934, will Government be pleased to state whether it is a fact that, as per reply of the Agent, East Indian Railway, the main duty of the present Travelling Ticket Examiners is "detection" and that of the Ticket Collectors "prevention"?

(b) Is it also a fact that, as per Agent's reply, the very same was the function of the Travelling Ticket Inspectors under the Accounts Department and the Ticket Collectors under the Operating Department, before the introduction of the Crew system?

(c) Will Government be pleased to state how the Agent, East Indian Railway, has come to the conclusion that under the old system the "notorious prevalence of illicit travelling" existed and that is why the present system (Moody-Ward) was introduced which has "certainly effected an improvement"? Is it a fact that Messrs. Moody and Ward have not said a word about the old system referred to by the Agent in his reply?

Mr. P. R. Rau : (a) The principal duty of Travelling Ticket Examiners is to detect passengers travelling in trains without proper tickets, and one of the duties of ticket collectors is to prevent passengers without proper tickets obtaining access to passenger platforms.

(b) and (c). The two systems may in essentials be similar; but an improvement can be effected by an increase in the staff employed and more intensive supervision.

EVIDENCES GIVEN BEFORE THE HAJ ENQUIRY COMMITTEE RELATING TO ELIMINATION OF MUALLIMS FROM INDIA.

637. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to lay on the table extracts of evidences given before the Haj Enquiry Committee so far as they relate to the question of elimination of Muallims from India?

(b) Will Government be pleased to state whether they would allow the Members of this House to inspect the written and oral statements made before the Haj Enquiry Committee with regard to the control of Muallims Sabees, Hamledars and pilgrims guides in India?

Mr. G. S. Bajpai : (a) No. The evidence has not been printed.

(b) Yes.

ADVISABILITY OF REMOVING THE PUSA INSTITUTE TO MEERUT INSTEAD OF TO DELHI.

638. *Khan Bahadur Haji Wajihuddin : (a) Has the attention of Government been drawn to a message published in the *Hindustan Times*, dated the 5th August, 1934, on page 13 under the heading "Agricultural Institute", "Why not transfer it to Meerut"?

(b) Are Government prepared to consider the advisability of removing the Pusa Institute to Meerut instead of to Delhi?

Mr. G. S. Bajpai : (a) Yes.

(b) No.

DELAY IN THE ISSUE OF RAILWAY RECEIPTS AT CAWNPORE CENTRAL GOODS SHED.

639. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that at Cawnpore Central Goods Shed, Railway receipts for goods to be carried by goods train are not generally issued at once and on the same day, to the person handing over the goods?

(b) Will Government be pleased to state on whose responsibility and risk such goods remain at the station before a receipt is given, whether at owner's risk or at Railway risk? If at Railway risk, why are not railway receipts given at once?

(c) Are Government aware that this procedure of granting receipts after two or three days involves extraordinary difficulties to business men?

(d) Do Government propose to consider the advisability of issuing immediate orders, asking the authorities concerned to deliver the receipts to the persons, handing over the goods for transportation at once?

Mr. P. R. Rau : (a) Government have no information, but I am having enquiries made.

(b) As regards the first part, goods are normally at owner's risk till a receipt is given. The second part of the question does not, therefore, arise.

(c) and (d). I am asking the Agent, East Indian Railway, to enquire into the matter with a view to taking such action as may be feasible for the removal of any inconvenience caused to the trade.

REPRESENTATION REGARDING THE INDIAN IRON AND STEEL DUTIES BILL.

640. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to lay on the table copies of representations received by them from various individuals and associations, regarding Iron and Steel Duties Bill?

(b) Are Government aware that Cawnpore market is heavily overstocked with Tatas galvanised iron sheets?

(c) Are Government aware that reduction in duty on British and Continental sheets shall mean a huge loss to the Merchants holding stocks?

(d) When do Government propose to enforce the proposed Bill?

(e) How do Government propose to safeguard the interests of iron and steel stockists and merchants?

The Honourable Sir Frank Noyce : (a) Government are of opinion that the points raised by the very numerous representations received from various individuals and associations, regarding the Iron and Steel Duties Bill, have received adequate publicity both within and outside this House. They are, therefore, of opinion that no useful purpose would be served by laying copies of these representations on the table of the House.

(b) and (c). Government have received representations to this effect.

(d) and (e). As the Honourable Member is doubtless aware, it is now proposed that the new duties should have effect from the 1st November, 1934.

Dr. Ziauddin Ahmad : May I ask whether all these opinions were laid before the Select Committee?

The Honourable Sir Frank Noyce : I am not quite sure how many of these opinions were actually placed before the Select Committee, but I think they knew the purport of them all : I have not the actual representations before me.

Dr. Ziauddin Ahmad : May I ask whether the representations received by the Government were considered by the Government alone or were also considered by the Select Committee?

The Honourable Sir Frank Noyce : I think the whole question of iron and steel protection is coming up before this House tomorrow, and I would suggest that any points the Honourable Member has to raise might be raised in the course of that discussion instead of by way of supplementary questions today.

Dr. Ziauddin Ahmad : Will the Honourable gentleman supply us, or me at least, a copy of the representations, so that I may make use of them in my speeches?

The Honourable Sir Frank Noyce : I will pass on that request to the Commerce Department.

Dr. Ziauddin Ahmad : Will Government be able to supply a copy of the evidence also?

The Honourable Sir Frank Noyce : That, again, I shall have to ask the Commerce Department about.

Seth Haji Abdoola Haroon : May I ask why the Government have fixed the date from 1st November, whereas...

Mr. President (The Honourable Sir Shanmukham Chetty) : I think that should arise during the course of the discussion on the Bill.

Mr. Vidya Sagar Pandya : Not only on the Steel Bill, but on other Bills also a number of representations were made to the Government. Why should they not be made available to the members of the Select Committee and also to Members of the House?

The Honourable Sir Frank Noyce : As I have pointed out, that is a question which could much more suitably be raised in the course of discussions on the Bill tomorrow.

PROCEEDINGS OF THE INDIAN TEA LICENSING COMMITTEE.

641. ***Mr. S. C. Mitra :** (a) Will Government please state whether the proceedings of the Indian Tea Licensing Committee are always kept strictly private and confidential? If so, why?

(b) Why are the proceedings that concern the Tata trade, not published for the benefit of the trade?

(c) Will Government please state the principles adopted by the Licensing Committee for deciding the applications for special treatment for export quota under Rules 4 and 5 of section 23 of the Tea Control Act, and the condition for granting permission to extend the quota?

The Honourable Sir Frank Noyce : (a) The proceedings of the Indian Tea Licensing Committee are private and confidential, but copies are sent privately to the chairman of all tea planters' associations. The proceedings often deal with matters of detail connected with the working of individual estates which the Committee do not consider it desirable to publish.

(b) Circulars are issued periodically by the Licensing Committee to all tea producers regarding matters of general interest to the trade in relation to the administration of the Indian Tea Control Act, 1933.

(c) No principles capable of general application have been laid down for the guidance of the Committee in dealing with applications for special treatment. Each such application is considered by the Committee on its merits and is then submitted to the Government of India for final orders together with the Committee's recommendations.

Dr. Ziauddin Ahmad : May I ask whether there is any appeal from the decision of this Licensing Committee, because I have got certain representations?

The Honourable Sir Frank Noyce : I am afraid that I must plead ignorance of the exact wording of the Act, but I shall be glad to find out and let the Honourable Member know.

PROHIBITION OF TRANSFER OF EXPORT QUOTAS OF TEA.

642. ***Mr. S. C. Mitra :** (a) Is it a fact that a condition has now been provided whereby the tea gardens getting an additional crop basis, are not permitted to transfer their export rights?

(b) Is it not a fact that in the referendum of the 14th January, 1933, taken from gardens regarding restriction of exports, it was expressly provided that the export quotas would be transferable?

(c) Will Government please explain why the Indian Tea Licensing Committee should be permitted to frame rules prohibiting the transference of quotas in the case of gardens getting quotas on additional crop basis?

The Honourable Sir Frank Noyce : (a) Government understand that when the Indian Tea Licensing Committee issues notices to tea estates advising them of the grant of additional export rights it lays down a condition that such export rights shall not be transferred. The Committee, however, makes it permissible for any estate to transfer its regulation export rights if the additional export rights granted under rule 4 of the rules made under section 23 of the Indian Tea Control Act are relinquished by the 15th September.

(b) Yes. It may be mentioned, however, that the Referendum did not provide for the grant of additional rights over and above the regulation export rights.

(c) Government are examining the legality and propriety of the steps taken by the Committee in this matter.

CONNECTION OF MR. SARAT CHANDRA BOSE WITH TERRORIST ACTIVITIES.

643. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the leaderette in the *Hindustan Times* of the 3rd July, 1934, wherein is stated :

“The crime for which Mr. Bose (Sarat Chandra Bose) was clapped in prison was not active participation in the civil disobedience movement but suspicion that some of the money he gave so freely, for Patriotic objects found its way into the hands of organizations declared unlawful by the Government”?

(b) Is this statement mainly correct?

(c) Have Government any evidence in their possession to prove that Mr. Bose had any knowledge that the money he gave for patriotic and charitable objects was ever misused for any illegal purposes?

(d) Is it a fact that there is not an iota of evidence against Mr. Sarat Chandra Bose being directly connected with any terrorist activities?

(e) Is it not a fact that the main charge against Mr. Bose is that he was an associate of his younger brother, Mr. Subhas Bose?

The Honourable Sir Henry Craik : (a) I have seen an article containing the quotation in the *Hindustan Times* of the 1st August.

(b) to (e). I would refer the Honourable Member to the answers given by me to Mr. Bhuput Sing's question No. 261 and to the supplementary question thereon on the 1st August, and to my speech on August 16th, to which I have nothing to add.

Mr. S. C. Mitra : Relating to part (d), may I take it that my question is correct?

The Honourable Sir Henry Craik : No; certainly not.

MEMORIAL SUBMITTED BY THE STAMP VENDORS OF THE RANGOON GENERAL POST OFFICE.

644. ***Mr. S. C. Mitra :** (a) Has the attention of the Director General of Posts and Telegraphs been drawn to the memorial submitted by the Stamp Vendors of the Rangoon General Post Office and its T. S. Os.

for raising and restoring their status from the “inferior non-pensionable to superior pensionable”?

(b) Is it a fact that formerly this class of Government servants was treated in cadre like the ‘sorting and overseer postmen’ and not like ordinary ‘postmen’?

(c) Is it a fact that their scale of pay was always higher than that of the postmen and was exactly on the same footing as that of the ‘sorting and overseer postmen’ who are ranked superior?

(d) Do Government contemplate classifying their service as ‘superior pensionable service’?

The Honourable Sir Frank Noyce : (a) and (d). Eight Departmental Stamp Vendors of the Rangoon General Post Office have submitted identical petitions, dated the 10th July, 1934, to the Director General of Posts and Telegraphs, in which they pray that the status of their service may be raised from “inferior non-pensionable” to “superior pensionable”. The petitions are under the consideration of the Director General.

(b) and (c). The Departmental Stamp Vendors in the Rangoon General Post Office and its Town Sub-offices were and are on the same scale of pay as sorting and Overseer Postmen, but they have never been included in the cadre of such Postmen. In the case of all men appointed after the 20th November, 1923, as Departmental Stamp Vendors, service is inferior and non-pensionable.

DEVELOPMENT OF SALT MANUFACTURE IN BENGAL.

645. ***Mr. S. C. Mitra :** (a) Will Government please make a statement regarding the steps already taken by the Government of Bengal to develop the salt manufacture there?

(b) What are the further measures that they contemplate to take in the near future?

(c) What amount of money they propose to spend on their schemes?

(d) How many ware-houses are going to be built, and when?

(e) How many littoral districts there are in Bengal? Will ware-houses be built in each such district?

The Honourable Sir James Grigg : (a) and (b). The Honourable Member will find a full statement of the steps taken by the Government of Bengal to explore this matter in the speeches of the Finance Member of that Government in the Bengal Legislative Council on the 16th of March, 1933, and the 13th of March, 1934. I wish to add that since the debate in the Assembly on the 28th of March, 1934, we have been in communication with the Government of Bengal on the subject, and the Government of India are satisfied that the Government of Bengal have fully complied with the terms of the Assembly's Resolution of the 1st of April, 1931, and that they have been well advised not to waste money on schemes which hold out no prospects of success. At the same time, the Government of Bengal have been pursuing further enquiries into the possibility of developing salt manufacture in Bengal. They referred the question to their Board of Industries and they recently received their report which is at present under consideration.

(c) As no scheme has yet been approved, there is no question at present of any expenditure.

(d) The Government of Bengal have under examination a scheme for establishing two warehouses as an experimental measure.

(e) Seven. The scheme under examination provides for warehouses in two districts only.

Mr. K. C. Neogy : Is the Honourable Member aware, with reference to his statement that the Government of Bengal has fully carried out the terms of the Resolution of the Assembly, that his predecessor in office held a contrary view ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. K. C. Neogy : What has happened since the predecessor of the Honourable Member made that statement in the House to change the opinion in the matter ?

The Honourable Sir James Grigg : That is contained in my answer to Mr. Mitra's question :

" I wish to add that since the debate on the Assembly on the 28th March, 1934, we have been in communication with the Government of Bengal on this subject."

Mr. K. C. Neogy : Do I take it then that the mere fact that the Government of India have been in communication with the Government of Bengal establishes the point that the Government of Bengal have carried out the terms of the Resolution of the Assembly ?

The Honourable Sir James Grigg : That is not the effect of my answer. I stated that the Government of India are satisfied that the Government of Bengal are carrying out the terms of the Resolution of the Assembly.

Mr. K. C. Neogy : Will the Honourable Member give the House an idea of the steps that the Government of Bengal have taken and which have led the Honourable Member to say that the Government of India are satisfied ?

The Honourable Sir James Grigg : That will take too long. It is a matter for debate, and not for a reply to a question.

Mr. K. C. Neogy : Will the Honourable Member be pleased to lay on the table of the House a statement about the matter ?

The Honourable Sir James Grigg : The information is fully contained in the speeches of the Finance Member to the Government of Bengal to which I have already referred.

Mr. K. C. Neogy : Is the Honourable Member aware of the fact that those speeches were made before the statement of his predecessor in this House to the effect that the Government of Bengal had failed to carry out the terms of the Resolution of the Assembly ?

The Honourable Sir James Grigg : Yes, I am also aware that the Government of Bengal took the strongest exception to the statement of my predecessor.

Mr. K. C. Neogy : What has happened actually that has gone to satisfy the Honourable Member that his predecessor was wrong ?

The Honourable Sir James Grigg : I have investigated the matter myself in consultation with the Government of Bengal.

Sir Cowasji Jehangir : Does the Honourable Member disagree with his predecessor ?

The Honourable Sir James Grigg : The Honourable Member can draw whatever inference he likes from my answer.

Sir Cowasji Jehangir : I am not here to draw inferences. I am here to get information. Does the Honourable Member say that he disagrees with his predecessors ?

The Honourable Sir James Grigg : Yes, Sir ; I do.

Mr. K. C. Neogy : On what grounds ?

The Honourable Sir James Grigg : On the ground that I have conducted an investigation myself in consultation with the Government of Bengal in this matter.

Mr. K. C. Neogy : Will the Honourable Member take the House into his confidence and give us the facts ? It is not sufficient if he merely says he has investigated the matter and has satisfied himself.

Mr. Gaya Prasad Singh : When the Honourable Member's predecessor made this statement, did he make it in his personal capacity or as representing the views of the Government of India ?

The Honourable Sir James Grigg : I could not answer that. I was not here.

Mr. K. C. Neogy : Does the Honourable Member realise the seriousness of the position when a responsible Member of the Government states that he disagrees with his predecessor in office ?

The Honourable Sir James Grigg : Perfectly.

Mr. K. C. Neogy : What is the Honourable Member going to do for the purpose of satisfying this House that the Honourable Member is correct and his predecessor was not ?

The Honourable Sir James Grigg : If the Honourable Member will put down a question on paper, I will answer that.

Mr. Gaya Prasad Singh : There is no time now for giving notice of questions.

Mr. S. C. Mitra : With reference to part (e) of my question, may I take it that the two warehouses that are going to be built are only as an experimental measure, and that if they are successful, there will be seven more warehouses built in the seven littoral districts of Bengal ? Am I right ?

The Honourable Sir James Grigg : I am sorry, but that was not the effect of my answer. If the Honourable Member will refer to part (d) of the answer, he will see that the Government of Bengal have not yet come to any final conclusion, even on the scheme for establishing two warehouses which they have under consideration.

DEVELOPMENT OF SALT MANUFACTURE IN BENGAL.

646. ***Mr. S. C. Mitra :** (a) Will Government please state if the Bengal Government are going to bring any salt expert from Burma and Madras to Guide the Salt Manufacture in Bengal ?

(b) Is it a fact that demonstration factories were started in Burma some years ago by Government where salt manufacture was first taken up?

(c) Do Government contemplate establishing some such demonstration factories in Bengal? If not, why not?

(d) Do Government propose to send some officials from Bengal to visit Burma and Madras to acquire experience of local salt manufacture?

The Honourable Sir James Grigg : (a) The Government of Bengal have a proposal of this nature under consideration.

(b) Only one such factory was established and that has now been closed.

(c) Not at present. The enquiries made by the Government of Bengal into possible methods of salt manufacture have not disclosed any facts which would justify the establishment of demonstration factories in that Province.

(d) Not at present.

Mr. S. C. Mitra : With reference to the reply to part (b) of the question that there was only one factory established and that that has now been closed, may I take it that this was due to the fact that it had already fulfilled its purpose? If so, are Government ready to open such demonstration factories in Bengal also after satisfying themselves about the necessity of such factories?

The Honourable Sir James Grigg : As far as the first part is concerned, I believe that is so.

Mr. Jagan Nath Aggarwal : May I know if any attempt has been made to supply powdered salt from Khewra to Bengal?

The Honourable Sir James Grigg : I believe I have some recollection of its having been mentioned during the proceedings of the Public Accounts Committee that one or two experimental consignments had been sent to Bengal, but that they were not sold. At any rate, it was quite clear that Khewra salt could not be supplied at an economic price.

LOCAL GOVERNMENTS SHARE OF THE ADDITIONAL SALT DUTY.

647. ***Mr. S. C. Mitra :** (a) What amount of money is now lying at the disposal of the Government of India which they may distribute to the Provinces for encouraging local salt manufacture?

(b) Have Government already distributed to the Local Governments their share of the additional salt duty? If so, when, and how much?

The Honourable Sir James Grigg : (a) About 1½ lakhs.

(b) I lay a statement on the table.

I wish to add that in connection with my Honourable friend's question, that my attention has been drawn for the first time to the undertaking given by my predecessor, in reply to a supplementary question on the 20th April by Mr. Neogy, that no distribution to Provinces should be made until the House had had an opportunity of discussing the Resolution. I have, of course, enquired why in view of this undertaking a

distribution has been made, and have ascertained that it was due to an oversight for which I must express my great regret.

Statement showing the distribution of the additional import duty on foreign salt made on 29th May, 1934, for the latter half year of 1933-34.

	Rs.
Burma	1,11,700
Bengal	93,900
Bihar and Orissa	49,600
Assam	11,300
Bombay	2,900
United Provinces	1,500
Central Provinces	100
Madras	100
Total	2,71,100

Mr. S. G. Jog : May I know if the amount is being distributed to all the Provinces or only to a few?

The Honourable Sir James Grigg : That information is contained in the statement I have laid on the table.

Mr. K. C. Neogy : When did this distribution take place, please?

The Honourable Sir James Grigg : I believe in April. No, I am sorry, it must have been in May, for it was certainly after my arrival.

DISCUSSION OF THE SALT RESOLUTION IN THE LEGISLATIVE ASSEMBLY.

648. ***Mr. S. C. Mitra :** (a) Do Government propose to convene a meeting of the Salt Committee before the present Assembly is dissolved?

(b) Do they propose to call the Commissioners of Salt, or their representatives, to be present during the discussions of the Salt Committee?

(c) When are Government allotting a day during this Session to discuss the Salt Resolution?

The Honourable Sir James Grigg : (a) No. There is nothing at present to put before the Committee.

(b) Does not arise.

(c) I understand (my Honourable friend, Mr. Neogy, will be able to correct me if I am wrong) that, as a result of informal discussions after the debate on the 28th March, it was arranged that Members interested in this matter should try and arrive at an agreed formula for the amendment of the Resolution and that, when this was done, Government would give facilities for its discussion. I do not know what progress has been made in this direction, but if notice is given of any such amendment to the Resolution, Government will of course try to arrange for its discussion in accordance with the promise given by my predecessor. I am afraid, however, that it will not be possible to arrange for a day until after the Government business of the Session has been disposed of.

Mr. K. C. Neogy : Do I take it then that the Government of India intend to set apart some time for the discussion of this Resolution whenever it is ?

The Honourable Sir James Grigg : No, Sir ; I do not want anything to be assumed from my answer that is not contained in it. The proposal was that there should be a discussion during this Session, and if there is a demand for a discussion in this Session, Government will certainly try and meet it.

Mr. K. C. Neogy : Does the Honourable Member realise that when the matter came up before this House in April last, its consideration was postponed on a motion made by myself ? May I also tell him that without a discussion of the Resolution, Government will not be justified in making the distribution ?

The Honourable Sir James Grigg : I shall have to look into that. When I enquired about this point, I understood that, in the absence of any further action, distribution would go on in accordance with the old Resolution.

Several Honourable Members : No, not at all.

KEEPING OF STATE PRISONERS AT ONE PLACE.

649. ***Mr. S. C. Mitra :** (a) Will Government please state how far the policy of keeping all the State prisoners, now detained in various jails in the Punjab, Madras and the Central Provinces, at one place near Nasik, has advanced ? By what time are they likely to be taken to that central detention camp ?

The Honourable Sir Henry Craik : As regards the first part of the question, no such proposal is under the consideration of the Government. The second part does not arise.

ILLNESS OF STATE PRISONER MR. JIBON LAL CHATTERJEE.

650. ***Mr. S. C. Mitra :** (a) Is it a fact that State prisoner, Mr. Jibon Lal Chatterjee, detained in the Central Jail at Rajahmundry, Madras, has been suffering from tuberculosis and appendicitis ?

(b) What is his present weight now ?

(c) Is it a fact that he has lost one-fifth of his weight when he was first detained ?

The Honourable Sir Henry Craik : (a) Yes, he is suffering from an early stage of tuberculosis and has been recommended to undergo an operation for appendicitis when his health, which is indifferent, has improved.

(b) and (c). When first detained under the Regulation in 1931, his weight was 112 lbs. In June last, it was 91 lbs., and in July, 89 lbs. But since his transfer to Bellary, following the recommendation of the medical authorities at the Tuberculosis Hospital, Madras, who examined him in May last, he has gained eight pounds, his present weight being 97 lbs.

DIET ALLOWANCE OF STATE PRISONER MR. JIBON LAL CHATTERJEE.

651. ***Mr. S. C. Mitra :** (a) Is it a fact that the Medical Officer of the Rajahmundry Central Jail is under the impression that the cost of

diet of the State prisoner, Mr. Jibon Lal Chatterjee, should not exceed the diet allowance of Re. 1-4-0 per diem ?

(b) Is it not a fact that prisoners are entitled to hospital diet that may be more costly than ordinary prisoner diet ?

(c) Are not the State prisoners entitled to a diet that is prescribed by experts for their health during treatment, though it may exceed the ordinary diet allowance ?

The Honourable Sir Henry Craik : (a), (b) and (c). The diet allowance of the State prisoner Jibon Lal Chatterjee has recently been increased from Rs. 1-4-0 to Rs. 2 on account of the special diet prescribed for him by the medical authorities.

ILLNESS OF STATE PRISONER MR. JIBON LAL CHATTERJEE AND HIS TRANSFER TO THE NASIK JAIL.

652. ***Mr. S. C. Mitra :** (a) Is it a fact that State prisoner, Jibon Lal Chatterji, was examined by experts in the Madras Hospital and his case has been diagnosed as suffering from tuberculosis and appendicitis ?

(b) Did the experts prescribe any medicine and special food ?

(c) Is it a fact that when an item in the prescription was not available in the jail hospital, the local Medical Officer to avoid extra costs of purchasing from the market, substituted other inferior medicines without consulting the experts ?

(d) Is it a fact that Mr. Chatterjee has lost four pounds more under the treatment and diet prescribed by the Medical Officer of the Rajahmundry jail ?

(e) Is it a fact that the experts advised that Mr. Chatterjee should be transferred to a colder climate ? Do Government propose to get him transferred to the Nasik jail ?

The Honourable Sir Henry Craik : (a), (d) and (e). I have already answered these parts of the question.

(b) No medicines were prescribed by the expert beyond a daily colon lavage. The special diet prescribed by the Medical Officer of the Jail was approved by the Superintendent, Tuberculosis Hospital, Madras.

(c) No.

MONTHLY CONSOLIDATED ALLOWANCE FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY.

653. ***Mr. S. C. Mitra :** (a) Is it a fact that Government contemplate fixing a consolidated monthly allowance for the non-official Members of this house in place of the daily allowance ?

(b) Will it apply to the case of officials also ?

(c) Is it a fact that the official Members now receive the usual daily allowance in addition to their full salary, and all other emoluments, including sometimes the travelling allowances of their peons also ?

(d) What are the reasons for this additional payment of daily allowances ?

(e) How many speeches were delivered by official nominated Members, on an average, daily during the last four Sessions of this Assembly ?

(f) Do the officials of the Government of India headquarters who are nominated to the Assembly also get an additional daily allowance ? If not, why, and what is the reason for this discrimination ?

The Honourable Sir James Grigg : (a) and (b). Government have had under consideration the question of replacing the present system of daily allowances, by a fixed annual payment, in the case of non-official Members only.

(c) and (d). Official Members, whose headquarters are elsewhere than at Delhi and Simla, receive the same daily allowance as non-official Members and for precisely the same reason, namely, to compensate them for the extra expenditure involved in living elsewhere than at their usual place of residence. If an official Member, serving under a Provincial Government, continues in charge of his ordinary duties during his period of Membership of the Assembly, a peon accompanying him in connection with his ordinary official duties receives the usual travelling allowance from the Local Government concerned. The official Member receives no benefit from the travelling allowance paid to the peon.

(e) Government do not consider that the value of the information sought would be commensurate with the labour involved in extracting it. If the Honourable Member thinks otherwise, it is open to him to extract the information from the Official Debates.

(f) No ; because the reasons for paying the daily allowance which have been explained in the reply to parts (c) and (d) have no application to such official Members.

Mr. Gaya Prasad Singh : Is it not a fact that if the official Members do not contribute by their speeches, they at least contribute by their votes ? (Laughter.)

The Honourable Sir James Grigg : I believe that is so. (Laughter.)

Dr. Ziauddin Ahmad : With reference to part (e) of the question, did Government consider a proposal that the official Members coming from the Provinces should meet in this House once a week and review the speeches of the Opposition, and the Members of the Opposition should be allowed to sit in the galleries then ? (Laughter.)

The Honourable Sir James Grigg : I do not know anything about that.

Sir Cowasji Jehangir : Is the Honourable Member aware that, on more than one occasion, from this side of the House the Government were informed that economy could be effected by dispensing with the services of these Honourable Members who come from the Provinces drawing their usual salaries, some of which amount to Rs. 3,000 and more, and by substituting them by dummies who could vote ? (Laughter.)

The Honourable Sir James Grigg : I daresay further economy could be effected if a large number of Members were replaced by non-talking machines.

Mr. Gaya Prasad Singh : But the non-official Members are obliged not to the Government, but to their own constituencies for the seats, but so far as the official Members are concerned, Government might seriously

consider the question of replacing high paid officials who draw large amounts of salaries by clerks and others who could merely come and give their votes ? (Laughter.)

The Honourable Sir James Grigg : That is a new suggestion. The Honourable Member may, if he likes, put a question on the paper.

Mr. Vidya Sagar Pandya : Is it not a fact that on one occasion a Member from the Government side sent a note to the Leader of the House and asked permission to speak, but the note was returned with the remark, "I want your vote, and not your speech" ? (Laughter.)

The Honourable Sir James Grigg : The Honourable Member is giving me information and not asking for it.

Mr. S. G. Jog : Is it a fact that the provincial officers have made a complaint that the Government of India officials do not give encouragement to the provincial officers to make speeches ?

The Honourable Sir James Grigg : That also is giving me information and not asking for it.

APPLICATION OF THE NEW CONDITIONS OF SERVICES IN THE ARMY HEADQUARTERS.

654. ***Mr. S. C. Mitra :** (a) Is it a fact that the new conditions of service, recently introduced in the Army Headquarters offices, have been applied to those civilian clerks too who entered service as a result of the competitive examination held by the Public Service Commission in November, 1932, notwithstanding the fact that they received no warning from the Public Service Commission, either at the time of holding the examination or at the time of their appointment, that there was any possibility of their being governed under the Indian Army Act ?

(b) Is it a fact that all those persons who entered similar services as a result of the competitive examination held by the Public Service Commission in February, 1931, have been confirmed on old rates of pay on account of the fact that they were not specifically warned before or at the time of examination that the rates of pay of the posts for which they were candidates, were under revision ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state why the new conditions of service have been applied to those individuals who were not warned at all about the same, either before or at the time of examination or even at the time of appointment, and why the same policy has not been followed in these cases ?

(d) Is it a fact that the persons concerned made representations to the Public Service Commission for exemption from the revised conditions of service in the month of January, 1934, and that the views communicated by the Public Service Commission on those representations to the Government of India were in favour of such exemption ?

(e) Will Government be pleased to state whether they propose to ask the Public Service Commission to transfer such persons to Civil Secretariat and Attached Offices on the occurrence of vacancies in those

offices and appoint new persons in their places who, after receiving due warning before appointment, may be willing to accept enrolment under the Indian Army Act ?

(f) Will Government be pleased to state what other action they propose to take in the matter ?

Lieut.-Colonel A. F. R. Lumby : (a) and (b). Yes.

(c) The attention of the Honourable Member is drawn to the reply given in the Legislative Assembly on the 2nd March, 1934, to Mr. Uppi Sahab Bahadur's starred question No. 304.

(d), (e) and (f). The attention of the Honourable Member is drawn to my reply to his starred question No. 467 in the Legislative Assembly on the 7th August, 1934, to which, I am afraid, I am not yet in a position to add anything.

MANAGEMENT OF THE LAC RESEARCH INSTITUTE.

655. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Indian Lac Cess Act of 1921 was passed for a period of ten years in the first instance with the object of taking measures to improve the cultivation and manufacture of lac with a view to its industrial utilization, and check the competition from synthetic substitutes, and for this purpose a cess on all exports of lac was imposed ?

(b) Is it not a fact that the management was entrusted to the Committee of the Indian Lac Association for research which was subsequently replaced by the Indian Lac Cess Committee, created under the Lac Cess Act of 1930, which runs a Lac Research Institute, established in 1923, at Nankum, near Ranchi ?

Mr. G. S. Bajpai : (a) The operative sections of the Indian Lac Cess Act, 1921, were to remain in force for five years. These sections were subsequently extended in 1926 for a further period of five years. The object of the Act was to take steps for the promotion of the methods of cultivation and manufacture of lac by means of scientific research. At that time no synthetic substitute which could be commercially utilized had been discovered, but considerable progress has since been made towards discovering such substitutes.

(b) Yes.

MANAGEMENT OF THE LAC RESEARCH INSTITUTE.

656. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Lac Cess Committee consists of a President, who is the Vice-Chairman of the Imperial Council of Agricultural Research, and sixteen members, nominated in such a way that there are nine *ex-officio* members, two non-official Europeans, and only five non-official Indians on it ?

(b) Is it a fact that the lac cultivator has been invariably represented on the Committee by the Commissioner of Chota Nagpur, or the Deputy Commissioner of Ranchi ? Could not Government find a suitable Indian zemindar, or any other non-official Indian, to represent the interests of the lac cultivators ?

(c) Is it not a fact that Bengal and the Central Provinces have sent non-official representatives on the Committee ?

(d) Do Government propose to re-construct the Committee on a more satisfactory basis ?

Mr. G. S. Bajpai : (a) Besides the President, there are 16 members of the Committee, of whom six and not nine are *ex-officio* members. Of the five members to be nominated by Local Governments, two are officials. There are in all eight non-officials on the Committee of whom six are Indians. I would add that the present constitution of the Committee was designed to secure the representation of scientific experience and of special interests.

(b) The cultivators' interest in Bihar and Orissa has been represented in the manner mentioned in the question. Under the Act the nomination rests with the Local Government.

(c) Yes.

(d) The question of re-constructing the Committee is under consideration.

Mr. Gaya Prasad Singh : May I know how the Commissioner of the Division, an official, is expected to represent the interests of lac cultivators in Bihar ?

Mr. G. S. Bajpai : I presume for the reason that he is in intimate touch with the cultivators.

Mr. Gaya Prasad Singh : Oh !

Mr. B. V. Jadhav : May I know from the Government whether the competition from the synthetic lac is growing stronger or weaker now ?

Mr. G. S. Bajpai : It was the growing strength of the competition from the substitutes that led to the appointment of research workers in England.

Mr. Gaya Prasad Singh : Do I understand my Honourable friend to say that the question of the composition of this Committee is under consideration ?

Mr. G. S. Bajpai : I have already said, that the question of re-constructing the Committee is under consideration.

INDIANISATION OF THE LAC RESEARCH INSTITUTE.

657. ***Mr. Gaya Prasad Singh :** (a) What is the total strength of the Superior Staff of the Lac Research Institute, and how many of them are Europeans and Indians, and on what salaries ?

(b) What steps do Government propose to take to Indianise the staff ?

Mr. G. S. Bajpai : (a) Twelve, of whom three are Europeans. A statement showing their salaries, etc., is laid on the table.

(b) The Honourable Member's attention is invited to the answer given to Mr. Neogy's question No. 5 on the 16th July, 1934.

Statement showing salaries, etc., of the Superior Staff of the Indian Lac Research Institute.

Name.	Designation.	European or Indian.	Salary.
Mrs. Norris ..	Director and Biochemist	European ..	Rs. Pay Rs. 1,800 per mensem. Entertainment allowance Rs. 100 per mensem. Car allowance Rs. 50 per mensem.
Mr. Thakur ..	1st Assistant to the Biochemist.	Indian ..	Rs. 280 (on leave ex-India.)
Mr. Murty ..	2nd Assistant to the Biochemist.	Do. ..	Rs. 170.
Mr. Venugopalan ..	1st Field Chemist	Do. ..	Rs. 325.
Mr. Ranganathan ..	2nd Field Chemist	Do. ..	Rs. 230 plus Meteorological allowance Rs. 20.
Mr. Clover ..	Entomologist	European ..	Rs. 850.
Mr. Negi ..	Assistant Entomologist..	Indian ..	Rs. 260.
Mr. Misra ..	1st Field Assistant	Indian ..	Rs. 210.
Mr. Gupta ..	2nd Field Assistant	Indian ..	Rs. 210.
Dr. Aldis ..	Physico-Chemist	European ..	Rs. 800.
Mr. Rangaswami ..	1st Assistant to Physico-Chemist.	Indian ..	Rs. 325.
Mr. De ..	Analytical Chemist	Indian ..	Rs. 140.

RESIGNATION OF RAI BAHADUR C. S. MISRA FROM THE LAC RESEARCH INSTITUTE.

658. *Mr. Gaya Prasad Singh : (a) Is it a fact that Rai Bahadur C. S. Misra, with high qualifications and twenty years' experience of lac cultivation, joined the Lac Research Institute in January, 1926, but had to resign in April, 1927 ?

(b) What are the circumstances that led to his resignation ?

Mr. G. S. Bajpai : (a) The dates of appointment and resignation mentioned by the Honourable Member are correct.

(b) Mr. Misra gave no reasons for his resignation.

APPOINTMENT OF THE HEAD OF THE ENTOMOLOGICAL SECTION.

659. *Mr. Gaya Prasad Singh : Is it a fact that due to advertisement in England only, a young man from Leeds, who took his B.Sc. degree

in 1928 was appointed as the head of the Entomological Section to guide the work of first class M. Sc.'s of the Indian universities with many years of post-graduate experience ?

Mr. G. S. Bajpai : Mr. Glover, the officer referred to, holds a B.Sc. (Hon.) degree, and was appointed on an advertisement issued in England. The three assistants are M.Sc.'s of Indian Universities but no information is available as to the classes they took in the examinations and the length of their post graduate experience.

Mr. Gaya Prasad Singh : Do I understand my Honourable friend to say that this gentleman was appointed as a result of the advertisement which appeared in England only ?

Mr. G. S. Bajpai : I answered a question on the subject some time ago, when I said that both the Chemist and the Entomologist were appointed after advertisement in England only and not in India.

Mr. Gaya Prasad Singh : Then why was an advertisement not made in India as well in order to find out whether any suitable Indians were available ?

Mr. G. S. Bajpai : I explained the position at the time, that the Government of India were not responsible in any way for these appointments at the time that they were made.

PRACTICAL RESULTS OBTAINED IN THE FIELD OF RESEARCH, CULTIVATION OF LAC, ETC., IN THE LAC RESEARCH INSTITUTE.

660. *Mr. Gaya Prasad Singh : (a) Is it a fact that over two lakhs of rupees are being spent annually over the Lac Research Institute ?

(b) What practical results have so far been obtained in the field of research, and the scientific improvement and cultivation of lac and its industrial utilization ?

Mr. G. S. Bajpai : (a) The average annual expenditure on the Institute is about Rs. 1,21,000.

(b) Attention is invited to the answer given to question No. 563 on August 14th.

DIRECTOR OF THE LAC RESEARCH INSTITUTE.

661. *Mr. Gaya Prasad Singh : (a) Is it a fact that the Director of the Lac Research Institute, who is a lady Bio-Chemist, draws a salary of Rs. 1,700, an entertainment allowance of Rs. 100, a car allowance of Rs. 50 per month, with large rent-free quarters, and free supply of water and electricity ?

(b) Is it a fact that her contract of service is due to expire on the 31st December, 1934, and is there any proposal of renewing her contract ? If so, why ?

(c) Is it proposed to advertise for the post in India ?

Mr. G. S. Bajpai : (a) Attention is invited to the statement laid on the table in answer to question No. 657 today.

(b) Yes. The question of the renewal of her agreement is being considered by the Government of India.

(c) Attention is invited to the reply to question No. 657 (b).

Mr. Gaya Prasad Singh : May I know why this entertainment allowance is paid to this lady ?

Mr. G. S. Bajpai : We had a series of supplementary questions asked on that subject last March. I explained then that this was part of the agreement which was entered into with this lady by the Committee at a time when the appointment was not subject to the approval of the Governor General in Council. The question whether the entertainment allowance should be continued will come up for consideration when the question of renewing the agreement is decided upon by the Government.

Mr. Gaya Prasad Singh : My question was, what is the meaning of this entertainment allowance ? Is it for the entertainment of friends ? I want to understand how this money is being spent ?

Mr. G. S. Bajpai : I believe the idea is that she should be enabled to meet the expenses of entertaining members of the Committee when they visit Nankum.

Mr. Gaya Prasad Singh : Have the members of the Committee drawn travelling or halting allowances for the days for which they have been called to attend those particular meetings ?

Mr. G. S. Bajpai : I could not say whether they draw travelling and halting allowances for those days or not.

Mr. Gaya Prasad Singh : Does the Honourable Member realise that there is a serious point involved in this ? If this entertainment allowance has been given to this lady in order to entertain members of the Committee when they come to attend to their official duties, then if those members have drawn halting allowances for those days, it would be very unjust and inequitable. Will Government kindly make inquiries into this matter in view of the answer just now given ?

Mr. G. S. Bajpai : My information is that the amount of the entertainment allowance is Rs. 100 per mensem. There are actually 17 members of the Committee, and I think my friend will agree that even if they stayed for three days, Rs. 100 will not cover the cost of maintaining them.

Mr. Gaya Prasad Singh : I take my Honourable friend to say that this entertainment allowance is not intended to meet the legitimate expenses of the members of the Committee when they go there to attend to their official duties, but for other purposes ?

Mr. G. S. Bajpai : I did not express any views as to the expenses being legitimate or illegitimate. The point is that this amount is intended to enable the Director to entertain members in the ordinary way.

Mr. K. C. Neogy : Will the Honourable Member be pleased to inquire and find out to what extent the social amenities of Ranchi have been improved by the appointment of this lady ?

Mr. G. S. Bajpai : When I answered a number of supplementary questions on the last occasion, I was informed that since the Institute came into being, the amenities of Ranchi have greatly improved.

Sir Cowasji Jehangir : Did not the Honourable Member, in reply to one of the supplementary questions he has referred to, inform the House that this allowance was for the purpose of entertaining visitors who come to this place which, being an out of the way place, has no social amenities.

Mr. G. S. Bajpai : Certainly. My Honourable friend is not exactly correct as regards visitors—I said members of the Committee and visitors. It is perfectly true that I said on that occasion that the entertainment allowance was given by reason of the lack of amenities. I was corrected on that point by my Honourable friend, Mr. Gaya Prasad Singh, to whose local knowledge I bowed.

Mr. Gaya Prasad Singh : I did not claim any local knowledge in this matter. (Laughter.)

Mr. G. S. Bajpai : I am sorry to have attributed to my Honourable friend a qualification which he disclaims.

Mr. Gaya Prasad Singh : May I know why this lady is being given rent free quarters ? I understand that, under the rules of the Government, a Government servant has to pay one-tenth of his salary.

Mr. G. S. Bajpai : I have already explained in regard to terms not only of this member of the staff, but of others, that these were sanctioned by the Lac Cess Committee at a time when the terms were not subject to the approval of the Governor General in Council. I really cannot say what exactly were the reasons which influenced the Committee to make these concessions.

Mr. Gaya Prasad Singh : What is your answer to (c) ? Is it proposed to advertise for the post in India ? What do you say to that ?

Mr. G. S. Bajpai : I said I had, on a previous occasion, given an undertaking that the desirability of advertising this post in India will be brought to the notice of the Indian Lac Cess Committee. A communication on that subject has already been addressed to the Lac Cess Committee. I understand that they are going to consider that matter in November when they meet.

RESEARCH SCHEME IN ENGLAND UNDER THE LAC CESS COMMITTEE.

662. **Mr. Gaya Prasad Singh :** Is it a fact that in addition to the Nankum Institute, which annually costs over Rs. 1,40,000, there is a Research Scheme in England under the Lac Cess Committee, at an approximate annual expenditure of about Rs. 50,000, besides the American Research Scheme financed by the Lac Cess Committee to the extent of Rs. 25,000 per annum ?

Mr. G. S. Bajpai : The English research scheme is estimated to cost about £12,000 spread over a period of three years. The American research scheme is costing Rs. 25,000 per annum and has been sanctioned for a period of three years also.

NON-APPOINTMENT OF AN INDIAN AS THE HEAD OF A DEPARTMENT IN THE LAC RESEARCH INSTITUTE.

663. **Mr. Gaya Prasad Singh :** (a) Is it a fact that the Lac Cess Committee appointed in 1930 a young B.Sc. from London, bearing a

recommendation from his professor that "though a little stolid, he will serve your purpose"?

(b) Is it a fact that no Indian has ever been appointed as the head of any Department of the Institute (Bio-Chemistry, Entomology, and Physico-Chemistry)?

Mr. G. S. Bajpai : (a) Mr. Aldis was slightly below 24 years of age at the time of his appointment. The London Selection Committee which recommended him "regarded him as quite a good type of candidate, possibly a little stolid but one likely to do sound work and to get on well with his colleagues". His professors gave him an excellent testimonial.

(b) Rai Bahadur Misra was the head of the Entomological Department of the Institute in 1926-27 and Mr. Negi officiated in that capacity in 1932.

Mr. B. V. Jadhav : Will the Honourable Member tell the House whether his stolidity still continues or it has improved with time?

Mr. G. S. Bajpai : Not having had the privilege of knowing that gentleman, I am not in a position to say how his stolidity has varied since he came to this country.

ENQUIRY INTO THE AFFAIRS OF THE LAC RESEARCH INSTITUTE.

664. ***Mr. Gaya Prasad Singh :** Do Government propose to hold an enquiry into the affairs of this Institute, with the help of non-officials, in order to devise means for the purpose of putting it on a proper and satisfactory footing?

Mr. G. S. Bajpai : The attention of the Honourable Member is invited to the answers I gave to the supplementary questions asked in connection with question No. 383 on the 6th of this month.

PUBLIC EXECUTION OF TWO NOTORIOUS DACOITS OF LARKANA, SIND.

665. ***Mr. Gaya Prasad Singh :** Is it a fact that on the recommendation of the District Magistrate of Larkana, the Government of India have ordered that two notorious dacoits of the gang of Abdul Rahman, who have been sentenced to death, and whose petitions of mercy have been rejected, should be hanged on the 8th August, 1934, publicly at Shahdad Kot, Larkana District, Sind, in order to strike terror amongst the criminal people there?

The Honourable Sir Henry Craik : No, Sir. The method of execution is a matter entirely within the discretion of the Local Government.

Dr. Ziauddin Ahmad : What is the meaning of "No"? Is it a fact that they were hanged.

The Honourable Sir Henry Craik : I believe they were.

Sir Abdur Rahim : Do the Government of India approve of the action taken by the Local Government or the Magistrate in this matter?

The Honourable Sir Henry Craik : That is asking me for an expression of opinion. The matter is one for the discretion of the Local Government.

Sir Abdur Rahim : Will the Government of India take action to discourage any such exhibitions on the part of Local Governments?

The Honourable Sir Henry Craik : I do not see any reason for interfering with the discretion of the Local Government in this matter.

Mr. Gaya Prasad Singh : Do I understand you to say that the Government of India were not consulted in the matter of the hanging of these two prisoners publicly?

The Honourable Sir Henry Craik : That is true.

Seth Haji Abdoola Haroon : Was this done by the Local Government or the Sind Government? There are certain powers given to the Sind Commissioner. Is this his action or that of the Bombay Government?

The Honourable Sir Henry Craik : The order was passed by the Bombay Government.

Maulvi Muhammad Shafee Daoodi : May we know who took the initiative in this matter?

The Honourable Sir Henry Craik : I am not aware of that.

Sir Abdur Rahim : Did the Government of India have any communication with the Local Government on this subject at all either before or after this execution?

The Honourable Sir Henry Craik : Just before the execution—I think on the day before—a certain number of Members of this House approached the Secretary of my Department, and, in consequence of that, a telegram was sent to the Bombay Government to the effect that the Bombay Government had no doubt considered the points made by the Members of the Assembly. The reply was practically that the Bombay Government had considered those points.

Mr. Gaya Prasad Singh : What was the purport of the telegram sent by the Government of India to the Local Government in connection with this execution?

The Honourable Sir Henry Craik : The telegram stated that:

"Certain Members of the Assembly had drawn attention to an announcement in the Press regarding the public execution of a dacoit in Sind and represented that it will be undesirable on general grounds and was likely to create communal feeling. If the report is true, we presume the Local Government had considered those points and can fully justify the action taken."

Mr. Gaya Prasad Singh : Do Government propose to take steps to discourage this sort of public hanging in future, because it is a relic of barbarism?

The Honourable Sir Henry Craik : I think the question should be addressed to the Bombay Government and the Bombay Legislative Council.

Mr. Gaya Prasad Singh : The Government of India have their power of direction, superintendence and control over local administrations and will they, in pursuance of those powers, take steps in future to discourage such things?

The Honourable Sir Henry Craik : I will consider that suggestion.

Dr. Ziauddin Ahmad : Is this not the solitary example during this century in which persons have been publicly hanged in India ?

The Honourable Sir Henry Craik : I should think not, but I am not certain.

Seth Haji Abdoola Haroon : Is the Honourable Member aware that on account of this, there has been a great excitement in the Sadar Court District ?

The Honourable Sir Henry Craik : No, Sir, I am not aware of that.

Dr. Ziauddin Ahmad : Do not Government consider that public hanging, instead of having a deterrent effect, has just the opposite effect, and that the sympathy is always then extended to the dacoits ?

The Honourable Sir Henry Craik : I think that is a matter of opinion. The Bombay Government took a different view.

ALLEGATIONS AGAINST THE STAFF OF THE AMBALA CITY RAILWAY STATION.

666. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that Srimati Lekhwati Jain, a prominent member of the Punjab Legislative Council, went to the Ambala City Railway Station (North Western Railway) on the night of the 22nd July, 1934, and asked the booking clerk for three tickets to Lahore by the Kalka Express, which leaves Ambala City at about 12-40 A.M. ; and that the booking clerk asked her to wait for a few minutes as he said he was counting the cash ?

(b) Is it a fact that seeing the train approaching, she again asked the booking clerk after some time for the tickets, and that the booking clerk not only refused to give the tickets, but became "extremely angry", and "in quite an unbecoming manner", asked her to march out, and he was "grossly insolent, and his behaviour extremely threatening and provocative" ?

(c) Are Government aware that the lady thereafter went to the Assistant Station Master on duty, who not only declined to receive her complaint, but "became rude, and positively refused to do anything", and it was with difficulty that she could get into her train in time ?

(d) Are Government aware that Srimati Lekhwati Jain addressed the Traffic Superintendent of the Railway on the subject ? If so, what is the result of her complaint ?

(e) Is not Ambala City Station supposed to have 24 hours booking, and are Government aware, as stated in her complaint, that this is not the first instance of the "high-handedness, and unjustifiable behaviour" of the booking clerk and of the Assistant Station Master, and that "several respectable ladies and gentlemen of the town have previously been insulted by these two men" ?

(f) What action has been taken, or is proposed to be taken, in this matter ?

Mr. P. R. Rau : The incident referred to is being inquired into. I have asked the Agent to have the matter carefully investigated and to take such disciplinary action against those responsible as, after his investigation, the circumstances of the case may require.

NOTICE SERVED ON MR. BAHAL SINGH NOT TO LEAVE DELHI, WITHOUT PERMISSION.

667. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Mr. Bahal Singh was served with a notice under Section 3 of the Punjab Criminal Law Amendment Act, 1932, not to leave Delhi, without the permission of the Deputy Superintendent of Police ? If so, when was this notice served on him ?

(b) How many times during the period that he has been confined to Delhi, was Mr. Bahal Singh permitted to go out of Delhi ?

(c) Is it a fact that on the 10th, and the 18th June last, he applied for permission to go to Indore and Bombay for a few days only, to fulfil a social engagement, and for business purposes, respectively, but permission was not granted to him ? If not, why not ?

The Honourable Sir Henry Craik : (a) Yes. A notice was first served on the 31st January, 1933. Another notice was served on the 3rd August, 1933, which was revised on the 21st February, 1934, and, again on the 22nd June, 1934.

(b) Twice.

(c) Yes. Government are not prepared to disclose the reasons for the refusal of permission to leave Delhi.

DEDUCTION OF ONE HOUR'S RECESS ON FRIDAYS FROM THE OVERTIME OF MUSLIM EMPLOYEES IN THE GOVERNMENT OF INDIA PRESSES.

668. ***Mr. M. Maswood Ahmad :** Is it a fact that if Muslim employees in the Government of India Press work overtime on Fridays, one hour's recess, which all Government employees get, for Jumma prayers, is deducted from their overtime ? If so, do Government propose to stop such practice in future ?

The Honourable Sir Frank Noyce : The reply to the first part is in the affirmative. As regards the second part, there can obviously be no justification for paying for overtime unless the hours actually worked are in excess of those prescribed as the normal working hours.

RECESS ON FRIDAYS TO MUSLIM EMPLOYEES IN THE EAST INDIAN RAILWAY WORKSHOP AT LUCKNOW.

669. ***Mr. M. Maswood Ahmad :** (a) It is a fact that for the last twenty years one hour's recess was given to all Muslim employees in the East Indian Railway Workshop at Lucknow on Fridays ?

(b) Is it a fact that since last year pay of the journeymen and chargemen is deducted from their pay for the time which is taken by them for Friday prayers ?

(c) Do Government propose to permit the journeymen clerk and chargemen to perform their prayers without any deductions being made from their pay ?

Mr. P. R. Rau : I have called for the information and will lay a reply on the table of the House in due course.

DETENTION TILL LATE HOURS OF CLERKS OF THE CHIEF MEDICAL OFFICER'S OFFICE, NORTH WESTERN RAILWAY.

670. *Mr. M. Maswood Ahmad : (a) Is it a fact that the clerks of the Chief Medical Officer's office, North Western Railway, were forced by the Superintendent of that office to sit daily up to 7 P.M. or so, and that this can be verified from the attendance registers of 1932 and 1933 ?

(b) Is it a fact that this is quite against Government orders and that clerks of headquarters office used to go at 4 P.M. or at 5 P.M. at the latest ?

(c) If the replies to the preceding parts be in the affirmative, will Government please state whether any compensatory allowance was given to the clerks of the Chief Medical Officer's office, North Western Railway, for over-time ? If not, will Government please state what action they intend to take against the Superintendent for detaining the clerks till late hours against Government orders ?

Mr. P. R. Rau : Government have no information. This is a matter of ordinary office discipline which is within the competence of the Agent, North Western Railway, to decide, and Government do not propose to interfere.

THIRD DIVISION CLERKS IN CERTAIN BRANCHES OF THE ARMY HEADQUARTERS.

671. *Mr. N. R. Gunjal : (a) Will Government kindly state whether there were any special orders of the Staff Selection Board in 1922 that clerks, who qualified as typists, should be treated as third division clerks and stopped at the efficiency bar of the second division, i.e., at Rs. 146, and subsequently reverted to the third division, unless they passed the test for the upper division ?

(b) If the answer to part (a) be in the affirmative why are clerks in the A. G.'s, Q. M. G.'s and M. G. O. Branches of the Army Headquarters allowed to continue in the second division contrary to Government instructions ?

(c) Is it a fact that clerks have been confirmed in the second division due to the non-existence of the third division in these various Branches, and placed over those who are equally qualified and are senior in service, besides having passed the Public Service Commission examination ? Is it a fact that some clerks with third division qualifications were placed in the second division in the M. G. O.'s Branch and are therefore getting Rs. 8 per annum promotion, whereas those who are senior shall have to complete their grade in 20 years as they get only Rs. 4 per annum ?

Lieut.-Colonel A. F. R. Lumby : (a) No, Sir.

(b) Does not arise.

(c) Certain second division clerks, who had only third division qualifications, were confirmed in the second division while serving in the Quartermaster General's Branch in the absence of a third division in that Branch, and were later transferred to the Master-General of the Ordnance Branch in which a third division had existed for some years. This accounts for the qualified second division clerks, who accepted third division appointments in the Master-General of the Ordnance's Branch, being junior to the unqualified second division clerks transferred from the Quartermaster General's Branch.

CONFIRMATION OF CLERKS IN CERTAIN BRANCHES OF THE ARMY HEADQUARTERS.

672. *Mr. N. R. Gunjal : (a) Will Government kindly state if the concurrence and approval of the Public Service Commission has been taken in the cases where third division clerks were confirmed in the second and the first divisions in the A. G.'s, Q. M. G.'s and M. G. O.'s Branches ? If not, why not ?

(b) Will Government kindly state if the clerks of the M. G. O. and other Branches can apply to the Public Service Commission for promotions likewise in the first or the second division ? If not, why not ?

(c) If the answer to part (b) be in the negative, do Government propose to promote those third division qualified clerks of the M. G. O. Branch to the second, without their having to undergo further Public Service Commission tests ? If not, what is the reason ?

Lieut.-Colonel A. F. R. Lumby : (a) No third division clerk has been promoted to the first division. As regards promotion to the second division, the reply is in the affirmative so far as the Quartermaster General's Branch is concerned. There has been no case of the kind in the Adjutant General's Branch. As regards the Master General of the Ordnance's Branch, three third division clerks have been promoted to the second division in the quota of vacancies reserved for departmental promotion.

(b) and (c). Clerks are not required to apply to the Public Service Commission for promotion. The Heads of offices are competent to promote third division clerks, whether qualified or unqualified, to the second division in the vacancies set apart for departmental promotions, provided, of course, that they are efficient.

REVERSION OF CERTAIN SECOND DIVISION CLERKS IN CERTAIN BRANCHES OF THE ARMY HEADQUARTERS.

673. *Mr. N. R. Gunjal : (a) Is it a fact that clerks who were duly qualified for the second division in the Q. M. G. and D. M. S. Offices have been declared supernumerary and been reverted to the third division, whereas clerks who qualified as typists and the third division have been allowed to continue in the second division and even promoted to the first in the M. G. O. and A. D. O. S. (P.) Offices ? If so, do Government propose to give these vacancies to the supernumerary men ? If not, why not ?

(b) In order to avoid such irregularities and injustice, do Government propose to refer all such cases of the Army Headquarters for scrutiny by the Public Service Commission ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) As a measure of retrenchment certain supernumerary second division clerks were, in 1933, given the option of retiring under the retrenchment terms or of accepting appointments in the third division. They accepted the latter alternative.

As regards the concluding portion of the question, the attention of the Honourable Member is drawn to the reply to part (a) of Mr. Bhuput. Sing's unstarred question No. 366, dated the 16th April, 1934, which was laid on the table on the 19th July, 1934.

None of these men are now supernumerary.

(b) No, Sir. Government do not admit that any irregularity or injustice has occurred.

LIGHTING AND SANITARY ARRANGEMENTS IN THE SHARDHANAND BASTI, DELHI.

674. *Rao Bahadur M. C. Rajah : (a) Will Government kindly refer to the reply of the Secretary, Department of Education, Health and Lands to question No. 1690, dated the 14th December, 1933 stating that the Municipal Committee, Delhi, will provide all necessary lighting and sanitary arrangements in the Shardhanand Basti, Delhi, as funds become available ?

(b) Is it a fact that a sum of R. 1,00,000 has been provided in the budget of the Municipal Committee, Delhi, for providing sanitary, lighting and water-supply arrangements in the backward areas including Shardhanand Basti, during the current financial year ?

(c) Is it a fact that in spite of the statement of the Secretary, Department of Education, Health and Lands, vide part (a) above, the Municipal Committee, Delhi is not doing anything towards providing the facilities referred to above in the Shardhanand Basti because, according to the Municipal Committee, Delhi, the area lies within the jurisdiction of the Local Government, and not that of the Municipal Committee, Delhi ?

(d) Is it not clear from the following extract from the Government's reply to question No. 1690, dated the 14th December, 1932, that the area occupied by the Shardhanand Basti lies within the jurisdiction of the Municipal Committee, Delhi :

"It is regretted that owing to financial stringency this area has not been provided with the necessary lighting and sanitary arrangements, but the Delhi Municipality, within whose jurisdiction it lies, has had the matter under consideration for some time past and will, it is hoped, remove these difficulties as funds become available" ?

If so, why does not the Municipal Committee take any action for removing the long standing grievances of the residents of the Shardhanand Basti, when they have got plenty of funds to do so ?

(e) Are Government prepared to see that facilities regarding water supply, lighting, and drainage are provided in the Shardhanand Basti without delay, now that funds are available in the Municipal Budget ?

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

(c) No. The Municipality has earmarked Rs. 6,274 for the drainage of this Basti.

(d) The Basti in question lies within the jurisdiction of the Delhi Municipal Committee. The funds at the disposal of the Committee, are however, not sufficient to enable it to carry out at present all the improvements required in this and other localities.

(e) The matter is primarily one of Municipal administration, but Government will look into it.

LIGHTING AND SANITARY ARRANGEMENTS IN THE SHARDHANAND BASTI, DELHI.

675. *Rao Bahadur M. C. Rajah : (a) Has the attention of Government been drawn to a letter appearing in the *National Call*, of the 2nd August, 1934, complaining, among other things, that the Municipal Com-

mittee, Delhi, takes no action to prevent the open area of the Shardhanand Basti, in front of the Paharganj Municipal dispensary, from being fouled by people of the adjoining localities, although the matter has been brought to the notice of the Municipal Committee, Delhi, several times ?

(b) Do Government propose to see that necessary action is taken by the Municipal Committee, Delhi, immediately to prevent this unhealthy practice ?

Mr. G. S. Bajpai : (a) Yes.

(b) The Municipal Committee, Delhi, has already instituted negotiations to acquire a site for the construction of a public latrine in that locality.

REMOVAL OF SLUMS IN HARPHUL BASTI, DELHI.

676. *Rao Bahadur M. C. Rajah : (a) Is it a fact that the Deputy Commissioner, Delhi, assured a deputation that waited on him on the 16th January, 1934, regarding Harphul Basti slums that he would try his best to acquire the land of that Basti within three months ? If so, has the Basti been acquired so far or not ? If not, when will it be acquired ?

(b) Did the Deputy Commissioner issue a statement intimating the position of the proceeding at the end of three months, i.e., on the 16th April, 1934 ?

(c) Do Government propose to see that a statement explaining the present position of the proceedings is issued, and that land is acquired without delay in order that the people may be able to leave the slums which are not fit for human habitation ?

Mr. G. S. Bajpai : (a) No. The Deputy Commissioner did not mention any time limit within which the land acquisition proceedings regarding Harphul Basti would be completed. The statement to this effect which appeared in the Press was erroneous. The Basti has not yet been acquired.

(b) No.

(c) The announcement of the award has been delayed by the unfortunate illness of the Nazul Officer whose successor has had to check and revise a great volume of evidence. The local authorities hope to complete the proceedings very shortly.

VACANCIES IN THE TRAINING RESERVE OF THE WOMEN'S MEDICAL SERVICE FOR INDIA.

677. *Mr. S. G. Jog : Is it a fact that the Central Dufferin Fund Officer has not invited applications for vacancies in the Training Reserve of the Women's Medical Service for India in the years 1933 and 1934 ? If applications have been invited, what are the names of the newspapers and their dates, in which these vacancies were advertised ?

(b) How many applications, in response to the advertisements, were received during the years 1933 and 1934, and how many lady doctor graduates (with their names and qualifications, academic or otherwise) have been admitted to the Training Reserve by the Executive Committee ?

Mr. G. S. Bajpai : The answer to the first part of (a) of the question is in the negative. A statement containing the information asked for in the rest of the question is laid on the table.

Statement.

(a) Applications for vacancies in the Training Reserve of the Women's Medical Service for India were invited both in 1933 and 1934. Vacancies were advertised in 1933 in the "Statesman" of the 3rd, 5th and 7th September, the "Madras Mail" of the 5th, 7th and 9th September, and the "Times of India" of the 4th, 6th and 8th September. In 1934, the advertisements were published in the "Statesman" of the 10th June, the "Madras Mail" of the 4th June, and the "Times of India" of the 8th June.

(b) Eighteen applications were received in 1933 and the same number in 1934. The undermentioned graduates were admitted into the Training Reserve :—

in 1933.

Dr. Edith Smith, M.B.B.S., (Punjab).

Dr. Pandit, M.B.B.S., (Bombay).

Dr. Hope Lazarus, M.B.B.S., (Madras), L.R.C.P. & S.(Edin.)L.M.(Rot.), was a temporary member.

in 1934.

Dr. Chacko, M.M.B.S., (Madras).

Dr. Mahadevan, M.B.B.S., (Madras).

Appointments to later vacancies have not yet been made.

REGULATION RELATING TO THE TRAINING RESERVE OF THE INDIAN WOMEN'S MEDICAL SERVICE.

678. *Mr. S. G. Jog : (a) Is it a fact that the regulation relating to the Training Reserve of the Indian Women's Medical Service provides that Indian Woman Graduates in Medicine of the Indian Universities should be *unmarried persons or widows* ?

(b) Is that rule applicable to lady doctors of the non-Asiatic domicile also ?

(c) How many medical women were admitted to the training reserve and how many were deputed to the United Kingdom for acquiring British Medical qualifications ?

Mr. G. S. Bajpai : The information has been called for and will be laid on the table in due course.

RESIDENT MEDICAL OFFICERS OF THE WOMEN'S HOSPITALS IN INDIA.

679. *Mr. S. G. Jog : Is it a fact that the posts of Resident Medical officers of the Women's Hospitals in India are not open to the Indian lady doctors graduates from the Indian Universities ? If so, why ?

Mr. G. S. Bajpai : The answer to the first part is in the negative. At least three such posts are held by Indian women graduates of Indian Universities today. The question in the second part does not arise.

LADY DOCTORS DEPUTED TO THE UNITED KINGDOM FOR TRAINING.

680. *Mr. S. G. Jog : Will Government please lay on the table a complete list of the lady doctors who have been deputed to the United Kingdom for training from year to year and what amounts have been contributed to their training in the United Kingdom ?

Mr. G. S. Bajpai : A statement containing the information asked for by the Honourable Member for the years 1928 to 1934 is laid on the table.

List of lady doctors who have been deputed to the United Kingdom for training during the period 1928—1934.

Year in which deputed to the United Kingdom for post-graduate study.	Name.	Diploma or Course of study for which deputed.	Amount contributed for training.
1928	Dr. D. P. Bali ..	M. R. C. S., L. R. C. P., (Lond).	Rs. 3,778
1928	Dr. C. Wiseman ..	Do. ..	3,700
1929	Dr. Lakshmi Devi ..	Do. ..	4,406
1930	Dr. Brooks ..	Do. ..	4,172
1930	Dr. S. Matthew ..	Do. ..	4,064
1930	Dr. Rekhi ..	Diploma in Radiology	NIL. (Dr. Rekhi was trained at the expense of the Rockefeller Foundation.)
1931	Dr. U. D'Monte ..	M.R. C. S., L. R. C. P.	4,038
1931	Dr. Shrikhande ..	Diploma in Bacteriology.	4,016
1931	Dr. Jiwan Lata ..	Special duty in maternity and child welfare.	4,024
1932	Dr. Patil ..	Diploma in Bacteriology.	4,020
1932	Dr. Senjit ..	Diploma in Ophthalmology and M.R.C.S., L. R. C. P.	4,016
1933	Dr. Reuben ..	F. R. C. S. (Ed.) ..	3,400
1933	Dr. Alankaram ..	M. R. C. S., L. R. C. P.	3,550
1934	Dr. D. P. Bali ..	Diploma in Radiology	10,800

LADY DOCTORS RECRUITED IN INDIA AND FROM ENGLAND DIRECT.

681. *Mr. S. G. Jog : (a) How many lady doctors of the non-Asiatic domicile have been recruited in India and from England direct during the last five years for Women's Medical Service for India in the senior grade, and how many have since resigned on account of marriage or otherwise ?

(b) Is it a fact that an Indian Medical Woman deputed to the United Kingdom for being trained for British Medical

qualifications, with scholarship, has got herself married there and her period of study was extended, over an ordinary one, by the C. M. O., Women's Medical Service?

(c) Will Government please state the reasons for their leaving out of the Women's Medical Service the lady doctors who have acquired British Medical qualifications at the State expense, such as, Dr. Lakshmi Devi, Dr. Bali, and others?

(d) Was Dr. Sanjit married in England, while prosecuting her studies there?

Mr. G. S. Bajpai: (a) A statement containing the information asked for by the Honourable Member is laid on the table.

(b) Yes. She was allowed to extend her period of study beyond the allotted year at her own expense.

(c) The Woman's Medical Service is controlled by the Countess of Dufferin's Fund, an aided association, and not by Government. Lady Doctors acquiring British medical qualifications at public expense have not been excluded from this service. On the contrary, every member of the Training Reserve, on obtaining a British medical qualification, has been admitted to that Service with the exception of one for whom a post was not available at the time, but who obtained a post under a Provincial Government. Dr. Bali is still in the Service. Dr. Lakshmi Devi resigned the service at her own desire on her marriage.

(d) Yes.

List of lady doctors of non-Asiatic domicile who have been recruited to the Women's Medical Service in India and from England direct since 1928 (excluding those who are no longer in the Service).

Dr. Torrance, M.D., Ch. H. (Glas)	..	Recruited in India.
Dr. Proctor-Sims, L.R.C.P., M.R.C.S. (Lond.)	..	Do.
Dr. Callender, M.A., (Cantab.) M.B.B.S. (Lond.), L.R.C.P., M.R.C.S.		Recruited from England for general work.
Dr. Orkney M.B., Ch.B. (St. Andrews) D. P. H. (Manchester) Specialist.		Recruited from England.
Dr. J. Thomson, L.R.C.P., M.R.C.S., M.B.B.S. (Lond.) M.D. (Lond.)		Recruited in India.
Dr. H. Herbert, M.B.B.S., M.R.C.S., L.R.C.P. (Lond.)		Do.
Dr. M. Neal, M.R.C.S. (Lond.), L.R.C.P. (Lond.) M.B.B.S. (Lond.) M.D. (Lond.)		Recruited from England.
Dr. P. Epps, M.D. (Lond.), M.R.C.P. (Lond.)		Recruited from England for special post at Lady Hardinge Medical College, Delhi.
Dr. M. Melan, B.A., M.B. Ch.B., M.A.C. (Ireland), D. T. M. H. (Lond.) D. P. K. (Lond.), F.R.C.S. I.		Recruited in India.

Six officers of non-Asiatic domicile have resigned during the last five years—three on account of marriage, two for health reasons, and one on account of urgent private affairs.

INDIAN DOCTOR APPOINTED ON THE EXECUTIVE COMMITTEE OR SELECTION BOARD OF THE CENTRAL DUFFERIN FUND.

682. *Mr. S. G. Jog: Has any doctor of Indian race been appointed on the Executive Committee or Selection Board of the Central Dufferin Fund? If not, why not?

Mr. G. S. Bajpai: The information has been called for and will be laid on the table in due course.

Mr. S. G. Jog: Sir, a supplementary question arises out of all these questions, though the Honourable Member has laid a consolidated statement in reply to all these questions. However, my supplementary question is this: Is it not a fact that this Dufferin Fund has been raised chiefly from contributions paid by the Princes and the peoples of India?

Mr. G. S. Bajpai: That particular fact is correct, Sir.

Mr. S. G. Jog: Sir, is it not the main object of this Fund to give encouragement to Indian ladies to go in for medical studies?

Mr. G. S. Bajpai: I do not think the main object of the Fund was to favour any particular race for carrying out a particular work. The main object of the Fund was to provide medical aid for Indian women by women; and if my Honourable friend will look at the present composition of the service, he will find that, since Indian women possessing the proper medical qualifications have begun to come forward, this service has been substantially Indianised.

Mr. S. G. Jog: May I know whether the Honourable Member is in a position to say what is the relative position of Indian ladies and ladies of non-Asiatic domicile?

Mr. G. S. Bajpai: Certainly—Twenty-four, I think, of Indian domicile and nineteen of non-Asiatic domicile.

Mr. Vidya Sagar Pandya: What are the corresponding salaries of the two classes?

Mr. G. S. Bajpai: The salaries are one and the same, subject, of course, to such variations as the time factor may necessitate.

Dr. Ziauddin Ahmad: Is it not a fact that the patient always goes to the best doctor irrespective of his caste and creed?

Mr. G. S. Bajpai: I hope so, Sir, for his sake. (Laughter.)

NON-RECOVERY OF RAILWAY MONEY FROM MESSRS. TEPLITZ AERATED WATERS COMPANY, CONTRACTORS, ON THE NORTH WESTERN RAILWAY.

683. *Dr. Ziauddin Ahmad: (a) Is it a fact that Messrs. Teplitz Aerated Waters Company secured the contract for the supply of ice and aerated waters in the Northern Section of the North Western Railway from Lahore to Peshawar?

(b) Is it a fact that the said company also had ice contract of the Military Hospital at Murree Indus?

(c) Is it a fact that the company carried ice to Murree Indus on Railway passes?

(d) Is it a fact that the Divisional Superintendent, Rawalpindi, made out a case, claiming Rs. 2,700 from the said company?

(e) Is it a fact that the file was lost at the Agent's office and no money was recovered?

(f) Is it a fact that Mr. Hail, the then Deputy Chief Commercial Manager carried on the preliminary investigation?

(g) Do Government propose to make enquiries and call for necessary papers?

Mr. P. B. Rau : (a) and (b). Yes.

(c) Yes, as Mari Indus was within the area for which the Company were given the contract.

(d) The Divisional Superintendent, Rawalpindi, has reported to the Agent, North Western Railway, that there are no records in his office regarding this claim.

(e) to (g). The Agent, North Western Railway, reports that the complete papers on the subject in his office are not now traceable. It appears, however, that a complaint against the firm was received in 1931 apparently from a discharged employee and that the matter was examined by the Chief Commercial Manager who accepted the explanation then given by the firm.

MINTO PROFESSORSHIP IN THE CALCUTTA UNIVERSITY.

684. ***Dr. Ziauddin Ahmad :** (a) Is it a fact that the Government of India have endowed a Minto Professorship in the Calcutta University?

(b) What is the salary of the Professor?

(c) Is it a fact that Government levied ten per cent. cut in the salary of the Professors simultaneously with the ten per cent. cut in the salaries of the Government officials?

(d) Is it a fact that Government restored the cut by five per cent.?

(e) Was the salary of the Minto Professor also restored by five per cent. ? If not, why not?

Mr. G. S. Bajpai : (a) to (c). An annual grant of Rs. 13,000 made from Central Revenues to Calcutta University included a sum of Rs. 12,000 for the pay of Minto Professor of Economics. The whole grant has been subject to the emergency cut of ten per cent. since 1932-33.

(d) and (e). The emergency cut has been restored by five per cent. in so far as the salaries of Government servants is concerned. The normal cut in the case of grants made from Central Revenues to educational institutions is ten per cent., and that in the present financial conditions it has not been possible to restore it. I would add that even the reduced grant is adequate to cover restoration of five per cent. in the cut of ten per cent. in the Professor's salary.

Dr. Ziauddin Ahmad : May I ask, Sir, why in this particular case the grant was not made to an educational institution, but was made to a special post?

Mr. G. S. Bajpai : I have already said that even the amount of the present grant is adequate for the purpose of reducing the cut in the Professor's salary from ten per cent. to five per cent. What happens is this, that the University utilises the balance for publications.

Dr. Ziauddin Ahmad : If the grant is restored next year, will the grant to the Professor be also restored?

Mr. G. S. Bajpai : I am not in a position to forecast what will happen to this particular grant next year.

CHARGEMEN IN THE ORDNANCE FACTORIES OF INDIA.

685. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(a) the total strength of men below the rank of chargemen in all the ordnance factories of India ; and

(b) whether they are prepared to allow a yearly deputation of ordnance factory workers to meet the Army Secretary with a view to discuss their conditions of service, just as is allowed to the All-India Railwaymen's Federation?

Lieut.-Colonel A. F. R. Lumby : (a) Apart from the clerical and menial establishment, the strength on the 1st April, 1933, was about 12,000.

(b) No, in view of the fact that there is no All-India Labour Organisation for Ordnance Factories corresponding to the All-India Railwaymen's Federation.

GRANT OF PRIVILEGE LEAVE TO THE STAFF IN THE ORDNANCE FACTORIES IN INDIA.

686. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(a) whether they are aware that the monthly paid men of the ordnance factories in India do not get their privilege leave of one month with full pay unless they find a substitute ; and

(b) whether they propose to cancel that condition and grant privilege leave as is done in all industrial concerns?

Lieut.-Colonel A. F. R. Lumby : (a) This is the rule in the case of monthly paid men on the temporary establishment, but in practice a substitute is not always required.

(b) No. The condition is laid down in Article 242 (a), Civil Service Regulations, and is of general application.

CONFIRMATION OF STAFF IN THE ORDNANCE FACTORIES IN INDIA.

687. ***Mr. K. P. Thampan :** Will Government be pleased to state :

(a) whether they are aware that in the ordnance factories of India people, who have put in 25 years of service, are still considered temporary ; and

(b) whether they propose to confirm all the men who have put in three years' service or more ; if not, why not?

Lieut.-Colonel A. F. R. Lumby : (a) Yes.

(b) No. The system of keeping labour on temporary establishment is not peculiar to Ordnance Factories. It also obtains on the Railways and in other Government establishments.

CONTRIBUTION TO THE PROVIDENT FUND IN THE ORDNANCE FACTORIES
IN INDIA.

688. *Mr. K. P. Thampan : (a) Will Government be pleased to state what is the extent of their contribution to the Provident Fund in the ordnance factories of India ? Is it less than that of State Railways ? If so, what is the difference ?

(b) Are Government aware that this lower contribution has been a source of great dissatisfaction in the minds of the employees and has formed the subject of resolutions at successive Conferences of the Cordite Factory Labour Union at Aruvankadu ?

(c) Do Government propose to direct that their contribution to the Provident Fund in the ordnance factories should be similar to that of State Railways ?

Lieut.-Colonel A. F. R. Lumby : (a) 50 per cent. of the subscriber's contribution in the case of the Workmen's Provident Fund. The Government contribution in the case of the State Railway Provident Fund is 100 per cent.

(b) Government have seen the Labour Union's resolutions on the subject passed at their annual conferences between 1931 to 1934.

(c) No.

INTRODUCTION OF A SCHEME OF GRATUITY IN THE ORDNANCE FACTORIES
IN INDIA.

689. *Mr. K. P. Thampan : Will Government be pleased to state :

(a) whether it is a fact that no scheme of gratuity has yet been introduced in the ordnance factories of India ; and

(b) whether they propose to take any action in the matter ?

Lieut.-Colonel A. F. R. Lumby : (a) and (b). A scheme of gratuities paid from the Fine Fund has been in existence for years. There is, however, no regular scheme whereby gratuities are paid from general revenues. The question of paying gratuities from general revenues is under consideration.

PRIVILEGES IN THE MATTER OF PAY, ALLOWANCES, ETC., TO TRAVELLING
TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

690. *Pandit Satyendra Nath Sen : (a) Are Government aware that one Mr. Bishan Singh, S. T. E., North Western Railway, at present working in the Delhi Division, was working as a Travelling Ticket Examiner on the Kalka-Simla Railway on mileage allowance system ?

(b) Are Government aware that this Travelling Ticket Examiner (Mr. Bishan Singh), when appointed to work as a S. T. E. in the Delhi Division, was given his pay plus average mileage allowance, i.e., 75 per cent. of his pay besides the daily allowance admissible under the rules and was thus in receipt of Rs. 80 as pay plus Rs. 60 as an average allowance, aggregating Rs. 140 plus daily allowance earned by him ?

(c) Are Government also aware that this Mr. Bishan Singh on his reversion as a Travelling Ticket Examiner from S. T. E.'s job,

was given his substantive pay of Travelling Ticket Examiner, i.e., Rs. 90 or so, after the usual adjustment of his annual increments ?

(d) Are Government further aware that on the abolition of the Travelling Ticket Examiner's cadre this Mr. Bishan Singh instead of getting his substantive pay of a Travelling Ticket Examiner, which was Rs. 100 or so, has been allowed to enjoy the benefit of his pay of S. T. E. which was fixed at Rs. 140 plus the consolidated allowance ?

(e) What is the scale of pay in which the said Mr. Bishan Singh is now fixed up by the North-Western Railway administration and on what basis was this particular and separate scale for only one S. T. E. created by the Agent ?

(f) Will Government be pleased to state why the other old Travelling Ticket Examiners are denied the same privileges, as regards pay and allowances, as are enjoyed by Mr. Bishan Singh ?

(g) Do Government propose to extend the same rates of pay and allowances to other S. T. Es. who have been appointed on the abolition of the old cadre of the Travelling Ticket Examiner ? If not, why not ?

Mr. P. R. Rau : I am calling for information and will lay a reply on the table of the House in due course.

EMPLOYMENT OF INDIANS IN THE CYPHER BUREAU OF THE FOREIGN AND
POLITICAL DEPARTMENT.

691. *Mr. Gaya Prasad Singh : Will Government kindly state how many Indians are employed in the Cypher Bureau of the Foreign and Political Department ?

Mr. H. A. F. Metcalfe : There are no Indians employed in the Central Cypher Bureau in the Foreign and Political Department at present.

Mr. Gaya Prasad Singh : Is it not a fact that in the Standing Finance Committee and also on the floor of the House assurances were repeatedly given by the Government during the last few years that earnest efforts would be made to appoint Indians in this Cypher Bureau ?

Mr. H. A. F. Metcalfe : That, Sir, is quite true, and efforts are being made which, I hope, will shortly be successful.

Mr. Gaya Prasad Singh : May I ask, Sir, whether this very assurance which the Honourable Member has just given was given probably by himself or by his predecessor many years ago—as many as five years ago—almost in the same terms ?

Mr. H. A. F. Metcalfe : I am not in a position to say what happened five or six years ago, but I know that this undertaking was given as recently as last September, and I am glad to say that substantial steps have now been taken towards achieving the end which we all desire.

Mr. Vidya Sagar Pandya : May I know how many Anglo-Indians are employed in the Cypher Bureau ?

Mr. Gaya Prasad Singh : All are Anglo-Indians and Europeans in the Cypher Bureau.

Mr. Vidya Sagar Pandya : I wish to know from the Government Member how many Anglo-Indians are employed in the Cypher Bureau ?

Mr. H. A. F. Metcalfe : I could not give the Honourable Member the exact figure, but there are certainly some Anglo-Indians.

INVESTIGATION OF THE CASE OF THE BRITISH INDIAN PORTS IN THE GULF OF CAMBAY.

692. *Nawab Naharsingji Ishwarsingji : (a) Will Government be pleased to state whether they want to check the loss of customs revenue caused by the development of the ports of the Kathiawar Maritime States ?

(b) Did Government study the question of the working of the British Indian ports in the Gulf of Cambay before ? If so, what are the *pros* and *cons* about these British Indian ports ?

(c) What are the reasons for permitting the transshipment of goods from foreign ports of Porebunder and Jafrabad to these British Indian ports without charging the duty, that is, why no duty is charged at our ports on goods arriving from these foreign ports ?

(d) Is it a fact that the fixed amount of two lacs of duty to be allowed to the foreign ports of Kathiawar is fixed for land transport only ? If so, why are Porebunder and Jafrabad allowed sea-import of goods at our ports, and is it a fact that even the *two lacs limit* is not adhered to inasmuch as they are allowed to an extent of a big sum of several lacs on this free duty sea-importation of goods to our ports ? Will Government please state the reasons for giving such special concessions to these States, incurring thereby a big loss to Government customs revenue and as a consequence taxing indirectly the British Indian taxpayer ?

(e) Will Government be pleased to state whether they intend to appoint a committee to investigate thoroughly the case of the British Indian ports in the Gulf of Cambay and collect such evidence as may be forthcoming ?

The Honourable Sir James Grigg : (a) to (e). The whole question of the loss of Customs revenue caused by the development of the Ports of the Kathiawar Maritime States is engaging the attention of Government, but it would not be in the public interest to make any statement on the matter at the present time.

STAFF DISCHARGED IN THE DINAPORE AND THE MORADABAD DIVISIONS OF THE EAST INDIAN RAILWAY.

693. *Pandit Satyendra Nath Sen : (a) Are Government aware that a number of discharges were made in the Dinapore and the Moradabad Divisions of the East Indian Railway during the last two years ? If so, are Government prepared to appoint a committee of enquiry to go into the cases ?

(b) Are Government aware that in 1932 a discharged official (Travelling Ticket Examiner) was re-instated as the result of an enquiry made by Mr. K. M. Hassan, Deputy Director of Establishment, and another was re-appointed after an enquiry by the Labour Commission ?

Mr. P. R. Rau : (a) Unfortunately discharges have occasionally to be made in every Department and Division of a Railway in the interests of efficiency. Government do not consider that there are any special circumstances in these two Divisions to make a special enquiry necessary.

(b) Government have not been able to trace either of the cases referred to. If the Honourable Member is referring to the recommendations of Court of Enquiry constituted in 1932 under the Trade Disputes Act, he will find the information in the report of the Court and the Government communiqué thereon, copies of which are in the Library of the House.

Dr. Ziauddin Ahmad : In view of the fact that so many questions have been asked about the maltreatment of subordinates in the Moradabad Division, is it not the duty of the Government to look into the matter ?

Mr. P. R. Rau : No, Sir. The fact that many questions are asked does not necessarily mean that there has been maladministration.

Mr. Gaya Prasad Singh : That is the value of our questions !

Sir Cowasji Jehangir : Does that mean that because complaints are made from this side of the House, the Honourable Member is not going to take any steps in this particular case ?

Mr. P. R. Rau : Not at all. Government did take steps. My Honourable friend was not in the House when I gave replies to this very question some days ago. Government did make enquiries and found that no intervention on their part was necessary.

Dr. Ziauddin Ahmad : In view of the fact that no complaint has been made about the other five Divisions of the East Indian Railway and that all the complaints are concentrated mostly to one particular Division, is it not really the duty of the Government to see how far those complaints are correct and to find out whether there is really something wrong in the administration of that particular Division ?

Mr. P. R. Rau : As I have already explained, Government did make enquiries in certain cases and got reports from the Administration, and, after examining them, they found that their intervention was not called for.

Sir Abdur Rahim : Did they find, as a matter of fact, that these complaints were groundless ?

Mr. P. R. Rau : Yes, Sir.

Dr. Ziauddin Ahmad : Did the Railway Board examine each complaint themselves or entrusted this work to an officer of the Board ?

Mr. P. R. Rau : I cannot say that each of these complaints was examined, but a large number of them were reported on by the Agent of the East Indian Railway and were examined by the Board.

NON-PAYMENT OF GRATUITY TO TWO PERSONS OF THE DINAPORE DIVISION.

694. *Pandit Satyendra Nath Sen : (a) Is it a fact that Mr. S. C. Bose, Head Ticket Collector, Dinapore Division, who resigned his post some time in 1933 and Mr. K. Lall, Guard, Dinapore Division, discharged in March, 1933, have not been given their gratuity in spite of repeated demands ? Is it also a fact that they have served for more than 16 years ?

(b) If the answer to part (a) be in the affirmative, will Government state if they are prepared to pay the two gentlemen their gratuity, and, if so, when ?

Mr. P. R. Rau : I have called for certain information and will lay a reply on the table of the House in due course.

Pandit Satyendra Nath Sen : May I know, Sir, under what conditions gratuities are granted ?

Mr. P. R. Rau : I would refer my Honourable friend to the Gratuity Rules.

ALLEGED RACIAL ARROGANCE IN SOUTH AFRICA.

695. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether their attention has been drawn to the article published in the *Forward* of the 9th June, under the heading "Racial Arrogance in South Africa—Sickening White Propaganda", taken from the *Sun* of Bombay, and the comments of the said daily thereupon ?

(b) If the answer to part (a) be in the affirmative, will Government kindly state whether their Agent in South Africa has taken any steps to stop such pernicious propaganda in the country ? If so, what ?

(c) Are Government aware of the repercussions which such outbursts may give rise to in India ?

Mr. G. S. Bajpai : (a) and (c). Yes.

(b) No special importance attaches to the speech. As the Honourable Member is no doubt aware since the appointment of the first Agent in South Africa, the general attitude of Europeans towards Indians in social matters has greatly improved, thanks to the efforts of the Right Honourable V. S. Srinivasa Sastri and his successors, and there is no reason to apprehend that the process of improvement will not continue.

REDUCTION OF THIRD CLASS FARE ON THE EAST INDIAN RAILWAY.

696. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they propose to reduce the third class fare on the East Indian Railway, in view of the fact that there has been no appreciable fall or rise in earnings on account of such an experiment carried out on the North Western Railway ?

(b) Are Government aware that the third class fares on the East Indian Railway are comparatively higher than those on the Bengal Nagpur Railway and other company-managed railways ?

Mr. P. R. Rau : (a) As I explained to the House on the 13th August, 1934, in reply to Mr. Ghuznavi's question No. 524, Government prefer to await the results of the experiment on the North Western Railway before considering a general reduction of third class fares on other railways. The experiment on the North Western Railway has not been in force for a period sufficient to draw any conclusions therefrom.

(b) No, on the contrary, the third class fares on the East Indian Railway are lower than those on all other principal Company-managed Railways, except the Bengal and North Western Railway.

Dr. Ziauddin Ahmad : May I ask, Sir, how long the Government will take with this experiment ?

Mr. P. R. Rau : It is intended to have the experiment in force for a year.

RUNNING OF THROUGH TRAINS FROM HOWRAH TO KALKA BY LOOP LINE.

697. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether there was any proposal to run through trains from Howrah to Kalka by loop and B. A. K. lines ? If not, what were the difficulties in the way of such a proposal ?

(b) Are Government prepared to place the connected papers regarding this proposal on the table of this House ?

Mr. P. R. Rau : (a) I would refer the Honourable Member to the information I laid on the table of the House on the 23rd November, 1933, in reply to his question No. 147 asked on the 20th September, 1933.

(b) I do not know what papers my Honourable friend refers to, but what Government have on the subject contain no information beyond that referred to in my reply to part (a) of this question.

EXTENSION OF TELEPHONE LINES AND REDUCTION IN TELEPHONE CHARGES.

698. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether there is any proposal for extension of telephone lines over the whole of India in order to connect all the important cities with one another ?

(b) What is the total estimated cost of carrying out this proposal ?

(c) Is there any proposal of reducing the telephone charges in order to popularise the connections by making the same cheaper ?

The Honourable Sir Frank Noyce : (a) No comprehensive scheme for the extension of telephone lines throughout India in order to connect all important cities has been prepared. Schemes for telephone connections between two or more cities are prepared and carried out if the financial results are anticipated to be favourable and as funds become available.

(b) As there is no single comprehensive proposal, no estimate of cost can be given.

(c) Yes. I place on the table a copy of the Director-General's General Circular which gives full details of the reductions in telephone charges which come into force from the 16th September, 1934.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

DIRECTOR-GENERAL'S GENERAL CIRCULAR No. 16.

Monday, 30th July, 1934.

(Spare copies to be distributed to all departmental telephone Exchanges.)

Revised Scales of Charges for Telephones.

With effect from the 16th September, 1934 in the case of all new installations and with effect from the 16th September, 1934, or the termination of the current periods for which rent has been paid, whichever is later, in the case of existing installations and in supersession of all previous orders on the subject, the following revised scales of charges will be introduced for Departmental, Manual and Automatic Exchanges, extension telephones, bells and switches, private branch automatic exchanges, private branch manual exchanges, private

automatic exchanges, private manual exchanges, private telephones and non-exchange lines, subject to the conditions and restrictions set forth below, viz.—

I.—Definitions.

A private exchange is an exchange provided exclusively for the use of a business firm, municipality, Government Department or similar body and is installed and maintained by the Indian Posts and Telegraphs Department in rent-free premises provided by that body. If the exchange is connected by trunk lines or junction lines to a Government telephone system, it is known as a private branch exchange. Operators for private manual exchanges are provided by the hiring authority.

In exceptional cases firms or persons other than the hiring authority may be given connections to a private exchange or private branch exchange.

A sub-exchange is an exchange installed for Departmental convenience within the limits of a free junction area and connected to the main exchange or other exchanges within the area by means of free junction lines.

II.—Installation Fee.

In all cases in which any telephone is installed or re-opened an installation charge of Rs. 10/- will be levied.

III.—Departmental Manual and Automatic Exchanges.

(1) The following is the scale of charges for connections to a Departmental Manual or Automatic Exchange—

(a) For all exchanges excepting those specified in clause (b) below :—

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1)(f)].	Annually.
	Rs.	Rs.
Within one mile	18	168
Within two miles	19	180
Within three miles	20	192

(b) For the following Exchanges :—

Delhi, Simla, Mashobra, Rawalpindi, Lahore, Lahore Cantonment, Amritsar, Peshawar, Ghaziabad, Bombay,* Poona, Ahmedabad,*
 Government. Drigh Road, Quetta, Nagpur, Cawnpore, Lucknow, Patna, Dinapore, Gulzarbagh, Loyabad, Sindih, Jharia, Regent, Storeyard, Barrackpore, Calcutta, West, Rangoon.

(c) The following special rate provided the connection is within half a mile of the exchange is applicable only to new exchanges which are not connected to the Telephone Trunk System, and to existing exchanges in which the present basic annual rate is rupees one hundred and fifty. From the date of connecting such an exchange to the Trunk System this special rate will not apply to new connections or to existing installations which are subsequently disconnected for breach of any rule, given up, or sought to be transferred to another person.

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1)(f)].	Annually.
	Rs.	Rs.
Within half a mile	17	156

(d) For lines in excess of three miles special rates based on the capital cost will ordinarily be quoted. But if existing wires or cable conductors can be utilised with only inexpensive changes, the rates given in paragraphs (e) and (f) below will apply.

(e) All Departmental Manual and Automatic Exchanges—

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1)(f)].	Annually.
	Rs.	Rs.
Within three and a half miles	23	216
Within four miles	26	240

(f) For a connection in excess of four miles radial distance from the exchange the charge is as for four miles plus the following extra charge :—

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1)(f)].	Annually.
	Rs.	Rs.
For every half mile over four miles	4	36

(2) The above monthly rates are subject to a discount of ten per cent. for prompt payment [vide para. XI (1) (f)].

(3) The decision of the Divisional Engineer, Telegraphs, is final as to the radial distance of a connection from the exchange.

(4) Automatic Exchanges will be installed only when the maintenance by technically trained staff can be arranged for at reasonable cost and Heads of Circles have authority to refuse to instal automatic plant where this condition is not satisfied or for any other reason, such as the necessity for manually operated trunk positions.

(5) Special rates may be charged for any exchange connection where the flat rate is insufficient to meet the capital cost of carrying out the work or inexpensive localities.

(6) The rates for connections to a sub-exchange are the same as for the main exchange, distances being measured radially from the sub-exchange.

IV.—Extensions and Non-Exchange Lines.

(1) The following are the charges payable in advance for telephone extensions, switches, extra bells, and additional wiring. The same rates apply to non-exchange telephone connections but in this case the hiring contract must ordinarily be signed for at least one year and rent paid annually in advance, and no refunds will be allowed. As an exceptional case, if the connection can be given by utilising existing wires or cable conductors with only inexpensive changes non-exchange connections may be charged for at monthly rates under the rules applicable to departmental exchange lines.

(a) For a telephone extension with switch without intercommunication facilities (including 110 yards of internal loop wiring)—

Monthly.	Annual.
4-0-0	36-0-0

(b) For a telephone extension with switch with intercommunication facilities (including 110 yards of internal loop wiring)—

Monthly.	Annual.
6-8-0	60-0-0

(c) For an extra bell—(with 55 yards of internal loop wiring).

Monthly.	Annual.
1-8-0	12-0-0

(d) For a Plug and two sockets (with 55 yards of internal loop wiring)—

Monthly.	Annual.
1-8-0	12-0-0

(e) For every additional 55 yards or part thereof of internal loop wiring—

Monthly.	Annual.
1-8-0	12-0-0

(f) For every half mile of external loop wire or fraction thereof up to two miles—

Monthly.	Annual.
3-0-0	24-0-0

(g) For every half mile of external loop wiring after the first two miles—

Monthly.	Annual.
4-0-0	36-0-0

(h) For a short length of external loop for the purpose of bells, etc., within the same compound up to one-quarter of a mile—

Monthly.	Annual.
1-8-0	12-0-0

(i) For a complete telephone (including internal loop wiring of 110 yards)—

Monthly.	Annual.
4-0-0	36-0-0

(2) The above monthly rates are subject to a discount of ten per cent. for prompt payment [vide para. XI (1) (f)].

(3) All distances are to be actual and are ordinarily to be measured by the shortest practicable route. The decision of the Divisional Engineer, Telegraphs, being final in the matter.

(4) Special rates may be charged in all cases in which the flat rate of charge is insufficient to meet the capital cost involved in carrying out the work or inexpensive localities.

(5) For lines in excess of three miles special rates based on the capital cost will ordinarily be quoted unless existing wires or conductors can be utilised with only inexpensive changes. For lines under three miles in length no guarantee is necessary provided that the initial amount of rent paid for the line is equal to at least half the cost of providing it.

(6) In the case of Non-exchange connections Divisional Engineers, Telegraphs, may, at their discretion, quote the above rates or the rate for single wire earth return circuits specified in paragraph VIII below. Ordinarily earth return circuits will not be permitted in town areas.

V.—Private Exchanges.

(1) The following are the rates payable in advance for connections to Private Exchanges :—

(a) Private Automatic Exchanges—

For an internal connection.	For an external connection up to two miles
Rs. 108 per annum.	Rs. 156 per annum.

(b) Private Manual Exchanges—

For an internal connection.	For an external connection up to two miles
Rs. 72 per annum.	Rs. 120 per annum.

(c) Private Branch Automatic Exchanges—

No. of connections.	Obligatory junctions.	Rate for an internal connection.	Rate for an external connection up to two miles if specially sanctioned.
1-4	1	108 per annum.	156 per annum.
5-8	2	108 " "	156 " "
9-16	4	108 " "	156 " "
17-26	4	144 " "	192 " "
27-35	5	144 " "	192 " "
36-44	6	144 " "	192 " "

(d) Private Branch Manual Exchanges—

No. of connections.	Obligatory junctions.	Rate for an internal connection.	Rate for an external connection up to two miles if specially sanctioned.
1—4	1	72 per annum.	120 per annum.
5—8	2	72 „ „	120 „ „
9—16	4	72 „ „	120 „ „
17—26	4	108 „ „	156 „ „
27—35	5	108 „ „	156 „ „
36—44	6	108 „ „	156 „ „

(e) The charge for an external connection to a private exchange or a private branch exchange exceeding two miles in length is the same charge as for an external connection shown above plus the following additional charge:—

Every additional half mile Rs. 36 per annum.

(2) The above distances are the actual length of the line by the shortest practicable route, the decision of the Divisional Engineer, Telegraphs, being final in the matter.

(3) In cases in which the above rates are considered to be insufficient to cover the expenditure involved, the rental for the portion of the line in excess of three miles may be charged for on the basis of the capital cost.

(4) In the case of a Private Branch Exchange, no external connections outside the compound will ordinarily be permitted but Heads of Circles have full powers to make exceptions to this rule in particular cases.

(5) No extensions, internal or external, are ordinarily admissible on connections to private branch exchanges, but Divisional Engineers, Telegraphs, may use their discretion in relaxing this restriction if circumstances require it. The rates for extension telephones, bells and switches, etc., are the same as those specified in paragraph IV above but monthly rates are not applicable.

(6) Private and Private Branch Exchanges will only be supplied on a guarantee of a specified minimum number of connections, including junctions, for a minimum period of five years. Additional connections may be rented for one year at a time.

(7) Private automatic exchanges will be opened only when the maintenance by technically trained staff can be arranged for at reasonable cost and Heads of Circles have authority to refuse to instal automatic plant where this condition is not satisfied or for any other reason.

(8) In the case of Private Branch Exchanges the number of obligatory junctions shown under paragraphs V (c) and (d) above must be rented for the guaranteed period at annual rates and thereafter can be altered in accordance with the number of connections on the exchange. Rent for these junction lines will be charged at the rate for departmental connections to the exchange to which they are joined. Heads of Circles are permitted to reduce the number of obligatory junction lines to be rented should special circumstances exist which render insistence on the rule unnecessary in the interest of an efficient service or make it unduly onerous to the hiring authority. Heads of Circles have full powers to require the hiring authority to rent additional junction lines should it be deemed necessary for traffic considerations.

(9) Junction lines between Private Exchanges are not ordinarily permitted, but the Director-General may at his discretion permit them in exceptional circumstances. Rent for a junction line between two Private Exchanges is the sum of the charges for an internal connection in each exchange plus Rs. 48 per annum up to two miles in length and Rs. 36 per annum for subsequent half mile of actual length by the shortest practicable route.

(10) These rules do not apply to Private Exchanges or Private Branch Exchanges supplied to the Irrigation and Railway Departments for which special rules are at present applicable, but they shall apply in every respect as regards the junction lines to such exchanges.

(11) An installation fee of Rs. 10 per line including junction will be made for installing a private exchange.

VI.—Casual Telephone Connections.

The following charges may be made for casual telephone connections provided they can be provided at no appreciable cost:—

(1) Within a radial distance of three miles from an exchange. Rs. 2 per day subject to a minimum of Rs. 10 and a maximum of Rs. 30 for a month.

(2) Beyond a radial distance of three miles from an exchange. As for a connection within a radial distance of three miles plus Rs. 5 for each additional mile or portion thereof.

All payments must be made strictly in advance. No refunds will be admissible on casual telephone connections.

VII.—Tap connections required as a purely temporary measure by the hiring authority on an exchange connection or guaranteed trunk line or non-exchange line may be charged for at the rates applicable to casual telephone connections provided that the expenditure incurred in giving the connection does not exceed 75 per cent. of the rent demanded.

VIII.—Earth Return Lines.

For single wire earth return circuits the rent should be charged on a capital cost basis.

IX.—Shifting Charges.

The following are the scales of charges for shifting private exchanges, telephone connections, extensions, bells, etc.:—

(a) For a shift from one position to another in the same room—No charge.

(b) For an internal shift in the same building:—

Rs. 10 for each telephone or extension telephone and Rs. 5 for each extra bell or plug point.

In the case of private exchanges the charge will be Rs. 10 per line including junctions connected to the exchange.

(c) For an external shift of any kind a new hiring contract is required, as for a new connection, entailing the payment of the prescribed installation charge.

X.—Existing Installations.

In cases in which the annual rates prescribed under these rules are greater than the rates in force at present, subscribers may be permitted to retain their existing installations on payment of rent at the existing rates and under the existing conditions until such time as the installation is disconnected for breach of any rule, given up, or sought to be transferred to another person.

XI.—Payment of Bills and Refunds.

(1) Departmental connections.

(a) A telephone connection to a Departmental Exchange will be supplied on an initial payment of two months rent in advance with discount as in paragraph (f)

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below and an installation fee of Rs. 10 for each telephone installed. The installation fee is not subject to discount.

(b) The hiring authority will be required to sign a hiring contract, in the case of connections to a Departmental Exchange, for a minimum period varying between three and a half months and four and a half months in accordance with the actual date on which the connection is opened. The hiring contract will come into force on the date of application and will continue until the 15th day of the fourth month following the month in which the connection is completed.

(c) The uniform date for the commencement of monthly or annual rental periods will be the 16th of a month and the due date for payment of rental charges will be the day preceding the rental period, i.e., the 15th. All rental charges are payable in advance.

(d) Bills will be issued on the 28th of the month preceding the due date. In all cases on the first occasion of issuing a bill the broken period, if any, will be charged for at monthly rates.

(e) Bills will specify the amounts payable at the monthly as well as the yearly rates—and on receipt of a bill it will be open to the hirer to pay for a month or for a year, provided that such payment comes into effect from the commencement of the next rental period. Provided further that if the hirer decides in favour of and pays the yearly rate on receipt of the first bill the annual rate for the first year will be reduced by the amount of the installation fee and credit will be allowed for the deposit of two months' rent made by him in advance. The initial broken period must be paid for at monthly rates.

(f) The monthly rates will be subject to a discount of ten per cent. calculated to the nearest rupee, sums of eight annas and below being ignored, if the bill is paid on or before the 7th of the month in which the payment is due or in cases where payments are effected by book transfer, the amount is adjusted in the accounts of the month in which the bill is presented. No extension of this date will be allowed in the event of non-receipt of bills, or on account of Sundays or Public Holidays intervening or for any other reason.

(g) After the expiry of the initial guaranteed period, the hiring contract will remain in force until determined with effect from the end of a rental period, i.e., the 15th of any month, by either party giving to the other seven days notice in writing.

If the telephone is disconnected for default in payment of rent (and no notice of termination has been received from the subscriber), the subscriber will be liable for payment of rent at the rates prescribed for the casual telephone connections in the case of the main telephones and at monthly rates without discount in respect of the other items included in paragraph IV.

(h) The contract may, after determination, be extended for short periods of less than a month at the rates prescribed from time to time for casual telephone connections in the case of the main telephones and at monthly rates without discount in respect of the other items included in paragraph IV.

(i) Except in the case of non-exchange connections, for which no refunds are admissible, if a subscriber who has paid rent at annual rates desires to give up his connection after the expiry of the initial guaranteed period, a refund may be granted for any complete monthly periods which remain unexpired. In arriving at the amount of such refund the number of complete monthly rental periods the connection was in use will be charged for at monthly rates less ten per cent. calculated as in paragraph (f) above, a broken period being counted as one month and the balance, if any, of the annual rate paid will be refunded.

(j) If rent is not paid by the subscriber in accordance with the procedure prescribed on or before the due date, he will be disconnected and the connection will only be restored provided he pays the amount of rent due from him together with an installation fee of Rs. 5 within a period of seven days from the date of disconnection. If payment of the rent due together with the fee of Rs. 5 is not made within seven days of the date of disconnection, the subscriber will be required to execute a fresh agreement and to make all the payments as specified in the hiring contract for a new connection including the installation fee of Rs. 10.

(2) *Private and Private Branch Exchanges.*

(a) All charges for connections to Private Exchanges are on an annual basis and must be paid in advance. Connections may be given up for any number of complete calendar months after the expiry of the guarantee or, if not included in the guarantee, after the expiry of one year, and they will be billed for at annual rates plus twenty per cent. for the number of months retained, the balance paid, if any, being refunded.

(b) In the case of Private Exchanges and Private Branch Exchanges rentals are payable annually in advance and the existing procedure regarding hiring contracts and the collection of rent from hiring authorities will remain unchanged, but the installation charge of Rs. 10 will be levied in all cases in which any new telephone is installed or re-opened.

(c) Pies shall be omitted in every item of telephone rent bills.

XII.—*Exception to Rules.*

These rules do not apply to Aden.

G. V. BEWOOD,

Director-General of Posts and Telegraphs.

Mr. S. G. Jog : May I ask, Sir, whether any departmental inquiry has been held as to the places to which extension is possible ?

The Honourable Sir Frank Noyce : The Department is in close touch with the situation and has very accurate information as to the likely advantage which will arise from fresh telephonic connections between important cities.

Mr. S. G. Jog : Is it a fact that there are a number of States in India having very important cities, and are the Government prepared to consider the question of connecting all these cities in the States with telephone

The Honourable Sir Frank Noyce : I can only say that they are prepared to go ahead as rapidly as financial conditions permit.

UNSTARRED QUESTIONS AND ANSWERS.

DEMOTED STAFF OF THE GOVERNMENT OF INDIA DEPARTMENTS.

68. Kumar Gupteshwar Prasad Singh : (a) Will Government please lay on the table a statement showing :

- (i) the number of the employees in each Department of the Government of India at Simla, who were demoted on account of the economy campaign ;
- (ii) the number of demoted employees who have been restored since their reversion ;
- (iii) the names of the demoted men, awaiting restoration with their present and previous pay and loss in emoluments sustained by each of them ?

(b) Are Government prepared to issue orders for their immediate restoration ?

The Honourable Sir Henry Craik : (a) I place on the table a statement containing the information asked for.

(b) Government have already issued orders that men relegated to a lower division as a matter of retrenchment should be restored to their original division as soon as possible.

Statement showing the number of men who have been relegated to lower divisions consequent on the abolition of posts in the course of retrenchment in the Departments of the Government of India.

Name of department.	No. of men who were relegated to a division lower than the one in which they were previously employed either substantively in permanent posts or against vacancies in such posts in which they would have been confirmed but for the ban on confirmation imposed by the F. D. Resolution No. D. 4523/Ex. I/31, dated the 9th July 1931.			No. of men who have been restored to their original position.		No. of men who have yet to be restored to their original posts.		
	From 1st Division to	From 2nd Division to	From 3rd Division to	From 2nd Division to 1st Division.	No. in the 2nd Division.	No. in the 3rd Division.		
	2nd Division.	3rd Division.	3rd Division.	1st Division.	2nd Division.			
Army	..	..	1	..	..	..	..	1†
Finance	2	..	..	..	..	2	..	..
Education, Health and Lands.	..	1*	5†	..	1	..	..	..
Home	Nil.							
Legislative								
Commerce								
Industries and Labour								
Imperial Council of Agricultural Research.								
Legislative Assembly ..								
Foreign and Political ..								
Military Finance								
Railway								

*Was subsequently offered a first Division post in the Civil Aviation Office and left this Department.

†One of these men was subsequently offered a first Division post in the office of the Director, Intelligence Department, and left this Department.

‡This Clerk's previous pay was Rs. 188. His present substantive pay is Rs. 170 but he has suffered no loss in emoluments because since his relegation to the III Division he has continued to officiate in a higher grade.

RULES RELATING TO THE INDIAN TERRITORIAL AND AUXILIARY FORCES.

69. Mr. Muhammad Azhar Ali : Will Government please place in the Library of this House an up-to-date corrected copy of the rules relating to the Indian Territorial and Auxiliary Forces ?

Lieut. Colonel A. F. R. Lumby : Arrangements have been made to place in the Library of the House, an up-to-date copy of the Regulations for the Indian Territorial Force and of the Regulations for the Auxiliary Force (India).

CONSTRUCTION OF A BRIDGE ON THE CHITTAGONG-LAKSHAM BRANCH OF THE ASSAM-BENGAL RAILWAY.

70. Mr. S. C. Mitra : (a) Will Government please state whether the attention of the Assam Bengal Railway authorities has been drawn to the desirability of constructing a railway bridge between mile-posts 67 and 68 on Chittagong-Laksham Branch of that Railway ?

(b) Are Government aware that about 50 villages have been flooded during this rainy season and the paddy crops have been destroyed due to insufficient water out-lets in this part of the Railway line ?

(c) Is it a fact that there is only one large bridge within 66 miles of the Railway line from Chittagong for out-let of rain water from the Tipperah hills and the villages under the Choudha Gram Police Station ?

(d) Is it a fact that the Railway line in the said area is being washed away by flood water and the Railway authorities are keeping ballasts of stones to repair the road, instead of constructing a bridge for the passing out of the vast accumulated flood water ?

(e) Is it a fact that the President of the Gunabati Union Board, Tipperah, and all influential inhabitants of the locality prayed to the Assam Bengal Railway authorities to save the poor villagers, year after year, from the floods by constructing one or two big bridges for the drainage of water from the Tipperah hills ?

(f) Are Government prepared to make an enquiry about the grievances of the people of the locality for a bridge ?

Mr. P. R. Rau : I am making enquiries from the Railway Administration and will place a reply on the table in due course.

GRACE TIME FOR ATTENDING OFFICE TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

71. Mr. M. Maswood Ahmad : (a) Is it a fact that the Government of India Press, Simla, is situated about two to three miles away from the city ? Is it also a fact that, notwithstanding the handicaps and troubles which the employees have to suffer in reaching the Press, a lot of inconvenience is felt and much time is wasted in bringing and taking work to the various Government offices situated in Simla ?

(b) Is it a fact that the long standing convention of ten minutes' grace has been abolished and it is now imperative that every employee must be in the Press at or before 9 A.M. ?

(c) If the reply to the preceding part is in the affirmative, do Government propose either to shift the Press to some central locality in the

vicinity of other Government of India offices and near the city, or to give to every Press employee a residential quarter, or to give to the employees forty-five minutes' grace for reaching such a far off place in the morning?

The Honourable Sir Frank Noyce : (a) As regards the first part of this clause of the question, the attention of the Honourable Member is invited to the reply given by me on the 22nd December, 1933, to part (a) of unstarred question No. 381 by Mr. S. G. Jog. The answer to the second part is in the negative.

(b) The period of grace has been withdrawn and employees are now required to attend the Press punctually.

(c) Government do not propose to take action of the nature suggested.

RESIDENTIAL ARRANGEMENT FOR THE RELIEVING STAFF ON THE EAST INDIAN RAILWAY.

72. Mr. M. Maswood Ahmad : (a) Will Government be pleased to state what residential arrangement they have made on the East Indian Railway for the relieving staff working on the line in place of the staff who might be sick or absent from duty due to any cause?

(b) Will Government be pleased to state the number of relieving lodges built on the East Indian Railway after the imposition of duty regulation by which the use of relieving hands has become more frequent than before this regulation was enforced?

(c) Will Government be pleased to state the average attendance of relieving staff on the East Indian Railway per year per station after the introduction of duty regulation and before that?

(d) Will Government be pleased to state where the off-duty relieving hands live at those small stations on the East Indian Railway where there is no accommodation?

(e) Will Government be pleased to state whether or not the off-duty relieving hands on the East Indian Railway can occupy the rest-houses, waiting rooms, guard running rooms, etc.?

(f) Will Government be pleased to state whether it has ever been brought to their notice that relieving staff on the East Indian Railway occupy offices of the stations for their cooking and sleeping purposes?

(g) Will Government be pleased to state whether on the East Indian Railway it is permissible to use Government offices, where important public work is transacted, as residential quarters?

(h) Will Government be pleased to state whether facilities are given to the relieving staff on the East Indian Railway for visiting their families when working on the line for a period of over one week?

(i) Will Government be pleased to state the number of days for which a relieving hand on the East Indian Railway can be kept away from his headquarters?

(j) Will Government be pleased to state whether a relieving hand on the East Indian Railway, having no place to live in at the station of the temporary appointment, can absent himself during the rest period or return to his headquarters for having rest and requirements of life?

Mr. P. R. Rau : I shall obtain the information wherever it is readily available and shall place a reply on the table in due course.

ALLOWANCES TO THE RELIEVING STAFF AND THE RUNNING STAFF ON THE EAST INDIAN RAILWAY.

73. Mr. M. Maswood Ahmad : (a) What allowances are given to the relieving staff of the East Indian Railway and to the running staff, such as guards, and on what basis are such allowances calculated?

(b) How many kinds of allowances can the relieving staff and the running staff on the East Indian Railway earn concurrently?

Mr. P. R. Rau : I am calling for information and will lay a reply on the table of the House in due course.

FACILITIES FOR THE GUARDS ON THE EAST INDIAN RAILWAY REGARDING THEIR STOPPAGE AT OUT-STATIONS.

74. Mr. M. Maswood Ahmad : What facilities are provided for the guards on the East Indian Railway regarding their stoppage at out-stations after working trains?

Mr. P. R. Rau : I understand that running rooms are generally provided at out-stations on all the State-managed Railways.

RETURN TO HIS HEADQUARTERS OF A SICK PERSON SERVING ON THE EAST INDIAN RAILWAY.

75. Mr. M. Maswood Ahmad : Is a sick person serving on the East Indian Railway returned to his headquarters, or is he conveyed to a hospital or left at the very station where he fell ill?

Mr. P. R. Rau : The decision will depend on the circumstances of the case.

REST TO THE RELIEVING STAFF ON THE EAST INDIAN RAILWAY.

76. Mr. M. Maswood Ahmad : (a) What is the maximum period for relieving duty after which a railway employee on the East Indian Railway can get a permanent station?

(b) Is there any age limit for the relieving staff on the East Indian Railway?

(c) In accordance with the duty regulation imposed by the railway, what period of rest is given to the relieving staff in a week?

Mr. P. R. Rau : (a) No maximum period has been fixed.

(b) The same age limit applies as to the rest of the staff.

(c) Staff whose work is of a continuous nature are allowed rest under the Hours of Employment Regulations of not less than 24 consecutive hours each week.

APPOINTMENT OF MUSLIM ASSISTANT SURGEONS ON THE NORTH WESTERN RAILWAY.

77. Mr. M. Maswood Ahmad : (a) Is it a fact that some Assistant Surgeons are to be appointed on the North Western Railway shortly?

(b) Is it a fact that the number of Muslim Assistant Surgeons on State railways is quite meagre?

(c) If the reply to the preceding parts be in the affirmative, are Government prepared to reserve recruitment of Assistant Surgeons not only on the North Western Railway, but on all other State railways, for Muslims only for some time?

(d) If the reply to part (c) be in the negative, will Government be pleased to state the steps they propose to take to remove the shortage of Muslims in the past?

(e) Was it admitted in reply to question 37 (a) put in this House in September, 1933, that the number of Muslims in the superior service of the Medical Department was three only out of thirty-nine?

(f) Will Government be pleased to state the number of years in which Muslims will get their due share?

(g) Will Government be pleased to state whether Mr. Krishnaswami has got any hand in the appointment of the Assistant Surgeons whose appointments are under consideration?

Mr. P. R. Rau : (a), (c) and (d). Government have no information. These appointments are within the competence of the Agent, North Western Railway, to make. I can, however, assure my Honourable friend that in making these appointments the policy recently laid down by Government will be strictly followed.

(b) The total number of Muslim Assistant Surgeons on all the State-managed Railways on the 30th September, 1933, was seven, but my Honourable friend must remember, that till recently some of these Railways were borrowing this class of officers from the Local Governments or the Military Department.

(e) Yes.

(f) I am unable to prophesy.

(g) No. Appointments are made through Selection Boards.

HEAD CLERKS IN THE AGENT'S OFFICE, NORTH WESTERN RAILWAY.

78. **Mr. M. Maswood Ahmad :** Has the attention of Government been drawn to the article published under the Caption "Superfluous Posts" in the *Pilot*, dated Amritsar, the 14th January, 1934, regarding the appointment of some head clerks in the Agent's office, North Western Railway? If so, will Government please state what action has been taken on the same?

Mr. P. R. Rau : The reply to the first part of the question is in the affirmative. As regards the latter part, I have sent a copy of the question to the Agent, North Western Railway, for his information and such action as he may consider necessary.

REDUCTION OF THE STATUS OF THE POST OF THE HEAD CLERK, MEDICAL BRANCH, NORTH WESTERN RAILWAY.

79. **Mr. M. Maswood Ahmad :** (a) Is it a fact that now on the amalgamation of the Chief Medical and Health Officer's office, North Western Railway, with the Headquarters office, North Western Railway, most of the work which was formerly done by the Medical Section of the Chief Medical and Health Officer's Office has been transferred to other

Branches of the Headquarters office, viz., to Works, Operating, General, and Rules Branches?

(b) If the reply to part (a) above be in the affirmative, will Government please state whether they are considering the question of reducing the status of the post of the Head Clerk, Medical Branch, in these days of financial stringency, and if so, from what date?

Mr. P. R. Rau : I have called for information and will lay a reply on the table of the House in due course.

REDUCTION OF THE POST OF SUPERINTENDENT, MEDICAL BRANCH, NORTH WESTERN RAILWAY.

80. **Mr. M. Maswood Ahmad :** (a) Is it a fact that the re-organisation of the Medical Department on the North Western Railway is almost complete now?

(b) Is it also a fact that on the amalgamation of the Chief Medical Officer's office, North Western Railway, with the Headquarters office, North Western Railway, most of the important and voluminous work has been transferred to Personnel, Confidential, Works, General, Rules, Pass and Operating Branches, etc., on the Headquarters office?

(c) If the reply to the preceding parts is in the affirmative, will Government please state why the post of Superintendent, Medical Branch, has not been brought under reduction in these days of financial stringency? Is it a fact that on other State Railways only a Head Clerk or Chief Clerk is in charge of an independent Chief Medical Officer's office?

Mr. P. R. Rau : I have called for information and will lay a reply on the table of the House in due course.

RESIDENTIAL ARRANGEMENT FOR THE RELIEVING STAFF ON THE NORTH WESTERN RAILWAY.

81. **Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state what residential arrangement they have made on the North Western Railway for the relieving staff working on the line in place of the staff who might be sick or absent from duty to any cause?

(b) Will Government be pleased to state the number of relieving lodges built on the North Western Railway after the imposition of duty regulation by which the use of relieving hands has become more frequent than before this regulation was enforced?

(c) Will Government be pleased to state the average attendance of relieving staff on the North Western Railway per year per station after the introduction of duty regulation and before that?

(d) Will Government be pleased to state where the off duty relieving hands live at those small stations on the North Western Railway where there is no accommodation?

(e) Will Government be pleased to state whether or not the off-duty relieving hands on the North Western Railway can occupy the rest-houses, waiting rooms, guard running rooms, etc.?

(f) Will Government be pleased to state whether it has ever been brought to their notice that relieving staff on the North Western Railway occupy offices of the stations for their cooking and sleeping purposes?

(g) Will Government be pleased to state whether on the North Western Railway it is permissible to use Government offices, where important public work is transacted, as residential quarters?

(h) Will Government be pleased to state whether facilities are given to the relieving staff on the North Western Railway for visiting their families when working on the line for a period of over one week?

(i) Will Government be pleased to state the number of days for which a relieving hand on the North Western Railway can be kept away from his headquarters?

(j) Will Government be pleased to state whether a relieving hand on the North Western Railway, having no place to live in at the station of the temporary appointment, can absent himself during the rest period or return to his headquarters for having rest and requirements of life?

Mr. P. R. Rau : I shall obtain the information wherever it is readily available and shall place a reply on the table in due course.

ALLOWANCES TO THE RELIEVING STAFF AND THE RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

82. Mr. M. Maswood Ahmad : (a) What allowances are given to the relieving staff of the North Western Railway and to the running staff, such as guards, and on what basis are such allowances calculated?

(b) How many kinds of allowances can the relieving staff and the running staff on the North Western Railway earn concurrently?

Mr. P. R. Rau : I am calling for information and will lay a reply on the table of the House in due course.

FACILITIES TO THE GUARDS ON THE NORTH WESTERN RAILWAY REGARDING THEIR STOPPAGE AT OUT-STATIONS.

83. Mr. M. Maswood Ahmad : (a) What facilities are provided for the guards on the North Western Railway regarding their stoppage at out-stations after working trains?

(b) What is the maximum period of rest on State-managed Railways allowed to the relieving staff and guards returned to their headquarters from the line and before the commencement of their next duty?

(c) Is the period of travelling in trains in going to or returning from duty or attending Divisional Office considered as duty or otherwise?

(d) When a relieving hand becomes sick at a station where there is no Railway Hospital and relieving lodge, what arrangements are usually made for the protection of such sick person from weather and for his diet and medicines?

(e) Is the sick person serving on the North Western Railway returned to his headquarters, or is he conveyed to a hospital or left at the very station where he fell ill?

Mr. P. R. Rau : (a) I understand running rooms are generally provided at stations where guards change.

(b) No. Running staff have not so far been brought under the Hours of Employment Regulations.

(c) The period of travelling is considered as duty on the North Western Railway except for attendance in divisional office in personal matters.

(d) and (e). The relieving staff, reporting sick while on relieving duty at out-stations, are attended to by the railway doctor in charge of section. If the duration of sickness is estimated less than ten days the staff reporting sick are retained by the railway doctor under his treatment, otherwise, they are sent to the Medical Officer in charge of their headquarters station, as soon as they are fit to travel. Free diet is supplied to those relieving staff who are admitted as in-door patients in railway hospitals provided pay or leave salary does not exceed Rs. 30 per mensem.

REST TO THE RELIEVING STAFF ON THE NORTH WESTERN RAILWAY.

84. Mr. M. Maswood Ahmad : (a) What is the maximum period for relieving duty after which a railway employee on the North Western Railway can get a permanent station?

(b) Is there any age limit for the relieving staff on the North Western Railway?

(c) In accordance with the duty regulation imposed by the railway, what period of rest is given to the relieving staff in a week?

(d) Do the relieving staff work long hours and thus take rest at their own expense, or separate staff work on duty changing days to allow them to take rest?

(e) How much extra staff is appointed to give effect to the duty regulation?

(f) Are the relieving staff allowed freely to enjoy their weekly rest anywhere away from their working stations and are they supplied free passes to visit their families on rest days?

Mr. P. R. Rau : (a) No limit has been fixed to the period of relieving duty. The relieving staff are posted to permanent stations in their turn.

(b) The same age limit applies as to the rest of the staff.

(c) and (d). The relieving staff, when working on relieving duty, take up the duty rosters of, and, therefore, enjoy the same rest as, the persons in whose places they are working.

(e) Approximately 1,700. This extra staff was appointed to give effect to the Hours of Employment Regulations.

(f) Yes, if permission to leave the station is applied for and passes are applied for and are due.

GRIEVANCES OF THE TELEPHONE OPERATORS.

85. Mr. S. G. Jog : (a) Will Government be pleased to state whether their attention has been invited to a letter under the heading "Telephone Operators : Government's indifference to their grievances", published in the *Amrita Bazar Patrika* of the 5th June, 1934? If so, will Government be pleased to state what action has been taken to mete out justice to the telephone operators?

(b) Will Government be pleased to state when the telephone operators submitted a memorial to His Excellency the Viceroy and Governor General in Council, and after what period Government intimated their decision to those concerned?

(c) Is it a fact that of all the Departments of Government, it is only the posts of telephone operators in the Posts and Telegraphs Department which are pensionable without gratuity or provident fund?

(d) Is it a fact that the subordinate employees in the Railways enjoy provident fund and gratuity benefits? If so, how is it that the post of telephone operators, who are under the Imperial Government, are debarred from pensionary, provident fund and gratuity benefits?

The Honourable Sir Frank Noyce : (a) Government have seen the letter. The question of improving the general condition of service of telephone operators is under consideration. As regards the question of their pensions, the Honourable Member is referred to the reply to parts (n) and (o) of his starred question No. 966, which was laid on the table of the House on the 8th December, 1933.

(b) The memorials were submitted in February and March, 1933, and were received from the Heads of Circles with their reports on different dates during the period from March to July, 1933. The decision was intimated to the Heads of Circles for communication to the petitioners in January, 1934, i.e., after a period of about six months.

(c) I presume that "pensionable" in this part of the Honourable Member's question is a mistake for "non-pensionable". If this presumption is correct, the reply is in the negative.

(d) The reply to the first part is in the affirmative. As regards the second part, the Honourable Member is referred to the reply to part (a) of the question.

HOLIDAYS FOR THE TELEPHONE OPERATORS.

86. **Mr. S. G. Jog :** Is it a fact that telephone operators do not enjoy any holidays throughout the whole year, not even King's Birthday? If so, do Government contemplate granting any compensatory allowance to the telephone operators on that account?

The Honourable Sir Frank Noyce : As regards the first part of the question, the facts are substantially as stated by the Honourable Member. As regards the second part, the question of the grant of holidays to telephone operators is under consideration.

UNSUITABILITY OF THE HINDU REFRESHMENT ROOM AT THE CAWNPORE CENTRAL STATION FOR ORTHODOX HINDUS.

87. **Lala Rameshwar Prasad Bagla :** (a) Will Government please state if they have received any representation as to the unsuitability of Hindu Restaurant at the Cawnpore Central Station for orthodox Hindus? If so, from whom?

(b) If the answer to part (a) be in the affirmative, will Government please state if they are prepared to consider the desirability of establishing a restaurant at the Cawnpore Central Station suitable for the taste of orthodox Hindus?

Mr. P. R. Rau : (a) No.

(b) Does not arise.

ABSENCE OF FANS OVER THE PLATFORMS AT THE CAWNPORE CENTRAL STATION.

88. **Lala Rameshwar Prasad Bagla :** (a) Are Government aware that, owing to great rush of passengers at the Cawnpore Central Station and for the absence of fans over the platforms, the passengers are greatly inconvenienced during summer?

(b) Will Government please state if they are prepared to consider the desirability of installing fans over the platforms of the Cawnpore Central Station, as at Calcutta, so as to make the stay on platforms comfortable?

Mr. P. R. Rau : (a) and (b). I understand that the question of the necessity of electric fans on the platform at the Cawnpore Railway Station was discussed at a meeting of the East Indian Railway's Advisory Committee at Cawnpore in September, 1933; and that, the Agent stated that the installation of fans would not give commensurate benefit to passengers for the capital outlay and the recurring charges. He was, however, prepared to provide two fans experimentally in the concourse. Government do not consider that their interference in the matter is called for.

ANGLO-INDIAN SHED APPRENTICES ON THE EAST INDIAN RAILWAY.

89. **Pandit Satyendra Nath Sen :** (a) Will Government be pleased to state whether it is a fact that nearly 50 Anglo-Indian Shed apprentices in the various running sheds on the East Indian Railway are kept on the maximum pay of apprenticeship after completing their scheduled course of training and also nearly ten apprentice Train Examiners on the various Divisions of the East Indian Railway have been enjoying the same privileges?

(b) Is it a fact that in the Howrah Division this practice is not enforced?

(c) If the answer to the preceding parts be in the affirmative, will Government please state the reasons for such differential treatment under one and the same administration?

(d) If the answer to parts (a) and (b) be in the negative, are Government prepared to consider their case sympathetically?

(e) Is it a fact that some of them have been appointed as menials though they had passed from the Asansol and the Jamalpore Technical Schools satisfactorily and meritoriously? If so, do Government propose to give them the same privileges which they were enjoying during their apprenticeship?

(f) Is it also a fact that the ex-Shop trained apprentices of the various shops of the East Indian Railway are going to be appointed in the operative department, though they belonged to the Mechanical department, thus ignoring the legitimate claims of the operating departmental apprentices who were waiting to be absorbed in vacancies as active workers? If so, do Government propose to remove the latter's grievances by instructing the Agent of the East Indian Railway, accordingly?

(g) If the answer to part (f) be in the negative, will Government please state why the following ex-Shop trained apprentices were

appointed in the Operating department at the end of August, 1933, in the Howrah Division only :

1. K. P. Mukherji. 2. A. N. Mitra. 3. T. A. H. Cahoon.
4. G. B. Allnut. 5. A. N. Chatterjee and others.

(h) Is it also a fact that as per Agent, East Indian Railway's Resolution No. 127 of 1930-31, the apprentice Train Examiners are to be provided after completion of their course if vacancies exist ?

(i) Will Government please enlighten this House on this subject and state why the apprentice Train Examiners of Howrah Division were not absorbed in the existing vacancies, although they had been waiting then as active workers after completion of their course ? Why were these ex-Shop trained apprentices appointed in contravention of the Agent's resolution referred to above ?

Mr. P. R. Rau : I have called for the information and will lay a reply on the table of the House in due course.

TIME OF ATTENDANCE IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.

90. Mr. Bhuput Sing : (a) Are Government aware that the usual time of attendance in the offices of the Telegraph Storeyard, Alipore, Calcutta, is 10-30 A.M. ?

(b) Is it a fact that some of the officers there have made attendance compulsory between 10 and 10-15 A.M. in some of the Branches ? If so, will Government be pleased to state the reasons for this variation of the office hours in the different Branches of the same office ?

(c) Are Government aware that in some of the offices in the said Telegraph Storeyard, the usual closing hour is 2 P.M. on Saturdays and 4-30 P.M. on other week days ?

(d) Are Government aware that in some branches of the office they are not closed till about 4 to 4-30 P.M. on Saturdays and 6 or 6-30 P.M. on other week days ? If so, will Government be pleased to state the reasons for this differential treatment ?

(e) Have Government issued any circular to the effect that with the stopping of last Saturday holidays, the half holidays on Saturdays should also be stopped in the said offices ? If not, are Government aware that in some branches of the office it has been stopped ?

(f) Are Government aware that the closing of the said offices at late hours in the night causes a great deal of inconvenience to the men who have to walk more than a mile in order to catch the buses or tram cars ?

(g) Do Government propose to remove these discriminations in the treatment of officers in different branches and make a uniform rule for all offices ?

The Honourable Sir Frank Noyce : Information has been called for, and a reply will be placed on the table of the House in due course.

HOLIDAYS IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.

91. Mr. Bhuput Sing : (a) Are Government aware that in some of the offices of the Telegraph Storeyard, Alipore, Calcutta the clerks are not allowed :

- (i) all the holidays under the Negotiable Instruments Act ; and
- (ii) all other gazetted holidays ?

If not, do they propose to enquire into the matter ? If not, why not ?

(b) Is it a fact that there is a standing circular of the Director General of Posts and Telegraphs that the list of holidays prepared by the Local Government shall be followed in all cases ? If so, why is that order ignored in the said offices of the Telegraph Storeyard ?

(c) Are Government aware that the Hindu clerks are not allowed to enjoy all the holidays prescribed for the respective Hindu festivals, while the Muhammadans are allowed full facilities of getting all their religious festivals ?

(d) Are Government aware that clerks in these offices are not allowed the full term of holidays prescribed for the Pujahs, Christmas and the Easter holidays ?

(e) Is it a fact that all the clerks of these offices are compelled to attend on all the days during the above holidays without any compensatory leave being granted to them ? If so, why ?

The Honourable Sir Frank Noyce : Information has been called for, and a reply will be placed on the table of the House in due course.

NON-CONFIRMATION OF CERTAIN CLERKS IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.

92. Mr. Bhuput Sing : (a) Is it a fact that in some of the offices of the Telegraph Storeyard, Alipore, Calcutta, there are clerks who have been serving on temporary appointments for seven or eight years without being made permanent ? If so, will Government be pleased to mention the number of such clerks ?

(b) Will Government be pleased to state why these clerks have not yet been made permanent ?

(c) Is it a fact that during these periods they are not allowed any increment ? If so, do Government propose to amend the rules regarding increment, so that any man shall be granted increments after two or three years' continuous temporary service ?

The Honourable Sir Frank Noyce : (a) to (c). Information has been called for and a reply will be placed on the table of the House in due course.

ANNUAL REPORT OF THE ARCHAEOLOGICAL DEPARTMENT.

93. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that no Annual Report of the Archaeological Department has been written and published by the present Director General of Archaeology in India during his tenure of office ?

(b) If the answer to part (a) be in the affirmative, will Government please state the reasons therefor?

Mr. G. S. Bajpai : (a) He has edited the Annual Report of the Archaeological Department for 1929-30 which is in the press, and is expected to issue before the end of the year. He has also made considerable progress with the Report for 1930-31 and expects to have revised the first proof copy of that report before his retirement.

(b) Does not arise.

PUBLICATIONS ISSUED BY THE ARCHÆOLOGICAL DEPARTMENT.

94. **Khan Bahadur Haji Wajihuddin :** Will Government be pleased to place on the table a statement showing the various books and other publications, including annual reports, and the names of authors and dates of publications which were issued during the last three years by the Archaeological Department?

Mr. G. S. Bajpai : A statement is laid on the table.

Statement of Publications issued by the Archaeological Department during the last three years (1st April, 1931 to 31st March, 1934).

Serial No.	Title of Publication.	Name of author.	Date of publication.
	I.— <i>Publications resulting from Sir John Marshall's Special Duty.</i>		
1	Mohenjo-Daro and the Indus Civilization, Volumes I—III.	Sir John Marshall ..	March, 1932.
	II.— <i>New Imperial Series of the Archaeological Survey of India.</i>		
2	Volume LI. List of Ancient Monuments Protected under Act VII of 1904 in the Province of Bihar and Orissa.	Mr. Muhammad Hamid Kuraisi, officiating Superintendent, Archaeological Survey, Northern Circle, Agra.	April, 1932.
3	Volume LLV. Somanath and other Mediaeval Temples of Kathiawar.	Mr. Henry Cousens (Late Superintendent, Archaeological Survey).	June, 1932.
4	Volume XLVIII. Mediaeval Temples of the Dakhan.	Mr. Henry Cousens (Late Superintendent, Archaeological Survey).	January, 1933.
5	Volume XLVII. Easter Indian School of Mediaeval Sculpture.	Mr. R. D. Banerji (Late Superintendent, Archaeological Survey).	September, 1933.
6	Volume LIII. South Indian Inscriptions (Texts). Volume VII. Miscellaneous Inscriptions from Tamil, Malayalam, Telugu and Kennada countries.	Mr. K. V. Subramanya Aiyer (Editor) (Superintendent for Epigraphy).	January, 1934.

Serial No.	Title of Publication.	Name of author.	Date of publication.
7	Volume XLIII. Bakshali Manuscript, Part III. The Text rearranged.	Mr. G. R. Kaye (Editor) ..	February, 1934.
	III.— <i>Annual Reports of the Archaeological Survey of India.</i>		
8	Annual Report of the Archaeological Survey of India for 1927-28.	Mr. H. Hargreaves (late Director General of Archaeology) (Editor).	September, 1931.
9	Annual Report of the Archaeological Survey of India for 1928-29.	Mr. H. Hargreaves (late Director General of Archaeology) (Editor).	June, 1933.
	IV.— <i>Annual Reports on South Indian Epigraphy.</i>		
10	Annual Report on South Indian Epigraphy for the year ending 31st March, 1929.	Mr. V. S. Viswanatha (late Assistant Superintendent for Epigraphy, Southern Circle).	November, 1931.
11	Annual Report on South Indian Epigraphy for the year ending 31st March, 1930.	Mr. K. V. Subramanya Aiyer (late Superintendent for Epigraphy).	December, 1932.
12	Annual Report on South Indian Epigraphy for the year ending 31st March, 1931.	Mr. K. V. Subramanya Aiyer (late Superintendent for Epigraphy).	March, 1934.
	V.— <i>Memoirs of the Archaeological Survey of India.</i>		
13	No. 43. An Archaeological tour in Gedrosia.	Sir Aurel Stein	July, 1931.
14	No. 23. The Haihayas of Tripuri and their Monuments.	Mr. R. D. Banerji (late Superintendent Archaeological Survey).	January, 1932.
15	No. 24. Rock Paintings and other antiquities of Prehistoric and later times.	Rai Sahib Manoranjan Ghosh (Curator, Patna Museum).	March, 1932.
16	No. 45. Bibliography of Indo-Muslim History excluding Provincial Monarchies.	Khan Bahadur Maulvi Zafar Hasan, Deputy Director General, Archaeology.	October, 1932.
	VI.— <i>Guide Books and Catalogues.</i>		
17	Archaeological Notes on Pagan, revised edition.	Mr. Taw Sein Ko (late Superintendent of Archaeological Survey).	April, 1931.
18	Guide to the Buddhist Ruins of Sarnath, 5th revised edition.	Rai Bahadur Daya Ram Sahni, Director General, Archaeology.	December, 1933.
19	Archaeological Notes on Mandalay, revised edition.	Mr. Taw Sein Ko (late Superintendent of Archaeological Survey).	August, 1931.

Serial No.	Title of Publication.	Name of author.	Date of publication.
20	Guide to Mandalay Palace ..	Mons Chas. Duroiselle (late Superintendent, Archaeological Survey).	August, 1931.
21	Guide to the Buildings and Gardens of Delhi Fort, 4th revised edition.	Mr. G. Sanderson (late Superintendent, Archaeological Survey).	July, 1932.
22	Guide to Hampi Ruins, 3rd revised edition.	Mr. A. H. Longhurst (late Superintendent, Archaeological Survey).	September, 1933.
23	List of the Archaeological Photographs of the North-West Frontier Province, Baluchistan, Kashmir and the Punjab (Muhammadan and British Monuments) stored in the Archaeological Survey, Frontier Circle, Lahore, corrected upto 31st March 1930.	Mr. J. F. Blakiston ..	May, 1931.
24	Catalogue of Paintings recovered from Tun Huang by Sir Aurel Stein.	Mr. Arthur Walay ..	January, 1932.
25	Catalogue of Wall-Paintings from Ancient Shrines in Central Asia and Sistan recovered by Sir Aurel Stein.	Mr. F. H. Andrews ..	May, 1933.
26	List of Archaeological Photographs of the late office of the Northern Circle, Hindu and Buddhist Monuments, Baluchistan, Punjab and United Provinces, stored in the Frontier Circle, Lahore, and Northern Circle, Agra, corrected upto 31st March 1932.	Mr. J. F. Blakiston, Superintendent, Archaeological Survey, Frontier Circle.	October, 1933.
27	List of Archaeological Photographs of the Bombay Presidency, including Sind and Indian States stored in the Western Circle, Poona. Corrected upto 31st March, 1932.	Dr. M. Nazim ..	November, 1933.
	VII.— <i>Epigraphia Indica</i> .		
28	<i>Epigraphia Indica</i> , Volume XX, Part I.	Dr. Hira Nanda Sastri (Editor)	July, 1931.
29	<i>Epigraphia Indica</i> , Volume XX, Part II.	Ditto ..	May, 1931.
30	<i>Epigraphia Indica</i> , Volume XX, Part III.	Ditto ..	November, 1931.
31	<i>Epigraphia Indica</i> , Volume XX, Part IV.	Ditto ..	November, 1931.

Serial No.	Title of Publication.	Name of author.	Date of publication.
32	<i>Epigraphia Indica</i> , Volume XX, Part V.	Dr. Hira Nand Sastri ..	March, 1932.
33	<i>Epigraphia Indica</i> , Volume XX, Part VI.	Ditto ..	December, 1932.
34	<i>Epigraphia Indica</i> , Volume XX, Part VII.	Ditto ..	March, 1933.
35	<i>Epigraphia Indica</i> , Volume XXI, Part I.	Ditto ..	April, 1933.
36	<i>Epigraphia Indica</i> , Volume XX, Part VIII.	Ditto ..	September, 1933.
37	<i>Epigraphia Indica</i> , Volume XXI, Part II.	Ditto ..	December, 1933.
38	<i>Epigraphia Indica</i> , Volume XXI, Part III.	Mr. K. N. Dikshit (Editor) Superintendent, Archaeological Survey.	February, 1934.
	VIII.— <i>Epigraphia Indo-Moslemica</i> .		
39	<i>Epigraphia Indo-Moslemica</i> for 1927-28.	G. Yazdani (Editor), Government Epigraphist for Muslim Inscriptions.	August, 1931.
40	<i>Epigraphia Indo-Moslemica</i> for 1929-30.	Ditto ..	October, 1932.

TRANSFERS OF INSPECTORS OF STATION ACCOUNTS ON THE NORTH WESTERN RAILWAY.

95. **Bhagat Chandi Mal Gola :** (a) Is it a fact that there are Inspectors of Station Accounts attached to the North Western Railway, who have been posted on one Section or at one Station for more than the prescribed period ?

(b) Are the Railway Board now prepared to issue necessary instructions to the Chief Accounts Officer to effect the transfer of such men ?

Mr. P. R. Rau : (a) Possibly Government are not aware that any period has been prescribed.

(b) No, Government leave these matters to the discretion of the Chief Accounts Officer.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 18th August, 1934, agreed without any amendments to the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, which was passed by the Legislative Assembly at its meeting held on the 6th August, 1934."

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THE INDIAN PETROLEUM BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, as reported by the Select Committee, be taken into consideration."

Sir, I do not think that any long speech is required from me in support of this motion. The changes in the Bill which have been made by the Select Committee are somewhat numerous, but not more than was to be expected in a Bill dealing with a highly technical subject which was circulated for opinion after it had been introduced in this House. The most important, and, I venture to think, the most valuable change which has been made in the Bill is in clause 12. In the Bill as originally introduced petroleum which was the property or in the possession of any duly authorised officer acting in the execution of the Act was exempted. Objection was taken to this clause by my Honourable friend, Mr. Gaya Prasad Singh, in the course of the discussion on the motion to refer the Bill to a Select Committee. It has now been altered, I trust, to his satisfaction and the clause now runs that nothing in Chapter I shall apply to any petroleum exempted by the Governor General in Council by notification in the Gazette of India in this behalf. This means that all ordinary petroleum which is the property of or in the possession of Government will be treated in exactly the same way as if it was the property of or in possession of private owners. The only Government petroleum which will be exempted is petroleum which is required for testing purposes. The real value of the altered clause, however, lies elsewhere and is to be found in the power of exemption that it will give to certain turpentines to which it may not be necessary or desirable to apply the provisions of this Bill. Under the altered clause, it will also be possible to deal suitably with another point which has been raised in the discussion in the Select Committee and elsewhere. The Select Committee decided not to reduce the flashing point of petroleum, to which Chapter I will apply, from 200 degrees Fahrenheit to 150 degrees. I quite admit that it is perhaps taking a somewhat conservative view but it was the view which has been strongly held too by two recent Chief Inspectors of Explosives, Dr. Sheldon and Dr. Robson, who had very great experience in these matters. If I may say so, I think the Select Committee were fully justified in following the opinion of the experts in these matters and in retaining the higher figure. But as I have already said, I am quite prepared to admit that the view the Select Committee has taken is a somewhat conservative view and I consider it desirable that the rules which are framed under the new Act in regard to transport and storage of fuel oils should be framed in close consultation with and with due regard to the interests of the industry. I am, therefore, very ready to give a categorical assurance that we shall do our best so to frame the rules in consultation with the industry so as to ensure that no reasonable obstacles are placed in the way of securing the necessary facilities for the transport and storage of fuel oil as opposed to the import of these oils. This was the most important change made by the Select Committee, and I need only refer very briefly to the other changes. Clause 5 has been altered so as to exclude the production of oil in Burma which is already regulated by a local Act, the Burma Oil Fields Act of 1918. That Act is working satisfactorily

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THE INDIAN PETROLEUM BILL.

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ly and there seems no necessity to include in the Bill before the House matters which are already regulated by rules under it. The use of small power plants is extending rapidly, and it was, therefore, thought desirable to place as few obstacles as possible in the way of possession by owners of such plants of petroleum they require for running their engine. As was to be expected from a Select Committee of which my Honourable friend, Mr. Lalchand Navalrai, was a Member, the punishment by imprisonment originally provided in clause 23 has been omitted. But it has been thought desirable to provide for an enhanced fine for repetition of offences under this clause in view of the danger to human life and the safety involved in such offences. This is all, I think, I need say about the changes which have been made by the Select Committee.

I owe the House an apology for the fact that a few small amendments to the Bill stand in the name of the Joint Secretary of my Department. Those amendments are merely brought forward to give effect to certain changes which were consequential changes and which were actually approved by the Select Committee, but which, for some reason or other, I am not sure whether it was the fault of my Department or of the Legislative Department or of the printer, have been overlooked in printing the Bill. As I have said, I owe the House an apology for bringing them forward. I venture to contend in conclusion that the Bill as amended places the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances on a very much more satisfactory basis than it is at present and I have no hesitation in commending my motion for the consideration of the House. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, as reported by the Select Committee, be taken into consideration."

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Sir, this is a non-contentious measure, and, whatever little points of difference there were in the Bill, as it was originally introduced, it has come out from the Select Committee as a most acceptable measure. Reference has been made to the objection which I took to clause 12 of the Bill which has been amended by the Select Committee. Now, clause 12 of the Bill as it was originally introduced runs as follows :

"Nothing in this Chapter shall apply to petroleum which is the property of or is in the possession of Government or of any duly authorised officer acting in the execution of this Act."

This, I contended, was a very wide power which is vested in the clause, namely, to exclude from the purview of this Bill petroleum which is the property of the Government or in possession of any Government officer. I quite realise that difficulties may arise in giving effect to this proposal inasmuch as investigating officers may be hampered in the discharge of their duties who may have to deal with and to take into custody petroleum under the provisions of this Act. Now this clause has been amended accordingly, and the clause as it has been amended reads as follows :

"That Governor General in Council may, by notification in the Gazette of India exempt any petroleum specified in the notification from all or any of the provisions of this Chapter."

[Mr. Gaya Prasad Singh.]

I venture to feel that this new clause is more wide than the clause which stood in the original Bill. I have no doubt that Government will not issue any notification exempting Government petroleum from the purview of this Act. I should have liked clause 12 to be amended somewhat on these lines, namely :

" Nothing in this chapter shall apply to petroleum which is in the possession of any duly authorised officer of Government acting in the execution of this Act."

That would have restricted the operation of this provision only to the case of those Government officers, who, in the exercise of their duties, have to handle petroleum and keep it in custody for the time being. However, I have full confidence that petroleum which is in the possession of Government or which is the property of Government will not be sought to be exempted under this clause of the Bill.

There is only one other point, Sir, to which I should make a reference, but before I do so, I will refer to the note on this particular clause 12 in the report. The report says :

" We have recast this clause. We do not propose to exempt Government petroleum from the provisions of Chapter I, but we recognise that a power of exemption is necessary to provide for such cases as the possession of petroleum for testing purposes, and in order possibly to exclude certain turpentines."

Now, I should have liked the substance of this note to be embodied in the form of a sub-clause in clause 12. But, however, as I have stated, I do not take any formal objection to this new clause, and I have tabled no amendment on it. I will now only refer to clause 24 to which reference has been made by a Member of the Select Committee. This clause says :

" (b) where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed,

shall, together with the receptacles in which it is contained, be confiscated."

I do not exactly understand the significance of "the whole of the petroleum". Suppose, for instance, the dealer is authorised under the terms of this Act or under the terms of his licence to store a particular quantity of petroleum, say, 200 gallons. Before the whole of the stock runs out he orders a fresh supply of 200 gallons. Suppose this supply comes to him when about 10 or 15 gallons of the old stock remains in his shop. What is to be done in this case? At that particular moment when he receives the new supply, he will have in his possession 200 gallons plus 10 or 15 gallons which is left of the old stock. Is it intended, in clause 24, to forfeit the whole of this stock which is with him, that is, the new 200 gallons plus the 10 or 15 gallons of the old stock which is left with him? If that is so, it will work hardship in his case. At small stations where possibly there is only one dealer in petroleum, it is necessary that he should get his supply before the whole of the old stock is exhausted; and consequently, if this clause is strictly enforced it will entail undoubted hardship upon him. I do not know whether I have understood the significance or the implication of this clause correctly; if I have not, I shall be glad if my Honourable friend will correct me on this point. But if my interpretation is correct, I think Government will realise that it will work some hardship, specially in small mufassil places where there may be only one or two dealers. Now, if there is only one dealer, and if he waits for a fresh supply till the whole stock of the old

petroleum is exhausted, probably there might be no stock of petroleum left in his shop and in the whole station where he supplies thereby putting the public to inconvenience. Therefore, I should like to have from the Honourable Member a clear statement of the case. With these few words, I support the motion that the Bill be taken into consideration.

Mr. L. C. Buss (Nominated Non-Official) : Sir, I should like, first of all, to congratulate the Honourable Sir Frank Noyce on the evolution of a very satisfactory Bill, and one, which I think, will be found in practice to give to Government all necessary powers of control, to the public all the protection which is humanly possible, and to the petroleum industry reasonable facilities for carrying on their business without unnecessary and vexatious restrictions. In many respects Government have met the wishes of the public and the industry expressed to them as a result of circulating the draft Bill. They have rejected one important recommendation to which Sir Frank Noyce has already referred, and to which I shall refer later in more detail. But, generally speaking, they have been very sympathetic to the suggestions put before them, and, I venture to say, that it is difficult to take exception to the Bill as now drafted. Although Sir Frank Noyce recently remarked that this is a burning question, it is not, I submit, in any way a controversial measure. I have said that I consider the Bill a very satisfactory measure, but I should like to emphasise that in the case of the Petroleum Bill, more, I think, than in the case of other Bills, the rules which will be framed as a result of the Bill are of very vital importance, of more vital importance than the Bill itself; and I hope the Honourable Member in charge will be able to assure the House that when suggestions are made to Government as a result of circulating the draft rules, they will give the same consideration to those suggestions as they have given in the case of the Bill. I have mentioned that one important suggestion was not accepted. I refer of course to the reduction of the flashing-point limit in clause 11 from 200 degrees to 150 degrees Fahrenheit. I do not hold a brief for the entire petroleum industry in India, but I speak for a large and important part of it, and I think, I can safely say that the whole industry are of my way of thinking in this matter, namely, that oil of this high flashing-point, i.e., fuel oil, cannot, by any stretch of imagination, be regarded as a danger to the public during transport and storage. I was anxious to persuade Sir Frank Noyce to exempt this oil entirely from the operation of the Bill, but I understood from him that there were difficulties about this, and I accepted his point of view. I do, however, press, and press most strongly, for its exemption entirely from the transport and storage rules. In support of my contention, I have been studying the Chief Inspector of Explosives' reports for the past 12 years. I have not gone further than that because I have not been able to secure the earlier reports. In those 12 reports, I have only been able to trace two occasions on which accidents have occurred owing to the use of fuel oil. I say "use", because I wish to emphasise that neither of these accidents took place during the storage or transport of fuel oil. With your permission, Sir, I will quote from the Chief Inspector of Explosives' Report about these two accidents. The first took place in 1923 and the report is as follows :

" An Indian was standing directly in front of a steam boiler furnace where fuel oil was being used when a blow-back occurred at the furnace. The man's clothes caught fire and he was burnt so severely that he died the next day."

[Mr. L. C. Buss.]
The second accident took place in the following year, 1924, and this is a report of it :

"An Indian opened a valve on the gasline supplying the boilers with fuel, to clear it of water and gas. There was a strong wind blowing towards the boiler and the condensate spray was carried towards the boiler where it ignited, severely burning the man, who eventually died of burns."

The second case seems to me more like an accident due to the use of gas, but as it is recorded under the heading of Fuel Oil, I accept it as such. My point is that neither accident took place during transport or storage and that nothing in the rules could have been of any avail to prevent these two accidents, both of which occurred during the firing of boilers, and we are left with the excellent record of not a single accident having taken place in this way, during the past twelve years at any rate. I think that this should prove my contention conclusively. It may, of course, be argued that this remarkable immunity from accident is due to the operation of the rules under the Act; but if that is the case, it might equally well be argued that the rules should also have prevented accidents arising from the handling of other petroleum products, such as crude oil, petrol and kerosene, especially as the rules in their case are much more stringent. But we have over a hundred accidents as a result of the handling of these more dangerous products during the same period. It is usually when the rules are broken that accidents occur, and, I am sure, that in the case of fuel oil there must have been very numerous occasions on which it has been handled ignorantly or negligently, but no accidents have taken place. If my case is not yet sufficiently strong, I should like to recall the events which took place at Madras on the 22nd September, 1914. The German Cruiser, Emden, steamed past Madras and bombarded the oil installations there. I was present on that occasion myself, and after spending the night in helping to remove our petrol stocks from the vicinity of the two blazing kerosene tanks, I took the opportunity, next morning, to examine the full extent of the damage done. We found that another tank containing fuel oil had, like the kerosene tanks, been pierced by shells; but although the sides and roof of the tank were riddled with holes from the exploding shells and the tank compound was deluged with scattered oil, there had been no fire; and I think this is an extraordinary and convincing proof that this oil is not dangerous.

I hope, Sir, that I have been able to persuade Sir Frank Noyce that my view on this matter is reasonable and I support the Bill.

The Honourable Sir Frank Noyce : Sir, I much appreciate what has fallen from my Honourable friends, Mr. Gaya Prasad Singh and Mr. Buss. Mr. Gaya Prasad Singh is still not very satisfied with clause 12 as it has been redrafted. I can only repeat what I said just now, and that is that we do not propose to make any distinction between Government petroleum and other petroleum except to the very small extent mentioned in my opening remarks, namely, where the petroleum is required for testing purposes.

Mr. Gaya Prasad Singh : I am satisfied.

The Honourable Sir Frank Noyce : I am grateful to the Honourable Member. He also raised a point in regard to clause 24 which lays down that the convicting magistrate may direct that the whole of the petroleum

in respect of which an offence has been committed may be confiscated. I think that clause follows the usual lines in regard to powers of confiscation. The power of confiscation in customs and excise matters is, I think I am right in saying, given in respect of the whole of any article in regard to which any offence has been committed. The difficulty here is in distinguishing between the various parts of the petroleum. Suppose you have 200 gallons of petroleum and the offence has been committed in respect of five gallons of that, it would be very difficult to say which five gallons should be confiscated; but the real point is—and I think that is the real answer to my Honourable friend, Mr. Gaya Prasad Singh—that the powers of confiscation are not compulsory; they are only permissive: the convicting magistrate may or may not direct the petroleum to be confiscated. In any case, where an offence is purely technical, I do not think for a moment that in such a case the convicting magistrate would direct that the whole of the petroleum should be confiscated....

Mr. Gaya Prasad Singh : But it says :

"The whole of the petroleum shall, together with the receptacles in which it is contained, be confiscated."

It is not "may", but it is "shall". It makes it obligatory on the magistrate.

The Honourable Sir Frank Noyce : I do not think my Honourable friend—who is a far better lawyer than I am—has read the first portion where it says "the convicting magistrate may direct, etc., etc." We have to presume that he will exercise his discretion with common sense.

As regards the two points raised by my Honourable friend, Mr. Buss, I can only repeat the categorical assurance that I gave him in regard to the first of them, namely, that in framing the rules under the new Act, we shall consult the interests of the trade and shall give the most careful consideration to any point that they put forward—as indeed we always do in these matters. I do not think that the record of Government in administering Acts of this kind, which involve control of some important product, is at all unsatisfactory. As regards the second point, I am sorry I cannot at the moment give him such a definite categorical assurance. I can only assure him that the points he has raised with regard to the transport and storage of heavy oils will receive our most careful, and, I would add, our most sympathetic consideration and that we will certainly go as far as we can in the direction of exempting these oils from what he doubtless considers vexatious restrictions. I cannot say at the moment, that we shall be able to go the whole way with him, but I do say that, we will endeavour to go as far as we can.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 13 stand part of the Bill."

Mr. E. W. Perry (Government of India : Nominated Official) : Sir, I move :

"That in sub-clause (1) of clause 13 of the Bill, for the words 'or refined' the words 'refined or blended' be substituted."

Sir, these four amendments which stand in my name merely carry out the decisions of the Select Committee. I may say that I am responsible for these blemishes in the Report. The fact is that we had very little time to check the Report before it was placed before the House. We wished to give the Members as long a time as possible to peruse it before it was taken into consideration, and we took the risk of these mistakes advisedly and postponed the final scrutiny of the Report until after the Report was placed before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (1) of clause 13 of the Bill, for the words 'or refined' the words 'refined or blended' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 14, as amended, stand part of the Bill."

Mr. E. W. Perry : Sir, I move :

"That in sub-clause (1) of clause 14 of the Bill, for the words 'or refined' the words 'refined or blended' be substituted."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (1) of clause 14 of the Bill, for the words 'or refined' the words 'refined or blended' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clauses 15 to 22 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 23 stand part of the Bill."

Mr. E. W. Perry : Sir, I move :

"That in clause (d) of sub-clause (1) of clause 23 of the Bill, for the words 'in charge' the words 'in control or in charge' be substituted."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause (d) of sub-clause (1) of clause 23 of the Bill, for the words 'in charge' the words 'in control or in charge' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 23, as amended, stand part of the Bill."

The motion was adopted.

Clause 23, as amended, was added to the Bill.

Clauses 24 to 28 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 29 stand part of the Bill."

Mr. E. W. Perry : Sir, I move :

"That in clause (a) of sub-clause (1) of clause 29 of the Bill, for the words 'or refinement' the words 'refining or blending' be substituted."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause (a) of sub-clause (1) of clause 29 of the Bill, for the words 'or refinement' the words 'refining or blending' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 29, as amended, stand part of the Bill."

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clauses 30, 31 and 32 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : Sir, I move :

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

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

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

The motion was adopted.

THE INDIAN RUBBER CONTROL BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

"That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India be taken into consideration."

[Mr. G. S. Bajpai.]

The measure before the House, Sir, has, both as regards its scope and its content, much that is in common with the Bill to control the export and cultivation of tea which was adopted by the House last year, and I hope, Sir, that the measure of good fortune which attended that measure in regard to the promptness of its passage will also attend the Bill which I am moving consideration of today. I think, Sir, that the interests of clarity would best be served if I were to classify my remarks in regard to this Bill under three heads, first, the origin of the Bill, secondly the scope of the Bill, and thirdly its content. As regards the origin, Sir, the position is that since 1929, there has been a steady excess of production over the rubber actually absorbed by the consuming markets of the world. The result has been a steady deterioration in prices. Prices fell because of this phenomenon from year to year; they showed no disposition whatsoever to revert to what might be called an economic level. Therefore, Sir, it was to remedy this unhealthy situation that initiative was taken first by the Rubber Growers' Association of London, who speak on behalf of producing interests throughout the British Empire, to enter into negotiations for the restriction of exports and of the cultivation of rubber, with the representatives of producers in the Netherlands, East Indies, which is the next largest producing unit in the world. These were followed up by negotiations which ensued between these two parties with representatives of producers in French Indo-China, and subsequently the Governments of Sarawak and Siam joined these negotiations. To make a long story short, in April last, the Government of India were informed that the producing interests had actually come to an agreement, of which the object was to restrict the export of rubber and also to limit the planting and re-planting of rubber, and that in order to implement these two agreements, legislative action would have to be taken by the Governments of the different countries. That, Sir, was communicated, as I have said, to the Government of India at the end of April, and the Government then took steps to ascertain whether it would be in the interest of India to participate in this agreement. They communicated with the Governments of Madras and Burma, which are the two principal producing units of British India, and, through the Agents to the Governor General concerned, with the Governments of Travancore, Cochin and Mysore. They wished, Sir, to be satisfied in regard to three points: first, as to the measure of support which was coming forward for this scheme of restriction from the producing interests concerned, secondly, as to the equity of the quota allocated to India for export, and the arrangement on which the export quota was to be distributed amongst the various producing States. The third point, Sir, on which they sought satisfaction, was the effect of this scheme of restriction upon the supplies for local markets.

Now, Sir, as regards the first point, namely, the measure of support forthcoming for this scheme from producing interests, the position that unfolded itself to the Government of India was as follows. Every registered or known owner of an estate in South India, that is to say the British Indian portion of it, was in favour of this scheme. So far as the States of Travancore and Cochin were concerned, they said that they were prepared to co-operate in giving effect to the international agreement. Then, as regards Burma, the position was that, owing to the existence of a very large number of estates of an area of ten acres or less, it was

impossible to institute a referendum there, but the larger producing interests in Burma were also in favour of this scheme. That, Sir, was the position as regards the attitude of the producers themselves. The second point, as I have already said, on which the Government of India sought satisfaction was the equity of the allocation of the quota actually made to India. At the time no representation was made to the Government of India suggesting that the quotas actually allotted to India were not satisfactory to India. Since then, representations on that point have been received and I shall have something further to say on that point a little later on. As regards the basis of distribution of export quotas amongst estates, the arrangement proposed appeared to the Government of India to be satisfactory. The third point was the effect on local supplies. Well, as a matter of fact, the supply of rubber from the local market is not adequate to the demand. Therefore, this point did not actually enter into the consideration of the problem. In view of the position as thus ascertained, the Government of India communicated to the Secretary of State their willingness to enter into the agreement, but they made two reservations, namely, that, in so far as legislative action was necessary to implement the agreement, the approval of the Legislative Assembly would be necessary, and further, that, in so far as the provisions of the agreement apply to the Indian States, the co-operation of the Indian States must be secured.

Now, Sir, the next step was the signing of the agreement, for which purpose, Sir Bhupendra Nath Mitra, our High Commissioner in London, was selected to act on behalf of the Government of India.

Before I pass on to the scope of the Bill, I might say what I have to say in regard to the allocation of quotas to India. The position as regards that is that, since the agreement was signed, it has been brought to the notice of the Government of India that the basis upon which these quotas were fixed was inaccurate. For example, the 1932 statistics of the production of rubber in India show an area of roughly 46,000 acres as under rubber in the State of Travancore. The Licensing Committee which has been set up for South India, as a result of the investigations, which it has made up-to-date, has found that actually in Travancore 80,000 acres is under rubber. That, Sir, represents a difference of something like 60 per cent. In regard to the other producing units in India, perhaps the discrepancy is not so great, at any rate, the information supplied to us does not show that the discrepancy is as great, but in regard to Travancore it is substantial, and the Government of India, therefore, came to the conclusion that it may be that when these investigations are completed they would have to make representations to the International Control Committee in London and point out that, inasmuch as the quota allotted to India has been based on inaccurate statistics, therefore an endeavour should be made to revise the quota in favour of India. Now, Sir, my Honourable friends will observe from clause 13 of the Bill that, whereas for the first year—it is too late to do anything for the first year—we have adopted the quota which was actually introduced in the agreement, as regards the subsequent years of the agreement which, in the first instance, is to last up to the end of 1938, it is left to the Governor General in Council to determine the export quota for India. I really would not like to prophesy as to what would actually happen, but it is undoubted now that there is a *prima facie* case for a revision of the quota allotted to India, and it will be the endeavour of the Government of India,

[Mr. G. S. Bajpai.] when all the material is forthcoming, to see that the quota is revised so as to make it more equitable to India than it is under the agreement as it stands at present.

In regard to the scope of the Bill, there is not very much really that should be said or that need be said. As I have already stated, the object of this agreement is to regulate exports to the economic demand; that necessitates a certain amount of control as regards exports, and that is what the Bill provides. Equally it is no use restricting exports knowing the position, as the Governments concerned and the producing interests concerned do in regard to production,—it is no use that exports should be restricted and no corresponding action taken in regard to the increase of area under rubber. Therefore, the Bill provides for a strict limitation both of planting and re-planting of rubber.

In regard to the content of the Bill, I think that, apart from those provisions which relate to the regulation of export and the regulation of planting and re-planting, the bulk of the Bill is taken up with the prescription of machinery for giving effect to the provisions of the agreement. Now, Sir, as in the case of the Tea Control Act, we have, and I think rightly, decided to entrust the actual administration of the agreement and the Bill to the representatives of the industry itself, subject, of course, to such powers of supervision being retained by Government as are necessary in order to ensure that the agreement and the Bill are administered with equitable regard to all the interests concerned. Honourable Members will observe that licensing committees have been set up for India and Burma separately. The reason for that is that the geographical separation of Burma from India necessitates a certain amount of devolution, and further, the existence of a very large number of small producing estates in Burma necessitates a certain structural differentiation between the machinery that we set up for South India and the machinery that is being set up for Burma.

I do not think that it is necessary for me to detain the House much longer over an explanation of the detailed provisions of the Bill.

One reason why India should join the agreement, I have hinted at already, namely, that an international agreement in order to be effective must be complete. The defection of any one country is only apt as it were to multiply defections and thus defeat the very purpose of an agreement of this kind. But there is another reason why, I think, India should view this arrangement with favour. As Honourable Members are aware, the largest producing group for rubber in the world, that is to say, the Federated and the Unfederated Malay States, recruit their labour from India. And the House is also aware that the adversity of the rubber industry involved a considerable fall in the wage rates which are paid to Indian estate labourers in the Federated and Unfederated Malay States. We hope that the improvement and stabilisation of the rubber industry, which is expected to result from this Agreement, would enable us to try and have the wage levels for Indian labour in Malaya restored. I am quite certain that the agreement, which already has had the effect of considerably improving the prices for rubber, will also, if it is continued, have the effect of stabilising those prices. Certain figures may be of interest to the House. For example, in January, 1934, the rubber price at Singapore was three annas eight pies a pound, and, in July, it was five annas 11 pies a pound. That registers an increase of roughly 66 per cent. in

price. Now, Sir, so far as Ceylon is concerned, this improvement in prices has already had the effect of bringing about a restoration of the standard wage rates to the figures at which they stood two years ago before the depression became acute. We are hoping that if this improvement is stabilized in the world markets generally, we shall be able to get similar steps taken in regard to the Indian labour in Malaya. That, Sir, is all that I have to say at this stage. Sir, I move for the consideration of the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India be taken into consideration.”

Mr K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I agree with the principles involved in this Bill and have great pleasure in supporting it. While doing so, I crave your indulgence to make a few observations. But, Sir, at the very outset, I may say, that I am not a rubber planter, nor am I interested in any way in rubber plantations. I do not even hold a rupee worth of shares in any plantation. I am only speaking on behalf of a few indigenous Indian planters who are not members of any organisation like the South Indian United Planters Association, and, for advocating whose cause, I do not find any one in the House.

Sir, you will find that in the Madras Presidency, i.e., in British India proper, the only place where rubber is grown is Malabar. It is in Malabar alone that there are any plantations. On the borders of Coimbatore and Salem there were a few acres, but they have been altogether neglected recently, and if we speak about rubber cultivation in South India, it is only with reference to the plantations in Malabar. The position of the Indian planters is this. They are not a rich class. They have not got the necessary funds to spend on the plantations. Just before the tapping season begins, they approach some European exporters to advance money for their expenses and they contract with them to supply a certain quantity of rubber and also fix the price. They cannot sell their products at the maximum benefit in this country or export them outside. Since the slump began, the European exporters, who are themselves managers of some of the rubber plantations, naturally care more for their own plantations and have not been advancing loans as they were doing before, with the result that practically all the Indian plantations have now been ruined. They are not working the plantations and have altogether neglected them. If you refer to the Rubber Statistics of 1932, which is a Government publication, you will find that, out of a total acreage of 11,407 acres in Malabar, only 450 acres have been tapped, and, if I am not mistaken, all these 450 acres belong to European planters. If you will refer to the statistics for the whole of India, you will find that in the year 1929, the production was 28 million pounds of rubber, while, in the year 1932, it was only 6.3 millions. The stock held in the hands of the planters in the month of December, 1929, was nearly six million pounds, while in the year 1932, it was only 31½ thousands. You will see the enormous difference between the production and stock held in the year 1929 and in the year 1932. I presume that since 1932 things have further deteriorated. It is unfortunate, the figures for the two years, 1933 and 1934, are not yet available.

[Mr. K. P. Thampan.]

The Honourable the Secretary for Education, who is in charge of this Bill, referred to the circumstances under which the international scheme was brought about. Sir, the complaints against the international scheme, so far as I know, are four. In the first place, the total acreage of plantations in South India has not been taken into consideration. The Honourable Member, Mr. Bajpai, himself, referred to the case of Travancore, but, I am certain, the total acreage in British India also has not been rightly appraised. The land system in Malabar is peculiar. The *jenmi* is the absolute owner of the land, and most of the forests are in the hands of *jenmis*. The returns for the plantations on these private forests are not properly sent and the Government do not concern themselves about these. Therefore, I am certain, that the total acreage of rubber plantations in Malabar could not have been taken into consideration. Another point is that undue preference and favouritism have been shown to other countries. I will refer to that in detail a little later. The third complaint is that the export from Alleppey in Travancore has been altogether ignored and not been taken into consideration at all. This has been admitted by the Government. The total export from Alleppey, in the year 1929, was about 13 hundred tons. That ought to have been given credit for fixing the quota. The fourth complaint is that sufficient margin has not been given, as in the case of other countries, to the plantations that are yet to mature. The saplings or young and immature trees of 1929 would mature and be fit, for tapping by this time. Of course, I know, an *ex gratia* allowance of 12½ per cent. has been provided for that. But that is given to all countries and is hardly sufficient to meet the circumstances of the situation in India. These are the main grievances against the international scheme. With regard to the second complaint, namely, that undue preference has been shown to other countries, I wish to quote the figures showing their respective export for 1929 and the quotas that have been fixed for them. It is a pity that the official memorandum does not contain them, and I am indebted to a writer in the *Madras Mail* for these figures. In the year 1929, India exported 6,850 tons, and you will find that the quota for India is the same. Siam exported in 1929, 5,100 tons, but for the year 1934 a quota of 15,000 tons has been given to it. That is three times the export of 1929. Borneo exported only 7,400 tons, while it is given 12,000, that is nearly double. Then, Sir, in regard to Sarawak, I find the export for the year 1929 was only 11,300 tons, while the quota for this year is 24,000. That is more than double. Then, again, take Indo-China. The export was only 10,100 tons, while the quota for that country is 30,000. That is about three times. You will find that, unfortunately for India alone, the quota for 1934 is the same as the export of 1929, less the exports from Alleppey. There ought to be an explanation and it is up to the Government to set it right. That, Sir, is the position.

Then, you should also bear in mind the conditions that were prevailing in the year 1929 in all these countries and compare them to ours. I have already referred to the unfortunate plight in which our planters work in South India. As regards Malaya, you must remember, what was known as the Stephenson scheme, was in operation there, with the result that a large quantity of surplus rubber was left in their hands, and, in 1929, Malaya put into the market for export all the surplus that was in their hands as soon as the Stephenson scheme was cancelled in 1928. Though an abnormally large quantity of rubber was exported, under these circumstances which was obviously above

her capacity to export ordinarily, by Malaya, a quota has been given for that country based on that export. That was really unfair. Then, again, take Iplo-China. To Indo-China the French Government used to give a subsidy and it was on that account that they were producing a large quantity of rubber. This aspect of the question was not considered by the International Committee in fixing the quota for Indo-China. Then, there is one more aspect which ought to have been given due consideration. Certain countries used to have what you call the indentured system of labour; that is, the planters were bound for the fixed period of the contract to maintain those labourers for the area whether their plantations were tapped or not. It was that obligation to maintain these labourers that made those countries produce and export large quantities, but, I am told, those special conditions under which those countries exported large quantities of rubber have not been taken into consideration in fixing their quotas, I think, that is a legitimate ground of complaint, and ought to be looked into by the International Committee as well as by the Government of India. My Honourable friend, Mr. Bajpai, referred to sub-clause (3) of clause 13 of the Bill, providing that it is the Governor General in Council that shall decide the quota for 1935 and afterwards. But, for that, Sir, I would have opposed this Bill altogether. That removes what I would call the most dangerous portion of the international scheme. I hope Government will work that clause in a generous spirit and avoid all discontent. I appeal to the Government to make an exhaustive inquiry into the conditions of rubber plantation in South India, including the States, and that, without prejudice to the small Indian planter, they will fix the quota every year. Of course the quota for 1934 is fixed; we have got only four months to run, and it does not matter whether there is a slight increase or a slight decrease for this year. I am anxious that for the coming years India must have her legitimate share; otherwise the scheme will be of no use to this country. Sir, I feel it my duty to appeal, with all the strength in my command, that Government will also safeguard the interests of the small planters who have not got any course open to them to represent their grievances in the matter.

Before I conclude, I may say that, I have got to make one or two minor observations with reference to the merits of the Bill. I do not wish to take up the time of the House by dealing with them now. I have tabled the necessary amendments, and, when the time comes for moving them, I shall deal with them. Sir, I have great pleasure in supporting the motion before this House. (Applause.)

Mr. G. S. Bajpai : Sir, I do not really think that it is necessary for me to say very much. My Honourable friend has put forward four complaints as regards the allocation of the quota to this country. I explained in my original expository remarks that at the time when the agreement was under consideration first, the interests concerned did not bring these defects to light nor did they suggest any special....

Mr. K. P. Thampan : May I interrupt my Honourable friend? Did the Government of India or anybody give sufficient publicity to all these things? Nothing was done. How then can the ignorant planter understand all these complications?

Mr. G. S. Bajpai : I think my Honourable friend will appreciate the fact that if there is any deficiency in any arrangement which primarily concerns the producer, it is the business of the producer, who I presume is in touch with the conditions of the market, to find out...

Mr. K. P. Thampan : I maintain that it is the business of the State—so long as they receive assessments from the producers.

Mr. G. S. Bajpai : It is not the business of the State ; my Honourable friend seems to be particularly sore as regards assessments in Madras, but I submit that that is not the point which we are considering now. I was going to say that the position, as far as I can make out, seems to have been this—that the statistics of production, which should form part of the data upon which the quota was based, were, as it now turns out from the investigations carried out by the Licensing Board, appear to have been substantially erroneous. I have already given the House the assurance that in the later investigations which are now going to be made, if it is established to the satisfaction of the Government that redress is necessary, Government will do everything that lies in their power to secure redress for India. As regards the minor matters to which my Honourable friend has referred, I shall deal with them when the time comes.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : On what basis was this quota fixed by the International Committee—because my Honourable friend told us something about how the International Committee proceeded in the matter ? I expected my Honourable friend, Mr. James, to explain the position to the House, but I ask this as my friend has not chosen to speak.

Mr. G. S. Bajpai : I gather that the quota was fixed by the International Committee on the basis both of output and of export, practically beginning with the year 1928.

Mr. President (The Honourable Sir Shanmukham Chetty) : Who supplied those figures ?

Mr. G. S. Bajpai : There were two organizations with which the Rubber Growers' Association in London were in touch throughout these negotiations—one was the *ad hoc* committee of the Association of Planters in Burma and the other was an *ad hoc* committee of the South Indian Planters' Association.

Diwan Bahadur A. Ramaswami Mudaliar : Did Government give any publicity to this fact—that these negotiations were going on in London—to the planting community in general, apart from the members of these organizations ?

Mr. G. S. Bajpai : Sir, Government had the fact of the progress of these negotiations brought to their own notice for the first time in January, 1934, when a deputation consisting of my Honourable friend, Mr. James and another gentleman from Madras, waited upon the Honourable the Commerce Member. At that time it was said that the negotiations were confidential and Government naturally trusted the Association concerned to complete the necessary preliminaries before any producers' agreement was entered into in England ; Government were seized of the necessity of action by themselves only after the producers' agreement had been completed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 3 stand part of the Bill.”

Mr. K. P. Thampan : Sir, I beg to move :

“ That to sub-clause (2) (b) of clause 3 of the Bill, the words ‘ from among the planters that are not members of the United Planters' Association of South India ’ be added at the end.”

Sir, if my amendment is adopted, the clause will read like this :

“ One member to be nominated by the Government of Madras from among the planters that are not members of the United Planters' Association of South India.”

Sir, as the clause now stands, it is open to the Government of Madras to appoint anybody they choose. Knowing as I do the Madras Government, they are sure to nominate the Director of Agriculture straightaway. As I said a little while ago, there are a very large number of planters who are not represented in the South Indian Planters' Association. I understand from my Honourable friend, Mr. James, that one-third of the total acreage in Malabar belongs to that category of planters. I do not know what their number is, but from the statistics you will find that there are 40 such estates in Malabar. Out of these 40, I do not think more than five or six belong to the European planters and the rest are owned by Indian planters who do not even know the benefit of any kind of corporate or team work. I am anxious that the interests of these planters should be safeguarded. According to the terms of the clause, provision is made for the nomination of two members from Travancore, one will be from Cochin and the other will be nominated by the United Planters' Association of Southern India. The only class which is not represented on this Committee is the small planter who is not a member of the United Planters' Association of Southern India, and my suggestion is that the Government of Madras, in nominating a member, should confine themselves to this class of persons. A planter who is not a member of the South Indian Planters' Association ought to be nominated. I want, Sir, that this should be statutorily provided, otherwise there is no chance of the Madras Government doing it. It might be said, that I am making an invidious distinction, but, in the circumstances of the case, such a distinction has got to be made in order to find out a proper remedy. Sir, it is only those who are intimately acquainted with this class of people that know the hardship they have to undergo. I am very anxious that they should be represented on this Committee, and I appeal to the House as well as the Government to see their way to accede to my request.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That to sub-clause (2) (b) of clause 3 of the Bill, the words ‘ from among the planters that are not members of the United Planters' Association of South India ’ be added at the end.”

Raja Sir Vasudeva Rajah (Madras : Landholders) : Sir, I rise to support the amendment.

Mr. F. E. James (Madras : European) : Sir, I am myself obliged to oppose this particular amendment on two grounds. My first ground is that I find it difficult, and it has not hitherto been the practice, to tie

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down the nomination of a Local Government to a particular class of persons. My second objection is that the United Planters' Association of Southern India is an organisation which consists of Indian as well as European planters. It also consists of holders of large and small estates. It might well be that amongst its membership you may have a most suitable Indian planter who is a small owner; and, therefore, it seems to me to be a little hard that he should be excluded from any possibility of selection by the Government of Madras. In opposing formally this motion, I would like to make it perfectly clear that we do desire—and I hope that the Government of India will make that point clear in their communication to the Government of Madras—that the nomination of the Government of Madras should be used for the purpose of representing on the Committee the very class of persons whom my Honourable friend, Mr. Thampan, has in mind. We do desire that they should be represented, as they are actually on the existing Licensing Committee. My Honourable friend, Mr. Thampan, may rest assured that the interests of the small Indian planters are very strongly represented and their views are most specifically presented. Therefore, though I am entirely with him in spirit, I must object formally to the amendment which he has moved. If Government are willing, I suggest that they should ask the Government of Madras to use their nomination for the purpose of securing representation from the class of planters which my Honourable friend, Mr. Thampan, has in view.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muhammadan) : Sir, I beg to support the amendment. So far as the United Planters' Association of South India is concerned, I do not know whether there is any Member from Malabar to represent the rubber interest of the small rubber estate owners. There are a number of them, and the Government of India propose to leave it to the Madras Government to nominate one from among them. I cannot agree with the reasons given out by my Honourable friend, Mr. James. I do not know the reason why we should not by Statute ask the Madras Government to give representation to such small owners of rubber estates in Malabar. All these things have been done at least so far as Malabar is concerned without consulting the private rubber estate owners. So, I submit, they will have to be represented at least in the Committee. With these words, I support the amendment.

Mr. G. S. Bajpai : Sir, I have a good deal of sympathy with the object of the amendment moved by my Honourable friend, Mr. Thampan, and, I think, the class for which he has spoken is a very deserving class and I am quite prepared to pass on his suggestion, with the support of the Government of India, for consideration by the Local Government. But, I regret that I am not able to accept the amendment, because, Sir, as you will observe from sub-clause (2) (b) of clause 3, the idea is that the nomi-

nation shall be made by the Local Government. The Local Government are in the best position to assess the comparative claims of the different interests. My Honourable friend has put forward the claims of one interest. I do not know the local conditions, I do not know whether there are any other interests or not, and I do not think that we would be justified in limiting the discretion of the Local Government in the manner in which my Honourable friend wishes it to be done. That is the reason why I fear I must formally oppose the amendment, though, as I have already said, I view with sympathy the object of the amendment.

Mr. K. P. Thampan : I am glad to find that my Honourable friend has accepted the principle of the amendment, if I may say so. I may assure my Honourable friend that there are no other interests, and unless a statutory provision is made, I am afraid the Madras Government may not do justice to these small owners. I, therefore, wish.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot have a right of reply. He cannot make a speech. He can say whether he withdraws his amendment or presses it.

Mr. K. P. Thampan : Sir, I press my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That to sub-clause (2) (b) of clause 3 of the Bill, the words ‘from among the planters that are not members of the United Planters’ Association of South India’ be added at the end.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 25 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That clause 26 stand part of the Bill.”

Mr. K. P. Thampan : It is no use moving any further amendment. I do not move my amendment.*

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That clause 26 stand part of the Bill.”

The motion was adopted.

Clause 26 was added to the Bill.

Clauses 27 to 44 were added to the Bill.

Clause 1 was added to the Bill.

“That in clause 26 of the Bill, after the word ‘person’ the words ‘with intent to cultivate rubber’ be inserted.”

The Title and the Preamble were added to the Bill.

Mr. G. S. Bajpai : Sir I beg to move :

“That the Bill be passed.”

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“That the Bill be passed.”

Mr. F. E. James : Sir, I should, first of all, like to thank the Government for having undertaken this legislation. As in the case of the tea industry, this is another example of an industry trying to put its house in order on an international scale and asking the respective Governments of the territories concerned to implement, by legislation, an international agreement of producers. Now, Sir, there are one or two observations that I should like to make. First of all I would like to refer to the questions which my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, raised during the course of the discussion, that is, as to the basis on which the export quota was calculated and the steps that were taken to make the proposals of the international agreement known to the producers in this country. First of all, as far as the basic quota was concerned, the international basis was the average exports of 1929 to 1932 *plus* allowances for immature areas. Now, on a strict calculation of the figures covering this period (which included a year wherein the exports from India were the maximum that they have ever been), we arrived at the following figures for India, including Burma :

	Tons.
1934	10,600
1935	13,000
1936	15,300
1937	16,400
1938	16,700

But, owing to special considerations which were given to Southern India and Burma *ex-gratia*, allowances were added to this figure and the final international basis for the Indian quota worked out at figures which varied between 2,000 tons and 1,600 tons a year more than the figures on which the original calculation was made. The present figures, therefore, are :

	Tons.
1934	12,000
1935	15,000
1936	17,000
1937	18,000
1938	18,500

I wish to remind the House, and through the House I wish to remind the producers, particularly of Southern India, that in the case of India the *ex-gratia* allowances work out at quite a considerable proportion of the original basic quota arrived at on a calculation of the average figure for the exports of 1929 to 1932.

Now, Sir, as to the way in which these proposals were laid before the industry. There was, at an early date of the negotiations this year,

appointed in South India, after consultation with the Governments of Travancore and Cochin, what was called an *ad hoc* Committee which consisted of representatives of the planting community in all the areas concerned. Two Indian gentlemen from Travancore, who were members of that Committee, represented the smaller producers of the industry. This Committee had the proposals before it, and circulated these proposals to all known estates and to all known owners of estates with a request that by a certain date they would signify their opinion on these proposals. They also said that, if within a certain date, they did not receive any reply, they would take that silence as assent. What was the result? As far as the Madras Presidency is concerned, practically 100 per cent. replied giving their assent. As far as Travancore and Cochin are concerned, the overwhelming majority of the producers agreed,—and when I say “overwhelming majority” I estimate it at a figure of not less than 90 per cent. of the then known acreage. As far as Coorg is concerned again, we had practically 100 per cent. replies in favour of the scheme. Therefore, I think we can claim that the producers as a whole gave their assent to these proposals. Now, Sir, when that has been said, I am bound to admit that there is considerable dissatisfaction in South India on the part of both European and Indian planters in regard to the figures on which these original calculations were made. My Honourable friend, Mr. Thampan, referred to that in his speech. The figures were taken from the Government of India Statistics for 1932. My friend, Mr. Thampan, has pointed out that these statistics, as far as exports are concerned, omitted the exports from Alleppey. The average exports from Alleppey, in the four years in question, amounted to 1,109 tons; and, therefore, if Alleppey had been included, and if that basis had been used as the basis for calculating the basic quota irrespective of the *ex-gratia* allowances, I calculate that the average exports from Indian ports would be 9,579 tons per annum. It may be said that the difference in the figures is not a large one, and, as a matter of fact, that that difference is fully covered by the *ex-gratia* allowances. But, I am quite prepared to admit that even if that is the case, it does not do away with the argument of those who feel that they are getting less than justice; because if these figures had originally been included, the *ex-gratia* allowance would probably have been added to the revised total. The other complaint which the producers in Southern India have is that, as far as acreage is concerned, the figures in the Government Statistics of 1932 are by no means accurate. That is due to a variety of reasons. I do not wish to go into all that. But in the case of some of them it may be that the statistics were out-of-date. In other cases the reason is that the statistics were based upon the figures of land leased out for the purpose of rubber cultivation, whereas during the boom year, particularly in Travancore, a large amount of land, which was not originally leased out for rubber cultivation, was turned into rubber land in order to take advantage of what they hoped would be a boom which would last for many years. Therefore, a great deal of this rubber land is not included in the Travancore statistics. My own information is that the figures of total acreage in South India will not be very far off one lakh of acres. But the House will realise that it is difficult to obtain accurate figures in a short time. Therefore, I can only say that we must await the arrival of the correct figures (which cannot be obtained until mid-September), before going forward to the International Committee through the Government of India with a claim for revision of the basic quota as far as South India is concerned. The

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Licensing Committee has received all kinds of preposterous claims. They have received claims on the part of estates which now no longer exist; they have received claims on the part of small estates which are absolutely unapproachable, because jungles have overgrown them for many years; and they have received claims on the part of estates, which, more than seven years ago, were entirely burnt out and turned into cultivation for other purposes. Therefore, Honourable Members will realise that this inquiry must take time. But, provided the door is left open for the approach to be made to the International Committee, through the Government of India, then, I think, the Bill, as it stands, satisfies the needs of the present.

Now, Sir, I would point out that there are a certain number of people who have been using this occasion to make wildly extravagant statements, and through this House I would like to appeal to them to realise what the consequences would be if any step were taken which in fact would jeopardise the International Agreement. My Honourable friend, the sponsor of this Bill, referred to fall in the prices of rubber during recent years, when estate after estate was being closed down, staff was being dismissed, labour was unemployed and even the most wealthy estates were only being kept up on a strict maintenance basis. Now, if this International Agreement were not implemented, either by the Government of India or by the Governments of Travancore and Cochin, there would be a very real danger of the whole scheme being laid aside, and of the industry returning to the naked and ruthless competition of the past which would result in the weakest going to the wall, and in rubber South India and probably Burma going out of existence altogether. Therefore, I do suggest that those who are making at the present moment in some quarters exaggerated claims and exaggerated statements should pause a while before they advocate any method or any step which would have the effect of breaking down this International Agreement. I have only to read one or two figures to show the difference in the position of the rubber industry in India this year as compared with last year as a result of even an anticipation of this agreement. In the months of April and June, 1932, the exports from India were 805,778 pounds with a total value of just over two lakhs. 1933—8,44,000 lbs. with a value of Rs. 2½ lakhs: for the year 1934, which includes only one month of the control scheme, the export was already three million odd lbs. with a total value of Rs. 7½ lakhs—for the four months after the 1st of April. My Honourable friend, Mr. Thampan, mentioned two or three points with which I am in very great sympathy; but on one matter he was a little inaccurate.....

Mr. K. P. Thampan: The sympathy will not take any concrete shape!

Mr. F. E. James: He stated that as far as the total acreage was concerned in Malabar, it was not fully taken into consideration. As a matter of fact, our figures go to show that as far as Malabar is concerned, and the Madras Presidency generally, the original figures were almost accurate and there has only been a small addition, after exhaustive inquiries, to the original figures, on which we made our calculations. The great trouble is in Travancore and to a less extent in Cochin; but I am glad to say that, as far as British India is concerned, our statistics seem to be fairly accurate. He also made reference to the fact that other countries seemed to get more out of the agreement than India. I do not

want to go into the details of quotas of other countries: I would only just make two observations. The first is that in an international agreement of this kind, there is bound to be a large amount of give and take, and you cannot absolutely standardise, when you are dealing with other countries, a particular form of agreement or calculation. The second is that the alternative to agreement was disagreement. If certain countries have been treated more favourably than India, surely, as far as India is concerned, the question we have to ask ourselves is this: is the agreement going to do anything for the industry in our country? As far as the rubber industry in India is concerned, there is no doubt that the agreement, even as it stands without any modification whatsoever, has entirely revolutionised the position of the industry both in South India and in Burma. But having said all that, I would join my Honourable friend, Mr. Thampan, in asking the Government of India to give the fullest consideration to the representations which will no doubt be made by the Travancore Government and by the Cochin Government and by the producers in both those States in regard to the quota figures for South India. It is a very difficult thing to alter an International Agreement once it has been arrived at after months of negotiation. But I do not believe, as some have said, that the door is absolutely closed; and if our own representative on the International Committee is supplied with the case for the producers in South India, I am quite sure, that with his authority, as representing the Government of India, with the knowledge that he will have, and with the support of the industry behind him, he will be able to make an impression upon his colleagues on that committee. If we can feel satisfied, and I am sure we can after this Bill has been modified in the direction in which my Honourable friend, Mr. Bajpai, mentioned in his speech, leaving the door open to an alteration of the quota, that the Government of India will support a reconsideration of the claim of South India to some modification, I am quite sure that that will go a long way to satisfy those who feel discontented at the present moment. Once more I should like to thank the Honourable Member, for the trouble which the Government have taken to help the producers and to implement the scheme of international control of production in this matter in this country. I trust that the industry, as I believe it will, will benefit not only the producer, but also the revenues of the country.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, I should like to offer a very few remarks at this stage of the consideration of the Bill. I am aware of the fact that a scheme of this kind is ultimately for the benefit of the industry concerned, and nobody can doubt that the position of the rubber growers would be infinitely worse if some kind of control was not exercised and if some sort of quota was not fixed; but the position that some of us have taken in this matter is simply this: that fortunately or unfortunately the transactions of the Conference which was held in London were either not known or not adequately appreciated by many rubber growers in this country, both European and Indian. My Honourable friend, Mr. Bajpai, has said, and my friend, Mr. James, has reinforced the statement, that all known planters or known growers of rubber were communicated with regarding this scheme, and their approval was taken. In fact, Mr. James went so far as to say that 100 per cent. approval came from rubber growers so far as South India was concerned.....

Mr. F. E. James : I said as far as the Madras Presidency is concerned 100 per cent. as far as Travancore and Cochin is concerned, an overwhelming majority which I placed at about 90 per cent.

Diwan Bahadur A. Ramaswami Mudaliar : I accept that statement, but anyhow we have the fact that we have placed before us representations from various rubber growers and planters who have now realised, probably under a better appreciation of the circumstances and a better knowledge of the scheme and all that it implies, that the quotas fixed for this country—for South India, Travancore and Cochin—do not do justice to them. That is the point which I should like to impress on the Government at this stage of the proceedings. I am not one of those who believe that because ten per cent. or five per cent. of the persons interested stand out from this scheme, therefore, the large majority should not be considered and no attempt should be made at regulating these things : there will always be a few cantankerous individuals who will stand out against any attempt to form this sort of agreement ; but that is not the position with which we are concerned. This Bill regulates the quota only for the seven months of this year. It leaves the question open as to whether that quota should be followed up in the next year on the same basis or whether the Government of India should revise their terms. I think what has fallen from Mr. Bajpai and Mr. James amply demonstrates the fact that, at any rate the Government of India have had a case made out for the revision of their quota, and that with that case they should go before the International Conference. I do not know under what terms of this agreement, which has just been placed on the table of the House, the Inter-Governmental agreement—the Government of India can do it. I should like to have from my Honourable friend, the Secretary, a statement as to under what particular clause it will still be open, in order to accept a portion of this agreement, to come before this Governmental Conference and ask for a revision so far as the remaining years are concerned. If I were to reiterate some of the objections that have already been raised by my friend, Mr. Thampan, I trust this House will excuse me, but the importance of the subject and the anxiety of the interests involved over this subject is my excuse for placing these facts before the House.

In the first place, as has so often been pointed out in the course of this debate, it is now well established that the area under cultivation has been largely under-estimated. My friend, Mr. James, suggested that it would be a 1,00,000 acres. My information is that it is nearly 1,50,000 acres : if that is an exaggeration, I am willing to concede it ; but it is nothing like the acreage which the delegates had in view when they came to this agreement at the Inter-Governmental Conference in London. If that is so, one basis at least of these negotiations, and a basis which formed the main consideration in fixing the quotas, goes ; and, therefore, we have to substitute some other basis. I would ask my Honourable friend, Mr. Bajpai, what were the considerations that influenced the Conference in arriving at the quotas, whether it was based on acreage production, or whether it was on the basis of export trade. My Honourable friend suggested that both these things were taken into consideration. As I have shown, the acreage of production was based on Governmental records, in British India and Indian States, which were notoriously inaccurate. Therefore, so far at least as one basis was concerned, there is at any rate a strong case for revision of this agreement so far as the Government of India are concerned.

Now, take again the basis of exports. My friend, Mr. Thampan, has already pointed out,—and that fact again was attempted to be met by both the Government spokesman and Mr. James when they stated that the export from Alleppey was left out of consideration,—1,300 tons was not a small amount when the total export trade of this country is taken into consideration,—on that basis also there is a case made out for the revision of this agreement. Then, again, Sir, this is one of the instances in which India is treated apart from Burma so far as this agreement is concerned. So far as rubber control is concerned, Burma is already separated from India. I do not know why it was done, and why Burma has had a separate quota granted to it. There is a point in this. If the Burmese quota had been fixed on the same basis as the Indian quota, there would not have been much reason to complain, but it seems to us and to some of those who grow rubber in Southern India that the Burmese quota has been more favourably fixed than the Indian quota, if not in the initial stage in the present year, at any rate in the coming years so far as Inter-Governmental Conferences were concerned.

Taking the export figures alone, I should like to state that the exports from Burma were almost about 2,000 tons less than the exports from India. I have got the figures here. If we include the exports from Alleppy, India sent,—I am now speaking of India, apart from Burma,—

In 1926-27	.. ..	6,688 tons,	whereas	Burma	sent	5,200 tons
„ 1927-28	.. ..	7,230	Do.	Do.	Do.	5,491 „
„ 1928-29	.. ..	7,896	Do.	Do.	Do.	5,217 „
„ 1929-30	.. ..	7,336	Do.	Do.	Do.	5,510 „
„ 1930-31	.. ..	6,953	Do.	Do.	Do.	4,824 „

During the quinquennium period, India sent 36,103 tons, whereas Burma sent 26,242 tons. From this the House will see that the exports from Burma have been consistently 2,000 tons less than those from India,—a difference of 10,000 tons, or, as I said, an average of 2,000 tons less. Now, for the next five years, so far as Burma is concerned, the basic quotas allotted to these two countries are as follows :

	India.	Burma.
In 1934, for the seven months, the quota given to India is	6,850	5,150
In 1935, India is given	8,250	6,750
In 1936	9,000	8,000
In 1937	9,000	9,000
In 1938	9,250	9,250

Now, Sir, I should like to know why this progressive improvement in the quota, so far as Burma is concerned, because it does not correspond to the progressive improvement in the quotas so far as India is concerned, and taking the full five years you will find that while India has a quota of 42,350 tons, Burma has a quota of 38,150 tons, or a difference of less than 5,000 tons, whereas, in the previous quinquennium, Burma was at a disadvantage of 10,000 tons at least so far as India was concerned. Sir, I was saying that I accept the position that acreage should be taken into consideration. Now, according to my friend, Mr. James, himself, there are

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at least 100,000 acres in India proper including Travancore and Cochin States, and we get a quota of 6,850 tons. If you turn to the agreement and turn to Ceylon, you will find that the quota given to Ceylon is about 77,500 tons,—more than 12 times the quota given to India, but the acreage in Ceylon, I understand, is only four lakhs of acres, about four times the acreage of India. I ask, again, those delegates who were parties to this agreement, on what basis they accepted the position that Ceylon which has an acreage of about four lakhs should get twelve times the quota to start with and increasingly larger proportion later on, whereas India should get such a small quota. Now, what is the complaint of some of these industries? In the first place, the quota is so inadequately low that it does a great deal of injustice to them. In the second place, as my friend, Mr. Thampan, has already pointed out, the exports are not reliable, or at any rate, they are not a fair index of the measure of quota that ought to be allotted to each of these countries. My friend has already referred to the fact that in some countries exports were stimulated by grant of allowances by the Governments, by some inducement by the State, and other conditions were also prevalent in some of these various States which made them send larger exports than we did. Now, the acreage of cultivation would have been a far more satisfactory feature. That would have been common to all countries, and if the acreage alone had been taken into consideration, all the accidental circumstances that came to help a certain country to send a larger export in a particular year than other countries would have been avoided. As a matter of fact, the four years that have been taken as an average for this country are unfortunately not a proper period. It might have suited the Federated Malay States to take the four particular years, but it did not suit India, and if you take this average and take all countries on the same basis, you obviously come across an injustice which must necessarily be done to some country or other. In just the previous year which we have escaped, out of these four average years, if you take the exports from India, you will find a million and 62 lakhs pounds were exported from South India in 1928-29. Unfortunately, for our average, just the very next year had been taken, so that if even five years, instead of four years, had been taken, our exports would have been much higher; and we would have had a larger quota.

Mr. F. E. James: May I interrupt my Honourable friend for a minute? Actually the years are the calendar years,—1929, 1930, 1931, 1932, and in the year 1929, India's export was the highest figure reached before or since. So my friend will have to take the calendar year into account.

Diwan Bahadur A. Ramaswami Mudaliar: I accept that statement, Sir. My information was that for the fiscal year 1928-29, the imports were the highest.—it may be for the calendar year they were the highest. Now, Sir, there is the fact that we in this country who are producers of raw produce are Indians,—I am talking now quite frankly,—and we are suffering from a peculiar handicap with reference to practically every other raw product that we produce. We are not exporters ourselves. We do not know the continental markets; we do not know the United Kingdom market. In a few cases it so happens that the producer himself is also the exporter, but in a number of cases, at any rate in Southern India,—I do not know anything about the conditions in Bombay where big magnates

rule over the commercial world,—but so far as Southern India is concerned, we, who are the producers, must depend upon foreign firms, British or non-British, for the export of all our goods. It is so with regard to groundnut, which is very largely cultivated in Southern India, it is so with reference to tea and coffee. We have to send tea to exporting houses, which are foreign houses, like Volkart Brothers, Rally Brothers, and many other names I can mention,—they are all foreign firms, and they alone have connections with the foreign importer, and through them alone raw produce can be sent. Now, what with regard to rubber? On the basis of the actual cultivation which is now going on, the Government of India, under a clause of this Bill, are going to fix quotas. My friend, Mr. Thampan, has already referred to the injustice which will happen if the quota is to be on the basis of the actual cultivation now going on. My friend, Mr. James, somewhat quite indignantly pointed out that those, who have given up cultivation during the last few years and put forward extravagant claims, should not have their case considered and would do more harm than good to themselves if they put forward this claim. Now, what is the actual position? These people were not able to have any place at all in a narrowing and restricting export market. When the export market restricted itself, when it grew too narrow, then those European firms, who were producers and who were also exporters, took advantage of the position and tried to send in what little they could of their own produce. It is, of course, human, it is natural,—I have no complaint against them, because when they could not obtain enough markets for their own produce, they were not going to look round and try to get hold of Indian planters producing rubber to take it as part of their quota also and send it to the restricted market which was available to them. Therefore, for that reason and for that reason alone, during the past few years, many an Indian planter, who had invested his money in a rubber estate and who had spent lakhs or what little wealth he had over it, was obliged practically to close down that estate for the time being. What are you going to do under this Bill? There is no *moksham*, as we call it in our language in South India, there is no salvation. Mr. Bajpai does not hold out any hope and he has told us that not only now, but for the next five years, and very probably if things continue in the same state as they are now, the restriction will be continued for another period of five years, he cannot think of having any income from his rubber estate, he must close down, turn his attention to the cultivation of some other product. That is the aspect which I want Government to bear in mind. I see that the quotas for each individual estate is to be prescribed by Government, prescribed by rules made by the Government. On what basis are you going to prescribe those quotas? My Honourable friend may take us into confidence even at this stage and tell us what sort of rules Government have in mind which they will frame so that particular quotas may be allowed to estates. Is it on the basis of acreage? Then, acreage for what year, acreage for what period? Is any average to be taken for a certain number of years, or is the figure to be taken for 1932 or 1933? Is any consideration going to be given at all for the acreage of cultivation before the period of depression and before the great slump in rubber prices began to occur in 1928? That is the anxiety which many an Indian planter feels and it is from that point of view that my Honourable friend, Mr. Thampan, introduced an amendment which at the first blush looked as a racial amendment and which my Honourable friend, Mr. Bajpai, was not able to accept. But I venture to submit that it is not a racial amendment, but it is an amend-

[Diwan Bahadur A. Ramaswami Mudaliar.]

ment to safeguard the interests of a class of men who may or may not be safeguarded by the organisations which are already in existence.

I have not a word to say about the United Planters' Association of South India. It has done and is doing good work and its representative has tried to safeguard the interests of both members, Indian and European. But there are a class of people who are, perhaps owing to faults of their own, outside this organisation, and it seems to me that, because they are outside this organisation, their interests ought not to be ignored altogether. May I remind my Honourable friend of a provision in the Indian Tea Control Act where it is specifically provided that such representation may be had. There is nothing abnormal in the suggestion which my Honourable friend, Mr. Thampan, put forward. Under the Indian Tea Control Act, there is similarly an Indian Tea Licensing Committee,—the Bill was passed by this House the other day,—and, according to the provisions of this measure, for instance, two members are to be nominated by the Local Government of Assam to represent the tea estates owned by Indians in Assam, one for the Assam valley and the other for the Surma valley. Then, take my own Province. One member is to be nominated by the Local Government of Madras to represent tea estates owned in Southern India by Indians. There is an association of tea planters, both European and Indian, and yet under this Act, the Indian Tea Control Act, it was thought wise and prudent by this House and by the Government and by my Honourable friend, Mr. Bajpai, who championed this Bill in the House, that a provision should exist in the Act whereby an Indian tea planter should be nominated by the Local Government. We have passed that clause now; it is too late to reopen it, but I venture to convey to Mr. Bajpai and to the Government of India, and through them, if I may, to my own Government in Madras, that they would be well advised to recognise the interests of this set of people who have no representation elsewhere and not to be worried over the idea that it would be racial discrimination if an Indian rubber planter, who is outside the United Planters' Association of South India, is nominated under the provisions of this Bill.

I do not want to take up more time of the House, but I felt it my duty to place before this House and before the Government some of the alarms which are felt by many a rubber grower in South India and in Travancore and in Cochin, both European and Indian—I should like once more to emphasise it, because I have had representations from both sets of cultivators as to how this Act will work and particularly how this system of quotas will work. They want, in the first place, that the quota for India as a whole should be revised at the earliest stage, that is, after the seven months are over, and that representations must be made by the Government of India through such channels as are open to them to this international organisation to revise the quota and fix a more equitable quota so far as India is concerned, and in the next place, when the most important and most difficult duty of framing rules for the allotment of quotas to individual planters is taken into consideration, they want that those rules should be so framed that their condition, present and past, should be taken into consideration and that they secured justice to all planters alike. When there is only a small quota to be divided and there is necessarily a scramble, there is bound to be bad feeling and there is bound to be a sense of injustice in every

quarter, I admit, but make that sense of injustice as small as possible and confined to as few as possible and so frame your rules that everybody will feel that justice has been done to all.

There is one small point which has been brought to my notice. I see that the Controller of the Indian Rubber Licensing Committee, writing to a very respectable planter whose name I do not think I need divulge in this House, says :

“ In order to obtain the license to export rubber, it is necessary for the owner to send me a copy of the invoice showing the price of the rubber ready for shipment as well as the invoice number.....and made out in triplicate.”

I want to know whether, in the fixation of quotas and when the actual export license has to be given, the actual invoices of the orders are to be produced, or whether this quota will be fixed, so that the producers may produce it and send it to any exporting firm in this country. I trust that it will only be the latter course and that no actual order need be shown to this Committee which in its turn will have to take that into consideration. This is a very curious Bill. This will be operative after two other Governments have passed similar Bills, the Travancore and Cochin Governments. I know that the question of quota has been raised in a very acute form in the Travancore Sri Mulam Assembly and that the Travancore Government have promised to consider it. The rules and regulations which have to be made and the appeals which have to be provided for against this Committee's decisions—they will have to come up before three Governments. In the co-ordination of the effort of all these three Governments lies the workability or the practicability of this Bill. On all these points, for instance, in the case of appeals with reference to any decision of the Committee as regards plantations or re-plantations, how far they can be allowed, and in various other matters referred to in this Bill, if the Government of India take one view and the Travancore Government take another view and the Cochin Government take a different view, it would be impossible to work this scheme. I do not know whether I have made myself clear. The Committee is to consist of three representatives from the Indian States and two from British India. It is quite conceivable that the three representatives from Indian States may overrule the decision of the two representatives from British India. Under the various sections where they have been given the power to issue certificates for plantations and re-plantations up to 10 per cent. or 20 per cent., and so on,—the appeal, so far as the Committee in a Travancore plantation is concerned, will be to the Travancore Government. The appeal from a British India plantation will be to the Madras Government and the appeal, so far as a Cochin plantation is concerned, will be to the Cochin Government. Unless there is, apart from the broad basis of agreement, an agreement also as to the details, the circumstances under which these appeals will be received and favourably considered by these three Governments, unless, as I say, there is a close co-ordination of effort and a close co-ordination of ideas on this subject on the part of all the three Governments, it seems to me that this will be a very difficult Bill to work in practice. Therefore, I would suggest to the Government that their task is not finished by merely getting the Cochin and Travancore Governments' consent to the passage of this Bill, but their task will continue throughout,—in drafting their regulations, in drafting their quota allotments and in every other matter, so that the Act may become a workable Act. Sir, I have nothing further to say.

Mr. W. J. C. Richards (Burma : European) : Sir, I am glad to find that such criticism, as has been made of this Bill, has been largely on matters of detail, and that there is no question about what this International Agreement attempts to do for the benefit of the rubber industry. It is the result of co-operation between rubber growers in all countries and in which many conflicting views were recognised and met. Dealing first with the details, I will answer, as far as I can, the points that have been brought forward. It is a pity, on this discussion, which affects a not unimportant section of the agricultural community of this great country, a distinction has been made between the big planter and the small planter. Planters' organisations throughout India and Burma consist of members owning from 3,000 acres down to five acres. — In Burma, there are 1,500 small planters whose holding do not exceed ten acres. The subscription to the Planters' Association is a quarter of an anna per acre, so they can get all the protection and assistance which the Association can afford for the very small sum of 2½ annas annually. Even if the interests of the Planters' Associations do not run side by side with the small planters who are outside the association, I affirm that their interests are identical, and, in defending and taking care of themselves, the Planters' Association are obliged to take care of others.

There seems to be some confusion as to the basis upon which the quotas have been arranged. The basic exportable quota for the first year is the average of the exports for four years. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, introduced a comparison between India and Burma and sought to show that Burma had been treated more liberally than India. He will find on a re-examination of the figures that with the exception of exports from Alleppey, which, I understand from Mr. James, have been omitted, the basis on which the quota of India and Burma have been fixed is exactly the same. There is another mistake which has crept in, and that is that exports from the Andaman Islands were not included. As my friend Mr. James, said, give and take is the only way in which arrangements of this kind can be worked. Although the Andamans is the concern of the Government of India, the Burma Licensing Committee has accepted responsibility for the requirements of the Andamans and licenses will be given from the Burma quota. That is the spirit which permeates this International Agreement, the spirit which extends outside this country and goes through all the countries which are parties to it.

Regarding the acreages, they are based on a little blue book I saw in the hands of my friend, Mr. Thampan, this morning. It is called Indian Rubber Statistics, and, as far as I remember, in the introduction it is stated that these statistics are compiled from the figures which have been supplied by planters themselves. In dealing with the matter before Lunch, my Honourable friend, Mr. Bajpai, stated that the planters themselves have supplied these figures and they are responsible for them. That I do not challenge, but for the guidance of Government, in future, I would suggest they revise their method of collecting these statistics. They send requests to all rubber planters, among whom are a number of poor and perhaps ignorant people, for particulars of production last year, stocks in hand, the number of labourers employed, and so on. It comes along in an envelope marked O. H. M. S. and inside is a buff coloured paper which the planter immediately tears, thinking it is a tax-paper which it so much

resembles. As a result, the figures in the blue book do not include the acreage of a certain number of small estates. I believe the omission is more serious in Burma than in India, but, in looking through the annual additions to the 1934 basic quota for immature areas, I find that, of all the countries which are parties to this agreement, the proportionate increase in the quotas is greater in India and Burma than anywhere else. Whatever omissions have been made have undoubtedly been provided for and it is impossible to resist the opinion that India and Burma were not without friends when the basic quotas were decided.

Diwan Bahadur A. Ramaswami Mudaliar : Can you explain why if India starts on a greater export allowance, it should end on equality with Burma ?

Mr. W. J. C. Richards : It is because the immature areas in Burma are greater than in India.

Mr. K. P. Thampan : Who said so ?

Mr. W. J. C. Richards : I say so, and the statistics when corrected will prove it.

Mr. K. P. Thampan : I say the contrary. I am right and you are wrong.

Mr. W. J. C. Richards : Mr. Thampan this morning used that word with which we are so familiar—grievance. I cannot agree that anybody in this country has got a grievance in respect of this Bill. Since it became fairly clear that this International Agreement would be achieved, the price of rubber has improved from 2d to 7½d a pound. That is the kind of grievance an unsympathetic Government may inflict upon its subjects without any voice being heard in protest.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

No proposal for the rehabilitation of any section of the world's unbalanced economic structure has been so generally commended. Surely we will not let it be said that India proved obstinate. I think, it would be the height of folly, if India took up a position which tended to upset what has already been achieved. May I remind the House that on the International Rubber Regulation Committee there are a number of representatives of consumers as well as of producers. This regulation is one which is calculated to benefit producers and consumers alone. In the past, manufacturers, who use rubber for their raw material, have encountered immense difficulties and suffered heavy losses owing to violent fluctuations in the price of rubber. Consumers are not going to allow this International Agreement to be upset, simply because a small number of people in India want to get more than what is fairly due to them. In such a case, it is not unreasonable to suppose that consumers would consider whether they would buy rubber from India and Burma.

Not only is this agreement a matter of importance to planters, but it is one of considerable general interest at a time when the regulation of output and the restriction of exports is put forward as the remedy for many of the economic ills from which the world is at present suffering. This is essentially an agricultural Bill, and, as it is sponsored by the Gov-

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ernment it encourage one to hope that before the Session is over, an announcement will be made from the Government Benches that arrangements have been made for protecting that greater branch of agriculture in this country, namely, paddy and rice, before its position becomes vulnerable again at the end of the year. There are about 4,000 small planters engaged in the rubber industry in Burma and India and for three years up till the time it was reasonably certain that this International Agreement would be signed, these small planters were in dire distress. Although the records of the period of low prices show that in bad times the working costs of big and small estates can be forced down for a time to any low levels, they also show that the hardships imposed by very low prices forced the small cultivators out of production. They were unable to make a living on their plantations, they were faced with the loss of their capital. They lost hope, abandoned their plantations, and went elsewhere in search of a precarious living. This Bill gives reasonable hope that the small planter, for a number of years, will be able to live on the fruits of his labour, and it encourages the investor to think that for a time, at any rate for the duration of this agreement, he will have a reasonable return on his money. It is a Bill which I feel certain will be accepted by this Assembly to enable India and Burma to take their place in the biggest scheme of co-operation between producers and consumers which has so far been formulated to restore equilibrium of supply and demand in any important world commodity. (Applause.)

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I would not have risen to speak, but I am afraid I must make an accusation against the Honourable the Secretary of the Department of Education for his laying this International Agreement on the table just before the Third Reading of the Bill. Sir, this is a serious charge, that Government appears to have something to conceal and they do not supply such a document earlier, so that Honourable Members of the House may not read the same and criticise it. The only point that I rise to speak upon is the constitutional aspect; that is, the underlying principle of this so-called International Agreement. Sir, if these are what International Agreements come to, then I wish there should be no more International Agreements inspired, as in this case, by a few planters of South India and Burma. Sir, I cannot understand how a servant of the Government of India, the High Commissioner for India, could have dissected India into two parts, India and Burma, and, in the end, he came to adopt the theory that India must be bisected and Burma and India can grow rubber in equal quantities. Sir, as all of us are aware, the Burma-European representatives were at one time most anxious that Burma should be separated, but Mr. Harper, the representative of Burma Europeans before the Joint Committee, after giving his evidence, found out the real truth and the Burma Europeans are not anxious for separation now. For my part, I have spoken at Congress meetings, outside this Chamber and in this Chamber. Let Burma be separated, but not at the cost of India. And, here, the representative of the Government of India has gone to the extent of accepting an international document wherein he places Burma and India as being two territories, two independent countries. Sir, this is an unpardonable thing, but we cannot expect anything better from the Government as they are at present constituted. Let them separate Burma, let them say whatever

they like, but let them take note of the present constitutional position and not raise such a mischievous issue in such a way.....

Mr. G. S. Bajpai : May I draw my Honourable friend's attention to the fact that the agreement has been signed on behalf of India—not separately on behalf of India and Burma?

Mr. B. Das : My Honourable friend thinks that I have had only twenty minutes to read the document and I have not read the whole document. I have seen that Sir Bhupendra Mitra did sign on behalf of India which includes Burma, but, I say, Sir Bhupendra Mitra committed the crime of separating India and Burma when Burma is not yet separated. (Laughter.) The High Commissioner for India, of course, acted under the instructions presumably of the Government of India. Then, Sir, Sir B. N. Mitra did make certain reservations, "subject to reservations annexed about the Indian States". He said :

"The accession of the Government of India is subject to the agreement and co-operation of the rubber-producing Indian States in India, in whose area, the Government of India have no power to maintain or enforce the restrictions."

Sir, I was not present to hear the speech of my Honourable friend, Mr. Bajpai, but he mentioned, as I understand from my Honourable friend, Mr. Thampan, that the States of Travancore and Cochin had agreed to give effect to this restriction. I do not know how the Government of India were able to persuade the States of Travancore and Cochin in this matter, because, I know the Government of India are so lethargic in other matters, for instance, they have not been able to persuade the Indian States to accept and ratify other International Conventions that emanated from Geneva, and which are more humanising and which will do greater good to greater number of people in those States. But, Sir, if the States have done it, they have done harm to their own people, and, Sir, though it is of some interest to the South Indian planter, which is represented by my Honourable friend, Mr. James, here, to the poor Indian planter whose spokesmen here are my Honourable friends, Mr. Thampan and Diwan Bahadur Ramaswami Mudaliar, Sir, this is an injustice. For my part, the Government of India ought not to have brought forward such a Bill. Sir, when the Ottawa Agreement came, everybody thought that a new heaven had come for the industries, but, thereafter, my friends the tea planters at once went into International Agreements for restricting their production! Sir, if everything was to be restricted, what was the necessity of these Imperial Conferences to bring so-called preference to India? If my friends, the tea planters of Assam, could pride themselves upon the Ottawa Agreement, why did they enter into this agreement over restriction of production thereafter? And this restriction of rubber cultivation is another instance—and there may be many instances of many things in the archives of the different Departments of the Government of India which may not see the light of day till this Session is over, but which they probably intend to give out more and more in the near future. Sir, for all these reasons I oppose the main principle of this Bill, and I oppose the vicious idea that Burma should be mentioned as a territory and as a country, whereas Burma is only one of the nine Provinces of India and ought not to get more than one-ninth preference in any matter.

Mr. G. S. Bajpai : Sir, when I moved that this Bill be passed, I certainly was not expecting that a storm would suddenly blow up at

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this rather belated stage of our discussions. However, when my Honourable friend, Mr. B. Das, played his characteristic part of the stormy petrel of this House, it is not at all to be wondered at that this has happened. Sir, I do not propose myself to emulate either the heat or the passion of the speaker who spoke last or to digress from the main points which, according to my hearing of the debate, actually emerge in the course of this stage of the discussion; but, before I proceed to these three or four points, I should like to express my regret to the House that copies of the International Agreement should not have been in the hands of Honourable Members earlier. Sir, the explanation of that is simple. I was, as a matter of fact, in joint partnership, and a minor partner, in regard to this Bill, with the Honourable the Leader of the House, he being responsible as it were for the sections dealing with export quotas and so on, and my personal responsibility being limited to the very minor portion dealing with the restriction of cultivation. It was only when I heard that the Honourable the Leader of the House might not, for reasons of indisposition, be able to be present in the House today that I assumed the responsibility for it and, actually, on Friday morning, I suggested to the Commerce Department that if the agreement had not been already circulated, it should be circulated. Again, Sir, I express regret that this elementary precaution was not taken earlier, but I do hope that, inasmuch as the Bill, which has the effect to the agreement practically *verbatim*, has been in the hands of Honourable Members for some days, the delay in the distribution of the agreement has not materially handicapped Honourable Members in the appreciation of this problem.

Now, Sir, I deal, first of all, with the main question which has been raised, namely, the question of the equity or otherwise of the quota which has been allocated to India. My Honourable friend, Mr. James, explained the genesis of the figures which are embodied in the agreement. He said that these figures had been arrived at on the basis of exports during a period of years beginning with 1929. Now, Sir, I said in the course of my opening remarks—and I repeat that statement—that, in my opinion, the acreage of the rubber in the different countries or, at any rate, so far as India is concerned, in India should have been taken into account when this particular question was considered. And, again,—and this is also my personal opinion—the fact that substantial discrepancy has been disclosed between the figures which were present before the Committee at the time when they considered this and the figures which have been divulged since the investigation of the Committee in South India began would, *prima facie*, be a case for representations to the International Committee. (Applause.) My Honourable friends will admit that immediately, or now, we cannot go and make those representations, for the simple reason that the evidence upon which we intend to base those representations is not yet complete; but when that evidence is complete, my Honourable friend may take it from me that the Government will take into account the evidence which is newly brought to light and all other relevant factors, and then, as I have already said, take such action as they can to ensure that India's treatment is equitable treatment.

Now, Sir, my Honourable friend asked which particular clause of the agreement would enable the Committee to take up this matter.

If he will turn to sub-clause (j) of Article 15 of the Agreement, he will find that the Committee is entitled, *inter alia*, to make such other recommendations to Governments, relevant to the subject-matter of this Agreement, as may seem desirable. It is at the bottom of page 6 of the text of the Agreement which has been circulated to Honourable Members, I believe, today. Now, Sir, that is, to my mind, the relevant provision of the Agreement in so far as initiative by the International Committee is concerned. But I would also draw my Honourable friend's attention to the fact that the Government of India have accepted this Agreement subject, *inter alia*, to the reservation that the co-operation of the Indian States, which are producing units, is forthcoming. Now, I explained in the course of my opening remarks today that Travancore, an Indian State, happens to be the area where the discrepancy is the largest. I need not point the inference. It would be quite clear to the House that if Travancore feels that it is not being fairly treated, it is free to make representations to the Government of India and we can utilise their representations to persuade the other Governments concerned, if our case is a strong one, to reconsider the matter. Now, Sir, the second point which my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, had made was as to the method by which the quotas are to be allocated amongst individual States. In that connection, I want to draw the attention of the Honourable Members to the Government of India (Commerce Department) Resolution No. 39, dated the 26th of May, 1934, and, at the risk of boring the House with a dull recital of that Resolution, I would venture to tell my Honourable friend what that Resolution contains. Paragraph 8 of the Resolution says:

"The quota for each estate shall be based on the 'crop basis of the estate', that is, the accepted maximum production of that estate in any one of the six years, 1928, 1929, 1930, 1931, 1932 and 1933, with the addition of an allowance for young rubber or untapped mature rubber or rubber for which authenticated figures of yield are not available on the scale set forth in the Schedule annexed hereto."

I do not think it is necessary for me to go through the Schedule, but I can tell my Honourable friends that the Schedule makes a fairly generous allowance in this behalf. Then, again, in regard to each particular area, we get on further and find that paragraph 9 of the Resolution says:

"The quota of each estate shall bear the same ratio to the crop basis of that estate as the permissible exportable amount bears to the total of the crop bases of all rubber estates in India (excluding Burma)."

So that, so far as that particular question is concerned, we have actually gone beyond the basis used by the negotiators of the International Agreement in regard to the allocation of export quotas. They began with 1929 and ended with 1932, whereas we have actually gone back to 1928. Now, my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, used a rather significant phrase. In the course of his speech he referred to a narrowing and contracting market. Now, Sir, it is inherent in a scheme of this kind that there should be a restriction of exports which, in other words, means a restriction of the market for the purpose of raising prices. I think he will agree with me that in a restricted market like that, the smaller producers, as it were, cannot expect to get more than what might be called fairly

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generous treatment. In other words, those who, by reason of the depression, had been exporting little in the earlier years should not take advantage or could not logically take advantage of a restricted market in order to export more than they had ever exported before. But, at the same time, I recognise that inasmuch as they happened to be working at what you might call below the subsistence line, they need more generous treatment than those who were well established financially before. That was the principle on which the Government of India proceeded in regard to the Tea Restriction Act and that, again, is the principle which the Government of India intend to observe in regard to this particular measure. Sir, the third point which my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, made, was in regard to the representation of Indian planters in South India. He drew my attention to the provisions of the Tea Control Act in this respect. If I may say so, the objection which I took to my Honourable friend, Mr. Thampan's amendment, was not on the ground that it was a racial amendment. I never said that. On the contrary, I said at once, that the smaller interests for whom he was speaking deserved consideration and, if it was possible, their representation on the Committee should be arranged. The point that I took was a constitutional one, namely, that the Bill left it to the Local Government to provide for nomination and we should not limit their discretion. Now, I need not remind my Honourable friend that last Session, when I was asking this House, in deference to the wishes expressed by certain non-official Members of the House, that the Governor General in Council shall be given powers of supervision in regard to rules framed by Local Governments in regard to sugar-cane, my Honourable friend, being the champion that he is of provincial rights, rose in his seat and said: "You shall do nothing of the kind." I was naturally reluctant to bring the Government phalanx either for or against the amendment and he managed to take the majority of non-official Members into the Opposition, thus defeating the amendment. Surely, in respecting the powers of the Local Governments I was acting in conformity with the principles of which he is such a stout champion. In the circumstances, I submit that that is hardly an object of reproach so far as my attitude in regard to that matter is concerned. But let me repeat what I said when I was dealing with Mr. Thampan's amendment. I said that the cause for which he has been speaking and the interests for which he has been speaking are deserving interest and we propose to convey to the Government of Madras the suggestion that has been made and the expression of our hope that, when they make the nomination, these interests will be given very careful and, let us hope, very sympathetic consideration.

Now, Sir, the last point which my Honourable friend, Mr. Mudaliar, made, was in regard to co-ordination. He drew attention to the constitutionally somewhat heterogeneous position of the Licensing Committees and said:

"How is the Governor General in Council going to ensure that these people behave properly, and that the interests or the principles according to which they decide are not Indian States *versus* British Indian but the common interests of the industry as a whole."

In regard to that, I would invite the attention of my Honourable friend to the power of control by the Governor General in Council in sub-clause (i) of clause 7 of the Bill which says:

"All acts of the Committee",

—the saving clause is only in regard to applications for planting,—

"All acts of the Committee shall be subject to the control of the Governor General in Council, who may cancel, suspend or modify as he thinks fit any such act."

Well, I think, Sir, with that kind of sword of Damocles hanging over their heads, it is hardly likely that the Committee would go and run amuck. However, the point which my Honourable friend has made is an important point and the Government of India will see whether any thing further is necessary in order to ensure that the Committee act in a spirit, as he says, of harmony rather than of pure sectional interests, of one part of India or the other.

Now, Sir, although it is not strictly speaking germane to the discussion on this Bill, I do not think that I can let what has been said in regard to the separation of Burma pass without some comment. I think it has been suggested that there has been some sinister move both on the part of those who negotiated this agreement and on the part of the Government of India to anticipate the decision of the Joint Parliamentary Committee in regard to the separation of Burma. Sir, I personally have been associated with these negotiations for nearly four or five months, and, I can assure the House that certainly nothing was further from the mind of the Government of India than to anticipate in any way the decision in regard to the separation of Burma. As I tried to explain in the course of my remarks this morning, we were faced not with any act of Government but with an act of God, the geographical separation of Burma from India. You cannot run the administration of an Act which deals *inter alia* with the regulation of cultivation of rubber by a centralised committee for the whole of India including Burma with its headquarters, shall we say, in Calcutta or Madras. It cannot be done. That is the reason why we decided that there should be separate committees for Burma and for India. Again, I would say that if what I have said has not sufficiently convinced my Honourable friends, they may turn to sub-clause (1) of clause 7 which I have quoted, namely, that the power of revision, supervision and control rests with the Governor General in Council as effectively and as fully in regard to the committee which operates in Burma as it does in regard to the committee which is operating in India. That, to my mind, is a complete negation of the suggestion that we have in any way been anticipating the decision with regard to the separation of Burma.

I think I have endeavoured to deal with all the points which have been made in the course of this discussion, and, on the whole, I think I am justified in saying that the House accepts the principle of the Bill and recognises that it is a measure which in modern economic conditions is calculated to further the interests of the industry concerned. I hope that in the realisation of the validity of that principle, the House will pass this Bill. (Applause.)

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India, be passed."

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir James Grigg (Finance Member) : Sir, I beg to move :

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration."

Sir, this is a very technical matter but I shall try and make the purpose of the Bill clear to the House in a very few words. I would have been a little more confident of my ability to do so if I had been allowed to have a black-board and the use of a few "x"s and "y"s. However, I will do my best without such extraneous aids. The necessity for the Bill arises from a flaw in the drafting of the Dominion Income Tax relief section in the Indian Income-tax Act. The basis of the scheme for the relief of double Income-tax within the Empire is that double taxed concerns or individuals shall be relieved of the lower of the two rates of tax and that the two taxing authorities should give relief which in the aggregate should amount to the lower of the two rates of tax. Now, Great Britain guaranteed, whatever the rate of tax in the Dominion, always to give half her own rate of tax. In the Indian Income-tax Act, it was provided that India should give the difference between the Indian rate and half the English rate, or half the Indian rate whichever was lower. Now, that was all very well so long as the Indian rate was practically throughout its range lower than the English rate. But with the reduction of the English standard rate from five shillings to 4s. 6d. over quite a considerable range of the Indian Income-tax, the Indian rate is now higher than the English rate. Let me just interpolate here by saying that, although I said it was over a considerable range of Indian Income-tax, that range applies almost entirely to companies. It can apply to very few cases of individuals, and, I think, for my present purpose, we can leave out of account the question of individuals altogether. Now, if the amount of relief given by India is the lesser of the two amounts, one of which is the full Indian rate less half the English rate and the other half the Indian rate, in present circumstances and over the range which I have indicated half the Indian rate is the operative amount. Therefore, the total relief given by Great Britain and India together is half the sum of the two rates. Now, half the sum of the two rates must always be greater than the lower of the two rates. That means that India is giving more relief than is required to carry out the intentions of the original scheme which is to give relief from the lower of the two rates and not from half the sum of the two rates. I am not too confident that I have succeeded in making this clear to the House.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Will the Honourable Member use "x" and "y"?

The Honourable Sir James Grigg : Yes, I shall do so. Let the British rate be "x" and Indian rate be "y". Great Britain always contracts to give relief amounting to $x/2$. The present Indian Income-tax provides that there shall be given as complimentary relief either $y-x/2$ or $y/2$ whichever is less. For our present purpose $y/2$ is always less. Therefore, the total relief given by both countries is : $\frac{x+y}{2}$ and $\frac{x+y}{2}$ must be greater than the lower of the two rates.

The only other thing I wish to add is that this flaw in the drafting of the Indian Income-tax Act was brought to light as a consequence of the reduction of the British standard rate. The amount that it means to the revenue of India is about eight lakhs, and clearly eight lakhs is a sum which one cannot forego in the present circumstances. It is, as I said at the start, only our intention to remedy the existing flaw. It is not a Bill of pains and penalties. We merely provide that doubly taxed concerns shall in no circumstances pay less than if they were entirely operating in India and entirely subject to the Indian fiscal machine.

Sir, that is all that I have got to say. If any other questions arise 4 P.M. I will do my best to deal with them at a later stage, but I think I have sufficiently explained the general purpose of the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration."

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : May I ask the Honourable Member just one question? He referred to individuals. I take it from him that this change in the Act will in practice not affect individuals at all.

The Honourable Sir James Grigg : No, Sir; I said it would affect very few individuals and I cannot say with certainty that there will be no individuals whom it will affect, because, I believe, there is a certain range of individual incomes in India at the very top of the scale—I think incomes above 20 lakhs a year, which I imagine are pretty rare—which might be affected by the Bill.

Sir Cowasji Jehangir : But the income-tax on incomes of 20 lakhs a year is higher in England today than it is in India.

The Honourable Sir James Grigg : My information is to the contrary, that in the case of individual incomes of more than 20 lakhs, the Indian income-tax is at present higher than the English income-tax after the recent reduction of the standard rate.

Sir Cowasji Jehangir : Including the super-tax?

The Honourable Sir James Grigg : Yes, Sir.

Mr. F. E. James (Madras : European) : Sir, this is an extremely simple Bill which the Honourable the Finance Member has explained with commendable clarity! As far as I understand it the position is this : that now that in certain cases the rate in the United Kingdom is less than the rate in India owing to the recent reduction of the tax in the United Kingdom, a person or company in such cases may actually, on obtaining relief in India under this provision, pay at a rate which is less than the highest rate in either country. I understand also that Government claim that

[Mr. F. E. James.]

While section 49 in the Income-tax Act as it stands safeguards a person against having to pay at a rate greater than the highest rate in either country, it was never intended that he should have such relief at any time as would enable him to pay at a rate lower than the highest in either country.

The Honourable Sir James Grigg : I might interrupt the Honourable Member for a minute, only because his use of the words "highest rate" is a little ambiguous. The highest rate in Great Britain and in England is 10 or 11 annas in the rupee. If he substitutes for "highest rate", "the higher of the two rates", then his statement is correct. I imagine that is what he means.

Mr. F. E. James : I accept the correction ; it is not only more accurate but it is better grammar. In other words, a person who has obtained refunds both in the United Kingdom and in India should not, in the view of Government, be placed in a better position than the person who is being taxed singly at the higher rate. I gather that is the position. Now, Sir, the Honourable the Finance Member did not explain one matter which I cannot but help bringing to his notice. His explanation is that this position has been arrived at since 1st April this year on account of the fact that the finances of the British Government have been so well-managed in recent years that they are able to reduce their income-tax rates. Now, the Honourable the Finance Member was very careful to conceal this very important fact, that had it not been for the surcharge on income-tax in this country, even today these rates would not have been higher than the rates in the United Kingdom. And although on principle we cannot object to this particular Bill, we should not be human nor should we be consistent with the policy we have laid down in Budget Session after Budget Session, if we did not take this opportunity of calling the attention of the Finance Member to the urgent necessity of doing away with the surcharges altogether. I hesitate, since this morning certain questions passed between the Finance Member and my Honourable friend, Mr. Neogy, to quote his predecessor in office ; but, I am constrained to call his attention to a paragraph in his speech on the Budget on the 27th February, 1934.

The Honourable Sir James Grigg : I have read it.

Mr. F. E. James : I have no doubt my Honourable friend has read it, but it contains several hundred paragraphs, and perhaps it would be better to draw his attention to this particular paragraph once more :

"In our proposals we are providing fairly for all the needs that can be foreseen. We seem to have touched the bottom, and if the tendencies which have recently been apparent continue, there is a good hope"

—and I would ask the Finance Member to mark these words—

"that there will be a margin next year large enough not only for the restoration of the cuts in pay but for the relaxation of other burdens."

I think I shall be receiving the support of every section of the House when I say that our interpretation of the meaning of the words "relaxation of other burdens" is, first, the removal of the surcharges on income-tax, and second, the removal of the surcharges on customs duties. I am not asking my Honourable friend to anticipate his Budget Speech of next year, but I am asking him to remember that if we accept with good grace this Bill which means that companies will not be entitled to refunds on the

scale which they hoped to be entitled to this year, we do so in the hope that next year he will be able to take some step towards the realisation of the hope which was expressed by his predecessor.

I will make only one other observation to strengthen my point. He has spoken in his speech of an error in drafting clause 49 of the Income-tax Act. I am not quite so sure as to whether it was really an error in drafting. At the time when the clause was put in the Act and at the time the clause was drafted, not only was there never in the contemplation of anyone that the rates of income-tax in this country would, in any instance, be greater than the rates of income-tax in the United Kingdom, but there was mild surprise expressed by a commentator on the Act, in those days, that the rate in India was actually a little more than half the rate in the United Kingdom ! Therefore, I suggest, that this clause was not drafted badly, but was simply drafted on the assumption that we should never have to pay in this country at a rate of income-tax which the inhabitants of the United Kingdom have to bear. However, Sir, now that I have "said my piece" and I have called the attention of the Finance Member to the real cause of this Bill, which is the imposition of the surcharges, I hope he will do everything he can, at the time of the next Budget, to bring in a popular measure including the abolition of the surcharge on income-tax, the restoration of the cuts, and a reduction of the surcharges on revenue duties, which, I know, is an object which he has greatly at heart.

Sir Cowasji Jehangir : Sir, I should like to congratulate Mr. James and the Members of the European Group on the way they have received this Bill and supported it, for it is a well-known fact that this Bill affects European firms much more than it affects Indian firms. I will go so far as to say that most probably it affects 99 per cent. of English firms and one per cent. of Indian firms. And although to them an eight lakhs increase may be a trifling amount (Mr. F. E. James : "No, no."), we still congratulate them on the way they have received this Bill. But it does make one reflect when Government find it necessary to introduce a Bill due to the income-tax in this country being higher than the income-tax in England, even if it be for one single class of persons or companies. What have we come to ? We, a poor country like India, with teeming millions of people who are said to be half-fed, we today are paying a higher income-tax than the richest country in the world. That is a point on which Government should also reflect, and since the Honourable the Finance Member comes fresh from the richest country in the world, perhaps he will help us in trying to convey to his countrymen in England a correct appreciation of the way in which we are taxed. I have been told in England, over and over again, that India is taxed very lightly so far as income-tax is concerned as compared to England. I do not know how often we were told during the last four or five years how lucky we were as compared to England. May I ask the Finance Member when he sends his confidential communications to his Government of which he is a servant, to convey to them the glad news that England is today paying less income-tax on companies than India is, and correct the impression in the minds of many well-informed Englishmen that we are very lightly taxed ; and, may I echo the hope expressed by Mr. James that a time may come and that too very soon when the example set by the Chancellor of the Exchequer in England will be followed by our Indian Government with the approval of the Secretary

[Sir Cowasji Jehangir.]

of State, and that he will be able to announce very soon a little less burden on the suffering millions of this country; and may I ask him to remember that today, people who earn only Rs. 84½ a month are paying income-tax which they have not done for years and years. It is time that those people got a substantial relief and the first thing that the Government of India ought to do should be to give relief to the lower middle classes whom they have taxed—I will not say mercilessly, but most unexpectedly—at a time of depression and at a time when they feel the depression more than anybody else.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I have been at pains to understand the meaning of the two simple clauses in this Bill, and, I think, I am now in a position to do so after the explanation given by the Honourable the Finance Member. I dare say, I have not got the same facility, as my friend has got, but I felt the need of a blackboard and chalk just as much as my friend did. I have tried to find out a formula. In the British Finance Act of 1920, it is said that the rate at which the relief is to be given shall be one-half of the appropriate rate of the United Kingdom tax. Suppose the appropriate rate is “U”—I shall put U for the United Kingdom and “I” for Indian income-tax. He is then entitled to have relief only to half that amount, that is $U/2$: if he comes to India, then he can get relief equal to “I” minus $U/2$. That is the existing Act. But the amendment proposed is this: he will get relief equivalent to half divided by U, that is, half the United Kingdom rate.

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

But there is a case which I hope he will remember: he has assumed all the time that the Indian rate is greater than the United Kingdom rate. What will happen if the Indian rate becomes less than the United Kingdom rate? Then the rebate to be given becomes *minus*, that is, something will have to be refunded—the equivalent of “I” minus $U/2$: and if “I” is less than $U/2$, then, instead of giving them rebate, you will have to take some more money from them. Instead of assistance, you will have to fine the assessee.

The Honourable Sir James Grigg : Sir, may I at once correct a misapprehension which appeared in the, shall I say, faintly acid remarks of Sir Cowasji Jehangir? He referred to the Government of which I am a servant. As regards that, he seemed to be under the misapprehension that I am still a servant of the English Government. I am not. I am a servant of the Indian Government.

Sir Cowasji Jehangir : No; the constitutional position is otherwise.

The Honourable Sir James Grigg : That is irrelevant: I am a servant of the Government of India and not of the English Government; and, so long as I am here, I shall continue to serve the Government of India and not the Government of the United Kingdom. (Cheers.) The rest of his remarks on the terrible weight of taxation in India, I can more appropriately deal with when I come to the remarks of my Honourable friend, Mr. James; and, may I at once express my gratitude to Mr. James for the spirit in which he has accepted this extremely unpleasant piece of

legislation, because as Sir Cowasji Jehangir has pointed out, practically the whole of the damage of this proposed legislation will fall on English concerns operating in India? When he went on to refer to my predecessor and referred to the little contretemps which occurred this morning, he gave me an opportunity to clear up a little the position which I may have in some doubt this morning in my interchanges with Mr. Neogy. As far as the opinions of my predecessor are concerned, I regard myself as fully at liberty to differ from him. As far as he gave pledges, subject to the exception of the slight slip up for which I apologised this morning, I regard myself as bound by them.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Do I understand my Honourable friend to say that he sticks to the opinions expressed by his predecessor?

The Honourable Sir James Grigg : No, no, I stick to my own opinions. So far as the pledges of my predecessor are concerned, errors and omissions excepted, I intend fully to carry them out. Mr. James read the concluding paragraph of my predecessor's last Budget speech in which he expressed certain opinions. I am not yet in a position to say whether I agree with those opinions. His may be an optimistic forecast as to the condition of Indian finances, which I am not yet in a position either to deny or to affirm, but either in that same Budget speech or in a previous one, my predecessor gave the most categorical pledge, which was that when sufficient money was available, the surplus should be devoted first to the restoration of the pay, and secondly to the removal of the surcharge on income-tax. Now, that is quite a categorical pledge. It may be a very embarrassing one as time goes on, but I regard myself as being bound by his pledge, but, as I have said already, not by his opinions.

Sir Cowasji Jehangir : Sir, I want to make a personal explanation. I said that the Honourable the Finance Member was a servant of the British Government. Constitutionally he is a servant of the British Government, just as much as every Honourable Member on the Opposite Benches is. Constitutionally he is not responsible to this House; he is responsible to the Secretary of State, who is responsible to Parliament. We all trust and hope that when they are on the Government Benches, they will serve India just as much as the Secretary of State will, but that does not change the constitutional position that my friend is not a servant of India, he is a servant of the British Government and a servant of Parliament, and he is only responsible to them.

Mr. F. E. James : Why split hairs?

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir James Grigg : Sir, I beg to move :

“That the Bill be passed.”

L330LAD

[Sir James Grigg.]

After the illuminating discussion we have just had, I do not think it is necessary for me to go into any further technical details.

As regards what Sir Cowasji has just said, I am quite content to leave him to his disquisition on the constitutional position. I merely repeat that so long as I am a Member of the Government of India, I am a servant of India, and not of the British Government.

Mr. K. C. Neogy : May I point out to my Honourable friend that he has contradicted only one portion of my friend, Sir Cowasji's statement that he is a servant of the British Government. But what he stated in addition to that, I think, was a very serious allegation, and that is, that he was in confidential communication with that Government.

The Honourable Sir James Grigg : That allegation does not seem to be worth denying.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 21st August, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 21st August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

ARRANGEMENT FOR A MEAT AND VEGETABLE MARKET ON THE MINTO AND CIRCULAR ROADS, NEW DELHI.

699. ***Sirdar Harbans Singh Brar :** (a) Is it a fact that about 500 quarters built for the Secretariat staff have been allotted for occupation this year on the Minto and Circular Roads ?

(b) Is it a fact that no arrangements for the meat and vegetable markets have been made in that area ?

(c) What is the distance of the nearest market from these quarters ?

(d) In view of the fact that there are now more than 1,000 quarters (including the Press quarters) in this area, do Government propose to make some arrangement for the meat and vegetable market for the forthcoming winter season ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) There are shops in the area leased by the New Delhi Municipal Committee, which supply both vegetables and meat.

(c) The nearest market is about a mile from the quarters : but the shops referred to above are situated in the middle of the area in question.

(d) The question of constructing additional shops in this area is at present engaging the attention of the New Delhi Municipal Committee.

POSTAGE ON AIR MAIL LETTERS.

700. ***Sir Darcy Lindsay :** (a) Will Government be pleased to state the reason for the high postage charge of 8½ annas per half ounce on letters transmitted by air-mail to Great Britain ? Is it a fact that the charge from Great Britain to India is six pence in the case of letters distributed to many parts of India by the ordinary postal service on arrival of the air-mail at Karachi ?

(b) With a view to further encouraging the use of the air-mail, are Government prepared to consider restoring the former postage charge of 6½ annas per half ounce on letters transmitted to Karachi by ordinary postal service and from thence by air-mail ?

(c) Will Government be pleased to state the system of their payment for the conveyance of mail by Imperial Airways Service from Karachi to

Europe? Is the payment made per single letter or by poundage of the postal bags, and if so, what is the charge?

(d) What is the amount of the subsidy, if any, paid to the Indian Trans-Continental Airway's service for the conveyance of mail between Karachi, Delhi, Cawnpore, Allahabad, Calcutta, and Rangoon, and is there any further payment on the basis of poundage?

The Honourable Sir Frank Noyce : (a) The charge of 8½ annas for the first half ounce for letters transmitted by Air Mail to Great Britain is made up of ordinary postage of 2½ annas and air fee of six annas. This air fee includes the charge for air conveyance by the Indian Internal Air Services. Government do not admit that the charges are high for the services rendered. The reply to the second part is in the affirmative.

(b) Formerly, the combined postage and air fee from Karachi to Great Britain was eight annas, and not 6½ annas per half ounce as stated by the Honourable Member. A flat rate of six annas per half ounce as air fee has been fixed for air conveyance from any part of India and Burma to Great Britain, in order to encourage the use of Inland Air Services and to secure acceleration of mails in inland transit. Government do not propose to reintroduce differential rates which they consider to be unsound in principle.

(c) Payment is made on the gross weight of the postal bags at the rate of 13 shillings and nine pence a pound.

(d) Apart from the subsidy paid by the British Government in respect of the trans-India Service, operated jointly by Indian Trans-Continental Airways, Limited, and Imperial Airways, Limited, the Government of India have granted these companies financial assistance in the form of the following concessions, namely :

- (1) Remission of customs and excise duties on petrol, oil, aeroplanes, spare parts, etc., used on the service in India.
- (2) Exemption from charges for landing, housing, wireless and meteorological facilities arising in India.

The value of these concessions for the current year is estimated at Rs. 1,31,400. As a result of granting these concessions, there has been a saving estimated at more than Rs. 1½ lakhs a year as the charges for the conveyance of Indian Air Mails by the main service are now permitted by the authorities in England to be settled in sterling instead of, as formerly, on a gold basis.

In this connection the Honourable Member's attention is invited to the reply given by me on the 19th March, 1934, to Mr. D. K. Lahiri Chaudhury's starred question No. 507.

In addition, payment for the carriage of mails is made on the gross weight of mails carried.

Sir Darcy Lindsay : Will Government consider a general reduction in the air mail postage from India by the West Bound Service to Europe, South Africa and other ports of call, that will be likely to encourage a more general use of the Air Mail Service?

The Honourable Sir Frank Noyce : I may mention for the information of the Honourable Member that, although I have stated in reply to part (a) of his question that Government do not admit that the present

charges are high for the services rendered, I am having the possibility of reducing them carefully examined. (Cheers.)

Mr. B. Das : The difference between the air mail and ordinary mail from England is only 4d., while in the case of India it is 6½ annas. May I know who shares the extra payment from India and whether the Government of India get a share of it or whether it goes to the Trans-Continental Airways?

The Honourable Sir Frank Noyce : I should require notice of that question. I cannot say off-hand how the air mail charges are divided.

Mr. B. Das : In view of the assurance which the Honourable Member has given that the Government are going to look into it, will they consider the desirability of reducing it to the extent of 4d. from 6½ annas?

Diwan Bahadur A. Ramaswami Mudaliar : 5d.

The Honourable Sir Frank Noyce : As I have explained, we are looking into the question in all its aspects. But I would point out to the Honourable Member that the air mail charge for letters from England to India, if they are sent by air in India, is eight pence and not six pence. There is an additional two pence charge if they are conveyed by air mail in India.

Mr. B. Das : May I request the Honourable Member to reduce that 6½ annas to the 4d.?

The Honourable Sir Frank Noyce : I obviously cannot say at present how far we shall be able to reduce the air mail charges or indeed whether we shall be able to reduce them at all. But as I have said, the question in all its bearings is under careful consideration.

Dr. Ziauddin Ahmad : Will the Honourable Member say that the air mail charge from India to England is 8½ annas while from England to India it is only 6d.? There is an enormous difference. Will the Honourable Member kindly look into this matter as well?

The Honourable Sir Frank Noyce : That point has already been raised in the supplementary question asked by my Honourable friend, Mr. B. Das.

TRANSMISSION OF MAIL TO AND FROM EUROPE BY CERTAIN AIR SERVICES.

701. ***Sir Darcy Lindsay :** Is it a fact that under present conditions, countries in Europe other than Great Britain have the privilege of sending mail to India by the Dutch (K. L. M.) and French Air Services to be forwarded from Karachi by ordinary postal service, an advantage of commercial value denied to Great Britain, and if so, are Government prepared to reconsider the question of the transmission of mail to and from Europe by these services?

The Honourable Sir Frank Noyce : The facts are not quite as stated by the Honourable Member. Some countries in Europe utilise all the three air services, namely, Imperial Airways, K. L. M. and Air France. Some utilise only two and some only one.

The mode of transmission of air mails to India from countries in Europe is a matter for decision by the Governments of those countries.

With regard to the mode of transmission of air mails from India to Europe, the Government of India do not propose to reconsider the decision already arrived at.

1702*.

POST OF PERSONAL ASSISTANT TO THE MILITARY SECRETARY TO THE VICEROY.

703. *Maulvi Badi-uz-Zaman : Will Government kindly state whether the post of Personal Assistant to the Military Secretary to the Viceroy is reserved for Europeans ? If not, has this ever been held by a Muslim ? If not, why not ?

The Honourable Sir Henry Craik : The answer to the first two portions is in the negative. As regards the last portion, the answer is that no suitable Muslim of sufficient seniority has been available.

CREATION OF THE POST OF A SUPERINTENDENT IN THE MILITARY SECRETARY TO THE VICEROY'S OFFICE.

704. *Maulvi Badi-uz-Zaman : (a) Is it a fact that the post of Registrar in the Military Secretary to the Viceroy's office was retrenched about two years ago in the interest of economy ?

(b) Is it a fact that it is now intended to create the post of a Superintendent in the Military Secretary to the Viceroy's office in lieu of the post of Registrar ? If so, why ?

(c) Do Government propose to consider the name of a member of the minority community for this post ? If not, why not ?

The Honourable Sir Henry Craik : (a) Yes.

(b) With the abolition of the post of Registrar, there is no man specifically responsible for continual supervision of the work of the Assistants and clerks and, in consequence, the supervision is undertaken by the Personal Assistant to the Military Secretary to His Excellency the Viceroy and First Assistant working in conjunction ; and in the absence of the Personal Assistant to the Military Secretary to His Excellency the Viceroy, the First Assistant has to discharge the Personal Assistant's share of the duties of supervision. In these circumstances, the conversion of the post of the First Assistant into one of Superintendent is under consideration.

(c) If and when the post is finally sanctioned, it will be filled on the basis of merit and suitability.

COMPOSITION OF THE CYPHER BRANCH OF THE OFFICE OF THE PRIVATE SECRETARY TO THE VICEROY.

705. *Maulvi Badi-uz-Zaman : (a) What is the present composition of the Cypher Branch of the Office of the Private Secretary to the Viceroy ? Why is it exclusively reserved for Europeans and Anglo-Indians ?

(b) Is it a fact that prior to 1914 Indians used to do Cypher work ? If so, why are they excluded now ?

This question was withdrawn by the questioner.

(c) Is it a fact that European clerks doing routine work in the Office of the Private Secretary to the Viceroy are in receipt of higher rates of pay than Indians ?

Mr. H. A. F. Metcalfe : (a) Four European Assistants. There are certain difficulties which at present prevent the employment of Indians in the Cypher Branch of the Office of the Private Secretary to the Viceroy. Steps are, however, being taken to remove these difficulties. In this connection I would invite the Honourable Member's attention to the answer given to Mr. Muhammad Muazzam Sahib Bahadur's question No. 935, dated the 15th September, 1933, regarding the Cypher Bureau of the Foreign and Political Department.

(b) Both Indians and Europeans used to do the Cypher work in the Private Secretary's office prior to 1912. The reason for the exclusion of Indians from that year is given in part (a) above.

(c) There are no European clerks employed on routine work in the Private Secretary's office.

Mr. Gaya Prasad Singh : With reference to the answer to part (a) of the question, am I correct in stating that one of the difficulties is racial discrimination,—that the British Government which is in charge of the Cypher Bureau there would not agree to the appointment of Indians in this branch ?

Mr. H. A. F. Metcalfe : Who is it that the Honourable Member suggests will not agree to it ?

Mr. Gaya Prasad Singh : This Cypher Bureau is being controlled by an organisation which has its headquarters in England and it is those people who object to the employment of persons of Asiatic domicile in this Department. If I am wrong, I should like to have the correct information from the Honourable Member.

Mr. H. A. F. Metcalfe : The Honourable Member has not stated the position quite correctly. The position is as follows. Certain cyphers are used both in the Private Secretary's office and in the Foreign and Political Department Cypher Bureau, which are not the property of the Government of India. The Department which owns those cyphers has the right to say by whom those cyphers shall be handled, and the efforts we are making, which I referred to yesterday, are to try and get rid altogether of any cyphers which are not the property of the Government of India. As soon as we have substituted cyphers which are purely the property of the Government of India, the Government of India will then be able to dictate by whom those cyphers shall be handled, and there is no doubt that when that situation has been reached, Indians will be recruited to these two Cypher Bureaus.

Mr. Vidya Sagar Pandya : In that case just as the British cyphers are not to be touched by Indians, will you provide that the British will not touch our cyphers in London ? (Laughter.)

Mr. H. A. F. Metcalfe : I am afraid I cannot provide that, because there would be no Indians in London and elsewhere to decipher the telegrams which we send.

RESIDENTIAL CLERKS IN THE OFFICE OF THE PRIVATE SECRETARY TO THE VICEROY.

706. *Maulvi Badi-uz-Zaman : How many residential clerks are there in the Office of the Private Secretary to the Viceroy and how many of them are Indians ? If none, why are Indians excluded ?

Mr. H. A. F. Metcalfe : Owing to the fact that the resident clerk has to decode any cypher telegrams received out of office hours, the duty of resident clerk devolves on the four cypher clerks in turn. The reason why Indians are not employed as cypher clerks has already been explained in my answer to part (a) of question No. 705.

RACIAL DISCRIMINATION IN THE MATTER OF RAILWAY ACCOMMODATION AND SUPPLY OF FOOD TO CLERKS ON TOUR WITH HIS EXCELLENCY THE VICEROY.

707. *Maulvi Badi-uz-Zaman : Is it a fact that European clerks on tour with the Viceroy are given better railway accommodation than the Indians and receive free food, and that Indians are paid a small sum as food allowance ? If so, why ?

The Honourable Sir Henry Craik : There is no differentiation. European and Indian clerks who accompany His Excellency the Viceroy on tour are each provided with a compartment. Cooking facilities also are provided for Hindus and Muhammadans. European clerks are given food free because no facilities exist for them to cook their own food and the Viceregal Special Train is very seldom timed to stop at stations equipped with Refreshment Rooms, where meals could be had. Indian clerks are paid an adequate food allowance *per diem*.

HOLIDAYS IN THE OFFICES OF THE MILITARY SECRETARY AND THE PRIVATE SECRETARY TO THE VICEROY.

708. *Maulvi Badi-uz-Zaman : (a) How many closed holidays are observed in the Offices of the Military Secretary and the Private Secretary to the Viceroy ?

(b) How are the clerks compensated for loss in holidays when closed holidays are converted into sectional holidays or not closed at all ?

The Honourable Sir Henry Craik : (a) Closed holidays are observed in the office of the Military Secretary to His Excellency the Viceroy, as far as practicable. It is not possible to grant all closed holidays because of the personal and urgent nature of the work. In the office of the Private Secretary to His Excellency, all closed holidays are strictly observed, but here, as in the Secretariat, men are required to take their turn of duty on holidays so that urgent work may be attended to.

(b) In the Military Secretary to His Excellency's Office by the grant, whenever possible, of holidays in lieu when His Excellency the Viceroy is away from Headquarters on tour. In the Private Secretary's office by the subsequent grant of holidays in lieu.

RESIDENTIAL CLERKS IN THE MILITARY SECRETARY TO THE VICEROY'S OFFICE.

709. *Maulvi Badi-uz-Zaman : How many residential clerks are there in the Military Secretary to the Viceroy's office ? If none, are

Government prepared to consider the appointment of at least one so as to offer relief to the clerical cadre ? If not, why not ?

The Honourable Sir Henry Craik : The duties of residential clerk are performed in the Military Secretary's office by the Personal Assistant to the Military Secretary. No question of relief, therefore, arises.

SUNDAY DUTY DONE BY SOME CLERKS IN THE MILITARY SECRETARY TO THE VICEROY'S OFFICE.

710. *Maulvi Badi-uz-Zaman : (a) Is it a fact that some of the clerks in the Military Secretary to the Viceroy's office have to do Sunday duty without any remuneration, while others are exempt ?

(b) Will Government kindly state the date since when this practice came into force, and the name of the official who is responsible for this differential treatment in the matter of exemption from holiday duty ?

(c) Is it a fact that no compensatory holiday is given to the clerks doing Sunday duty ? If so, why is this done ? Are there Government orders to the contrary ? Who is responsible for the non-observance of these Government orders ?

The Honourable Sir Henry Craik : (a) All clerks do Sunday duty in turn and none is exempt.

(b) Arrangements have always had to be made for the disposal of urgent work on Sundays, but, as a system, the present practice dates from March, 1932.

(c) A compensatory holiday is given when His Excellency the Viceroy is on tour, but not when His Excellency is in residence at headquarters. There are no general orders on the point ; the matter is one for decision in each department.

RESTRICTIONS IMPOSED FOR ACCOMMODATING RELATIVES AND FRIENDS IN THE VICEREGAL ESTATE.

711. *Maulvi Badi-uz-Zaman : (a) Will Government kindly lay on the table a statement showing the ministerial establishment under the Central Government in receipt of rent-free quarters ?

(b) Are any restrictions imposed upon them about accommodating relatives and friends ? If not, why is this system in force in the Viceregal Estate, especially in those quarters which are situated at a distance of about a mile from the Viceregal Lodge ? Under what regulations is this done ?

The Honourable Sir Henry Craik : (a) The information required by the Honourable Member is not readily available, and, I regret, I am unable to undertake its collection, as it will involve an expenditure of time and labour incommensurate with the results.

(b) The restrictions referred to by the Honourable Member are imposed only in respect of quarters in the Viceregal Estate, and I would invite his attention to the reply given to Mr. T. N. Ramakrishna Reddi's starred question No. 490 on the 25th February, 1933.

STRENGTH OF STAFF IN THE OFFICE OF THE SUPERINTENDENT, VICEREGAL ESTATE.

712. *Maulvi Badi-uz-Zaman : (a) Will Government kindly state what the total strength is of the office of the Superintendent, Viceregal Estate, excluding temporary and work charged appointments, and the number of Muslims employed ?

(b) What steps are being taken to bring the strength of Muslims in that office up to the required standard, as laid down by Government ? If none, why not ?

The Honourable Sir Frank Noyce : (a) I presume that the Honourable Member refers to clerical posts. There are twenty such posts, of which four are filled by Muslims.

(b) No permanent vacancy has occurred during the last five years. When a vacancy occurs, the orders of Government relating to the representation of Muslims and other minority communities will be duly observed.

CLERICAL APPOINTMENTS MADE IN THE OFFICES OF THE PRIVATE SECRETARY AND THE MILITARY SECRETARY TO THE VICEROY, ETC.

713. *Maulvi Badi-uz-Zaman : (a) Will Government kindly lay on the table a statement showing the number of permanent clerical appointments filled up in the following offices during the past five years :

- (i) the Private Secretary to the Viceroy,
- (ii) the Private Secretary to the Viceroy's Press,
- (iii) the Military Secretary to the Viceroy, and
- (iv) the Superintendent, Viceregal Estate ?

(b) What is the number of Hindus and Muslims taken in each office, and the reasons for omitting the recruitment of Muslims ?

The Honourable Sir Henry Craik : (a) and (b).

(i) None.

(ii) There is only one clerical appointment in the Private Secretary to His Excellency's Press. This was created in 1930 and was filled by a Muslim.

(iii) One, a Hindu.

(iv) None.

APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

714. *Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) Will Government please state the total number of temporary and permanent establishments of the office of the Director of Civil Aviation and the number of members of different communities employed in each grade ?

(b) Is it a fact that there is no Muslim Superintendent or senior assistant in that office ? Is it also a fact that the appointment of Superintendents in that office is not always made by promotion, but is generally made by recruitment of suitable assistants from other Departments and therefore seniority is not applicable in such cases ?

(c) How many such appointments have been made during the last three years ? Why has a Muslim not been selected ?

(d) Are Government prepared to remove the grievance of Muslims by appointing an adequate number of members of their community ? If not, why not ?

(e) Will Government please state the number of total appointments made in the office of the Director of Civil Aviation during the last four years in different grades and state how they have been filled ?

The Honourable Sir Frank Noyce : (a) I lay a statement on the table.

(b) The answer to the first part is in the affirmative. As regards the second part, with the exception of the appointment of the first Superintendent, and a subsequent temporary appointment of a Superintendent, appointments to such posts have been made by the promotion of suitable assistants in the office.

(c) One—the temporary appointment I have referred to in my answer to part (b). For this appointment applications were invited from trained assistants in other Departments and the applicant considered the most suitable was selected. He happened to be a Hindu.

(d) I cannot admit that Muslims have any grievance in this matter.

(e) Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

Statement.

	Hindus.	Muslims.	Sikhs.	Anglo-Indians.	Indian Christians.	Other minority communities.	Total.
<i>Permanent Staff.</i>							
Superintendents ..	2	..	..	1	1	..	4
Assistants ..	8	1	1	2	1	..	13
Clerks ..	14	4	1	1	..	..	20
Stenographers ..	1	..	..	..	..	..	1
Draftsman ..	1	..	..	..	..	..	1
Total ..	26	5	2	4	2	..	39
<i>Temporary staff.</i>							
Clerks ..	2	1	..	..	..	..	3
Stenographers ..	1	..	..	..	..	..	1
Draftsman ..	1	..	..	..	..	..	1
Total ..	4	1	..	..	..	..	5

EMPLOYMENT OF THE RELATIONS OF THE SENIOR SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION IN THAT OFFICE.

715. *Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that recently several relations of the senior Superintendent of the office of the Director of Civil Aviation have been appointed in permanent and temporary posts in that Office ?

(b) Will Government please state the number of his relations employed in the Office of the Director of Civil Aviation and subordinate offices ?

(c) Is it a fact that recently when there was a clerical vacancy in the New Delhi Civil Aerodrome Office, one of his relations and the brother of the draftsman was quietly appointed ? Were applications invited for this vacancy ? If not, why not ?

The Honourable Sir Frank Noyce : (a) No.

(b) Government have no information.

(c) Government have no information about the relations of the clerk in the Aerodrome Office, New Delhi. The man appointed was selected because he had had experience in the Civil Aviation Office.

POSTS CREATED IN THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

716. *Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that some new posts have been created in the office of the Director of Civil Aviation ? If so, how is it proposed to fill them ?

(b) Are Government prepared to remove the communal inequalities by filling these posts by members of the minority communities ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes. They have been filled in the normal way through the Public Service Commission.

(b) There are no communal inequalities.

NON-GRANT OF GRATUITY TO ONE MR. J. CONNORS.

717. *Pandit Satyendra Nath Sen : (a) Will Government be pleased to state whether it is a fact that the Railway Board refused to grant gratuity to Mr. J. Connors on the ground that it was time-barred, as stated in the letter of the Railway Board, dated the 27th April, 1931 ?

(b) Is it a fact that the amount of gratuity of Rs. 7,000, with interest, due to Mr. J. Connors, is in the possession of the Railway Department of the Government of India ?

(c) Is it the policy of Government to deprive people of their dues and take shelter behind the law of limitation ?

Mr. P. R. Rau : (a) The facts of the case are as follows :

Mr. Connors retired from the Bengal Nagpur Railway in 1910. At the time of his retirement, he applied for the grant of a gratuity, which was refused as it was held by the Administration that Mr. Connors' claims were not sufficiently established. Nine years later, the Agent of the Bengal Nagpur Railway re-

opened the question and recommended a gratuity. The Railway Board saw no reason to reconsider the matter after the lapse of nine years after the officer's retirement. The question was again raised by Mr. Connors in 1931 and the Railway Board adhered to their previous decisions.

(b) My Honourable friend has overlooked the fact that the rules distinctly provide that the grant of gratuities is entirely at discretion and that they cannot be claimed as of right.

(c) No.

ALLEGED MALADMINISTRATION OF THE NORTH WESTERN RAILWAY MEDICAL DEPARTMENT.

718. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state whether there has been an agitation in the Press regarding the mal-administration of the North Western Railway Medical Department ?

(b) Was any allegation made that the Office Superintendent of that Department was responsible for certain gross irregularities ?

(c) Is it a fact that the personal file of a clerk of the Medical Department, in which adverse remarks in regard to his work were made, was torn away and good remarks were inserted in its place ? How many such instances have been brought to the notice of the Chief Medical Officer ?

Mr. P. R. Rau : (a) Government have seen some articles criticising the administration of the Medical Department of the North Western Railway in the *Eastern Times* and the *Pilot*.

(b) Possibly this was one of the allegations, but I have myself no personal recollection of having seen this.

(c) Government have no information, but I am sending a copy of the question to the Agent, North Western Railway, who is competent to deal with the alleged incident.

ABOLITION OF THE POST OF SUPERINTENDENT IN THE OFFICE OF THE CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY.

719. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that on account of the amalgamation of the North Western Railway Medical Department, with the Headquarters Office, establishment matters both of the Chief Medical Officer's Office and the whole of the Medical Department, have been handed over to the Personnel Branch of the Headquarters Office ?

(b) Is it a fact that the Medical Branch of the Chief Medical Officer's Office now deals with purely technical matters and its work has always been controlled by an officer possessing proper technical qualifications ?

(c) Is it a fact that matters relating to stores also require the control of a technical officer and have always been dealt with by the Personal Assistant to the Chief Medical Officer ?

(d) If the answers to the above parts are in the affirmative, do Government propose to abolish the post of the Office Superintendent ?

Mr. P. R. Rau : (a) The Establishment work of the Medical Branch previously done in the Chief Medical and Health Officer's office is now being dealt with in the Personnel Branch of Headquarters' office as for all branches of the Railway.

(b) The Chief Medical and Health Officer is the head of the Medical Branch and is the responsible adviser of the Agent on all medical and sanitary matters connected with the Railway and is responsible for all medical arrangements. He is assisted by two Medical Subordinates (Assistant Surgeon and a Sub-Assistant Surgeon). The Assistant Surgeon is designated 'Personal Assistant' to the Chief Medical and Health Officer.

(c) All matters relating to medical stores are dealt with by the Chief Medical and Health Officer with the assistance of the Personal Assistant.

(d) This is a matter for the Administration to decide. I have sent a copy of the question to the Agent.

PROMOTION OF SUB-ASSISTANT SURGEONS EMPLOYED ON RAILWAYS.

720. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that there is a provision in the rules that Sub-Assistant Surgeons employed on Railways can be promoted to the grade of Assistant Surgeons ?

(b) Is the provision only meant for the Railway Sub-Assistant Surgeons or is it also applicable to Civil Sub-Assistant Surgeons, whose services are temporarily lent to the Railway Department ?

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

(b) I am ascertaining the practice followed on railways and will place a reply on the table of the House in due course.

REMOVAL OF SURCHARGE ON INCOME-TAX AND SUPER-TAX.

721. *Lala Rameshwar Prasad Bagla : (a) Will Government be pleased to state if they have any proposals before them to remove the surcharge on income-tax and super-tax ? If so, what do they propose to do ?

(b) If the answer to part (a) be in the negative, will Government please state if they are prepared to consider the desirability of removing the surcharge on income-tax and super-tax ?

The Honourable Sir James Grigg : With your permission, Sir, I shall answer questions Nos. 721 and 722 together. I regret that I am unable to anticipate the Budget Statement.

FIXATION OF LIMIT OF MINIMUM ASSESSABLE INCOME FOR INCOME-TAX AT Rs. 2,000.

722. *Lala Rameshwar Prasad Bagla : (a) Are Government aware that the fixation of the minimum assessable limit for income-tax at Rs. 1,000 has caused great distress to that class of people ? If so, what steps do Government propose to take in the matter ?

(b) If the answer to part (a) be in the negative, will Government please state if they are prepared to consider the desirability of fixing the limit of minimum assessable income for income-tax at Rs. 2,000 instead of Rs. 1,000 as at present ? If not, why not ?

(For answer to this question, see answer to question No. 721.)

APPOINTMENT OF INSPECTORS OF POST OFFICES.

723. *Rao Bahadur M. C. Rajah : (a) Will Government please state the number of postal inspectors employed in the Indian cities ?

(b) Will Government also please state if the duties of this class of postal inspectors are identical with those of the divisional inspectors ?

(c) Will Government please state the existing rates of pay attaching to these two wings of the postal inspectors and whether at any time these rates were identical ?

(d) Is it a fact that the posts of these town inspectors were converted from selection grade into the time scale some time in 1933 ?

(e) If the answer to part (d) be in the affirmative, will Government please state if that measure was prompted by considerations of economy without impairing efficiency ?

(f) Is it a fact that simultaneously with the conversion of these posts into the time scale these appointments which were previously made by the Postmaster General of the circle concerned from amongst the qualified candidates, were left to the discretion of the local postmasters and whether any instructions were issued to them for their guidance in the matter of selecting persons for appointment to these posts ?

(g) Will Government also please state the names of the Indian cities, if any, where in pursuance of these orders these posts were offered to the unqualified persons in preference to the qualified men available at those stations ?

(h) If the answer to part (g) be in the affirmative, will Government please state if they are prepared to issue detailed instructions to the local postmasters that in the matter of appointment to the posts of postal town inspectors, qualified men, where available, should be given preference over those who could not have aspired to these posts before the conversion of these posts into the time-scale ?

The Honourable Sir Frank Noyce : (a) The Honourable Member presumably alludes to Town Inspectors attached to General Post Offices and First Class Head Post Offices. According to such information as is readily available, the number of such officials as it stood on the 5th August, 1932, was 84, but Government have reason to believe that there has been some decrease since that date.

(b) No.

(c) The existing rates of pay for the Sub-Divisional Inspectors in General Post Offices and First Class Head Post Offices are Rs. 160—10—250. Those for Town Inspectors are ordinary time-scale of pay plus a special pay of Rs. 30. From 1st September, 1927, till the issue of revised orders on the 5th June, 1933, Town Inspectors in General Post Offices and First Class Head Post Offices were in the Lowest Selection Grade of Rs. 160—10—250, like Sub-Divisional Inspectors.

(d) Yes, as stated in reply to part (c) above.

(e) Yes.

(f) The reply to the first part of the question is in the affirmative. As regards the second part, as the revised arrangement was only a reversion to the older system of local recruitment, it was not considered neces-

sary to issue any fresh instructions for the guidance of Postmasters who are in the best position to decide on the suitability of individual members of their staff for the discharge of any particular duty.

(g) No special qualifications are prescribed for the appointment of Town Inspector : as explained in the reply to part (f) above, Postmasters select for these posts the men who are, in their opinion, best suited for them. The question does not, therefore, arise.

(h) Government have no reason to think that the present system does not conduce to efficiency and are not, therefore, prepared to accept the Honourable Member's suggestion.

GRANT-IN-AID TO THE SANATAN DHARM HIGH SCHOOL, SIMLA.

724. *Rao Bahadur M. C. Rajah : (a) Is it a fact that the Government of India have made certain provisions in the Budget estimate for grant-in-aid to schools in Simla which cater for the children of the Government of India staff ?

(b) Will Government state the names of the institutions which receive such a grant in Simla and New Delhi, and the amounts of the grants paid to these institutions, respectively ?

(c) Has the Sanatan Dharm High School of Simla also applied for a grant-in-aid on the same grounds ? If so, do Government propose to give a suitable grant to that school also ? If not, why not ?

Mr. G. S. Bajpai : (a) Yes.

(b) A statement giving the names of the schools and the amounts of grant paid to them by the Government of India during 1933-34 is laid on the table.

(c) Yes. The matter is under consideration.

Statement giving the names of the schools in Simla and Delhi and the amounts of grants paid to them by the Government of India during 1933-34.

	Rs.
1. The Lady Irwin High School for Girls, Simla/New Delhi	9,800
2. The Harcourt Butler High School, Simla/New Delhi	3,780
3. The Islamia A. V. Middle School, Simla	1,800
4. The Madrasi Primary Schools, Simla/New Delhi	1,200
5. Sir Frank Noyce Boys' (Primary) School, Phagli, Simla	480
6. Lady Noyce Girls' (Primary) School, Phagli, Simla	480
7. The European Primary School, Summer Hill, Simla	450

FORMATION OF AN ADVISORY COMMITTEE FOR KATHIAWAR RAILWAYS.

725. *Dr. Ziauddin Ahmad : (a) Is there any advisory committee for Kathiawar Railways ? If not, are Government prepared to take action that an Advisory Committee for Kathiawar Railways may be established ?

(b) Was the Railway Board ever requested to initiate the formation of the Advisory Board ?

Mr. P. R. Rau : (a) Government are not aware of any of the Railways in Kathiawar having constituted an Advisory Committee. The Railways referred to are neither owned nor worked by the Government of India, but I am bringing the Honourable Member's suggestion to the notice of the Managers of the Railways in Kathiawar for such action as they consider necessary.

(b) One representation was received recently and the gentleman who made it was advised to address the Railway Administrations concerned in the matter.

Dr. Ziauddin Ahmad : May I ask whether the Railway Board can ask the authorities concerned to form an Advisory Committee, as there is a great demand therefor from the travelling public ?

Mr. P. R. Rau : We can only make a suggestion ; that is all.

Mr. Gaya Prasad Singh : Is it a fact that these railways are not controlled by the Indian Railways Act ?

Mr. P. R. Rau : Whatever power of control vests in Government under the Indian Railways Act can be exercised in respect of these railways, but that power of control does not extend to the compulsory formation of Advisory Committees.

Mr. Gaya Prasad Singh : Would it not be an infringement of the rights of those Indian States if the Government of India were to compel them to appoint Advisory Committees on their railways ?

An Honourable Member : There is no question of compulsion.

CLASSIFICATION OF BURMA RICE.

726. *Mr. W. J. C. Richards : (a) Will Government be pleased to state whether their attention has been drawn to an answer given to a question in the Madras Legislative Council in which the Honourable the Finance Member to the Government of Madras (as reported in the *Statesman* of the 6th August) included Burma rice as "foreign" rice ?

(b) Do the Government of India agree with the Government of Madras that Burma rice should be classified as "foreign" rice ?

Mr. G. S. Bajpai : (a) Government have seen a Press report of the answer referred to by the Honourable Member.

(b) The Honourable Member is no doubt aware that Burma rice is not treated as "foreign rice".

U Ba Maung : May I know if the Government of India are in correspondence with the Government of Madras with regard to the Madras Finance Member's reply ?

Mr. G. S. Bajpai : We have asked the Government of Madras, Sir, for a copy of the proceedings. That is all.

Diwan Bahadur A. Ramaswami Mudaliar : May I ask what is wrong in describing Burma rice as "foreign" rice so far as the Madras Presidency is concerned ?

Mr. G. S. Bajpai : I should say in that limited connotation the application of the word "foreign" would be justified.

Mr. Vidya Sagar Pandya : May I ask, since quotas have been differentiated, why not in the case of rice also ?

Mr. G. S. Bajpai : Not as between one part of India and another.

An Honourable Member : May I ask what are the recommendations of the Rice Committee on this point ?

Mr. G. S. Bajpai : The Rice Committee has not been formed yet, Sir.

U Ba Maung : Are the Government of India contemplating applying protection to Indian rice ?

Mr. G. S. Bajpai : The Government of India do not contemplate.

Diwan Bahadur A. Ramaswami Mudaliar : Is the Honourable Member in a position to make any statement as regards the imports of rice into Madras ?

Mr. G. S. Bajpai : I have nothing to add to what I said sometime ago on the subject.

Mr. Vidya Sagar Pandya : Is the Honourable Member always merely going to repeat that reply ?

Mr. G. S. Bajpai : Until some decision has been reached.

Mr. Sitakanta Mahapatra : Is it not a fact that Burma's separation from India is a settled fact ?

Mr. G. S. Bajpai : I have not yet heard that.

Mr. F. E. James : When are Government likely to reach a decision in regard to the question of the imports of foreign rice—I am not speaking of Burma rice ?

Mr. G. S. Bajpai : Government will try to reach a decision as soon as possible.

An Honourable Member : Before this Assembly rises ?

Mr. F. E. James : Is it a fact that the inquiries which the Government undertook to make in regard to the matter have now been completed, and, therefore, all that remains for the Government to do is to make up its mind on the results of those inquiries ?

Mr. G. S. Bajpai : Sir, the Government of India initiated certain inquiries into the question of the imports of foreign rice, and the results of those inquiries became available only a couple of days ago.

RECRUITMENT TO SUPERIOR REVENUE ESTABLISHMENTS FOR THE STATE RAILWAYS.

727 ***Dr. Ziauddin Ahmad :** (a) Is it not a fact that paragraph 4 of Appendix I of the Regulations for recruitment to Superior Revenue Establishments for the State Railways provides that at the expiration of the second period of training "fourth year", the apprentices will be examined and will be listed in order of merit on the result of this examination ?

(b) Is it not a fact that in the agreement between the candidates and the Secretary of State it is stated in paragraph 7 that at the end of the training (end of fourth year's course) the apprentice shall undergo an

examination, and, if successful, may be selected by Government for further training in the United Kingdom ?

(c) Is it not a fact that contrary to the Government Regulation and contrary to the agreement, apprentices were selected in the year 1934 without any examination by the Railway Board ?

(d) Did the Railway Board fix any minimum pass marks for qualifying in the examination ? In the absence of minimum pass marks, is it possible to assert whether a particular candidate has or has not qualified in the examination ?

(e) Is it a fact that the Railway Board issued a circular on the 20th July, 1934, that certain candidates did not attain the qualifying standard, and some were selected in direct order of merit without any examinations at the end of the fourth year ?

(f) Will Government be pleased to mention the number of candidates admitted every year in the Jamalpur Technical Railway School (Special Class Apprentices) ?

(g) How many of these apprentices are selected for training in the United Kingdom every year ?

(h) Are the apprentices, who obtain minimum pass marks and are not selected for training in the United Kingdom, eligible for appointments in the Railway services ? Are they entitled to join the Railway Department in a grade above the one for which non-technical men are eligible ?

Mr. P. R. Rau : (a) The relevant rule provides that an apprentice will be examined and will be listed in order of merit on the results of the fourth year's examination, as well as of the examinations held during the first three years of apprenticeship, taking also into account the reports received during the course of the apprenticeship. It also provides that apprentices to the number of vacancies for which the selection was made in the first instance will be selected in direct order of merit for a further period of training for two years, provided that they have attained the qualifying standard, and the others will be discharged from their apprenticeship.

(b) The provisions in clause 7 of the Agreement have been correctly quoted by the Honourable Member.

(c) The selection of apprentices for further training in 1934 was made, as in previous years, on the basis of : (1) the results of the technical school examination held at the end of each of the four 9-monthly sessions which comprise their theoretical training, (2) the Principal's reports on the candidates' general conduct, and (3) the Deputy Chief Mechanical Engineer's reports on their shop work during each year of their period of training.

(d) A minimum was prescribed by the East Indian Railway Administration.

(e) I presume my Honourable friend is referring to the Railway Board's letter of the 19th July, 1934, to the Honorary General Secretary, Anjuman-i-Islamia, Punjab, Lahore. What was stated in the letter was that six out of the ten apprentices had attained the qualifying standard and were selected in direct order of merit.

(f) and (g). I place on the table a statement showing the number of persons recruited as Special Class Apprentices and the number selected out of these for further training in the United Kingdom since the inauguration of this scheme in 1926-27.

(h) The apprentices in question are not debarred from appointment in railways if vacancies for which they may be suitable exist. I am not very clear as to the meaning of the second part of this question ; but the technical training received by these young men will naturally give them preferential claims over non-technical men for posts for which these qualifications are necessary.

Statement showing the number of special class Apprentices recruited for training the Mechanical Engineering and Transportation (Power) Departments of State Railways and sent for training in the United Kingdom.

Year of recruitment.	Number of apprentices recruited.	Year in which some of the apprentices were sent for further training.	Number of apprentices sent to United Kingdom for a further period of training for 2 years.	Remarks.
1927	6	1931	4	
1928	10	1932	8	
1929	12*	1933	*7	* 3 more were granted a scholarship of £200 per annum.
1930	12	1934	6	
1931	†12	..	..	†Still under training at Jamalpur.
1932	†6	..	..	

Dr. Ziauddin Ahmad : May I ask whether the examination at the end of the fourth year, the second period of training, as provided in the Regulations was ever held ?

Mr. P. R. Rau : Sir, I understand that no written examination was held. Whether an oral examination was held or not is not quite clear from the report of the Agent of the East Indian Railway.

Dr. Ziauddin Ahmad : I should like to know whether no examination was held, and the selection was made on the results of the third year examination—which is contrary to regulations ?

Mr. P. R. Rau : I have just explained that my information is that no written examination was held. As to whether an oral examination was held or not is not quite clear from the report which we have had from the Agent of the East Indian Railway.

Mr. S. C. Mitra : Was there a written examination held at the end of the first three years ?

Mr. P. R. Rau : Four examinations were held, one at the end of each term of nine months.

Mr. S. C. Mitra : May I take it that in the other three cases there were written examinations as well as oral ?

Mr. P. R. Rau : I think so, Sir.

Mr. S. C. Mitra : Is it a fact that at the end of the fourth year there was no examination ?

Mr. P. R. Rau : There was no written examination, I understand.

Mr. S. C. Mitra : But there was some examination held at the end of the fourth term. May I take it there was no examination—neither written nor oral, at the end of the fourth year ?

Mr. P. R. Rau : I am not sure whether an oral examination was held or not.

Mr. S. C. Mitra : May I take it that if there was not even an oral examination, then the purpose of the regulations has not been followed ?

Mr. P. R. Rau : Sir, if there was no oral examination, as to which I am not quite sure, it looks as if the rules have not been literally followed.

Dr. Ziauddin Ahmad : May I ask if the Railway Board make a selection of the candidates without even having any information as to whether the qualifying examination was or was not held ?

Mr. P. R. Rau : We had plenty of information already on the capacities of the candidates based on the results of the first four examinations, the reports we have had about them from the Chief Mechanical Engineer about their shop work, and so on.

Dr. Ziauddin Ahmad : But the regulations provide that there should be some examination—written or oral does not matter—and on the results of that examination the Railway Board must make their final selections. In this case they did not carry out the regulations ; that is, no examination of any kind, either written or oral, was held at the end of the second period, and in spite of that the Railway Board made their selections ?

Mr. P. R. Rau : I do not admit that that is contrary to the regulations. The fact is that we had sufficient information at our disposal to place the candidates in the relative order of merit, but I may add that these questions have been raised by some of the candidates in representations to the Government of India which are under consideration.

Dr. Ziauddin Ahmad : With regard to the question of pass marks, the minimum required is fixed by the Agent ? Am I correct ?

Mr. P. R. Rau : Yes, Sir. The minimum was prescribed by the East Indian Railway Administration.

Dr. Ziauddin Ahmad : May I know if these pass marks are fixed from year to year or definitely for all time ?

Mr. P. R. Rau : They must be fixed, Sir, definitely until they are altered.

Dr. Ziauddin Ahmad : What are the minimum pass marks—40, 45 or what ?

Mr. P. R. Rau : I understand the East Indian Railway Administration have fixed 70 per cent. and over for honours, 50 per cent. and over as the minimum for the first division, 30 per cent. and over for the second division. Candidates getting below 30 per cent. are supposed to have failed.

Dr. Ziauddin Ahmad : Is it not a fact that the percentages that are given there show that the candidates passed in the second division in the third year examination ?

Mr. P. R. Rau : My Honourable friend forgets that it is not a purely qualifying examination. The Government of India's regulations were quite clear on the point that only the number of candidates corresponding to the number of vacancies were eligible for being sent for further training. There were six vacancies, and originally twelve were selected for being trained in the first four years in India. Thereafter, at the end of four years, only six were sent for further training.

Dr. Ziauddin Ahmad : May I ask whether it is not a fact that about 12 persons were selected in the first instance and they were paid Rs. 100 a month at the expense of the poor tax-payer of India, and at the end of their training the examination became a competitive examination and you selected only six men ? Is it not a fact that this is a wastage of the Indian tax-payer's money ?

Mr. P. R. Rau : That is a matter of opinion. If it is a question of having six vacancies to fill at the end of six or seven years and if you take only six candidates in the beginning, then it is quite likely that by the end of the period of training you will be left with only three or four.

Dr. Ziauddin Ahmad : May I ask, whether it is not only the waste of the public money but to deprive these candidates of their career if, after giving them four years' training and paying them during this period at the rate of Rs. 100 a month, you simply tell them : " You go out though you have passed " ?

Mr. P. R. Rau : But they have received valuable training.

Dr. Ziauddin Ahmad : May I ask what is the value of this training when the Railways themselves do not recognise it and do not consider them fit for employment ?

Mr. P. R. Rau : I am sure that if there are suitable jobs in the Railways for these trained people, they would get them.

Mr. D. K. Lahiri Chaudhury : May I ask why the examination was not held when the quota of marks is fixed for different divisions ?

Mr. P. R. Rau : My Honourable friend has not been listening attentively. I said that four examinations were held during the period of training of these candidates.

Mr. S. C. Mitra : Am I correct in saying that Government take only as many candidates as there are vacancies or there is a possibility of such vacancies ? If so, what do they do with the other candidates who are left out but who have passed the examinations ?

Mr. P. R. Rau : They are discharged from the apprenticeship.

Mr. S. C. Mitra : Why the Government do not take steps to provide for them in India or attempt to provide them with employment in the Company-managed Railways, especially in view of the fact that so much of public money has been spent on their training—Rs. 100 a month for a period of four years ?

Mr. P. R. Rau : They can be given jobs for which they are deemed fit, and, I am sure, Railways will take into consideration the fact that they have received training for four years in railway workshops when they make their selection.

Maulvi Muhammad Shafee Daoodi : May I ask how many of them have been discharged this year ?

Mr. P. R. Rau : Four, Sir.

SALE OF RAILWAY STALLS ON THE GREAT INDIAN PENINSULA RAILWAY.

728. ***Dr. Ziauddin Ahmad :** (a) Is it a fact that the Chief Traffic Manager of the Great Indian Peninsula Railway has issued a circular to the Divisional Superintendents that Railway stalls should be sold to the contractors ?

(b) Was this order issued after the debate in this House and the promise of the Railway Member to refer the question of vendors, refreshment rooms and stalls to the Local Advisory Committee ?

Mr. P. R. Rau : (a) The Agent, Great Indian Peninsula Railway, has reported that no such circular has been issued.

(b) Does not arise.

APPOINTMENT OF GUARDS IN THE DINAPORE DIVISION, EAST INDIAN RAILWAY.

729. ***Sardar G. N. Mujumdar :** With reference to the reply given to the starred question No. 2 of the 16th July, 1934, regarding appointment of guards in the Dinapore Division, East Indian Railway, will Government please state :

(i) whether the Anglo-Indian Fireman and the Anglo-Indian Shunters had passed the examination for posts of guards ; if so, when and where ;

(ii) whether they underwent a course of Transportation at the Transportation School, Chandausi ; if so, when and with what result ; and

(iii) whether any Indian Driver, Fireman, or Shunter, received the same treatment as these Anglo-Indians ; if not, why not ?

Mr. P. R. Rau : I have called for the information and will lay a reply on the table of the House in due course.

INFORMATION ABOUT MATTERS WITHIN THE PROVINCE OF THE LOCAL RAILWAY ADMINISTRATIONS.

730. ***Sardar G. N. Mujumdar :** Is it a fact that Government have informed this House in reply to a supplementary question to question No. 3 of the 16th July, 1934, regarding mal-administration in the Dinapore

Division, East Indian Railway, that these questions ordinarily relate to matters which are within the province of the local administration? If so, will Government please state:

- (a) whether there is any legislative body other than this House competent to obtain information about matters within the province of the local administrations;
- (b) whether the local administrations directly lay information before this House, and
- (c) what the procedure is to obtain information from the local administrations by Members of this House?

Mr. P. R. Rau : The reply to the first part of the question is in the affirmative. The reference was to the various questions put with regard to the Dinapore Division of the East Indian Railway.

(a) Yes, my Honourable friend has forgotten the Council of State.

(b) No.

(c) The very large number of questions on an infinite variety of subjects and of very varying degrees of importance that I answer every day in this House, is, I believe, a sufficient answer to this question.

Pandit Satyendra Nath Sen : May I know if Dinapore has made a name for mal-administration during recent years?

Mr. P. R. Rau : That is my Honourable friend's opinion, apparently.

Pandit Satyendra Nath Sen : Is it not a fact that quite a large number of complaints have been placed before this House regarding Dinapore and that this is not the case with the other Divisions?

Mr. P. R. Rau : It is possible to draw various inferences from the fact that a large number of questions are being asked with regard to a particular subject from particular Members of this House. (Laughter.)

HEAD TICKET COLLECTORS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

731. ***Sardar G. N. Mujumdar :** With reference to the statement laid on the table of this House on the 18th July, 1934, in reply to question No. 450 of the 13th March, 1934, will Government please state:

- (i) whether the rank of Head Ticket Collector is lower than that of Assistant Head Ticket Collector;
- (ii) the name, the date of confirmation, the rate of pay and the post held by men senior to old Head Ticket Collectors prior to the appointment of Assistant Head Ticket Collectors;
- (iii) the rate of salary on which the temporary staff of the crew system on abolition was appointed on the 1st June, 1931;
- (iv) whether the present Assistant Head Ticket Collectors were temporary; if so, how they are treated as senior to permanent staff?

Mr. P. R. Rau : (i) No.

(ii) and (iv). Government have no information. Promotions and determination of relative seniority in these ranks are within the competence of the Agent.

(iii) I lay a statement on the table giving the scales of pay in force from the 1st June, 1931.

Statement.				Rs.
Chief Inspectors ..	..	..	..	240—20—460
Inspectors Grade I ..	..	..	..	200—10—220
Inspectors Grade II ..	..	..	..	150—10—190
T. T. E.'s Grade I ..	..	..	..	70—5—95
T. T. E.'s Grade II ..	..	..	..	55—3—64
Hd. T. C.'s Grade I ..	..	..	..	200—10—220
Hd. T. C.'s Grade II ..	..	..	..	150—10—190
Assistant Hd. T. C.'s ..	..	..	..	110—5—140
T. C.'s Grade I ..	..	..	..	70—5—95
T. C.'s Grade II ..	..	..	..	55—3—64
T. C.'s Grade III ..	..	..	..	37—3—52
Lady T. C.'s ..	..	..	..	75—5—120

UNDER-WRITINGS OF THE SHARES OF THE RESERVE BANK.

732. ***Kunwar Hajee Ismail Ali Khan :** Are Government considering the question of under-writing the shares of the Reserve Bank in various centres in India? If so, will banks and recognised share brokers be permitted to under-write the shares?

The Honourable Sir James Grigg : The Government of India are not directly concerned with the questions raised by the Honourable Member. They will doubtless be considered in due course by the authorities of the Reserve Bank.

Dr. Ziauddin Ahmad : May I ask, Sir, whether the first allotment of the shares will be done by a Committee of the House or by the Government themselves?

The Honourable Sir James Grigg : My recollection is that there was a provision in the Reserve Bank Act that two Members of this House should be appointed to assist in the allotment of the shares.

Mr. S. C. Mitra : Are Government going to take any steps to get the two associate members selected by the House before the House is dissolved?

The Honourable Sir James Grigg : In due course, yes; but it is not proposed to take immediate steps.

REFRESHER COURSE AT KOT LAKHPAT, NORTH WESTERN RAILWAY.

733. ***Pandit Satyendra Nath Sen :** Is it a fact that the Refresher Course at Kot Lakhpat, North Western Railway is intended to refresh the memory of candidates and that no candidate is bound to pass any examination relating to that course for the continuity of his services?

Mr. P. R. Rau : I would refer the Honourable Member to the information I laid on the table of the House on the 18th July, 1934, in reply to part (a) of question No. 576, asked by Rao Bahadur M. C. Rajah, on the 3rd April, 1934.

CONFIRMATION OF TEMPORARY STAFF ON THE NORTH WESTERN RAILWAY.

734. *Pandit Satyendra Nath Sen : Is it a fact that the Local Railway Authorities of the North Western Railway engaged temporary staff, and their confirmation was based on passing a departmental suitability examination, exempting them from the condition of passing the Refresher Course at Kot Lakhat or Lyallpur ? If so, why ? If so, will Government be pleased to state the reasons as to why the Refresher Course examination which was an additional one was fixed as final for the temporary clerks and failures in it were discharged ?

Mr. P. R. Rau : I have called for information and will lay a reply on the table of the House in due course.

POSTS OF CONTROLLERS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

735. *Sardar G. N. Mujumdar : (a) Is it a fact that the posts of Controllers in the Moradabad Division, East Indian Railway, are prized posts reserved exclusively for the Anglo-Indian community ? If not, will Government please state :

- (i) whether any vacancy amongst the Controllers occurred during the period 1st January, 1923, to 31st July, 1934 ;
- (ii) the names of the recipients of vacant posts during the said period ;
- (iii) the posts held by the recipient prior to their appointment in the Control Office ;
- (iv) the pay, exclusive of any allowance, drawn last ;
- (v) the procedure adopted for such appointments ;
- (vi) the reasons under which no Indian Section Controller was appointed : and
- (vii) whether the rights and privileges of Indian Section Controllers were superseded by such direct appointments ; if so, to what extent and how Government compensated them, if not, why not ?

(b) Is it a fact that the posts of Controllers in the Moradabad Division, East Indian Railway, are held by Anglo-Indians, since 1923 ? If not, will Government please state the names, the community and the date of appointment of the holders of the posts since 1923 to date together with the dates of appointment as Section Controllers ?

(c) Is it a fact that the present Indian Section Controllers were superseded by the junior Anglo-Indians, when ever any vacancy amongst the Controllers, Moradabad Division, East Indian Railway, occurred ? If so, why ? If not, will Government please state the names, the community, and the dates of appointment of the Section Controllers since 1st January, 1923, till 31st July, 1934 ?

Mr. P. R. Rau : Government regret they cannot undertake to collect the information asked for which covers a period of nearly twelve years. They are, however, enquiring into the substantial allegations of racial discrimination made in the question and will lay a reply on the table in due course.

POSTS OF CONTROLLERS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

736. *Sardar G. N. Mujumdar : (a) Have Government perused the Classified List of the East Indian Railway ? If so, will they please state the reasons how and why supersessions amongst Section Controllers, Moradabad Division, occurred, viz., page 245 of the Classified List corrected up to 1st January, 1926, pages 126 and 127 of the Classified List corrected up to September, 1929, and unpublished seniority list (combined) of April, 1934 ?

(b) Is it a fact that whenever any vacancy amongst Controllers occurred, some Guards or others were imported in and appointed, instead of promoting senior Section Controllers ? If so, why ?

Mr. P. R. Rau : Government have no information and are not prepared to interfere in these matters of detail, but I have sent a copy of the question to the Agent, East Indian Railway, for his information and such action as he may consider necessary.

VACANCY AMONGST CONTROLLERS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

737. *Sardar G. N. Mujumdar : Is it a fact that a vacancy amongst Controllers in the Moradabad Division, East Indian Railway, occurred in July 1934 ? If so, who was appointed, and what are his qualifications ?

Mr. P. R. Rau : Government have no information.

ESTABLISHMENT OF A HIGH COURT IN THE CENTRAL PROVINCES.

738. *Mr. S. G. Jog : (a) Will Government please state whether they have received any proposals from the Government of the Central Provinces in the matter of the establishment of the chartered High Court in that province ? If so, have Government formed any definite views in that respect ?

(b) Is it not a fact that the sanction of the Government of India is necessary for the establishment of such High Court, or whether it is entirely in the power of the Local Government ?

(c) If Government have formed any views in this respect, will they please state what will be the position of Berar and what steps will be taken to safeguard the interests of Berar ?

The Honourable Sir Henry Craik : (a) Yes. The matter is under correspondence with the Secretary of State.

(b) The sanction of the Secretary of State and of the Government of India is required to the establishment of a High Court.

(c) The intention is to extend the jurisdiction of the High Court, if and when established, to Berar under the Indian (Foreign Jurisdiction) Order in Council, 1902.

Mr. S. G. Jog : May I know by what process this High Court will be established, whether under the Letters Patent or by a Statute or by any Bill in this House ?

The Honourable Sir Henry Craik : By Letters Patent.

PROTECTION OF THE INTERESTS OF INDIAN SHIPPING.

739. *Mr. S. G. Jog : (a) Are Government aware that a regular competition is going on between the foreign shipping interests and the small Indian steamship companies plying on the coast of India ?

(b) Are Government aware that on account of this freight war the Indian shipping concerns are working at a loss ?

(c) Is it not a fact that Government have received representations in this matter from the shipping interests and the Indian Merchants Chamber of Bombay, asking for Government intervention in the matter of protecting the Indian shipping interests ?

(d) Is it not a fact that in October, 1932, the Viceroy gave an assurance to the deputation of the shipowners that their interests would be protected in case of freight war ?

(e) Will Government please state the steps they propose to take for protecting the interests of the Indian shipping interests, and when ?

The Honourable Sir Joseph Bhoré : (a) and (b). Government have received representations to this effect, but they understand that the rate-war started between the Conference Lines and the Asiatic Steam Navigation Company.

(c) Yes.

(d) I am not aware that such an assurance was given by His Excellency the Viceroy.

(e) The question is receiving the consideration of the Government of India.

Mr. S. G. Jog : Is the Honourable Member aware that in the year 1932 a deputation waited upon His Excellency the Viceroy ?

The Honourable Sir Joseph Bhoré : I do not remember the exact time, but certainly a deputation did wait upon His Excellency within the last year or so.

Mr. S. G. Jog : And the Viceroy gave some sort of an assurance that the interests will be protected ?

The Honourable Sir Joseph Bhoré : I was present at that interview, but I cannot remember that any such assurance as that indicated by my Honourable friend's question was given.

Mr. Vidya Sagar Pandya : Have Government received any representation from the Malabar Chamber of Commerce about such competition on the West Coast ?

The Honourable Sir Joseph Bhoré : I think it very likely that it has been received.

PROMOTION OF SECTION CONTROLLERS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

740. *Mr. S. G. Jog : (a) Is it a fact that no Section Controller (Rs. 200—10—300) holding appointment since July, 1924 and drawing maximum of their scale of pay, was ever promoted to the vacancy of a Controller, Moradabad Division, East Indian Railway ? If so, why, and

will Government please state the proper avenue of promotion of a Section Controller ?

(b) If the post of a Controller is a selection one, will Government please state :

(i) when the selections were made ;

(ii) the name of the officers forming the Selection Boards ;

(iii) the names of the candidates who appeared before each Selection Board ;

(iv) the name of the applicants who applied for the posts and who were sent for to appear before the Selection Boards ;

(v) the reasons, special, ordinary or extraordinary, if any, recorded by the Selection Boards on each appointment ; and

(vi) the reasons recorded by the Selection Boards on each disqualification of Section Controllers ?

(c) Is the Guard, appointed as Controller in July, 1934, an Anglo-Indian ? If so, was he ever punished for corruption, or removed from the post of Section Controller and Assistant Station Master ?

(d) Was the Guard, appointed as Controller in July, 1934, restored to the post of Section Controller on expiry of his punishment ? If so, on which date and by what authority ?

(e) What was the position of the Guard, appointed as Controller in July, 1934, amongst the Section Controllers on the 1st July, 1934, on the 1st April, 1934 and on the 1st October, 1933, respectively ?

(f) Will Government please lay on the table a copy of the proceedings of the Selection Boards held to select for the appointments of Controllers ? If not, why not ?

Mr. P. R. Rau : Government have no information and are not prepared to interfere in these matters of detail which are within the competence of the Local Railway Administrations, but I have sent a copy of the question to the Agent, East Indian Railway, for his information.

APPOINTMENT OF A GUARD AS ON SPECIAL DUTY UNDER THE TRANSPORTATION SUPERINTENDENT ON THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

741. *Mr. S. G. Jog : Is it a fact that a guard, brother of a Traffic Inspector, Moradabad Division, East Indian Railway, is attached to the Transportation Superintendent on special duty ? If so, will Government state (i) the nature of special duty, (ii) whether there is no Traffic Inspector efficient to carry on the special work of time-tables, (iii) whether any clerk was available, (iv) the rate of pay he is paid and from which cadre, and (v) whether it is not against the orders of the Railway Board that no staff should be utilized for any other duty except his legitimate duty of the class in which he holds an appointment ? If so, what action has been taken by the Railway Board on the disobedience of their orders ?

Mr. P. R. Rau : Government have no information. These matters are within the competence of the Agent and Government are not prepared to interfere. The circumstances alleged in the question do not justify the inference that the orders quoted have not been followed.

ENQUIRY INTO THE STATE OF AFFAIRS IN THE MORADABAD DIVISION,
EAST INDIAN RAILWAY.

742. *Mr. S. G. Jog : Are Government aware of the height of favouritism and coercion prevailing in the Moradabad Division, East Indian Railway, and if so, do they propose to hold an independent and impartial enquiry into the state of affairs in the Moradabad Division ? If not, why not ?

Mr. P. R. Rau : Government have received no complaints or memorials from the staff that corroborate the allegations in this question. They have sent a copy of the question to the Agent, East Indian Railway, to consider whether an enquiry or any other special action is necessary.

Dr. Ziauddin Ahmad : Will Government be pleased to send the questions asked about the Moradabad Division to the Agent of the East Indian Railway and ask him to make a special enquiry in view of the fact that there are more questions about the Moradabad Division than there are about all the remaining five Divisions of the East Indian Railway ?

Mr. P. R. Rau : I shall be pleased to do so.

SAFEGUARDING OF THE INTERESTS OF THE SMALL STEAMSHIP COMPANIES.

743. *Mr. Rahimtoola M. Chinoy : (a) Are Government aware that what is known as a "rate-war" is going on between shipping companies engaged in the coastal trade of India ? If so, will Government be pleased to state :

(i) the names of the contesting Companies ; and

(ii) the causes of this "rate-war" ?

(b) Will Government be pleased to lay on the table a statement showing the comparative rates of freight for the Coastal ports during the last five years ?

(c) Will Government be pleased to state whether they have received any representations in this connection from small steamship companies, drawing their attention to this unhealthy competition resulting in crippling the resources of small steamship companies ? If so, what steps have Government taken, or propose to take, to safeguard the interests of these small steamship companies ?

The Honourable Sir Joseph Bhowe : (a) Government have received representations to the effect that a rate-war is in progress between the Conference Lines and the Asiatic Steam Navigation Company. They have no official information as to the causes of this rate-war, but it is to be presumed that it has arisen from the desire of the competing companies to increase or maintain their respective shares of the coastal trade.

(b) Enquiries are being made and a statement furnishing the information required will be laid on the table in due course.

(c) Yes. The question is receiving the consideration of the Government of India.

ABOLITION OF TRAVELLING TICKET EXAMINERS' CADRE ON THE NORTH
WESTERN RAILWAY.

744. *Sardar Sant Singh : (a) Will Government be pleased to state whether the Agents of State Railways are empowered to initiate and effect changes in the 'State Railways Open Line Code Volumes', without obtaining previously the sanction of the Railway Board ? If not, did the Agent North Western Railway obtain any sanction from the Railway Board to make alterations in para. 362 of the 'Open Line Code, Volume II', while abolishing the Travelling Ticket Examiners' cadre ?

(b) If the sanction, referred to in part (a), was obtained, will Government be pleased to place on the table of this House a copy of the letter under which the sanction was accorded ?

Mr. P. R. Rau : (a) and (b). I would refer the Honourable Member to the reply given by me on the 6th August, to question No. 351 put by Khan Bahadur Haji Wajihuddin.

MILEAGE ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE NORTH
WESTERN RAILWAY.

745. *Sardar Sant Singh : (a) Is it a fact that after the transfer of the Travelling Ticket Examiners to the cadre of the Special Ticket Examiners, vide Agent, North Western Railway's letter No. 818-E.47, dated the 26th May, 1932, the old Travelling Ticket Examiners (now Special Ticket Examiners) have still to perform duties in the moving trains as before ? If not, will Government be pleased to place on the table of this House a copy of the working programmes of the old Travelling Ticket Examiners (now Special Ticket Examiners) on the whole of the North Western Railway for the months of January to April, 1934 ?

(b) If the old Travelling Ticket Examiners still continue to perform the duties on moving trains, will Government please quote the rules under which the Agent, North Western Railway, has withdrawn the mileage allowance from the old Travelling Ticket Examiners ?

(c) Will Government be pleased to state the regulations and circumstances under which the Travelling Ticket Examiners were entitled at first to draw mileage allowance, giving precisely the nature of the duties performed by them and the other posts which carry this allowance and why ?

(d) Are Government aware that the Travelling Ticket Examiners have been deprived of 50 to 70 per cent. of their emoluments by the mere transference of their cadre to that of the Special Ticket Examiners ? Will Government be pleased to quote any other instance where reduction by such a proportion has been effected without consequent changes in the nature of duties ?

Mr. P. R. Rau : (a) and (b). The posts of Travelling Ticket Examiners were abolished and staff employed as such were offered and accepted posts of Special Ticket Examiners. Government understand the duties of the two posts are not identical. Copies of the working programmes of Travelling Ticket Examiners are not available with Government, and it is not considered that any useful purpose will be served by obtaining such copies and placing them on the table of the House.

(c) This appears to have been the practice for some time on the North Western Railway. Government do not consider it necessary to ascertain when and how it originated. The duties of Travelling Ticket Examiners consisted in checking tickets of passengers in trains and collecting the charges due from passengers found travelling without proper tickets. The other posts which carry mileage allowance are those of the engine staff, Assistant or Conductor Guards, Brakesmen and in some cases Road Van Clerks.

(d) As I have already stated in reply to part (a) of this question, Travelling Ticket Examiners were not transferred to the posts of Special Ticket Examiners and the duties of the two posts are not the same. The latter part of the question does not, therefore, arise.

Sardar Sant Singh : May I know whether it is a fact or whether it is not a fact that the duties of the two posts are identical ?

Mr. P. R. Rau : I have just now stated that Government have been informed that the duties of the two posts are not identical.

Sardar Sant Singh : In what respects do the duties differ ?

Mr. P. R. Rau : If my Honourable friend will put a question on the notice paper, I shall be glad to obtain from the North Western Railway a complete statement of the duties of the two classes and as to the circumstances in which the duties differ.

Sardar Sant Singh : Is it not a fact that this question has been pending for the last four years and a claim has been made by the Travelling Ticket Examiners that the duties are identical ?

Mr. P. R. Rau : The question has been pending mainly because my Honourable friend persists in asking questions in this House. I am afraid, I cannot prevent him from doing that.

STRENGTH OF THE TRAVELLING TICKET EXAMINERS' CADRE ON THE NORTH WESTERN RAILWAY.

746. ***Sardar Sant Singh :** Will Government please state the sanctioned strength of the Travelling Ticket Examiners' cadre on the North Western Railway, of each class and grade on the 31st May, 1931 ?

Mr. P. R. Rau :

Special class.	Grade II.	Grade I.	Total.
Rs.	Rs.	Rs.	
190—10—210	100—10—180	50—5—95	
5	27	95	127

(c) If the reply to part (b) be in the affirmative, will Government please place on the table of this House such agreements, together with the list of old Travelling Ticket Examiners (now Special Ticket Examiners) who signed them ? If no new agreements were required to be signed, why are not the old Travelling Ticket Examiners entitled to the same mileage allowance according to the old agreements and para. 362 of the Open Line Code, Volume II ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 747, 749 and 751 together.

I have called for certain information and will lay a reply on the table of the House in due course.

REFUSAL BY OLD TRAVELLING TICKET EXAMINERS TO ACCEPT THE OFFER OF SPECIAL TICKET EXAMINERS' POSTS ON THE NORTH WESTERN RAILWAY.

748. ***Sardar Sant Singh :** (a) With reference to the reply to Question No. 474, will Government please state whether some of the old Travelling Ticket Examiners of the several divisions refused to accept the offer of Special Ticket Examiners posts on the abolition of the cadre ? If not, will Government please lay on the table copies of the declaration, signed by the Travelling Ticket Examiners of Rawalpindi and Multan Divisions, for instance, for the information of this House ?

(b) Will Government please state whether Travelling Ticket Examiners of other Divisions similarly did not communicate their acceptance of Special Ticket Examiners' post offered to them from the 1st June, 1931 ? If not, will Government please state how many old Travelling Ticket Examiners of the North Western Railway actually accepted this offer and how many of them did not intimate their acceptance ?

Mr. P. R. Rau : (a) and (b). I have already informed the Honourable Member in reply to his question No. 474 referred to that Government have been informed that all the men to whom the offer was made accepted it. Government do not consider that any useful purpose will be served by obtaining and laying on the table of the House copies of the replies received from the staff in connection with the offers made to them.

HOUSE RENT PAID TO CERTAIN SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†749. ***Sardar Sant Singh :** Is it a fact that the North Western Railway authorities have decided that the Special Ticket Examiners' post should not carry house-rent or rent-free quarters ? If so, will Government please state the reasons for paying the house rent to some of the Special Ticket Examiners in Multan, Rawalpindi, Ferozepore and Delhi Divisions of the North Western Railway and for not paying the same to all the Special Ticket Examiners who have previously held posts carrying house-rent allowance prior to the 1st August, 1928, *vide* Government's answer to question No. 1379, dated the 11th December, 1933 ?

DUTIES OF SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

750. ***Sardar Sant Singh :** (a) Is it a fact that the Guards of the North Western Railway are deputed to perform station duty ? If so, what allowances are paid to them in such cases ?

†For answer to this question, see answer to question No. 747.

(b) Were the Travelling Ticket Examiners ever put to work at stations prior to the 1st June, 1931? If so, what allowances were paid to them on such occasions?

(c) Will Government be pleased to state what difference there is between the duties of the present Special Ticket Examiners, working at stations, and the old Travelling Ticket Examiners performing duties prior to the 1st June, 1931, at stations?

Mr. P. R. Rau : (a) Yes. Mileage allowance is paid in such cases.

(b) Government have no information.

(c) I would refer the Honourable Member to the information laid on the table of the House in reply to parts (b) and (d) of his question No. 472 asked on the 4th September, 1933.

HOUSE RENT PAID TO CERTAIN TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

1751. ***Sardar Sant Singh :** (a) Is it a fact that Messrs. :

- | | |
|---------------------|------------------------|
| 1. Khushal Chand I. | 10. Mohammad Ali. |
| 2. Radha Kishan. | 11. Barkat Ali. |
| 3. Brij Lall. | 12. Haveli Ram. |
| 4. Devi Dass. | 13. Jagat Ram. |
| 5. Basbambet Dass. | 14. Jewan Singh. |
| 6. Hukam Chand. | 15. Mohan Lal. |
| 7. Lall Chand. | 16. Abdul Rahman I. |
| 8. Abdul Rahman. | 17. Khushal Chand II. |
| 9. Abdul Aziz. | 18. Khushal Chand III. |

were working as Travelling Ticket Examiners on the North Western Railway on the 1st August, 1928?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if it is a fact that the first ten Special Ticket Examiners are getting house-rent from the 1st June, 1931, the date on which their posts were converted from Travelling Ticket Examiners into Special Ticket Examiners? If so, will Government please state why this house-rent is withheld from the remaining eight men? Were they all in one and the same list of Travelling Ticket Examiners? What are the reasons for this differential treatment?

GRACE TIME ALLOWED TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

752. ***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that ten minutes grace time in attendance, enjoyed by the Press employees in Government Presses, has been withdrawn and they are penalised for late attendance, even for one or two minutes, by deductions in their earnings or leave account?

(b) Are Government aware that the Simla Government Press is situated very far from main Simla and this being a hilly place, Press employees live at a distance of from two to five miles from the Press, having not been provided with Government quarters, and they find no cheap conveyance in Simla?

†For answer to this question, see answer to question No. 747.

(c) Are Government prepared to reconsider the matter and allow the grace time to the Simla Government Press employees?

The Honourable Sir Frank Noyce : (a) The period of grace has been withdrawn, but late attendances up to a limit of four per mensem may be excused at the discretion of the Managers. Late attendances, which are due to unavoidable causes of a general and serious character, may also be excused at the discretion of the Managers without regard to the limit mentioned above.

(b) Government do not consider that the Simla Press employees are subject to any special hardships by reason of the location of the Press.

(c) Government consider that the present orders in regard to grace time, which were passed after very careful consideration, are fair and reasonable and do not propose to modify them.

REDUCTION IN THE WORKING TIME OF THE INDUSTRIAL HANDS IN THE GOVERNMENT OF INDIA PRESS.

753. ***Mr. D. K. Lahiri Chaudhury :** Are Government aware that it has been enacted in the current Assembly session to reduce the time of the industrial hands from 60 to 54 hours in a week? If so, will Government be pleased to state whether the reduction of six hours is to be made up in the working hours or in the overtime attendance?

The Honourable Sir Frank Noyce : If the Honourable Member's enquiry refers to the hours of work in the Government of India Presses, the answer is that the Government of India do not propose to reduce the ordinary working hours which are 48 a week and that the provisions of the new Act will be met by reducing the permissible maximum hours of extra work from 12 to 6.

Mr. D. K. Lahiri Chaudhury : The Honourable Member does not seem to have given a reply to the latter part of the question which reads :

"If so, will Government be pleased to state whether the reduction of six hours is to be made up in the working hours or in the overtime attendance?"

The answer which the Honourable Member gave was not clear.

The Honourable Sir Frank Noyce : My answer is perfectly clear. I shall read it again :

"If the Honourable Member's enquiry refers to the hours of work in the Government of India Presses, the answer is that the Government of India do not propose to reduce the ordinary working hours which are 48 a week and that the provisions of the new Act will be met by reducing the permissible maximum hours of extra work—in other words, the overtime work—from 12 to 6."

Mr. S. G. Jog : May I know whether the rules about working hours will be applied to the Secretariat of the Government of India?

Mr. President (The Honourable Sir Shanmukham Chetty) : That does not arise.

LEAVE DUE TO SUSPECTED LEAD-POISONING TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

754. ***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that under recent orders of Government all the employees of the Government

Presses are to be examined twice a year to see whether they are affected by lead-poisoning or not to avoid any compensation being given to any employee ?

(b) Is it a fact that some men of the Simla Government Press have been sent out on leave under the doubt of lead-poisoning as reported by the Press Doctor ?

(c) Are Government aware that the men on leave on account of this doubt are granted leave at their credit and special leave is not allowed as a result of which they are being put to a great loss in the matter of leave which was accumulated for other purposes ?

(d) Will Government be pleased to lay on the table a statement showing the number of men on such leave and of those on leave on clear signs of lead-poisoning ; and to state the rules and amount payable to a workman reported unfit for service on account of lead-poisoning, quoting any instance of this nature in any of the Government Presses which caused Government to pay any amount on this account ?

The Honourable Sir Frank Noyce : (a) The medical examination is restricted to industrial workers who come into contact with lead or lead fumes and is intended to prevent the occurrence of lead poisoning in the Government of India Presses.

(b) Yes.

(c) The kind of leave to be granted to press employees in such cases is under the consideration of Government.

(d) Three men are on leave from and one is on change of duty in the Simla Press under suspicion of lead-poisoning. No one is on leave on account of clear signs of lead-poisoning. Payment of compensation is made in accordance with the provisions of the Workmen's Compensation Act. The total amount paid on this account during the four years 1930-31 to 1933-34 has been Rs. 14,638 in seven cases.

TIME OF THE CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESSES.

755. ***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that the time of the clerical staff of the Government Presses is from 10 A.M. to 5 P.M. against the time 10 to 4 or 10-30 to 4-30 in all other Government offices including the office of the Controller of Printing ?

(b) Is it a fact that the clerks of Government Presses submitted many memorials in the past for the reduction of time to bring them to the same footing as the clerks of other offices but their request was not granted for reasons unknown ?

(c) Are Government prepared to look into the matter and find their way to grant them their request ?

The Honourable Sir Frank Noyce : (a) The hours of attendance are from 10 a.m. to 5 p.m. on Monday to Friday, inclusive of a recess interval of half an hour, and from 10 a.m. to 2 p.m. on Saturday, without a recess interval. The hours of attendance in other Government of India offices are generally, I believe, from 10-30 a.m. to 4-30 p.m. These are the hours of attendance in the Controller's office.

(b) and (c) A petition was received by Government in 1921 from the clerical staff of the Government of India Press, Calcutta. A petition

was also received by the Controller from the staff of the Government of India Press, Delhi. These were rejected. I understand that further memorials have recently been received by the Controller from the clerical staff of the Delhi and Simla Presses. These memorials are under the consideration of the Controller.

NON-OBSERVANCE OF LAST SATURDAY AS A HOLIDAY IN THE GOVERNMENT OF INDIA PRESSES.

756. ***Mr. D. K. Lahiri Chaudhury :** Is it a fact that last Saturdays are not allowed in Government Presses but all other Government offices enjoy this concession by turns ? If so, are Government prepared to issue necessary instructions to the Controller of Printing to instruct the Managers of the Government Presses to allow this concession by turn classes after making adequate arrangements so that Government work may not suffer ?

The Honourable Sir Frank Noyce : The rule which applies to the Government of India Secretariat is that the head of a department may give the last Saturday of a summer month as a holiday, if there has been no closed holiday during the month. This rule does not apply to Government of India offices generally. It does not apply to the Presses, which have their own rules regarding holidays. Government do not propose to alter their present rules in this respect.

IRON RACKS COLLAPSED IN THE CENTRAL PUBLICATION BRANCH.

757. ***Mr. D. K. Lahiri Chaudhury :** (a) Will Government state whether it is a fact that the steel racks heavily laden with thousands of Government publications stored in the Central Publication Branch collapsed completely of late in two stock rooms of the office ?

(b) If so, will Government state the extent of damage caused thereby ?

(c) Is it a fact that the Public Works Department and the firm of Messrs. Godrej Boyce and Company who installed these racks opined that the collapse was occasioned by the racks being filled with books beyond their capacity from the point of view of weight ?

(d) Is it a fact that in one of these rooms where the racks collapsed, the Posts and Telegraphs Section of the office was located ?

(e) Is it a fact that all the furniture used by the personnel of that section was smashed to matchwood and splinters ?

(f) Is it a fact that the collapse has done considerable damage to official publications ?

(g) What has been the expenditure for the clearance of debris ? Have the racks been reinstalled ? If so, what has been the expenditure on that account ?

(h) Is it a fact that the steel racks in other stock rooms are also liable to collapse ?

(i) Will Government state whether it is a fact that the indent pickers and clerks have very often to work inside these racks ?

(j) Will Government state whether the strength of these racks has been thoroughly examined by experts to prevent any catastrophe that may entail loss of human lives as a result of collapse ?

The Honourable Sir Frank Noyce : (a), (c) and (d). Yes.

(b) and (e). Apart from the damage to the racks, some tables and chairs were broken.

(f) and (i). No.

(g) The expenditure on clearance of debris was Rs. 120. The racks have been installed in one of the store rooms, but information regarding the expenditure incurred on this account is not yet available.

(h) and (j). The racks have been inspected by a representative of Messrs. Godrej Boyce and Company in company with officials of the Central Public Works Department and all reasonable precautions have been taken to prevent other racks from collapsing.

DAMAGE OF PUBLICATIONS STOCKED IN THE CENTRAL PUBLICATION BRANCH.

758. *Mr. D. K. Lahiri Chaudhury : (a) Will Government state whether it is a fact that the publications stocked in the Central Publication Branch are mostly damaged by insects and the leather covers are deshaped?

(b) Is it a fact that the Central Publication Branch has very often to encounter complaints from the public and agents for the supply of damaged books?

(c) Are Government aware that during the rains the records and publications of the office became drenched in rain that oozed through the many leakages and holes in the corrugated roofs?

(d) Are Government aware that some of the walls of the Central Publication Branch Office building are very weak and likely to tumble down?

(e) Will Government state the number of kinds of publications disposed of as waste paper in the course of the last four months?

(f) What is their total value on the basis of their published prices?

(g) What is the amount credited to Government by their sale as waste paper?

(h) Will Government furnish comparative statistics of expenditure on this account during the last four financial years?

The Honourable Sir Frank Noyce : (a) No.

(b) No : such complaints are infrequent.

(c) and (d). No.

(e) 507.

(f) Rs. 21,732.

(g) Rs. 93.

(h) The value of all the publications destroyed as waste paper according to their published prices was :

	Rs.
1930-31	19,449
1931-32	2,53,315
1932-33	4,58,743
1933-34	32,379
	7,63,886

The saving which would have accrued to Government if these copies had not been printed would of course have been only a fraction of this amount.

INCREASE OF WORK IN THE CENTRAL PUBLICATION BRANCH.

759. *Mr. D. K. Lahiri Chaudhury : (a) Is it a fact that the practice of entertaining men on daily wage basis was stopped under Government orders in the Central Publication Branch with effect from February, 1934?

(b) Are Government aware that the staff of the Central Publication Branch are extremely overworked?

(c) Is it a fact that the work of the office has gone on increasing while no arrangements have been made for increase of staff to cope with the work?

The Honourable Sir Frank Noyce : (a) Yes.

(b) and (c). No.

STAFF IN THE CENTRAL PUBLICATION BRANCH.

760. *Mr. D. K. Lahiri Chaudhury : (a) Is it a fact that the Controller of Printing and Stationery in getting the move of the Central Publication Branch to Delhi sanctioned committed himself to the proposition that the move would dispense with the necessity for increase of staff?

(b) Are Government aware that the scourge of malaria in the region where they have been housed exists with great virulence?

(c) Are Government aware that most of the staff have to work on holidays even on Sundays and after office hours and it has been practically impossible to maintain the work up-to-date?

The Honourable Sir Frank Noyce : (a) Yes.

(b) No. The locality is healthy except during the malarial season which, in Delhi, is usually of short duration.

(c) The reply to the first part is in the negative. As regards the second part, my information is that the work in the Central Publication Branch is more up-to-date now than it has been for a very long time past.

PERSONS DETAINED UNDER REGULATION III OF 1818 AND RELEASED SINCE THE DISCONTINUANCE OF THE CIVIL DISOBEDIENCE MOVEMENT.

761. *Mr. Sitakanta Mahapatra : Will Government be pleased to state the names of those persons who were detained under Regulation III of 1818 but who have been released since the discontinuance of the civil disobedience movement?

The Honourable Sir Henry Craik : Four State prisoners have been released, namely, Qazi Ata Ullah Khan, Saadullah Khan, Kheali Ram Gupta and Bhag Ram.

Mr. Sitakanta Mahapatra : Has their release any connection with the suspension of the Civil Disobedience Movement.

The Honourable Sir Henry Craik : In two cases it has some connection.

JUDGMENT BY THE HONOURABLE MR. S. K. SINHA, CHIEF PRESIDENCY MAGISTRATE, CALCUTTA, AGAINST MR. HALES, A MEMBER OF PARLIAMENT.

762. ***Mr. S. C. Mitra :** (a) Is it a fact that questions were asked in the House of Commons regarding the judgment passed by the Honourable Mr. S. K. Sinha, the Chief Presidency Magistrate, Calcutta, against Mr. Hales a Member of Parliament?

(b) Will Government be pleased to place on the table all communications that passed between the Government of India and the Secretary of State on the subject? If not, why not?

(c) Are Government aware of the public feeling that the Government of India in this particular case went against the Magistrate because he is an Indian who had the temerity to pass strong judgment against an European Member of Parliament?

(d) Will Government be pleased to state the percentage of cases in which judgments passed by European Presidency Magistrates have been superseded by higher authorities and High Courts?

(e) Will Government be pleased to state how such percentages compare with the percentage of cases where judgment of Honourable Mr. Sinha have been revised by higher authorities and High Courts?

(f) Do Government propose to uphold the prestige of the Indian Magistracy and Judges by supporting the conduct of their officials in such cases where they passed independent judgments irrespective of whether the persons concerned are Members of Parliament or private individuals?

(g) Are Government aware of the Indian public opinion extolling such magistrates who pass independent judgments against a Member of Parliament? If not, do they propose to enquire into the matter? If not, why not?

The Honourable Sir Henry Craik : (a) Yes.

(b), (c) and (f). The Government of India recently received from the Secretary of State copies of questions and answers in the House of Commons on the subject together with a request for a report on the facts from the Government of Bengal. I place on the table copies of those questions and answers from which it will be seen that the question whether there is a case for enquiry is a matter for the consideration of the Government of Bengal. The Local Government's report is awaited.

(d) and (e). The information is not readily available and I am not prepared to ask the Government of Bengal to collect it.

(g) I have seen some criticisms in the Press on the questions asked in the House of Commons.

Question No. 38, dated 24th July, 1934.

Mr. Hall-Caine.—To ask the Secretary of State for India, if he is aware that many serious complaints have been made against the unfair decisions of the Honourable S. K. Sinha, the chief presidency magistrate of Calcutta, such as the bullying of witnesses, and the unfair treatment of counsel, resulting in many applications for

the transference of cases to another court; and will he make arrangements for a searching inquiry to be made with the least possible delay in the interests of British subjects residing within the jurisdiction of the chief presidency magistrate.

Question No. 40, dated 24th July, 1934.

Mr. Wedgwood.—To ask the Secretary of State for India, whether his attention has been directed to a charge, proved to be false, made by the Calcutta Chief Presidency Magistrate against the Honourable Member for Hanley, a charge for which, on appeal being made to the Calcutta High Court, the magistrate was severely censured by the high court judges; and whether an inquiry will be made into the magistrate's conduct.

Answer to Mr. Hall-Caine's question No. 38 and Mr. Wedgwood's question No. 40, dated the 24th July, 1934.

Mr. Butler.—I will reply to questions 38 and 40 together.

I have seen a report in the Press that the findings of the Chief Presidency Magistrate, Calcutta, in the case mentioned by the Right Honourable Member for Newcastle-under-Lyme were criticised by the Calcutta High Court. I have no information regarding the complaints referred to in the other question.

The question whether there is a case for inquiry is a matter for the consideration of the Government of Bengal.

Supplementary Questions.

Colonel Wedgwood.—May I ask whether magistrates are entitled to make serious charges against Members of this House with impunity, more particularly when those charges are proved to be entirely unfounded?

Mr. Butler.—I have only hitherto seen a Press report of this matter. If the Honourable and gallant Member so desires I am ready to ask for a report from India on the facts. Naturally, I congratulate the Honourable Member for Hanley (Mr. Hales) on his appeal.

Colonel Wedgwood.—Will the Honourable Gentlemen remember that it is the business of the Government, if I may say so, to defend the honour of this House?

Mr. Michael Beaumont.—Is the Honourable Gentleman aware that at the time when the strictures were made they caused considerable comment in India, and did a great deal of harm to this House in India, and will he give this matter his most careful consideration with a view to seeing whether anything can be done to defend the honour of this House?

Mr. Butler.—I have already informed the Honourable and gallant Gentleman who put the question that I am willing to ask for a report on the facts. The question of whether a further inquiry arises on the facts is a question for the Government of Bengal. In reply to the Honourable Member for Aylesbury (Mr. M. Beaumont), I have already said that I am glad the Honourable Member for Hanley won his appeal.

Question No. 23, dated 25th July, 1934.

Mr. Herbert Williams.—To ask the Secretary of State for India, whether he is aware that in the case of Rabindra Nath Dhar *versus* the King Emperor, in the Calcutta High Court, the appellant's counsel accused the Honourable S. K. Sinha, the Calcutta Chief Presidency Magistrate, of tampering with the records and interpolating certain words in evidence not previously recorded; and will he make representations that inquiries should be instituted into the allegations made against the said magistrate.

Answer to Mr. Herbert Williams' question No. 23, dated 25th July, 1934.

Mr. Butler.—I have no information about this case and I have nothing to add to the replies given to the Right Honourable the Member for Newcastle-under-Lyme and the Honourable Member for East Dorset yesterday.

Supplementary Questions.

Mr. Williams.—Is it not the case that there have been a great number of complaints against this magistrate, and, in view of that, is my Honourable friend considering whether he should take any action?

Mr. Butler.—As I informed the Right Honourable and gallant Member for Newcastle-under-Lyme and my Honourable Friend the Member for East Dorset yesterday, we have undertaken to make an inquiry into the facts, and, until we have received that report, I think it would be unwise to come to any decision.

Question No. 60, dated 26th July, 1934.

Mr. McEntee.—To ask the Secretary of State for India, if he will at the earliest opportunity institute an inquiry as to the alleged serious irregularities in the administration of justice in Calcutta police court by the Honourable S. K. Sinha, Chief Presidency Magistrate, particularly in regard to the large percentage of appeals to the High Court where his decisions have been reversed.

Answer to Mr. McEntee's question No. 60, dated 26th July, 1934.

Mr. Butler.—I have nothing to add to the answers given to the Right Honourable the Member for Newcastle-under-Lyme and the Honourable Member for East Dorset on the 24th July.

Supplementary Questions.

Mr. McEntee.—What is the actual percentage of cases heard by the Chief Magistrate which have been reversed on appeal?

Mr. Butler.—I have not that information. Perhaps the Honourable Member will put down a question.

Mr. McEntee.—Have 75 per cent. of these cases in fact been reversed?

Mr. Butler.—I have informed the Honourable Member that I have no information on the subject.

Major Jesson.—Is not this gentleman now in London and could he not be taken to the India Office and taught his duties?

Diwan Bahadur A. Ramaswami Mudaliar: Is there any peculiar privilege for a Member of Parliament when he visits this country, with reference to criminal proceedings?

The Honourable Sir Henry Craik: None that I am aware of.

Diwan Bahadur A. Ramaswami Mudaliar: Does the Honourable Member realise that in the questions that were asked in the House of Commons, a suggestion to that effect was conveyed by the questioners?

The Honourable Sir Henry Craik: I have got the questions and answers here, but I do not remember any suggestion to that effect, and I do not think there was any such suggestion.

Diwan Bahadur A. Ramaswami Mudaliar: On what subject does the Honourable Member expect a report from the Bengal Government with reference to this issue?

The Honourable Sir Henry Craik: On the matters raised in the questions in the House of Commons.

Mr. S. C. Mitra: Do Government realise that if they take special interest in the case of Members of Parliament and other high personages and ask for an explanation from the Local Governments or the Magistrates, as they are doing, in the case of Mr. Hales, M.P., it will interfere with the independence of the Magistrates and Judges in India who will hesitate to pass independent judgment on these high personages?

The Honourable Sir Henry Craik: No, Sir: the Government of India are not taking a special interest in this case, but they were asked, in consequence of questions and answers in the House of Commons, to request the Bengal Government to furnish a report.

Diwan Bahadur A. Ramaswami Mudaliar: On what subject?

The Honourable Sir Henry Craik: On the subjects raised in the questions in the House of Commons which I am laying on the table.

Diwan Bahadur A. Ramaswami Mudaliar: But do not the judgment of the High Court and the judgment of the Chief Presidency Magistrate taken together furnish all the information that is available with reference to the case?

The Honourable Sir Henry Craik: Very likely it does, but I have not yet seen the judgment of the High Court. I have only seen one sentence of it quoted.

Diwan Bahadur A. Ramaswami Mudaliar: Is my Honourable friend not aware that any inquiry into this matter or any explanation taken from the Magistrate will have a very deleterious effect on the nature of the judgments which Indian Magistrates will hereafter give with reference to cases like this where either a European is an accused or, even more, a Member of Parliament is an accused?

The Honourable Sir Henry Craik: I am not aware that there is any intention of calling on the Magistrate for an explanation. We have merely asked the Government of Bengal for a report on the facts of the case.

Mr. H. P. Mody: Have Members of Parliament got any other privileges besides that of making silly speeches? (Laughter.)

The Honourable Sir Henry Craik: Yes, Sir, they have certain privileges. I understand the traffic is stopped for them in the streets.

Mr. H. P. Mody: In India?

The Honourable Sir Henry Craik: No, when they cross Parliament Square. (Laughter.)

Sardar Sant Singh: Will the Honourable Member take similar steps in asking for a report from the Local Governments when a Member of the Assembly is placed in the same position?

Mr. President (The Honourable Sir Shanmukham Chetty): That is a hypothetical question.

The Honourable Sir Henry Craik: I trust that contingency will never arise.

Sir Cowasji Jehangir: The Honourable Member says he has asked for a report from the Government of Bengal. So far as I recollect, the insinuation in the questions asked in the House of Commons was that this particular Magistrate was prejudiced against Englishmen in particular. How is it possible for the Government of Bengal to report as to whether the Magistrate is prejudiced against a certain community or not, and what report can the Bengal Government give on the sort of questions that were asked in the House of Commons?

The Honourable Sir Henry Craik: So far as I have read the questions asked in the House of Commons, there was no suggestion of racial

prejudice of that kind. And even if there were, I do not see why the Local Government should not be able, out of their own knowledge of the Magistrate's character and record, to say whether there was anything in them or not.

Sir Cowasji Jehangir : If the Local Government had any suspicion that the Magistrate was anti-British or anti-Hindu or anti-Moslem or anti-Christian, they ought not to have kept him there as a Magistrate. It must be presumed that they have no such suspicion from the fact that they have allowed him to stay in that responsible position.

The Honourable Sir Henry Craik : I quite agree with the Honourable Member, but as a matter of fact I cannot find that there is any hint of any such prejudice on the part of the Magistrate in any of the questions asked in the House of Commons.

Sir Cowasji Jehangir : If the Honourable Member will read the questions and answers, I think he will find that there is a very strong insinuation throughout the questions that this particular Magistrate was malicious in his judgment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Actually the question was this :

"To ask the Secretary of State for India, if he is aware that many serious complaints have been made against the unfair decisions of the Honourable S. K. Sinha, the Chief Presidency Magistrate of Calcutta, such as the bullying of witnesses, and the unfair treatment of counsel", etc.

That was the charge against the Magistrate.

Sir Cowasji Jehangir : There are many supplementary questions.

The Honourable Sir Henry Craik : There was no suggestion of racial prejudice.

Sir Cowasji Jehangir : But what report can the Bengal Government give ? If they have no confidence in the man, he should have been got rid of. It is clear they have confidence in him, because they allow him to continue.

The Honourable Sir Henry Craik : I would suggest that we await the report of the Government of Bengal.

Mr. Gaya Prasad Singh : Do I understand that, before the Government of Bengal submit their report, they will ask the Magistrate why he passed the sort of remarks which he made or the sort of judgment which he wrote ?

The Honourable Sir Henry Craik : We have not made any suggestion that that should be done, but that is a matter within the discretion of the Government of Bengal. If they think it necessary to take the Magistrate's explanation, they will presumably do so. If they know from the Magistrate's previous record and character that the allegations made against him are unfair, they will presumably reply to that effect out of their own knowledge.

Mr. K. C. Neogy : Will the Honourable Member be pleased to lay the report of the Government of Bengal on the table when it is received ?

The Honourable Sir Henry Craik : I will consider that when I receive the report.

Mr. Jagan Nath Aggarwal : Does the Honourable Member realise that an inquiry like this is likely to have serious effects on the independence of the magistracy in this country ?

The Honourable Sir Henry Craik : I take it that the inquiry will not be a public inquiry : there is no suggestion that it should be public.

Mr. Jagan Nath Aggarwal : That is right, but even a private inquiry of this kind may have serious effects on the independence of the Magistrates !

The Honourable Sir Henry Craik : No ; I do not apprehend that result at all.

Mr. Jagan Nath Aggarwal : May I suggest to the Honourable Member to see that that undesirable effect is not produced by this inquiry ?

The Honourable Sir Henry Craik : All we have asked the Government of Bengal to supply is a full statement of the facts together with the views of the Local Government as asked for by the Secretary of State.

Mr. Jagan Nath Aggarwal : Quite so ; but would not an inquiry create an impression that an adverse judgment on a high placed gentleman has brought the Magistrate into trouble ?

The Honourable Sir Henry Craik : As I say, I do not see why it should have that result. On the other hand, serious allegations have been made by presumably responsible persons against a Magistrate serving under a Local Government, and surely we must ascertain what the facts are and what the views of the Local Government are. We cannot allow the matter to rest there ; if we did, the Magistrate would rest under these imputations the unfairness of which is suggested in the Honourable Member's question.

Mr. C. S. Ranga Iyer : Will Government be pleased to state that they will see to it that the prospects of the Magistrate are not affected by trivial questions in the House of Commons ?

The Honourable Sir Henry Craik : I do not think the Government of India have any control over the asking of questions in the House of Commons.

Mr. C. S. Ranga Iyer : What I was suggesting was this : will Government be pleased to state if they will see to it that the prospects of an Indian Magistrate are not affected by questionable questions of a racial character in the House of Commons ?

The Honourable Sir Henry Craik : If the allegations contained in those questions are found to be without foundation, naturally the prospects of the Magistrate would be in no way prejudiced.

Mr. Amar Nath Dutt : Are Government aware that the Magistrate is no other than the son of the late Lord Sinha, who spent his whole life to preserve the British connection and who was the first Indian Governor of Bihar ?

The Honourable Sir Henry Craik : I am aware of that.

Mr. Amar Nath Dutt : Will Government be pleased to report this fact along with whatever report may be sent by the Government of Bengal to the Secretary of State?

(No answer was given.)

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 312, asked by Pandit Satyendra Nath Sen on the 31st July, 1934.

RULES REGULATING DISCHARGE AND DISMISSAL ON THE EASTERN BENGAL RAILWAY.

312. (b) It is reported by the Agent, Eastern Bengal Railway, that the discharge and dismissal rules were followed.

(c) The charges against Mr. Stalkey were :

(i) temporary misappropriation of Government money realised in connection with excess fare tickets.

(ii) Altering the dates of the record foil of the excess fare tickets to fit in with the dates on which the money was actually remitted.

(iii) Preparing and submitting false diaries and manipulating the entries therein to cover up a fraud in connection with the excess fare and passenger tickets.

(iv) Non-adherence to the programme of work issued by his District Officer on the plea that he was on Military duty and carrying out work at his own sweet will, subject to no discipline whatsoever.

(d) The first three charges referred to above were questions of facts which could be proved or disproved by documents. Mr. Stalkey was summoned to the Head Office, examined by the Deputy Traffic Manager and served with the charge sheet. Mr. Stalkey was also given full access to the documentary evidence against him. He replied to the charge sheet admitting the facts. In the circumstances no further enquiry was considered necessary. A formal enquiry was held where considered, viz., on charge (iv) above. On receipt of Mr. Stalkey's replies to the other charges, his case was dealt with under Rule 8 of the Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants.

(e) Yes.

(f) In 1923, Mr. Stalkey along with two other Travelling Ticket Inspectors was prosecuted by the administration in consultation with the Audit Department in connection with a suspected fraud case; these men were then working under the Audit Department, that is they were not under the Administration of the Eastern Bengal Railway. Mr. Van Someren was at that time a District Traffic Superintendent.

(g) All the three Travelling Ticket Inspectors were acquitted but were not awarded or given damages. Mr. Stalkey applied for the re-imbursement of his legal expenses and this was in fact sanctioned for the three men under the rule which allowed such re-imbursement to staff who were so acquitted at the discretion of the authority empowered to sanction it. Mr. Van Someren proceeded home on long leave for one year and 19 days in February, 1924. His leave was due and had no concern with the case in question.

(h) Mr. Van Someren was Deputy Traffic Manager, Commercial, whereas Mr. Stalkey was discharged under the orders of the then Traffic Manager. It is immaterial who signed the letter in this connection.

(i) Mr. Stalkey submitted an appeal in May, 1932, to the then Traffic Manager and not to Mr. Van Someren. No reply was sent to the appeal since the Traffic Manager interviewed Mr. Stalkey in connection with that appeal and told him that the orders passed on his case would hold good. A note to this effect was recorded on the file.

STATEMENTS LAID ON THE TABLE.

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(j) The administration considered that Mr. Stalkey's discharge from service was sufficient punishment. At that time orders regarding the withholding of gratuity in the cases of staff so discharged were not strictly adhered to; this has since been remedied.

Information promised in reply to starred question No. 314, asked by Mr. Sitakanta Mahapatra on the 31st July, 1934.

EXPORT OF CHILKA FISH OF ORISSA.

314. Three.

Information promised in reply to starred question No. 345, asked by Sirdar Harbans Singh Brar on the 1st August, 1934.

APPOINTMENT OF TRADE AGENTS.

(a) As regards Trade Agents, there are three such sanctioned appointments, one each at Gyantse, Yatung and Gartok. Owing, however, to financial stringency, the post of the British Trade Agent, Yatung, is at present held as an additional charge by the British Trade Agent, Gyantse, and the present incumbent is Captain P. C. Hailey. As regards the Gartok Trade Agency, the charge is held by Rai Sahib Dr. Kashi Ram, I.S.M.D.

(b) So far as can be seen at present no new appointment of British Trade Agent is likely to be made during the present or the next year.

Information promised in reply to starred question No. 401, asked by Bhai Parma Nand on the 6th August, 1934.

INDIANS RECRUITED AS SAILORS OF THE ROYAL INDIAN MARINE.

Statement showing the number of Indians recruited in the ranks of the Royal Indian Marine during the five years ending the 31st March, 1934, by provinces and communities.

Province.	Community.				Total.
	Muham- madans.	Hindus.	Chris- tians.	Sikhs.	
Bombay Presidency	58	2	37	..	97
Madras Presidency	..	..	2	..	2
Punjab	300	3	1	..	304
United Provinces	2	13	..	..	15
N. W. F. Province	1	..	..	..	1
Burmah	..	..	..	1	1
Total	361	18	40	1	420

Information promised in reply to starred question No. 480, asked by Haji Chaudhury Muhammad Ismail Khan on the 7th August, 1934.

DUTIES OF SUB-ASSISTANT SURGEONS IN THE CIVIL HOSPITAL, DELHI.

There are two Assistant Surgeons occupying residential quarters in the hospital compound. They receive a local allowance of Rs. 50 per mensem, and they are given quarters on the spot so that their services should be available for serious cases at any time. It is not the intention that they should be on constant duty to deal with casualty cases in the Out-patient Department. In addition, there are four Sub-Assistant Surgeons who work in the Out-patient Department from 7 A.M. to 11 A.M., and every day one of the four in turn remains at the hospital from 11 A.M. to 7 A.M. the next morning. He is provided with a bed in the duty room and is able to sleep the whole night unless he happens to be called up to attend a case. The turn for such duty comes at present once in every four days. The question whether the Sub-Assistant Surgeons would prefer a shorter tour of continuous duty will be considered. It is also intended to post an extra sub-assistant surgeon for general duty and to act as leave reserve. With this addition, the staff should be adequate to meet the requirements of the public without throwing undue strain upon the staff. No further action is considered necessary.

Information promised in reply to starred question No. 481, asked by Haji Chaudhury Muhammad Ismail Khan on the 7th August, 1934.

MEDICAL DEPARTMENT OFFICERS EMPLOYED IN DELHI FOR THE MEDICAL INSPECTION OF SCHOOLS.

- (a) Yes.
- (b) (i). Three part-time officers are in receipt of allowances ;
- (ii) Two whole-time Sub-Assistant Surgeons are employed. They are in the grade of Rs. 70—4—130 on the Punjab Subordinate Medical Service Cadre. In addition to their salaries, they are granted house-rent at Rs. 10 per mensem each, but no other allowances are given to them ;
- (iii) The sum of Rs. 8,100 has been included in the budget for 1934-35 for this purpose.
- (c) Reply to the first part is in the affirmative. The number of primary and secondary schools in Delhi city being very large, it is not possible for the medical officers attached to dispensaries to find sufficient time for the medical inspection of so large a number of students and pupils ; an arrangement similar to that in rural areas cannot, therefore, be made in Delhi city.
- (d) A number of varying experiments are being made in the Punjab. In some cases allowances are given to the ordinary medical officers ; in some of the larger towns, the services of a medical practitioner are employed.
- (e) The expenditure on this scheme was reduced in 1932 from Rs. 830 to Rs. 510 per mensem. Further reductions could be made only at the expense of the health and well-being of school children.

Information promised in reply to starred question No. 486, asked by Mr. Sitakanta Mahapatra on the 7th August, 1934.

STANDING COUNCIL TO THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

- (a) No.
- (b) Yes.

Information promised in reply to starred question No. 491, asked by Sirdar Harbans Singh Brar on the 7th August, 1934.

COMMISSIONED OFFICERS SERVING IN THE ROYAL INDIAN MARINE.

The number of King's Commissioned officers of the Royal Indian Marine is 117. The average number of those who have retired annually during the last six years is

five. During that period the same average number has been recruited annually in the proportion of two British to one Indian officer.

Information promised in reply to part (d) of starred question No. 525, asked by Mr. A. H. Ghuznavi on the 13th August, 1934.

DISPOSAL OF SURPLUS LAND ON THE ASSAM-BENGAL RAILWAY.

Government understand that lands found surplus on the Assam-Bengal Railway have been relinquished from time to time to the Local Government who arrange their disposal and settlement.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 20th August, 1934, agreed without any amendments to the Bill to supplement the Assam Criminal Law Amendment Act, 1934, which was passed by the Legislative Assembly at its meeting held on the 14th August, 1934."

THE INDIAN IRON AND STEEL DUTIES BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I beg to move :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as reported by the Select Committee, be taken into consideration."

It seems unnecessary for me to commend this motion for consideration of the Select Committee's Report on this Bill in a lengthy speech. It may, however, be of assistance to the House if I indicate quite briefly the nature and extent of the more important changes which have been made in the Bill as originally introduced into this House as a result of our discussions in the Select Committee. We, on our side, have adhered to our proposals in regard to the excise and countervailing import duties as being matters on which unfortunately it was not possible for us to compromise in any way. Nevertheless, my Honourable Colleague, the Finance Member, and I have both stated in unequivocal terms that the Government of India do not propose that this particular excise should continue any longer than financial considerations render such continuance necessary. (*An Honourable Member :* "For ever!") I venture to hope that Honourable Members opposite will reciprocate the spirit of accommodation which we have shown in endeavouring to meet them on matters to which they attach considerable importance and that they will accept without division the Bill as it has now emerged from the Select Committee. The House will observe that we have altered our proposals in regard to British tested structurals and plates. These will now be subject to a revenue duty of ten per cent. *ad valorem* instead of being allowed free entry. There is another matter of considerable importance in regard to which we have met Honourable Members opposite. It has been urged that the continuance of the existing duties, until the end of October by the extending Act which was passed by this House last Session, should be taken as precluding any modification of the duties

[Sir Joseph Bhore.]

before that date. We are unable to accept that interpretation. Nevertheless, in order that unnecessary loss and hardship might not be imposed upon those who in good faith believing that these duties would be extended in the ordinary course until the end of October, 1934, have entered into commitments, we have agreed that these proposals should come into effect from the 1st of November. I may add that it has been calculated that this will cost the Government something like Rs. five lakhs in revenue and incidentally it will swell the credit side of the balance sheet of Tatas considerably for the period covered by this year. I do not think it is necessary for me to anticipate the discussions that must take place on the clauses and the Schedule in respect of which I see many notices of amendments on the paper, and, I will, therefore, now content myself by moving for consideration of the motion. (Cheers.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as reported by the Select Committee, be taken into consideration."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, a child was once given fine chocolates in which fine saw-dust was mixed. When it began to eat them, it neither liked to swallow them, nor did it like to throw them out. They were like what we call :

Boor ke laddoo khaye toe pastāye nā khaye toe pastāye.

If you eat the *boor ke laddo*, you are not happy ; if you don't eat them, you are still more unhappy. This is exactly the position in which I am placed today. The Bill which is now before us is really a *boor ka laddoo* for me. I can neither accept it nor reject it, and this is now a common phraseology in politics. Sir, protection to the steel industry we must give. We are committed to it, and we can't help it. We would not reject the protection even if we could, and we could not reject it even if we would. The only point that we have to consider today is the quantum of protection and the conditions on which protection ought to be given. Sir, there are two industries which have given very great anxiety to the Legislature, to the Commerce Department, and to my friend, the Honourable the Leader of the House, and these two industries are the textile industry and the steel industry. The position in the case of these two industries is entirely different. In the case of the textile industry, the Government can dictate their own terms, but in the case of the steel industry the Government would have to accept the terms dictated to them, and on account of the powerful nature of the steel industry the position is exceedingly difficult.

Sir, the steel industry has got a long history behind it ; but I shall not go into details for want of time. We first started giving protection to steel, in the year 1924, and, in the year 1927, Sir Charles Innes clearly said in his speech when he brought forward the Steel Protection Bill for the second time : "That we are now beginning to reach finality, and that when once the House has passed this Bill, the Legislature will be spared the pain and weariness of listening

to long speeches, such as I am afraid it is my fate to make today, and will be able to stand aside and watch the steel industry of India forging ahead to a position in which it can meet competition from whatever country or quarter it may come without any special protection from the Government."

These were the words used by Sir Charles Innes in the year 1927, and he said further that it would be the last occasion on which they would hear about this Bill and that people would hear no more of protection, but, contrary to the assurances of Sir Charles Innes, seven years later, the Commerce Member says,—“if we are satisfied that within a definitely measurable distance of time”,—mark the words, “within a definitely measurable distance of time”,—“it will be possible for that industry, unaided, to withstand the competitive challenge of its outside rivals”. So, in the year 1927, the Commerce Member thought that we were then at the end of this protection period of the steel industry, but seven years have passed, and the Commerce Member now says that within a definitely measurable distance of time, which may mean a century, two centuries or which may mean anything,—it will be possible for the industry to withstand unaided outside competition, and that, after that “measurable distance of time”, protection will come to an end. Sir, as I shall show later on, this protection is not for seven years, it is for perpetuity, and it will not be possible for either the Government or for the Opposition to withdraw it.

Sir, I have been going through these Tariff Board Reports very carefully since 1924, and, I think, I can pass an examination in these Tariff Board Reports. I do not propose to go into details now, but I shall just refer to one or two points. When we began the first Tariff Board Report, they said at page 83 :

“It is probable that the cost of steel production in India will fall substantially in the next 3 or 4 years, and there is a reasonable assurance that at no very remote date, Indian steel will be able to hold its own in competition with imported steel without protection.”

That was the hope held out by the first Tariff Board Report. Then it was repeated by Sir Charles Innes when he laid the Bill before the House. I should not say the ink, but the paper was not dried when we noticed that a second Tariff Board Inquiry met, and they almost doubled the duty. Then it was followed by a third Tariff Board Report, in the year 1925, in which they recommended a bounty of Rs. 18 per ton. Sir Charles Innes when placing the second Tariff Board Report, 1927, which is now in my hands, calculated the effect of the burden during the preceding three years, and he said that in bounty we give to Tatas 209 lakhs, and the burden on the consumers was 164.50 lakhs per annum. Sir Charles Innes said that that Report would be the last Report, but unfortunately we have got six more Reports, which are now in my hand. The first Report is the Report on pig iron, and now after considering very carefully all the arguments for and against, the Tariff Board were of the opinion that the duty on pig iron ought to be removed, but on account of the fact that there were some strikes in Tata Iron and Steel Works, they thought that probably they might continue it for some time more. This is what they say at page 12 :

“We have found that the removal of the revenue duty on pig iron would not directly interfere with our scheme of protection for the steel industry..... In view of the recent strike at the Tata Iron and Steel Company's work, we consider the present an unfavourable time for the removal of the duty.”

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[Dr. Ziauddin Ahmad.]

And, hence, the taxpayers had to pay for the mis-management of Tatas' Works in mishandling the strikes, and consumers have to pay the penalty for it. That was not all. I will return to pig iron a little later, because, even after the recommendation made in 1930, we notice in the Bill that the duty has not been removed. The effects of the 1929 strike are still visible.

Then followed a second Tariff Board Report on Galvanized sheets, and in this case they again recommended that on account of the strikes of 1929 they could not reduce the duty, particularly on smaller orders.

Then came the third Tariff Board Report on the railway materials, in which they proposed fresh duties to be imposed. Then came the fourth Report, and, on page 8 of it, they have suggested an imposition of duty at the rate of Rs. 7 per ton. Then followed the fifth Annual Report on wire and wire nail industry, on which they imposed a duty of Rs. 45 per ton on wire and wire nails. Then, Sir, after all these Reports, and after producing all this literature, there comes a remarkable incident in the history of the taxation proposals of the Government of India, which, I call it, is the result of their intoxication of the fourth type that I have repeatedly described on the floor of the House, and that is the enactment of 1931, in which they raised the duty by 25 per cent. throughout without considering what the protection was. *Take ser bhaji take ser khaja.* In 1926, the protection was very carefully calculated, and the Government had no business to alter it,—and they cannot give any explanation for their action except intoxication of the fourth type—they increased the protection duty by 25 per cent. and gave Tatas additional profit. I do not find in the Tariff Report any mention whatever about this particular point, only on one page they have said that the duty in 1926 was estimated at so much and now it is so much; but it was their duty to discuss the effect of the 25 per cent. increase throughout. Neither in the speech of the Honourable the Commerce Member nor in the Report of the Tariff Board is there any reference to the effect on the Tata Iron and Steel industry due to the adoption of this abnormal procedure, by the Government, of raising the duty by 25 per cent. In this particular case, I can only say that the Tariff Board, by omitting this very important event, have not discharged their duties properly. They ought to have divided this period of seven years in two different sub-periods, one from 1926 to 1931, when the old duties were in force, and the other from 1931 up to the present time, when the new duties have been in force. They ought to have given the figures for the two sections separately so that we may be able to realise what the effect of the mistake of the Government has been on the protection of this particular industry. I thought that the period of protection was over, but we find that though we are anxious to give up the blanket the blanket would not leave us. We know the story that a crocodile was floating in the river and somebody thought that it was really a blanket. So he sent a friend to bring out the blanket. The man went there and the crocodile caught hold of the man. The person who sent him shouted to give up the blanket. The friend replied : "Though I am ready to leave the blanket, the blanket is not willing to leave me." (Laughter.) We may be inclined to give up this protection but the protection will never leave the Government or the Legislature or the country.

I now come to the report of the Tariff Board and shall deal with the specific points now under discussion. I have got several complaints which I shall enumerate. My first complaint is that we don't know the exact amount of burden we are putting on consumers. Sir Charles Innes, while making his speech in 1924 and also while making his speech in 1927, gave us clearly what the effect of the protection would be on the consumers and on the taxpayers and in what proportion it would fall on different classes. But in this particular case now, we are left entirely in the dark. The Tariff Board, in a particular section of their report, have suggested the method by means of which this could be calculated, but they left it to the readers to make their calculations and to find out figures for themselves. They gave, no doubt in a succeeding paragraph, a kind of estimate of the customs duty and they said by dividing it by half it would be the protection to the Tatas. I do not like to read the relevant portion for want of time, but Honourable Members can see it for themselves. Thus, the Tariff Board have not discharged their duties satisfactorily. They gave us the method but did not give the calculations and they left to readers to calculate. We know that during the first three years, that is, from 1924 to 1927, we paid to Tatas by way of bounties Rs. 209 lakhs in cash, and also, as stated by Sir Charles Innes in his speech in 1927, Rs. 164.50 lakhs per annum. So, during the period of three years the burden comes to about Rs. eight crores. For the period 1927 to 1934 the figures are not given accurately anywhere and we are left in the dark. Probably we might safely put it that it could not be less than about Rs. ten crores. That is the lowest estimate that I made in my mind. When I look at the shares and the capital of Tatas I am really surprised whether the Company now is owned by the consumers of India or it is owned by certain persons who originally subscribed the money. I notice from the *Commercial Review* that the funds of the Tatas consist of Rs. 75 crores at six per cent. cumulative, 6.93 crores at 7½ per cent. cumulative, and ordinary shares of Rs. 2.62 crores; the total is Rs. 10.45 crores.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Is it the latest balance sheet ?

Dr. Ziauddin Ahmad : No, no. The balance sheet will never come out because it will show all the latent profits which are earned by the Tatas. They are taken from the *Commercial Review*. Then the total is Rs. 10.45 crores. If the original shareholders contributed Rs. 10.45 crores, and the consumers of India have contributed another Rs. 18 crores during the last ten years on which no interest is to be paid, then the question to ask is, whether the Company is owned by the shareholders, or by the consumers of the country who contributed much more than the shareholders of the Company did.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Let us nationalise it.

Dr. Ziauddin Ahmad : That is my first criticism. My second criticism is that in the Bill as well as in the Tariff Board's report there is a great confusion between the revenue duty and the protective duty. These two are quite distinct and separate. Every revenue duty is a protective duty unless a corresponding excise duty is levied. This is a point which the Tariff Board quietly omitted. When I read the report care-

[Dr. Ziauddin Ahmad.]

fully, I found that they began to calculate the amount of protection needed and they said *nil*, i.e., no protection was needed, in the body of the Chapter where the calculations are made—I refer to page 84, section 196, where on certain articles they said no duty was needed. But, when they come to their appendices, they quietly put down a revenue duty. When they put down a revenue duty of this kind, it really serves the purpose of additional protection. Either the Members of the Tariff Board are fools, or they considered that all of us are fools and would not understand the confusion. But I can say this that they have befooled the Government all right, because they have put down this as a revenue duty while it acts as a protective duty. Coming to the Company's profits and capital charges, I think they are excessive, but today I do not question them. I question only two points, and I think the majority of Members here, especially my Honourable friend, Mr. Vidya Sagar Pandya, will agree with me, that the interest on working capital is calculated at six per cent. today when the Government is floating a loan at three per cent. May I ask whether the six per cent. is really a correct figure for calculating interest? At present, a Company like the Tatas which has got good the security of this Bill can raise money at any market at four per cent. and my Honourable friend, Mr. Vidya Sagar Pandya, and my Honourable friend, Sir Cowasji Jehangir, will probably be ready to lend them at the rate of four per cent. Therefore, the rate of six per cent. in these days when the Government are floating their loan at three per cent. is excessive, and, I think, Government ought to have looked into this matter and allow interest only at four per cent. Therefore, the amount of Rs. 11 lakhs which the Tariff Board has allowed should be reduced to Rs. seven lakhs. Let me come to the manufacturers' profit. Here is my Honourable friend, Seth Haji Abdoola Haroon, who is a manufacturer; here are the Members of the European Group, though they are not here now, would know that the manufacturers' profit is never calculated on the capital; it is always calculated on the cost price. When I began to learn the chapter on profit and loss in arithmetic, the first thing that my teacher said was, that you calculate your profit on the cost price and on nothing else. But here are my friends of the Tariff Board who come forward and say, do not calculate profit on the cost price, calculate it on the capital subscribed by the shareholders. The important thing is to give fat dividends to the shareholders, never mind the consumers, never mind the Government and never mind the taxpayers. The only important thing is that shareholders should be properly paid and given a dividend of eight per cent. in these days when the Government is floating loans at three per cent, and profits should be calculated accordingly. Their basis of calculation is absolutely wrong. Their hypothesis is incorrect. The Government ought to have objected to it. Their idea was this, that the Tatas ought to be assured of a profit of one crore of rupees and let us see how this one crore of rupees should be sub-divided among the principal items. Now, this is the logic on which the Tariff Board began to act. One crore, the pound of flesh, should be given to Tatas and let us see how it would work out in the present case. I took the trouble to calculate from the figures given on page 45, Table XV.

Now, if we accept the two principles that the percentage of profit should be ten per cent. of the work cost and it is exceedingly reasonable.

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in these days of depression and also accept that for working expenses they can raise money at four per cent. interest, then their selling price will be altered and I give figures in the column below :

1	2	3	4	5			
Estimated average works cost.	Estimated average output.	Overhead charges.	Company's profit.	Fair selling prices f. o. r. Tatanagar 1+3+4.	Percent- age of profit on work cost.	Fair selling price if profit is 10 p. c. cost price interest reduced from 6 p. c. to 4 p. c.	
Rs. per ton.	Tons.	Rs. per ton.	Rs. per ton.	Rs. per ton.	Rs. per ton.	Rs. per ton.	
Rails ..	53	80,000	21	21	95	40.3	78
Fish plates	81	3,000	26	26	133	33.5	114
Structurals	57	117,000	21.5	21.5	100	40.3	86
Bars ..	57	80,000	19.5	19.5	94	37.8	90
Plates ..	60	35,000	19.5	19.5	99	38.5	84
Semis ..	43	110,000	5	5	53	14.1	52
Black Sheets.	79	25,000	21.5	21.5	122	30.2	108
Galvanised Sheets.	109	90,000	25	25	159	26.7	144
Sleepers..	54	15,000	12	12	78	26	71

Company's net profit excluding overhead charges, depreciation, interest on working Capital is Rs. 100 lakhs. Company's profit calculated at ten per cent. on working cost is Rs. 36 lakhs, other items remaining unchanged.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Fair selling price where, at Tatanagar?

Dr. Ziauddin Ahmad : At Tatanagar.

An Honourable Member : What about the shareholders?

Dr. Ziauddin Ahmad : They are not orphans. They are not to be fed at the cost of the poor consumers of India. They can look after themselves. I give them ten per cent. profit. Then I ask one question. Suppose I have a big factory to manufacture chairs. I build a palace for my factory and have first class liveried servants and have a costly staff. Now, I produce a chair whose work cost is three rupees. Am I entitled to take as my profit eight per cent. interest on the money that I spent or am I entitled to charge only ten per cent. on Rs. three? I am afraid the price

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in the former case will be so high that unless the consumer is compelled to purchase by an Act of Legislature, there will be absolutely no chance for selling the chairs.

(Interruption by several Honourable Members.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Honourable Members ought not to interrupt the Doctor and try to understand in a second or two what it has taken him hours and hours to study and understand. (Laughter.)

Dr. Ziauddin Ahmad : One merchant told me that the duty on non-British article is prohibitive. There will be no steel trade with non-British countries. This is a thing which I do not like to develop today, as I leave it to Mr. Das. He has expressed it in his Note of Dissent, but I can only mention one thing. If we displease the non-British countries and they cease to have any trade with us, then we will be reduced into a very difficult position. We have to pay 72 crores a year to the United Kingdom on account of our fixed charges and on account of the remission of money by private individuals. Now, these 72 crores we can only get by selling our goods to non-British as well as British countries and if the source of selling our goods to non-British countries is stopped, then, I am afraid, we will have no alternative but to request the British Government and say—please take 72 crores in the shape of goods, because we cannot dispose of them on account of the intoxication of the fourth type of our own Government.

My fourth complaint is that even to this day we have not been supplied with the balance sheet of Tatas. We have not been supplied with the evidence which was given before the Tariff Board and we have not been supplied with the representations made to the Government on this particular question. We are asked to vote in the dark. No one will believe, outside India, that the Tariff Board made its recommendations ; the Government prepared that Bill without seeing the Balance Sheet of the Tata Company. We do not know all the facts and the Government knows very well that they can dictate their terms in this House. They have been dictated to by others and they think they can dictate to us. Besides, there is no safeguard against keeping up the price as recommended by the Fiscal Commission on page 48 of their report. This is what they say :

“ But should any such combination arise in India which appear to be to the detriment of the Indian consumer, we do not think it would be difficult to find a remedy. The matter should be investigated by the Tariff Board which we propose should be established, and if the Board reports that the combination is in effect injurious to the interests of the Indian consumer, and the Legislature accepts the view, the protection given to the industry could be lowered or withdrawn, or possibly special legislation could be introduced to deal with the matter.”

Here, there is a definite suggestion about the safeguards whenever protection is given, but, in this Bill, we find that it is entirely ignored. There is nothing in this Bill to visualise how the matter will be dealt with should such an emergency arise. Should the Tata Company have some sort of combine with the importers of steel, it will create an exceedingly difficult position for us.

My last complaint is that no effort has been made to find out the cost of production in foreign countries, in England, America, Belgium and Germany. This is one of the directions given by the Fiscal Commission, that in the case of protection, this thing must also be inquired into, which the Tariff Board did not do.

Now, coming to the profits guaranteed to the Tata Company, there are three kinds of profits—the visible profits, the invisible profits and the latent profits.

An Honourable Member : Patent profits ?

Dr. Ziauddin Ahmad : No, latent profits. As regards the visible profits, the Government have given them 100 lakhs and they have distributed this one crore among the eight principal articles, and in the fair selling price this sum has been included. Now that one crore is a visible profit. Now, I come to the invisible profits, whose value I have calculated to be one crore and 13 lakhs.—that is, one crore visible profits, and 1 crore 13 lakhs invisible profits. I will give you my results, but, in the meantime, I may put one question to my Honourable friend, Seth Haji Abdoola Haroon, and other business men. Supposing, I am the sole manufacturer of an article, and my fair selling price is Rs. 100. Now, I cannot manufacture the whole of the requirements of the country, I manufacture half the requirements of the country, and the other half must be imported from outside. Now, if that commodity is imported after duty has been paid at Rs. 120, then will I sell it for Rs. 100 or for Rs. 120 or perhaps for Rs. 119 ? I will sell it for Rs. 100, but I will sell it perhaps at slightly less than the price at which the foreign article would be sold. Now, I consulted several business men and everyone told me that if any factory has got a monopoly and there is no internal competition, because Tata has got the monopoly, then their selling price *de facto* will not be what Government calls the fair selling price, but a price equivalent to the price at which the duty paid article is imported into this country, especially on account of the fact that I cannot supply the entire amount, and the other half must come from abroad. If you accept the principle, that the Tatas will not sell it at the scheduled fair selling price provided here, but at duty paid imported price, and there is no machinery by which the Company could be forced to sell at the scheduled price, then a new additional profit will be accrued and this I call invisible profit.

Diwan Bahadur A. Ramaswami Mudaliar : But the fair selling price is the same as the imported price ?

Dr. Ziauddin Ahmad : No. This is not the case. The fair selling price has been calculated after paying one crore to the profits account and another 100 lakhs for overhead charges and depreciation, and the amount of 200 lakhs is distributed among various articles, as is given in the table I have just given. The difference between the fair selling price and the *de facto* price is the invisible profit of the Company.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : There is no statutory power to compel them to sell at the fair selling price.

Dr. Ziauddin Ahmad : I will now refer you, Sir, to page 54, Tables XXIII and XXIV :

Invisible profit.

	1	2	3	4	5	6	7
	Fair selling price at Tatana-gar + Rs. 4 per ton excise duty Rs. per ton.	Landed price without duty Rs. per ton.	Proposed duty.	Landed duty paid price 2+3.	Invisible profit per ton 4-1.	Totals output in tons.	Invisible Profit in rupees, 000 omitted.
Rails ..	99	113	10	123	24	80,000	1,920
Fish plates ..	137	151	14	165	28	3,000	84
Structurals ..	104	113	11	124	20	117,000	2,340
Bars ..	98	96	15	111	13	80,000	1,040
Plates ..	103	114	10	124	21	35,000	735
Semis ..	57	64	6	70	13	110,000	1,430
Black Sheets ..	126	119	16	135	9	25,000	225
Galvanised Sheets ..	163	160	15	175	12	90,000	1,080
Sleepers ..	72	86	10	96	14	15,000	210
Total ..	..	..	..	..	..	..	Rs. 90·64 leaving minor variations between tested and untested.

There will be a profit of Rs. 90,64,000, according to this calculation ; it is only a question of arithmetic.

Diwan Bahadur A. Ramaswami Mudaliar : May I just take the first item—Rails ? My Honourable friend knows that there is a contract, so far as rails are concerned, with Government and no question of competition with landed prices arises at all.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : But what about the market ?

Diwan Bahadur A. Ramaswami Mudaliar : There is no private market for Rails.

Maulvi Muhammad Shafee Daoodi : These are sold in the market also.

Dr. Ziauddin Ahmad : There may be a kind of minor variations on account of their contract with particular firms to sell at particular prices, but these variations equalise. Now, to this, I add the profit on the pig iron on which a duty has also been imposed and that amounts to over 18 lakhs and it makes a profit of 109 lakhs. This is an invisible profit. Sir, I do not wish to discuss pig iron now, but I will discuss it later on, as I have given notice of an amendment on this subject. I

have, however, come to the conclusion that the Tata Company will get one crore of rupees and what I call visible profit. The invisible profit will diminish if you equalise the British prices and Tatas' prices, as I notice in each case that the fair selling price is always lower than the price of the British goods imported in this country without duty. Sir, when I make a proposal, I do not do so in the interests of the British manufacturers, but I do it, in the interests of the consumers of this country. After all, if these goods are imported at a higher price, then the consumers will have to pay not only a higher price for the British goods but also a higher price for the corresponding articles manufactured by Tata. This is a point which I will discuss when I come to my amendment of which I have given notice today to the effect that the whole of the Schedule should be modified. Sir, if this Bill, as it stands, becomes an Act, then I am prepared to take the contract of the Tata Company at one crore of rupees, which is their pound of flesh and I will have sufficient money to pay 50 lakhs of rupees to the Treasury Benches—it will not be a bribe—which they can deposit in the Indian Exchequer. I am also prepared to give 25 lakhs to the Leader of the Opposition which he can distribute among various Parties of Non-Official Members. (Laughter.) Even after paying this 75 lakhs in the shape of presents and one crore of rupees to the Tatas', I will be able to make a profit of over half a crore of rupees every year. This is my calculation and if Mr. Mody is agreeable to give me the whole contract I am prepared. Sir, this is really the state of affairs now. Now, Sir, I have discussed the visible profit and also the invisible profit, but it is very difficult to discuss the latent profit as the outsider cannot know the hidden secrets of any company unless he is in it. There are a number of articles which they are making, and some of them are mentioned in the second part of the Report, and which they will never disclose to any outsider, and, therefore, it is impossible for me to calculate this latent profit, but this much I can say that this amount is absolutely substantial.

Sir, I now come to two or three specific points and then I will finish my speech. I will take up first pig iron. In the case of pig iron, I notice that in the year 1930 the Tariff Board reported :

“ We have found that the removal of the revenue duty on pig iron could not directly interfere with our scheme of protection for this steel industry.”

This is the clear finding of the Tariff Board that if we remove this duty it will not affect our principle of protection. They further go on to say :

“ But in view of the recent strike at the Tata Iron and Steel Company's works, we consider the present an unfavourable time for the removal of the duty.”

Now, this was the verdict in 1930, and today, in 1934, we find that the duty on pig iron is still there. It has not been removed in spite of the recommendations of the Tariff Board in 1930. They have only said that it should be temporarily withheld on account of the strike at the Tata works. Sir, the effects of the strike are over. We have given them 25 per cent. extra protection by the enactment of 1931, and yet this duty on pig iron is there and I see absolutely no justification for it. The Government were put on the wrong track by the Tariff Board Report.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : May I ask how much pig iron we import every year ?

Dr. Ziauddin Ahmad : I have calculated that the profit on pig iron at ten per cent. will be about 18 to 20 lakhs.

Mr. N. N. Anklesaria : I did not ask that. I want to know how much pig iron we import in India every year ?

Dr. Ziauddin Ahmad : I want notice of that question. (Laughter.) I can supply this information only after consulting the sea-borne trade statistics.

Now, Sir, with regard to pig iron, I have got two specific complaints which have also been referred to in the Tariff Board report. They say that the pig iron has got two different rates—one rate for its sale in India and the other rate for its sale outside of India—and the difference is about Rs. 11 per ton. Now, I want to know what justification can there be for selling this pig iron to our own industries at a higher rate than they do to the outside market ? By doing this they are helping the foreigners engaged in this industry. Not only this, but they go one step further. They have got a differential rate of their selling price. They sell at a cheaper price to the bigger firms and at a higher price to the smaller firms. In this way, the Company does not only levy a tax on the consumers but are taking direct action to destroy the smaller industries in the whole of India and this is a thing to which we the legislators should not contribute. Government may make a common cause with the Tata Company and help them to destroy the minor industries in this country, but we, who represent the consumers and the taxpayers, should not agree to such a course. We cannot possibly keep in this Bill a duty which may help and injure the cause of smaller industries and which has been very much misused during the last three years. Sir, I say that there is no justification for keeping this duty on pig iron. I do not want to quote the relevant remarks of the Tariff Board on this particular subject as, I believe, every Member knows them, but I will refer Honourable Members to page 139 of this report in which they say :

“ Except in the case of the Indian Iron and Steel Company in 1931, the figures of the past three years show a difference between internal and export prices not exceeding Rs. 11 per ton.”

Then, on the same page, later on, I come to a very important point and I cannot possibly understand the mentality of the Tariff Board when they say :

“ The representatives of Indian foundries have admitted in evidence that a difference of approximately Rs. ten per ton between internal and export prices may be regarded as reasonable and does not afford any ground for complaint.”

I should like to know who this man is who says that there is no cause for complaint. Not only this, but the Tariff Board itself forgot what they said when they came to paragraph 241. They said :

“ Between the large Companies associated with the Indian Iron and Steel Company and the manufacturers in Japan, Indian foundries producing castings of good quality for sale have been placed in a position of disadvantage by reason of the discriminatory prices at which Indian pig iron is sold.”

So much about pig iron. The other points about pig iron I would like to reserve when I move my motion that the duty on pig iron should be removed.

The next thing to which I would like to refer is the sale price, and I maintain that their policy in this direction is absolutely wrong.

They give a profit of about 40 lakhs to these sale houses and this is an additional burden on the consumers of the country.

1 P.M. Therefore, whenever we discuss the burden on the consumers, we discuss not only the visible, the invisible and the latent profits but also consider the profits of the middlemen called the sale houses. I have got a definite complaint against this system of sale houses. My first complaint is—and the merchants have repeatedly told me and there is evidence in the Tariff Board report as well—that they can buy directly from the manufacturers in Belgium, in America, in France and everywhere under the sun, except the Tatas who will not sell to them. They can only sell through their special managing agents. Thus, their position would be reduced to that of an ordinary shopkeeper instead of merchants. That is my first definite complaint. The second complaint is that these sale houses have internal competition among themselves. They try to push the sale of these things. What they actually do is this. Whenever they find in a particular market some local industry flourishing, then they under-sell the local industry so that the local industry may be destroyed. As soon as the local industry is destroyed they raise the price again and in this way they help to build their own exclusive sale. I submit that these sale houses have been created by the Tatas simply to kill local industries so that nothing but the products of the Tatas can sell in the markets. My third complaint is that you have given them unnecessarily a profit from five per cent. to ten per cent., though on paper it is put down as 2½ per cent., in practice it works out to something like ten per cent. There is nothing in the Bill to regulate the sale price. Though the Tatas may be innocent, yet their vultures, whom they have let loose on the country to devour the consumers of India, may play havoc in the country and may practically take away the money from the consumers and rob them as much as they like. Therefore, this complaint requires careful consideration, and I am sorry that the Tariff Board have not given sufficient attention to it and the Government have not kept in their hands sufficient power to remove these enormous troubles into which the consumers have fallen. They always raise prices whenever the supply of foreign steel is scanty in the market.

I now come to galvanised sheets. This is really a very important article for Eastern Bengal and Burma. We know that the people in these parts cannot build *pucca* houses. They shift their houses from one place to another. It is a question of the utmost importance to the people of Eastern Bengal and Burma.....

An Honourable Member : And for Bihar also.

Dr. Ziauddin Ahmad : Yes, for the people of Bihar also because they have suffered by the recent earthquake, and I submit that these galvanised sheets should be sold at a minimum price giving reasonable profit to the manufacturers and they should not be sold at exorbitant prices. (Hear, hear.) In 1924, a duty of rupees 45 per ton was imposed on this and it was reduced to Rs. 30 per ton, and, as my Honourable friend, Mr. Neogy, pointed out while discussing this Bill, this duty works out to about 12½ per cent. Sir Charles Innes thanked him for this suggestion and said that it was reasonable. The Ottawa Agreement has again played havoc as regards this particular commodity and they raised the

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price to Rs. 83 in the case of non-British goods, Rs. 53 per ton in the case of British goods and Rs. 30 per ton in the case of British goods made out of Indian bar, but there is a cat in the neck of the camel, that is that these sheets on which 30 per cent. duty is to be paid and which are made out of Indian bars will be the monopoly of the Tatas. They cannot be sold by any other person and nothing from outside can come in till all these articles have been disposed of. This really means that the Tatas would sell the goods not with regard to the 30 per cent. duty but with regard to higher rate of duty which will be 53 rupees, and thus the entire profit will go to the Tatas. In this particular case I think this is absolutely unjustifiable. But fortunately this particular thing has now come to an end. By this arrangement the Tatas got a double profit. They first had profits on the sale of their bars and afterwards they had the monopoly of sheets which are made out of these bars. The price was fixed at Rs. 215 per ton but actually it was sold at Rs. 218 per ton, but the cost of manufacture of these bars by the Tatas with ten per cent. profit is only Rs. 144; but if you give them that one crore, even then it will be Rs. 159 per ton, and, therefore, there is no justification to sell it for any amount exceeding Rs. 160 per ton, and the Tatas will get ten per cent. profit even if they sell at Rs. 144 per ton. That is the price at which the galvanized sheets should be sold.

I now come to the end of my speech because I would like to develop the other points later on when I move my amendments. I would very much like now to quote from the leader of the *Statesman*, dated 17th August, 1934, in which it is said:

"Diwan Bahadur A. Ramaswami Mudaliar from Madras City, for example, is responsible for a saying that threatens to become a proverb: 'politics are the last refuge of the millowners.' This was harsh enough, but when the Diwan Bahadur added in the same breath, 'I dare not call them scoundrels,' friendships of long standing snapped. Even the Commerce Member, with friends on every Bench, did not escape unscathed, being accused of dual personality." "There were two Sir Josephs", declared Mr. Ranga Iyer, "one a patriot and the other an Imperialist".

Sir, I am not opposed to protection but I do not like the manner in which the protectionist policy is pursued by the present Government whom the consumers may call perhaps not so strongly as Mr. Gandhi would put it as—Government. With these words, I oppose the motion. (Applause.)

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, we have just now listened to the learned and erudite speech of my learned friend, Dr. Ziauddin. After listening to his speech, I wondered whether he was opposing this Bill for granting any protection to the Tata industries. But he could not have done so when once this House has accepted the principle of granting protection. Apparently, his idea does not seem to be that but his

idea seems to be just to point out the defects that at present obtain in Tatas' and he hoped that Tatas' might rectify those defects as soon as possible and reap the full benefits of the protection that is given under this Bill.

Sir, when this Bill was before the House at the time when there was the motion to refer it to the Select Committee it was subjected to very severe criticism from this side of the House, specially the report of the Tariff Board was subjected to much adverse criticism. It was said that the Tariff Board went out of their way to take some extraneous circumstances into account and made certain recommendations which they were not competent to do. Sir, it was said that the Tariff Board was as particular about giving protection to the British industries as they were anxious to give protection to the Indian industries. And another point is that they made certain recommendations with regard to the changes to be made in the revenue tariff which they were not competent to do. And, Sir, the Honourable the Commerce Member said that we must follow the recommendations of the Tariff Board *in toto*, and hence he has framed the Bill on the recommendations of the Tariff Board. Sir, very recently we had another report of this Tariff Board on the cotton textile industry. At that time the Tariff Board recommended the imposition of duties on the British cotton textiles of finer counts also, because the imports of cotton goods of finer counts by Britain into this country will seriously compete with the Indian goods and hence Government did not give effect to those recommendations in the Bill which they had subsequently introduced. The Honourable Member explained away the reasons why he did not follow the recommendations of the Tariff Board report on that occasion. He said that two extraneous circumstances intervened, namely, the Mody-Lees Pact and the Indo-Japanese Agreement. But that is a different matter. Why I refer to that matter is that the reports of the Tariff Boards of late have not been taken as sacrosanct, and as a matter of fact they have not been taken even by Government as sacrosanct. The Government have accepted its recommendations when they suited them, and rejected them when they were disagreeable.

Sir, there are four important points on which the Bill is open to severe criticism. The first was the recommendation to remove the revenue duties on the British structurals and sheets and plates; second, the levying of an excise duty on steel ingots manufactured in India; third, the preferential treatment given to the British galvanized sheets in the matter of protective duties as against the continental galvanized sheets; and fourth, that the Tariff Board report as well as the Bill did not draw any distinction between tested and untested steel. The main attack of the Opposition was on these four points, but fortunately Government yielded to the pressure of the Opposition and agreed to restore the revenue duties on the British steel structurals and plates and sheets. On the other points they were unable to see eye to eye with the criticism of the Opposition. The most important and vulnerable point in the Bill is the levying of an excise duty on steel ingots manufactured in this country. The reason which prompted Government to levy this excise duty on steel ingots is that according to their recommendations they will stand to lose about 30 lakhs in the revenues; that is to say, by removing the revenue duties on British structurals and also by adopting a scheme of lower protective tariff as against the British

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galvanised sheets imported into this country. They calculate that there will be a loss of 30 lakhs and they have to make good these 30 lakhs. And, after searching various items for taxation, they finally decided to levy an excise duty on the steel ingots manufactured in this country.

Sir, as I have already stated, Government have agreed to reimpose the revenue duty on British structurals. That will restore the revenue by two to seven lakhs of rupees and they have to make good the loss they would sustain owing to the effect of the proposals with regard to galvanised sheets. Sir, I submit this is a very extraordinary feature of the whole Bill that they should resort to the levying of an excise duty. There was absolutely no necessity for Government to impose lesser import duties on the British galvanised sheets than the continental galvanised sheets and lose the revenue which they want to make good by levying the excise duty. The Tariff Board has clearly stated that if they take the landed prices of the British galvanised sheets into consideration there is no reason why they should make any difference between the import duties to be levied on British galvanised sheets as well as the continental galvanised sheets. In calculating the amount of protective duty, that is necessary for any article, the Tariff Board first calculates the fair selling price of the Indian product by taking the works cost, the overhead charges and the manufacturer's profit and freight disadvantages and then takes the landed price without duty of the foreign imports of that kind of article and then assess the difference between these two figures as the protective duty that is necessary for that article. In this particular case of galvanised sheets, they have taken Rs. 160 as the fair selling price of Indian galvanised sheets, and, then, they have taken the landed price *ex-duty* of the galvanised sheets of foreign countries at Rs. 130 in order to assess the quantum of protective duty. But, with regard to British galvanised sheets, they have blindly taken the figure given by the British steel interests as the fair selling price as at the time of the Ottawa Agreement. There was absolutely no reason given by the Tariff Board why they should not take the landed price of British galvanised sheets as obtaining during the preceding year, namely, year 1932, when the competitive prices ruled. This is what they have stated in the Tariff Board Report :

"Two alternatives have been open to us, first, to take the average price in the earlier half of 1932 and adjust it for the variation in the price of spelter since that period and secondly, to proceed on the basis of calculation adopted by the Ottawa Delegation, namely, to take the United Kingdom price at the lowest figure which the delegation considered would give a reasonable return to the British manufacturer and to take the Continental price at the lowest figure actually reached in recent importations. Under ordinary conditions we should be inclined to adopt the first method in estimating the measure of protection. The United Kingdom prices in that case would be almost the same as Continental prices and there would be no scope for differential duties."

That is a very important admission. But they have gone out of their way and they have taken the fair selling price which the British industries gave at the time of the Ottawa Agreement. The Tariff Board did not look into the accounts of the various British firms to find out what the actual fair selling prices of the British galvanised sheets were, nor were the balance sheets of British interests submitted for inspection, as my friend, Dr. Ziauddin, reminds me—to the Tariff Board. Hence, there was absolutely no justification for making this extra-ordinary difference in the matter of protective duties as against the continental galvanised sheets.

It is said that Great Britain is importing pig iron from India duty free, and that that is a great advantage and a consideration for showing this preferential treatment to British galvanised sheets. It has already been pointed out by my learned friend, Diwan Bahadur Ramaswami Mudaliar, that it is after all a very small advantage when compared to the loss that the Indian Government stands to lose by making this difference; and, further, I submit that we should not take this as a consideration for this preferential treatment. Great Britain has imposed duties of 33½ per cent. on continental pig iron and continental steel and on all other countries, and hence they are not in a position to get as much pig iron as they want for their industries and hence it is advantageous to them to import Indian pig iron duty free. Then, it is said that by showing this preferential treatment and reducing the prices of galvanised sheets, it will be of great benefit to the agriculturist. I may submit that the agriculturists do not derive much benefit from this reduction in the price of galvanised sheets. It is only the industrialists who make use of these galvanised sheets: it is a mistake that has been committed by the Government to say that the agriculturists derive great benefit. It is the small industrialists who have to build their factories, who make use of these galvanised sheets: the agriculturists may use it to some extent but not so much as to justify this differential treatment. But as my Honourable friend, the Finance Member, has pointed out, we should not confuse the revenue duties with protective duties. Here I apply the very same argument and say that in estimating the protective duties we should not take into consideration—we should not mix up—the burden on the consumer with the amount of protection you are giving; because both are quite contradictory terms. The very idea of protection means burden to the consumer: we give protection to a particular industry, because after some time the particular protected industry will set its house in order, will bring down the costs of production and will eliminate competition from foreign countries, and then supply the goods to this country at a much cheaper cost, so that the consumer, who has been suffering all along, may get the benefit ultimately from out of the burden he has been bearing all along. In this case, what is the benefit to the industry by giving this protection to the British galvanised sheets? I submit that the argument that prices will go down is also based on erroneous reasoning. The prices will never go down. The price of the British galvanised sheets in India will be the price of the sheets that obtain in this country for the continental imports. If foreign countries have to bear a higher duty, they can import only at a higher cost. Then the British people will not sell galvanised sheets at anything less than that rate. Hence, the difference in the protection duty will be a benefit to them, and that difference will go into their own pockets, and it will not go to reduce the price of galvanised sheets. Thus, Sir, we are giving a bounty, as it were, which is estimated at 20 lakhs, to British interests, if we reduce the measure of protection in favour of British galvanised sheets. Sir, if this difference is not maintained, and if British galvanised sheets are taxed to the same extent as foreign galvanised sheets, then there will not be so much loss to the Government. We would have been able to retain the Rs. 20 lakhs. In that case, there would also have been no necessity for levying this excise duty on Indian made steel ingots. Sir, the Government is placing a very great obstacle in the way of the development of the Indian steel industry by levying this excise duty. They could certainly have avoided the necessity of levying this excise duty, as I stated, by equalising protective duty as against the British as

[Mr. T. N. Ramakrishna Reddi.]

well as continental goods. Generally, excise duty is levied only when there is over-production and when we have to stop over-production in order to raise the price, or as a measure of mild prohibition on a particular article, such as liquor. Then also excise duties are levied. But nowhere in the world is there a country where the key industry is subjected to an excise duty. Government cannot say that there is over-production of steel ingots in this country. Sir, the Indian industry has to work under a very great handicap if they have to manufacture goods under an excise duty. Sir, Great Britain has imposed 33½ per cent. on foreign steel products, but it has not levied any excise duty on steel structurals, or the steel products that are produced in their own country, and so, Sir, they can dump their goods into this country if this excise duty were to be levied on Indian products.

Sir, it is stated by Government that they are also imposing a countervailing import duty on all the imports into this country of steel products equivalent to the amount of excise duty they are levying on these steel ingots, but, Sir, there are many items of imported steel products which escape this countervailing duty or over which these duties have no effect. Take, for instance, the galvanised sheets themselves. There is a revenue duty of ten per cent. This revenue duty of ten per cent. is much higher than the countervailing import duty, as also the rupees ten protective duty that is proposed to be levied on galvanised sheets, and, thus, the galvanised sheets are not at all affected by this countervailing import duty. The same is the case with regard to steel structurals and so many other items. They do not bear this countervailing import duty at all.

Then, Sir, Tatas have to work under very great disadvantages. It is estimated that Tatas produce about 20,000 steel ingots per week or about 800,000 steel ingots in the year. If they have to produce 20,000 steel ingots in a week, whether these steel ingots are sold or not, they have to pay the excise duty. That means, they have to make arrangements for paying about one lakh of rupees every week by way of excise duty, whether these steel ingots are sold or not. Therefore, it will be a very great handicap to the industry to get on.

Sir, my learned friend, Dr. Ziauddin Ahmad, this morning, read passages from the speech of Sir Charles Innes showing that the year 1927 would be the last occasion, when Government would bring proposals to impose this protective duty, and that would be the last occasion, when the country would have to bear this burden of the protective policy. But, Sir, seven years have now elapsed, and we are again extending this protection for a further period of seven years. The Honourable the Commerce Member has stated that if everything goes well, then it would not be necessary to bring forward any further measure of protection.....

Dr. Ziauddin Ahmad : He said within a measurable distance of time.

Mr. T. N. Ramakrishna Reddi : Yes, but that definite measurable distance of time may never come if we continue to give protection in this half-hearted manner. If you want to give protection, then give it fully and completely, and not in such a half-hearted manner, because the idea underlying the present measure would seem to be not merely to give protection to Indian industries, but also to give more and more encouragement to British imports to come into this country. Therefore, Sir, if this state of affairs continues, I am afraid, we shall not be able to realise

or reach that measurable distance of time when Tatas would be able to stand on their own legs. I hope, Sir, in view of what I have said, Government will be able to find their way to yield to the other criticisms of the Opposition, as they have yielded in connection with the revenue duties on the British steel structurals.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, there is such a thing as dragging a man to take part in a debate, even though, left to himself, he might not have taken part in it, after listening to the short sweet speech, the convincing and logical speech, which the Honourable the Commerce Member made this morning. Sir, we on the Opposition Benches welcome him after his illness and in a stage of convalescence to this House with a spirit of martyrdom to pilot this essential Bill. (Cheers.) Sir, he has, in his short speech, indicated to us that financial considerations are mainly at the bottom, and financial considerations cannot be lightly brushed aside by an opposition, however earnest about making speeches, after long burning. I should say, not the midnight oil, but the electric current in the small hours of the morning. (Laughter.) Probably that is responsible and excusable for the quotation that the Honourable Member made from a very excellent newspaper, the *Statesman* of Calcutta. Sir, he quoted, in the course of his speech, the *Statesman* as saying :

“ Even the Commerce Member, with friends on every Bench, did not escape unscathed, being accused of dual personality. ‘ There were two Sir Josephs,’ declared Mr. Ranga Iyer, ‘ one a patriot and the other an Imperialist.’ ”

Sir, not having read the *Statesman's* editorial,—I am not a careful reader or a reader at all, except on infrequent occasions, of editorials of newspapers. I cannot vouch for the accuracy of this quotation, but I cannot at the same time charge the Honourable Member on the Opposition Benches with indulging in the luxury of an inaccuracy. Therefore, I presume, this is an accurate quotation. The quotation may be accurate, but the text on which it relied is inaccurate. The text was the usual misreport that emanates from a notorious news-agency called the Associated Press (Laughter), especially when it reports speeches of Honourable Members in this House, myself being the special target. Sir, the Associated Press on that historic day when I gave a warm support to the Honourable the Commerce Member reported to the country that I described him as having dual personalities of a patriot and of an Imperialist. The speech is before me here, and I shall presently remove that misapprehension of the *Statesman*. The editor of the *Statesman* is a great editor and was an important Member of this House. *Ex-Members* of the Assembly, even though newspaper editors, are not expected to read the reports of the proceedings of this House. They naturally rely on news-agencies and responsible news agencies even though the latter specialise deliberately in *suppressio veri* and *suggestio falsi*. (Laughter.) And that is why, in order to get my support, that the Honourable the Deputy Leader of the Opposition indulged in this gross misquotation to the effect that I spoke of Sir Joseph Bhore as having two personalities,—of an Imperialist and of a patriot. And treating him as an Imperialist, Dr. Ziauddin Ahmad proceeded with long speeches unnecessary and irrelevant on this occasion as if to block the Bill in its passage or press it to a division. Otherwise, there is no necessity or justification for the quotation. But my attitude towards the Honourable the Commerce Member on this

[Mr. C. S. Ranga Iyer.]

occasion is exactly the same as it was on the previous occasion. I certainly spoke of two Sir Josephs, and I said :

" There is at this end a Sir Joseph who loves this country with the passionate and profound love of a patriot, and there is at the other end (in England) the other Sir Joseph, Sir Joseph Nall (a Member of Joint Parliamentary Committee), an Imperialist of Imperialists, a die-hard who is not satisfied by the safeguard clause, who says that the Government must be prevented for all time to come from getting rid of that safeguard by giving bounties to the industry, etc., etc."

Then, I went on to say :

" Sir Joseph Bhore follows up and lives up to the principles of Napoleon Bonaparte when Napoleon said that a statesman's heart must always be in his head, and often times the heart of our Commerce Member is in his head."

There is evidence of it in this particular Bill. He has thought with his head, he has approached the question with his heart and head alike combined, and that is why he was, to meet the Opposition Benches, prepared up to a point to compromise. He has put, as this House is no doubt aware, in regard to British tested structurals and plates, a revenue duty of ten per cent. *ad valorem* instead of being allowed free entry or $1\frac{1}{2}$ times the excise duty leviable for the time being on steel ingots produced in British India. That is meeting the Opposition, because the Opposition has been crying hoarse that we are surrendering here our rights of raising a tariff wall against British and other *foreign* imports. I do not consider the British as foreign imports, and, so long as our goal is not independence, as the goal of the Congress happens to be, but Dominion Status, our economic policy, I say, must be regulated by coming to an agreement, whenever possible, so long as it is not disadvantageous to our own industries, with Britain, and that was the principle on which I took my stand when I endorsed the Ottawa Agreement and when I fought in the Committee that this Assembly should be given a Committee to examine in the light of Indo-British trade the rise and fall of advantage in regard to our own trade. The Committee is examining it, we have not got the Committee's report before us. But it is very easy to draw the red herrings of prejudice as the Congress people are doing out in the country and our friends on the floor of the House and say that we are doing to Britain a great favour to the disadvantage of our own industries. That kind of argument we may be prepared for in future years and we may have to fight it in this House and out in the country, but it does not lie in the mouth of the Opposition, which has consistently and rightly co-operated with the Government, to hug the Congress carcass which the Congress people are trying to put life into. (Cheers.)

U Ba Maung (Burma : Non-European) : Sir, coming from a Province in which there are no heavy industries and where the population has to rely on agriculture for its livelihood, I cannot be expected to display any enthusiasm to a continuation of the protective duties on iron and steel even in a modified form. It will not be denied that the burden we have borne has been heavy and of long duration, and I submit that we are entitled to relief in any direction we can find it, provided it does not kill this great Indian industry which our revenues have been instrumental in establishing. I find such a case in item 143 (b) (1), namely, fabricated steel of British manufacture which it is proposed shall carry the very heavy tax

of Rs. 46 per ton. It is clear from paragraphs 164 to 166 of the Report of the Tariff Board that Rs. 40 of this levy is only intended to be temporary, that Tatas can get along very well without it, and that the reason for imposing it for a short period is to give the fabricating concerns in India and the integrated concerns in England a chance to settle their differences. I fear, Sir, that that settlement may take a very long time if these concerns are left to continue their policy of annihilation of each other, and I recommend the Government, as soon as the Bill is passed, to exercise its powers under clause 2 and issue a notification that the surcharge of Rs. 40 per ton will be abolished six months hence. No further enquiry than that already held and reported on by the Tariff Board will be necessary. All over India there are important works requiring large quantities of fabricated iron and steel which cannot be long delayed. There is the Howrah Bridge for which money is available and which will require 25,500 tons of steel, as I have seen in paragraph 168 of the Tariff Report, and I noticed further that the Governor of Bombay, during his tour last week, stated that the construction of two bridges there was a matter of urgent public necessity and would be embarked upon as soon as money was in sight. In my own Province, that is, Burma, the road between Tavoy and Mergui (these towns were occupied by the British during the First Burmese War), which serves the important tin and wolfram mining and rubber growing industries, is impassable for seven months every year as this is intersected by two rivers over which a bridge must be built. Sir, as soon as they are built, Mergui will have a daily postal service with Rangoon instead of a weekly service by sea as at present. It will then be no longer necessary to pay a heavy subsidy to the British India Steam Navigation Company which is now given for carrying mails.

Then, Sir, turning from the industrial and commercial development of India for which steel is a prime necessity, may I remind the House that it is also necessary for repairing the havoc wrought by the earthquake in Burma on the 5th May, 1930, to one of our ancient famous pagodas. The great Shwemawdaw Pagoda at Pegu, in which I was born and brought up and am still residing, was then brought to the earth in ruins, and when it is rebuilt, its structural supports will be of iron and steel and will cost not less than 15 lakhs of rupees. The money for rebuilding is being found by public subscription and those to whom we have to look for funds are mainly among the poor cultivator class. I am sure, the House will agree that we should not have to pay an extra Rs. 40 per ton for our steel, just because the fabricating firms in India have lagged behind Tatas in the march to efficiency. Sir, it is of the utmost importance that a better understanding be created between India and Burma and, I am sure, that the people of Burma would regard it as a generous gesture of goodwill if Government would forego the Rs. six per ton excise duty and Tatas reduce their price by a further Rs. six per ton for the steel required for rebuilding this famous pagoda. In this connection, I beg to support the statement in the minute of dissent by Messrs. B. Das, S. C. Sen and Mahapatra :

" We think that levying an excise duty for revenue purposes in a Bill to afford protection to a basic industry is wrong in principle and should not have found a place in this Bill."

Sir, in conclusion, I am glad to see the progress Tatas have made under the shelter to which we, in Burma, have contributed so much and

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LEGISLATIVE ASSEMBLY.

[21st Aug. 1934.]

[U Ba. Maung.]

I ask that the duty no longer necessary for Tatas on fabricated steel be abolished regardless of revenue considerations without delay. This is all I have got to say.

Sir Leslie Hudson (Bombay : European) : I desire at the outset to acknowledge the spirit of accommodation which Government has shown throughout the discussions of the Select Committee towards the suggestions which were put forward. That has made our position easier and enables us to give our support to the Bill as it emerges from the Select Committee. In my speech on the first reading of the Bill, I referred at some length to the very debatable question of excise duties in general, and I concluded by saying that as a Group we suspended judgment until after we had heard what the Honourable the Finance Member had to say on the subject and until after the whole question had been thrashed out in the Select Committee. If, therefore, we now give our support to the excise, it is on two grounds. Firstly, we recognise that it is perhaps, at the present moment, necessarily bound up with the present financial position, and, secondly, we have the assurance of the Honourable the Finance Member, and also, so late as this morning, from the Honourable the Commerce Member that this is neither to be taken as a precedent for other industries nor to be regarded as a permanent burden on this industry. I submit that if it is found that an industry is protected by such a high tariff wall that Government revenues are affected seriously and the industry in question is making inordinate profits, then the proper remedy is not to impose an excise duty on the protected industry but to lower the tariff wall. After all, the consumer benefits by a reasonable amount of fair competition, but he loses doubly through an over-protected industry together with an excise which he and not the industry has to bear. I am glad that the Select Committee has agreed upon the retention of revenue duties on structurals and plates. The amount involved is small, but the principle which I enunciated in my earlier speech remains, namely, that a thorough examination of all revenue duties is necessary with a view to their removal where the law of diminishing returns operates, and where they have no substantial, though incidental, value that should be undertaken when the Government's general financial policy is under review. There is, however, one important modification to this general principle.

The question of the supply by Tatas of semis required by the re-rolling firms in India has, I understand, been the subject of a conference between the Government, Messrs. Tatas and representatives of the re-rolling interests concerned. The apprehension has been expressed that Messrs. Tatas may be unable to keep up the supplies of semis contracted for by them with the Tin Plate Company, the Indian Steel and Wire Products Company and the Eagle Rolling Mills, and much less to be able to supply sufficient quantity of semis to the re-rolling concerns in this country to enable them to keep their works running. If this is the case, it is obvious that these re-rolling firms must get their supplies of semis from elsewhere and it would be definitely unfair to them, if by the failure of Messrs. Tatas to supply sufficient raw material, they have to pay a countervailing duty of Rs. four per ton or a revenue duty of ten per cent., whichever is higher, which might cause them to pay more for their

raw materials than the fair selling price of Messrs. Tatas laid down by the Tariff Board. I will take, for instance, the item of sleeper bars, the supply of which by Messrs. Tatas is also, I understand, quite inadequate and I think the Tariff Board report confirms this. I understand that after supplying their own requirements there is only a surplus of some 8,000 tons of sleeper bar available, which is hardly a fourth of the requirements of Indian railways.

Surely, it is no part of the Government's protective policy that Messrs. Tatas should have a monopoly of the manufacture of steel sleepers when there is another plant in the country capable of manufacturing them. If, however, steel sleepers and sleeper bars are charged the same rate of duty, then the likelihood is that orders for sleepers which Tatas cannot fulfil will be placed abroad, as local manufacturers, other than Tatas, could not import the bar and pay the proposed duty and compete with imported finished sleepers. If manufacturers in this country are capable of doing this work, we suggest that it is in the interests of India that these orders should be kept in India and thus ensure the employment of Indian labour. I suggest that Sleeper Bars should be removed from their present heading where they are combined with Sleepers.

I have quoted the case of sleeper bars as an example of the difficulty of imposing on these Semis a countervailing duty, or a revenue duty, whichever is higher. Government might take executive action in such a case, subject to the safeguard, however, that when the c.i.f. price of imported Semis is less than the landed price, exclusive of duty, the duty should be such as to bring the price into line with the fair selling price of Tatas Semis as suggested by the Tariff Board.

In my speech I referred to the apprehension that Tatas with a considerable measure of protection may tend to become more and more monopolistic. In his reply, Mr. Mody made reference to the instance of the manufacture of brick products but he omitted any reference to the other industry, namely ; Coke.

The Tariff Board report states that Tatas are able to produce only about 89 per cent. of their requirements of coke, the remaining 11 per cent. having to be purchased elsewhere. It is actually purchased and obtained from collieries in Bihar and it would appear from the Tariff Board report and from Messrs. Tata's representation that it has the intention itself to erect a new coke-making plant which will, when completed, be able to supply the whole of their requirements. This will entail the closing down of these coke-making plants which at present supply the eleven per cent. to which I have referred, and the consequent loss of the capital invested therein, because, I understand that there is no outlet for the coke which is made by these companies. Possibly, when my Honourable friend, Mr. Mody, does us the honour of speaking on this reading, he will give the House some information on this point. I want to say one word about the confusion which is in the minds. I am afraid, of several Members of this House, and more particularly my Honourable friend, Mr. B. Das, concerning the distinction between differential duties and Imperial Preference. Now, Sir, Imperial Preference, in the generally accepted meaning of the term, is a principle which is now as dead as Queen Anne. Imperial Preference means a preference which

[Sir Leslie Hudson.]

is given to the Empire countries in the interest of the Empire at large. I say that that principle is dead, because even at the Ottawa Conference such agreements as were arrived at were reached on the basis of hard bargaining and in the interests of the participating countries. Differential duties, on the other hand, are based on India's interests and no one else's. The Tariff Board made it perfectly clear that in the case of British and continental steel a differential duty was fixed to correct the dumping tendencies of the continent and to put the continental and the British importer on exactly the same basis, and I cannot do better than quote from the speech of my Honourable friend, Mr. S. C. Mitra, in which he said that : " the fight that this great national industry is now waging is more against the continental importers because they are selling iron and steel at uneconomic prices, prices which are meant to destroy the Indian industry ". The Honourable the Finance Member also gave it as his view, that if at any time, the continental steel interests were to quote economic and not dumping prices, there might then be a case for the reduction of the differential rate, and this should, I think, explode the allegations which have been so frequently made that this Bill is intended not to protect the iron and steel industries of India but to protect British industries.

One matter which has been causing considerable comment for some time past is the fact that in addition to the protection given by the protective duties, Tatas have been enjoying special and advantageous rates of freight on the Bengal Nagpur Railway. That this must have been so is evident from the Tariff Board's Report and Tatas' own representation where it is stated that the new rates of freight which came into force from the 1st July, 1933, are going to add forty lakhs more to the haulage charges. Well, Sir, we are giving protection, because it is considered that the iron and steel industry must receive help for another period of seven years after which it is expected that it will be able to stand on its own legs. I suggest that it was never intended that this Company should have permanent special arrangements with railways as regards freight. As the public does not know what the rates of freight were up to the 30th June, 1933, and does not know what the net rates are now in vogue, it is difficult to say whether the benefit is for the Company or for the consumer. In conclusion, Sir, I think, I may claim that we have, throughout our discussions in the House and in Select Committee, endeavoured to serve the interests of India first and last (Hear, hear) ; we have agreed to the continuance of protection to a national and basic industry for the further period of seven years ; we have agreed to measures which maintain the revenues of the country intact. We have opposed any measure to reduce the revenue duties, in view of the financial position of India, subject to the modification which I have mentioned in regard to semis and we have done nothing to place the British manufacturer at a disadvantage *vis-a-vis* his continental competitor. In short, we have endeavoured to be just to all concerned bearing in mind the needs of India and the requirements of her basic industries. I trust that the House will approve of the policy which I have just outlined and will accept the Bill, with the suggestions that I have offered, as it has emerged from the Select Committee.

Mr. K. C. Neogy (Dacca Division, Non-Muhammadan Rural) : Sir, the Honourable Member in charge has invited this House to take into

consideration a very weighty report, weighty not from the point of view of avoidupois, but weighty because there are as many as four signatures of the Members of the Executive Council appended to this report. If my recollection serves me right, there has been no other Select Committee of this House on which as many as four Members of the Executive Council have found it necessary to sit. Perhaps my Honourable friend, the Member in charge, felt that on this particular occasion he needed all the moral support that he could get from his Colleagues. Now, Sir, so far as the Honourable the Law Member is concerned, to use a now famous phrase, the less said about him the better, because, under the rules of this House, he need not even be named in a motion for the appointment of a Select Committee, and, as an *ex-officio* Chairman of all Select Committees, he is sure to be found occupying the chair if there is a meeting.

[At this stage, Mr. President (The Honourable Sir Shannukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President Mr. Abdul Matin Chaudhury).]

Then there is my Honourable friend, Sir Frank Noyce. I think his claim to be a Member of the Select Committee is derived from the fact that he describes himself as the Member for Industries. But, as far as I know, under the present constitutional dispensation, the Central Government has very little to do directly with the interests of any industry in this country unless it be the industry of the manufacture of red tape. But, then, I must forget that my Honourable friend has another undeniable qualification for membership of a Select Committee which is to deal with fiscal matters. My Honourable friend was the President of a special Tariff Board at one time, whose recommendations were summarily rejected by the Government of India.

Now, Sir, I come to my Honourable friend, the Finance Member. Of course, he has got to be in a Select Committee of this character to safeguard the revenue interests of the Government. Not merely that, as the latest gift of Great Britain to India, he has also to remind us about the political complications that might arise if we were to pursue any particular course while dealing with this measure. My Honourable friend is quite sure that he is no longer a servant of the British Government, nor is he in confidential correspondence with that Government. But he must, at the same time, exercise his right to represent the views of the British manufacturers in such matters, as he himself made it quite plain in his speech when the Bill went to a Select Committee. Now, Sir, my Honourable friend has, as I said, got to safeguard the revenue interests of the country. He said that he looks upon this steel industry as a composite taxing unit which must yield a definite amount in revenue. He does not care whether it is obtained by this means or that, but he must have what revenue he expects from this composite item. My Honourable friend reminded me of another great financier, but he lived in Venice ages ago, who insisted upon his pound of flesh. But, Sir, my Honourable friend, I am glad to observe, has, after all, agreed to certain very modest kinds of compromise in the Select Committee which, I take it, he considers to be absolutely innocuous from the point of view of the British manufacturers. I think I must now put in a word on behalf of the Honourable the Home Member, although he is absent from the House today, because he is the only Member of the Executive Council who, as a Member of this House, was not taken into this Select Committee,

[Mr. K. C. Neogy.]

and I am afraid his absence is an indication that he wants to record his protest against that invidious treatment. (Laughter.) As Home Member, I am sure he is interested in seeing the steel-frame of the Indian administration maintained, and, I think, he had every right to be included in the Select Committee, if only to urge the free importation of British tested steel. In spite of the fact that the Honourable the Home Member did not find a place in the Select Committee, it is, as I said, a very weighty report, and certainly it has had the best consideration on this side of the House. While I recognise that the Government have agreed to certain compromises, I fail to see how they meet the objections that were raised from this side of the House. Without taking much time of the House at this hour, I should like to place on record the emphatic protest of myself and of my friends to the imposition of an excise duty on a protected industry. (Hear, hear.) I do not think I need repeat the arguments that have been used in my Honourable friend, Mr. Das's Minute of Dissent, but I may tell my Honourable friends opposite that we, on this side of the House, generally agree with the sentiments expressed there.

Now, Sir, my Honourable friend, Sir Leslie Hudson, took exception to this measure being described as an Imperial Preference measure. I do not find my Honourable friend, Mr. Das, referring to it in those terms in his Minute of Dissent. What he said was that this measure lays down preferential tariffs for the benefit of British steel. I do not think my Honourable friend can dispute that proposition. It is certainly going to benefit British steel in so far as British steel will be enabled by these differential, or preferential, rates of tariff successfully to compete with continental steel in the Indian market. That is certainly a proposition which cannot be challenged from any side of the House. As a matter of fact, that was the position taken up, as far as I remember, by the Honourable the Finance Member himself. I think the purport of his speech was that if you do not have this kind of preferential system of tariffs, then the British manufacturer will be completely ousted from the Indian market, a contingency which could not be contemplated with equanimity in this country because of the likely political reactions that it might create in England. Now, Sir, I want to put a particular point to my Honourable friend, Sir Leslie Hudson. He accepts the findings of the Tariff Board, and is convinced that so far as the items of the British steel are concerned, they do not stand in need of protection *vis-a-vis* the Indian industry. This is what I find in paragraph 99 of the report of the Tariff Board:

"It will be seen from the preceding tables that the need for protection is now confined entirely to the competition from continental imports. No protective duties are required against the British imports except bars and sheets. The duties required on these do not, however, exceed the normal level of revenue duties and are considerably below the existing level."

I take it that my Honourable friend accepts this finding of the Tariff Board as correct. Now, Sir, if that be the position; and if we are also to accept the statement made by the Honourable the Finance Member that continental steel is being dumped into this country—dumped in the strict technical sense of the term and not in the non-technical sense in which perhaps some people might say that Great Britain is dumping Finance Members into this country. (When responsible Members of Govern-

ment use technical expressions, I take it that they intend those expressions to be interpreted in their technical sense). if continental steel is being dumped in India, if again there is no need of protection so far as British steel is concerned, why, I think the most straight-forward course would be to withdraw this protection measure and impose revenue duties on a uniform level on all foreign imports, and if dumping is really established as against the continent, then to have an anti-dumping legislation and put on additional duties against those countries which are found guilty of dumping. I know that this point of view has been put forward by a financial journal in Calcutta. There, I do not know on what authority, it is stated that: "the Company too from what we understand of its attitude is prepared to be regarded as a non-protected industry". I do not know whether my Honourable friend, Mr. Mody, is going to speak, but when he does, he will I hope, explain what is meant by this. I should like to know from him also as to whether he is prepared to accept as an alternative to this Bill, a measure in which there may be uniform revenue duties all round against all foreign imports *plus* anti-dumping additional duties against the continental steel. I should like to know from him as to what the position of the industry will be if an alternative step like that were to be taken. I very much hope that my Honourable friend, Sir Leslie Hudson, will support this particular idea if he is true to his own opinions.

I remember that when in 1924 we had the Tariff Board report before us, it was confidently expected not merely by the Tariff Board but by Government as also the Non-official Members of the Legislature, that in the course of 15 or 20 years, India will be absolutely self-supporting in regard to her needs of steel. Now, we have completed ten years from that date. I also know from a statement made in the Tariff Board report that it takes full five years for a steel plant to set going. Is the Honourable Member in charge in a position to repeat that assurance, that is to say, that within ten years hence India will be absolutely self-supporting in regard to her needs of steel? The point that was made, on the occasion when the first Steel Tariff Bill was before the Assembly in 1924 was that in determining the period and the extent of protection, we must remember that the terms shall be such as to induce fresh capital to come into this industry so that within a definite period—in this case the utmost period that was laid down was 20 years—there would be at least two or three more concerns like the Tatas springing up. That was the expectation of the Tariff Board, and it was on that assurance that the consumer was expected to make a temporary sacrifice, so that at the end of that period, India would be absolutely self-supporting in regard to her needs in respect of steel. I should like my Honourable friend to tell this House as to whether the terms of this measure are such as to encourage any reasonable belief that there will be two or three or even one more concern like the Tatas coming up within the next ten years, so as to fulfill the expectations which were held out in 1924. Unless my Honourable friend is in a position to say that, I do maintain that you are departing from the fundamental principles on which protection was initially granted to this industry. I know in one part of the present Tariff Board report, they express the hope, rather they express their belief, that there is sufficient room for one more concern to spring up; but, at the same time, I also remember that so far as the geographical situation of the iron-ore deposits and the coal deposits is concerned, it would make it rather difficult for any second

[Mr. K. C. Neogy.]

concern to compete successfully with foreign steel in outlying parts of India. This seems to me to show that we are very near a contingency when India will be asked to share her steel market with Great Britain. Such a demand was put forward on behalf of an organisation of steel manufacturers in Great Britain, who, in their evidence before the Tariff Board, made the claim that India should now come to an understanding with the British steel manufacturing interests so as to partition the Indian market of steel as between the Tatas and other minor concerns on the one hand and the British manufacturers on the other. I should like to know whether Government are going to see to it that, whatever fiscal policy they may adopt, they will bear this in mind that when the consumer was asked to make an enormous sacrifice in 1924, it was not for the purpose of enabling some organisation of British interests to come forward and share the steel market with the Indian industry. I know that when in 1924 the Steel Bill was introduced, it was acclaimed as an evidence of the genuineness of the fiscal freedom that was conferred on this country by a convention agreed to by the Government in Great Britain, not that the Non-Official Members of this House took any delight in penalising the British industries merely for the purpose of penalising them, but they took this as an acid test of the value of our constitutional rights: "did our fiscal powers enable us to protect our industries even as against the British industries"? And inasmuch as the legislation of 1924 did not discriminate between British and non-British, the Non-Official Members hailed that measure as a proof positive of the genuineness of the fiscal freedom enjoyed by this country under the present Constitution. Then came the Tariff Board inquiry of 1926 leading to the Bill of 1927. I very well remember, that the Honourable Sir Charles Innes, while supporting the differential duties which were for the first time proposed by that Tariff Board for the benefit of British steel, was as careful as a tight rope dancer, always anxious to make out that it was not any preference that was intended for the benefit of Great Britain but that Great Britain was virtually synonymous with standard steel and continental steel was synonymous with non-standard steel, and as the rates of duty need not be the same as between the standard and the non-standard steel, for the sake of facility of expression we might as well distinguish between British steel meaning standard steel and the non-British meaning non-standard steel. A few years later, it became almost an article of the fiscal faith of this country to grant preference in favour of Great Britain in diverse matters. Even before the Ottawa Agreement was come to, the spirit was abroad in the Government of this country that there must be some kind of preference for the benefit of the British industries. Today we find an Honourable Member of Government getting up and reminding us of the dire consequences that will overtake this country if we were not to agree to such preferential treatment of Great Britain. Sir, whether you call it Imperial Preference or whether you call it by some other name, what is the principle behind it all? I will allow one of the later advocates of the idea of imperial economic unity, namely, the first Lord Melchett, better known as Sir Alfred Mond, to state what is the object behind this idea of imperial economic unity which appears to be the guiding principle of our fiscal policy of the present day. This is what Lord Melchett says:

"The people of this country should accord to some future Government of this country freedom to take steps necessary to make the Empire a real economic unit,

subject to the condition that each decision is preceded by an appropriate investigation to ensure that its results will on balance tend to enlarge *British* trade and raise the standard of living of the *British* people."

Maulvi Muhammad Shafee Daoodi : Sir, this is no doubt a very big subject but I shall confine myself to the point of view of the layman. You know I belong to Bihar and Orissa where the industry is situated and where coal which is the basic foundation of the industry is found in plenty. It is in the neighbourhood of that part of the country where these facilities are to be found, coal, iron and everything else. Even labour is very cheap in that part of the country. Before protection was granted, I know in what plight the masses in that part of the country were and what was the stage in which the agricultural implements were manufactured there. When I compare the condition ten years before with the condition prevailing at the present moment, I find that Bihar and Orissa had to suffer more than any other part of India. I have been told that the Punjab is in a better position so far as the price of its steel ingots is concerned. We further find that the protection so far given has not afforded the subsidiary industries of Bihar and Orissa where the industry is situated any help whatsoever, and any opportunity to improve their agricultural implements or other instruments in which they generally deal. It appears that there is something wrong somewhere. I have not been able to find out exactly where the shoe pinches, but it is no doubt true that agriculturists and subsidiary industries in Bihar and Orissa have suffered greatly, although the key industry of iron and steel lies in that Province. It appears to me, therefore, that the Tata Company have been dealing in their business in such a way that the people living near by have not profited as much as they should have. The consumers' point of view is not at all considered either by Tata's or by the Government of India. When the Bill was introduced, our friend, Mr. Vidya Sagar Pandya, and, to a certain extent, Dr. Ziauddin also advocated the cause of consumers, and I hoped that the Select Committee would do something to help the cause of the consumers. But I am very much disappointed to find that nothing whatsoever is said about the interest of the consumers in the report. Rather, from what appears on the paper itself, they have increased the burden on the consumer. I do not, therefore, feel inclined to say words of praise, either for the Company or for Government, in a matter in which the interests of the large masses are ignored. I am tempted to say that it appears that there is a combination of capitalists to squeeze as much money as possible from the poor people without minding the distant consequences of such indirect taxation. I can safely say that the consumers are being bled for the sake of the capitalists and the growth of the steel industry is not apace as may be desired in this country, notwithstanding coal and other raw materials being so abundantly found in our own country. The implements of the agriculturists have become dearer than they were some time before. All improved implements of agriculture come from distant parts of the country to Bihar. That shows clearly that the freight disadvantage which has been allowed to Tata's is responsible for this state of things. I know the people of Bihar have been very zealous in taking advantage of raw materials from Tata's in building up their own industry. But although the industry is situated close to Tata's, the advantage of nearness is not secured to them. I do not dispute the right of Tata's to protection, but I would certainly say that the interests of the consumers should be the first concern both of Tata's as well as of Govern-

[Maulvi Muhammad Shafee Daoodi.]

ment and the only way in the present circumstances to safeguard the interest of the consumers is to compel the Company to sell iron and steel at a price fixed by the Government. If that is done, then, I think, the interests of the consumers would be to a certain extent safe.

I have not gone into the mass of figures in the report—it is for

4 P.M.

Dr. Ziauddin Ahmad to do what he has done—but what

I find is that a great margin of profit has been given to the Tatas in every item—in the costs of production, in the profit on the money advanced, in overhead charges, in point of lag, and so on : but this is for the mathematicians to take up and tackle. For me it is clear that the advantages given to the Tatas are far more than they really deserve ; and the fair selling price which has been found out by the Tariff Board, even on this basis, is not the price at which the Company is compelled to sell its products. There is no doubt, that the fair selling price is simply a price written down on the paper but of no avail to the consumers. The Company takes advantage of the changes and fluctuations in world prices and of exchange, and, thereby, sells its products at a very high price—much higher than what has been fixed by the Tariff Board from time to time. Complaints have reached me—it must have reached other people also—that the Company is not under the obligation of selling it at a definite price. They have the option of raising it to any extent they like and that is the reason why they naturally would not like to sell their products at a price which has been fixed as a fair selling price in the report of the Tariff Board. On behalf of the consumers, I say that if that is not done, then the extension of protection to the Tatas would be of no good to the country. For the last ten years we had the experience of protection given to the Tatas. We expected that in India the steel industry would increase in volume, but what I find is that in my own Province it has not increased at all. Some of the agents of Tatas, some who deal with the Tatas, have made money no doubt ; but generally the industry has not given any benefit to the people in general. It is a difficult proposition to compel the Tatas to sell at a fixed price ; but this House has accepted the principle of Government settling prices, wherever it is necessary. In the case of sugarcane, it was found necessary that the sugar factories should be compelled to pay a certain price to the sugarcane growers, and for that purpose a law has been enacted in this House. I feel that the same principle should apply in this case.

Mr. B. Das : If you suggest that the iron ore supplied to the Tatas by Orissa should secure more price, I would welcome such a proposal.

Maulvi Muhammad Shafee Daoodi : I do not mind that : you may have it ; but what I say is that there should be a price fixed by the executive of the Government and the Tatas should be compelled to sell their products at that price. That is my point, and I was saying that there is a precedent in this House : we have enacted a provision of law to fix the price of sugarcane : why should we not fix the price of iron and steel produced in this country ? If that is done, I think it will save crores and crores of rupees which these poor peasants have to pay to the Tatas under the present conditions. Some of my friends say that clause 2 of the Bill is enough for compelling the Tatas to sell their products at a fair selling price fixed by the Tariff Board : but I do not find there is any

provision in that compelling the Tatas to sell their products at a certain price. I should like to learn from the Honourable the Commerce Member, who has so ably moved this Bill and has captured the imagination of the Honourable Members of this House by his amiable speech, as to whether there is any provision anywhere in this Bill by which the fair selling price adopted by the Tariff Board should be the price at which the Tatas should be compelled to sell their products. If that is done, I would be satisfied that the Government have the interests of the consumers at heart and that they are trying to help the poor agriculturist and the consumers who are not at all organised, and who cannot be so soon organised being spread over the whole of India. It is for the Government to watch their interests more carefully than they should watch the interests of the iron and steel company. I should like to be enlightened on this question very clearly by the Honourable Member in charge of the Bill.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, it is no good my opposing this motion because I know it will be carried. Therefore it is that I beg to submit a few observations for the consideration of this House. On the last occasion, I protested against any protection being given for the reasons that I then stated to this Honourable House. Unfortunately that protest had gone unheard, and the principle of granting protection to the Tata Company had been accepted. Under the circumstances, there is no good—I do not think I would be in order, I do not think I would be showing sufficient respect to the opinion of this House—to start again protesting against the grant of protection to this Company.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : You will be perfectly in order.

Raja Bahadur G. Krishnamachariar : I do not think I will be in order because the House having accepted the principle of protection, it is no longer open to this House to review what it has already done...

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : You can oppose this Bill and vote against it.

Raja Bahadur G. Krishnamachariar : I shall come to that later when that stage comes ; but at present the consideration of the report of the Select Committee is before this House and my attempt once more is to try and bring this Bill into conformity with the interests of the consumer.

Sir, we have had an excellent speech from my friend, Maulvi Shafee Daoodi, and, I think, most of us here represent the rural interests. There are very few persons here who represent an urban constituency, still less a commercial constituency, and yet, what do we find ? The grant of protection invariably casts a heavy burden on the consumer. Times out of number we have heard in this House statements about the poverty of the agricultural population, of the poor teeming millions, out of which 49 millions go from year's beginning to year's end without knowing what it is to have a full meal a day. You have heard of all this rhetoric, but when it comes to a question of weighing the interests of the consumer as against the industrialist, somehow or other, all that denunciation is forgotten, and we go the whole hog for the interests of the commercial magnate. Once he is given that protection or that concession, or by whatever name you may call it, and the thing is done, sealed, signed and it is practically going to be delivered, we stand up here, Honourable

[Raja Bahadur G. Krishnamachariar.]

Member after Honourable Member stands up here and pleads for the consumer. Now, what is the good of that please? You have already sealed the fate of the consumer by agreeing to the principle of this protection...

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

And, although I am told that I can move for the rejection of this Bill, so far as the precedents go, there have not been even half a dozen motions for the rejection of the Bill at its Third Reading. It is all camouflage. You may satisfy yourself and your conscience by saying that you have done your best, but I submit that this House has not done its duty if really it thinks of the interests of the consumer. Sir, as my friend, Mr. Neogy, pointed out,—I hope I have not misunderstood him,—the expectations, that were raised at the time when this protection was given on the first occasion, have not been fulfilled. How long are you going to continue this sort of protection in the hope that those expectations that were raised then would be fulfilled some day, meanwhile piling agony upon agony upon what is admittedly the poorest of the population in the world? That, Sir, is my position, and that position, although admitted in theory by everybody, unfortunately is cast to the winds when it comes to a question of giving practical effect to it, with the result that we all can go back to our homes thoroughly satisfied that Tatas have got protection, that the consumers have been asked to pay a few annas extra for their necessities of steel products, and everybody is quite satisfied. Tomorrow morning, when again another question comes up, again the argument of the teeming millions going without food will be advanced, and again without producing any practical effect. I respectfully submit that even at this stage it is up to this House to find out means by which the interests of the consumer would be placed first, in the middle and in the last. Mind you, I have absolutely no feeling against the Tatas at all. Let the Tatas get the whole of the revenue of India; I would not mind. What I do submit is, please don't put me under your iron heel in order to help the Tatas, or for the matter of that, any other firm.

There is the question of excise, regarding which I have tabled an amendment, and I do not, therefore, propose to trouble the House at this stage with any long observations. The amendment will, I suppose, come up in due course. I want to knock off that section which imposes the excise duty....

Mr. Gaya Prasad Singh : That will help the consumer.

Raja Bahadur G. Krishnamachariar : Exactly that is what I am trying to. You make speeches, and I make the attempt. That is my complaint here.

Another point to which I would respectfully invite the attention of this House,—it has already been ably dealt with by my friend, Dr. Ziauddin Ahmad,—is about these galvanized sheets. If I had the mathematical inclination of my friend, and if I could have worked out all those difficult and mysterious problems regarding the profits and regarding the way in which all these things are worked up to the benefit of Tatas, I should probably have been able to lay before this House certain other considerations in addition to those that were placed by my friend, Dr.

Ziauddin Ahmad, but, unfortunately, I cannot claim any knowledge of mathematical calculations or of the three different kinds of profits that could be calculated out of these statements. But as a plain man, I desire to repeat what I said on the occasion of the Second Reading, that these proceedings are absolutely useless so long as we are not supplied with the materials which were placed before the Tariff Board. Sir, discussing the principles of Regulation III and of those other repressive laws, some of us waxed eloquent upon the absurdity of even judicial officers coming to a conclusion upon a partial statement of the evidence against the man accused without cross-examination, without all those other tests that law provided, before a man could come to a reasonable conclusion. What does happen now? The Tata Company wants protection. They submit statements, and my friend, Mr. Vidya Sagar Pandya, asked the other day—'where is the balance sheet'? No balance sheet has yet been produced before us. Where are those statements that were submitted to the Tariff Board either in support or against the request that has been made by the Tariff Board? And yet, Sir, we are supposed to stand up in this House and practically take up the time of the House for absolutely no purpose whatsoever, and, as long as the balance sheet and other relevant figures are not supplied to us, the conclusion that one can come to is irresistible. We are supposed to make our criticisms upon those figures, but where are the figures? Really, Sir, we must be more serious in this very important matter, and I submit that without a proper supply of materials upon which these conclusions have been based, it is absolutely impossible for any one, except, of course, to those who sit on the Government Benches, to come to a conclusion as to whether the inference of the Government was right or wrong. Sir, I consider that the proposal for the lowering of the duty and at the same time for trying to find out a method by which it could be made up is not quite the correct way of viewing this position, but as I said, I shall have to deal with it later. It is not possible for me in the absence of materials to make any proposal, but I would respectfully ask the Honourable Member in charge, whom we all congratulate upon his happy recovery from his recent illness,—I would ask him to bring his mind, to bring his experience, to bring his vast knowledge, to bear upon this question and help the poor agriculturists as far as possible if he wants to give protection to Tatas. As I have said, I have not the least objection to your giving protection to Tatas or for that matter to any other firm, in the abstract, but it is only when you apply it to practical considerations that the trouble arises.

Mr. Gaya Prasad Singh : Sir, whenever my Honourable friend, Raja Bahadur Krishnamachariar, speaks in this House, he is listened to with respectful attention, and the present is no exception to that rule. My friend has referred to the interests of the consumer. I am quite at one with him in stressing upon the importance of lessening the burden which a protective duty on the Indian steel industry in this country might impose on the consumer. We are here to guard the legitimate interests of the consumer. But my Honourable friend forgets that the way in which the consumer's interest is to be protected lies in the deletion of clause 4 of this Bill which seeks to impose an excise duty on steel ingots produced in this country. Sir, this House has accepted the principle of discriminating protection from a long time as a result of the report of the Fiscal Commission of which many distinguished public men of this country were members. The Iron and Steel Company satisfies the three

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conditions laid down in the Fiscal Commission's report, and it is for this reason that, beginning with the year 1924, a scale of protective duties have been imposed on foreign imports in order to give a chance to our indigenous industry to establish itself firmly in this country. Now, when a protective duty is imposed, it is quite clear that the consumer's interest suffers to some extent during the period the protective duty is in force. Why is the consumer saddled with the burden of a protective duty? It is in order to foster the development of a national industry, so that, in later years, when it is no longer necessary to maintain the protective duty, the interests of the consumer may be safeguarded by the lowering of the price. After a stipulated period of time, the particular industry no longer stands in need of a tariff wall or a protective wall to foster it, and, then, when that protective duty is removed, the industry is in a position to stand on its own legs and to face the competition from foreign countries. When we are within a measurable distance of that time, when it may not be necessary to maintain the protective duty on this particular industry, the industry is being saddled with an excise duty which would necessarily result in increasing the cost of production and then the burden will naturally fall upon the consumer in the shape of increased price. Therefore, if the Government and we on this side of the House are genuinely interested in safeguarding the interests of the consumer, we should all unite in trying to delete the excise duty which is proposed to be levied by this Bill. I am very glad to know from my Honourable friend, the Raja Bahadur, that he has tabled an amendment. I do not find his amendment amongst the papers which are before us, but I am very glad that he has done so, and so also my Honourable friend, Dr. Ziauddin Ahmad. My Honourable friend, Maulvi Muhammad Shafee Daoodi, has also referred to the interests of the consumer, and he has said that the Tata Company is unmindful of the interests of the consumer. As I have myself stated, I am quite at one with him in trying to guard the interests of the consumer, but I do not understand quite clearly what my Honourable friend exactly meant when he stated that the Tata Company has been unmindful of the consumer's interest. He made a suggestion that the Government should compel this Company to sell their products at a price which may be fixed by Government. I do not quite understand how this will be a feasible course to adopt. If this is to be adopted we have got protective duties on the textile industry as well. Would it be feasible or proper, if we were to make the suggestion, that the cotton textile goods which are produced by our Indian mills should be sold in our markets at particular prices to be fixed by Government?

Maulvi Muhammad Shafee Daoodi: If they were making undue profits, then it should be done.

Mr. Gaya Prasad Singh: If the Tata Company are really making undue profits, some steps I admit may be necessary, but I do not understand how this particular course, which my Honourable friend has advocated, would be either desirable or feasible now, although that is a matter which I need not refer to in greater detail here.

As regards the Bill as it has emerged out of the Select Committee, I have to make one or two observations. With regard to clause 2 (a) I have to submit one thing. Here, in my opinion, more power is being

sought to be given to the Governor General in Council than is necessary or desirable to carry out the objects of the Bill. For, I find that power is being given to the Governor General in Council in these terms:

"If the Governor General in Council is satisfied, after such enquiry as he thinks necessary, that any duty imposed on any article by Part VII of the Second Schedule has become ineffective or excessive for the purpose of securing the protection intended to be afforded by such duty to a similar article manufactured in India, he may, by notification in the Gazette of India, increase or reduce such duty to such extent as he thinks necessary either generally or in respect of such article when imported from or manufactured in any country or countries specified in the notification."

Here, I feel that the power sought to be given to the Governor General in Council to increase or to vary the duties on a particular commodity is more than is necessary to carry out the objects of the Bill. I think that the Central Legislature must be consulted in the matter of increasing or decreasing the quantum of the protective duties. There is a proviso attached to this clause which says:

"Provided that the duty leviable on any such article shall in no case be less than the duty leviable on a like article of British manufacture."

I do not understand why it is necessary to retain this proviso. For instance, if a particular commodity is imported into this country and a particular scale of duty is to be levied on that, why should there be this stipulation that the amount of protective duty on foreign imports should not be less than, but may be greater than, or even equal to, the import duty which is levied on like articles of British manufacture? It is quite conceivable that there might be cases in which the import duty on continental goods might be less than the import duty on a particular class of British manufacture. I do not understand, therefore, why this proviso is at all necessary in this case. If this power is given to the Governor General in Council, to which I object, let it be given, but why should there be this limitation because it discriminates against continental goods? I have already made my submission on clause 4 of this Bill which proposes to levy an excise duty on certain articles of Indian manufacture. I will only refer to sub-clause (3) of clause 9 to which reference has already been made in some of the minutes of dissent which are appended to the Report of the Select Committee. Sub-clause (3) says:

"In making any rule under this section the Governor General in Council may provide that a breach of the rule shall be punishable with fine not exceeding two thousand rupees."

Now, Sir, I do not understand how the power of creating new offences, so far as this particular matter is concerned, should be given to the Governor General in Council. But I will not enlarge on this. My position, so far as this Bill is concerned, is shortly this, I am quite in favour of granting a scale of protective duties on a modified scale to the Iron and Steel Industry of this country for a stipulated period of time, after which they may be expected to dispense with this scheme of protection and may be able to stand upon their own legs. Now, reference has been made to the question of overhead charges in this Company. I do not know what is the exact position there. I should have been very glad if the balance sheet of this Company had been before us, but, unfortunately, this is not the case, but I understand that efforts are being made to decrease the amount of overhead charges. If not, I would certainly expect this Company to look very seriously into this matter and all efforts should be directed to curtail the amount of overhead charges.

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and to employ Indian personnel so far as this is possible and practicable. I have already stated that I am opposed to this imposition of the excise duty and also the preference which is sought to be given to certain imports of British manufacture. The mischief has started, if I may say so, even before the Ottawa Convention. We granted Imperial Preference to certain goods in 1927. Thereafter, as a result of my friend, Mr. Mody's visit to Lancashire, we had the famous Mody-Lees Pact, which gave preference to certain kinds of British textile industries. Now, we have an extension of the same scheme of Imperial Preference. The Ottawa Agreement, if I may say so, with great respect, has confirmed the scheme, and I find that in this Bill which is before us efforts are being made to extend further the scheme of Imperial Preference to the detriment of our own industry. I do not object to this scheme on merely sentimental or political grounds but I object to it on grounds of practical considerations in the interest of our own industries. That is all I have to say so far as this Bill is concerned.

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : Sir, the Bill before the House concerns one of the most important industries in the country, namely, the basic industry of producing pig iron and steel. It appears to be strange that the Government, which were so much solicitous of giving protection or rather over-protection to the industry in 1924 against the strong opposition in this country, have all of a sudden changed their angle of vision. Even when the Steel Protection Act of 1927 was being discussed in this House, Government, in the teeth of opposition in the country, extended abnormal protection to Tatas, but at the same time introduced for the first time in the history of the fiscal policy of India the principle of Imperial Preference. It appears to be all the more strange that the very same bureaucracy all of a sudden in 1934 found the baby steel industry of Tata to have grown so big and to have attained the full manhood, that in the opinion of the Tariff Board there appears to be practically no necessity for any more protection. The Tariff Board did not stop only there. But they even went out of their way and recommended that even the revenue duty on certain steel products imported from England should be abolished. During the last few years, since the Ottawa Agreement, it appears that the Indian Government is suffering from a new disease which I would like to name as the Ottawaphobia. The whole length and breadth of the Tariff Board report and the present Bill which is based on that report pervades the symptoms of the disease. At this stage it will not be out of place here to mention that even the President of the Bengal Industries Association—Mr. N. N. Rakshit—who gave a damaging evidence about the partiality of the Tatas in favour of bigger concerns in the matter of rates charged for the sale of pig iron, had been staggered to find the last Tariff Board Report. I would like to read an extract from his memorandum submitted to the Government of India on the present Bill on the 17th of July last. It reads as follows :

“Extremes, however, are always to be avoided, and if there was any lavish protection in the past, such a period of protection should not be followed by one of retaliation. Lavish indefinite protection there perhaps was, and perhaps it resulted in something undesirable in the Company's activities. But it seems the other extreme is now being attempted. Such an attempt has undoubtedly a bearing on the entire Indian steel industry and therefore is of very vital concern to the country in general, and all small and big iron and steel industries in particular.”

I must say that I also share with him his views that extremes of everything is bad. A few years ago Government was keen to give over-protection to Tatas and now the Government has come forward with suggestions of under-protection probably to benefit the United Kingdom steel industry.

Now, Sir, the smaller foundries using pig iron and foundry iron claimed some statutory provision to the effect that when the number of smaller foundries using such raw materials increase in the country and can consume the whole of the Tatas produce in that line, the price of such iron should be fixed at the same level at which it is now being exported by Tatas. In this connection, I may be permitted to read an extract from the evidence tendered by the President, Mr. N. N. Rakshit and the Secretary, Mr. Bhattacharjee, of the Bengal Industries Association, which will show why the smaller industries demanded such a statutory provision. I read as follows :

“*President* : We have seen a statement of prices realised by the Tata Iron and Steel Company over a period of years and we find that the average margin between the internal price and the export price does not exceed Rs. 12. In some cases it is lower than Rs. 12, so if that was the position, so far as the export price of the question is concerned, you have no complaint.

Mr. Rakshit : We have no complaint.

President : That is to say, Mr. Bhattacharjee, your Association asks for the stoppage of export of pig iron and as far as I can understand you are suggesting arrangements for the purpose of preventing the sale of pig iron abroad at prices considerably lower than the price at which pig iron is sold in this country.

Mr. Bhattacharjee : We do object to that because we thought that if it was sold cheaper abroad and re-converted there and brought back to India, it would be competing with smaller industries here.”

Later on the President asked :

“You make that statement in your representation on the assumption that the margin would be considerably greater than Rs. 12.

Mr. Rakshit : Much greater than Rs. 12.

Mr. Bhattacharjee : The figures as they stood in 1932 were Rs. 64 and Rs. 20. If it is Rs. 30 and Rs. 18, then the risk of competition is practically eliminated.”

Now, after tendering their evidence the smaller foundries thought that Government would take steps to remedy the defect, but on finding that nothing has been done in the matter, the Bengal Industries Association further submitted a memorandum claiming the same provision in the present Bill. Then, I come to the question of the exemption of the duties proposed in this Bill by the Select Committee on certain kinds of imported steel from the operation of section 4 of the Indian Finance Supplementary Act, 1931, by which a surcharge of 25 per cent. has been levied on all taxes and duties including the income-tax. Sir, it is an abuse of power of the Government of India to exempt the revenue duty on the steel from the surcharge. Sir, so long as the surcharge on income-tax is being maintained and so long as the cut in salary is being enforced there is no justification on the part of the Government to exempt those duties from the surcharge. When the surcharge was proposed in 1931 did the Government take into consideration the effects of such surcharges in individual cases? If they did not consider the conveniences and inconveniences of the different kinds of taxpayers hit by the surcharge, what justification has the Government in considering that question in the case of the proposed revenue duties on imported steel?

[Mr. Bhuput Sing.]

Sir, I emphatically protest against the exemption proposed in clause 3 (2) in the Bill till the burden of income-tax payers is lightened. I would suggest that this surcharge must be levied on revenue duties at least till the end of the current financial year and if in the next Budget, Government find themselves solvent, then they may bring forward such exemptions from surcharges along with other exemptions from such surcharges and it will be for the House then to decide which of the taxes and duties should be exempted from such surcharges. This reminds me, Sir, of a proverb in Bengal. The meaning of the proverb is that a beggar who has got no place for himself to sleep invites others to his place offering shelter. The same is the position of the Government of India. (Hear, hear.) They are in as bad a mess in matters of finance; yet they desire to show their generosity to the British steel industry. Blood is of course thicker than water and the white Bureaucrats are always eager to help their own men in the United Kingdom by opening the Indian market freely to the British industrialists, never mind what happens to the industries of this country.

Sir, I now come to the question of the levy of an excise duty on steel. I must say that this is the concomitant symptom of the disease of what I may call "Ottawaphobia". Every day, during the last two Sessions, we were faced with the levy of some sort of excise duty on some article or other and I wonder when this excise mania of the Government of India is going to end. In place of the discriminating protection came the Imperial Preference by the back-door. In place of the Imperial Preference came the Ottawaphobia. Close on the heels of Ottawaphobia came the concomitant disease of the excise mania and the present Government of India is proceeding like persons attacked with some sort of maniac disposition in respect of the levy of excise duty.

The Honourable Sir Joseph Bore : Sir, I find some difficulty, at the end of a long and somewhat tiring day, to reply in detail to the points which have been raised in the course of the debate, and I would ask the indulgence of the House if I am not able to deal as fully with them as they might have expected of me. I will not deal, Sir, at any length with the speech of my Honourable friend, Dr. Ziauddin Ahmad. The learned Doctor, in labour, has produced not twins, not yet triplets, nor yet quintuplets but a whole brood of amendments, which I am afraid, are all destined to an untimely end—at any rate I hope, Sir. (Laughter.) Sir, it is far easier for me to count the points upon which I agree with my Honourable friend than to count the points upon which I disagree with him. I would, however, refer to one point upon which I undoubtedly do agree with him. He was quite right when he pointed out that the imposition of a revenue duty, in cases where no protection was required, imposed an unnecessary burden upon the consumer. That, Sir, will I think be a very complete reply to the amendment which stands in the name of my Honourable friend, Mr. Thampan, who wants, for instance, the countervailing duty to be imposed in addition to the revenue duty; and, Sir, it is quite possible that when we come to that amendment, I may ask you to call upon my Honourable friend, Dr. Ziauddin Ahmad, to reply on behalf of Government. (Hear, hear.) (Dr. Ziauddin Ahmad : "Accepted.")

Sir, I shall only refer to a few of the special points that have been made before I come to the more general criticisms. Take first of all, the case

of the subsidiary industries. I want to make the position clear so far as they are concerned. Firstly, as regards the supply of tin bar to the Tinplate Company, I have already made the position of Government perfectly clear, and I stand by what I have already said in my first speech. Secondly, I come to the supply of billets to the wire nail industry. There, Sir, I want to make it quite definite that we expect the Tata Iron and Steel Company to provide the industry with its raw material at a price not exceeding Rs. 64 *plus* the excise duty, whatever it may be. Then, Sir, thirdly, I come to the re-rolling industry. The House knows that we had a conference last Sunday and we are now fully seized with the case for these interests. We know exactly what it is that they want but we are not in a position definitely to say how far we can go until we have remitted certain points which arose during the course of our discussion to our technical advisers for their examination and advice; but I can assure the House that we will give to the re-rolling industry assistance on the general lines laid down in the Tariff Board's Report. To be specific, we will do what we reasonably can to ensure that the price of their raw material will not exceed Rs. 64 at port *plus* the countervailing excise duty. That I think completes the case of the subsidiary industries. A number of points were raised to which I think it unnecessary for me to refer at this stage, because they must come up in connection with the amendments which will be moved and it will then be open to us to place our view before the House. But, I think, I ought to say something about the more general criticisms which have emanated from certain sections of the Press, from certain commercial bodies and traces of which have not been absent from this House. I ascribe those criticisms very largely to political bias and prejudice, partly also, if I may say so, to a failure to read the Tariff Board's Report, and to study our Bill, at any rate to do so in any spirit of judicial fairness. Let me, Sir, summarise briefly the criticism to which I refer. Stripped of all its embroidery and embellishment, it boils down to three main objections. The first is that sufficient protection has not been given to the Tatas. Secondly, that the import duties on British goods are on too low a level; and, thirdly—and here we come to a more specific point,—that we have not made sufficient differentiation between the cases of tested and of untested steel. I think when I have covered these three points, I will have covered the main criticisms which have appeared in the Press, outside this House, and within this House also.

Now, take the first point, namely, the point about insufficiency of protection. The Tariff Board has proceeded in the old, accepted way by first of all arriving at a "fair selling price". It has then proceeded to ascertain the price of the competitive foreign and British articles in this country. In assessing the actual amount of the protection that is necessary in any case, the Tariff Board is faced with two duties. First of all, it has to arrive at a fair selling price and, secondly, it has to arrive at the price of competing articles from outside. In arriving at the first, the Tariff Board has had recourse to no subterranean calculations: it has indulged in no secret juggling of figures. And, as regards the second, it has merely had recourse to recorded figures which are open to anybody to verify. The critic, therefore, who says that the recommendations of the Tariff Board in regard to protection are insufficient, has to point out either that the calculated selling price is inaccurate or that the assumed prices of competitive articles are wrong. Now, Sir, when I made my last speech, I

[Sir Joseph Bhore.]

think, I made it clear that if it could be proved that any of the figures which the Tariff Board had recorded were wrong, if it could be shown that they had been reached by any processes which were faulty, or that the facts upon which they had based their conclusions were erroneous, then we were quite prepared to examine contentions of that nature and see whether the Tariff Board's recommendations needed modification in any particular. No such complaints have reached us, and I would now say this that if critics are unable to point out any mistake in the calculation of the fair selling price and if they are unable to show that the Board is wrong in having assumed certain prices for competitive articles, British and foreign, then they have no right to indulge in wild generalizations to the effect that this Bill gives protection to the British industry and not to the Indian industry. That brings me, Sir, to the second point, namely, the allegation that the import duties on British goods are at too low a level. Here also on the last occasion I said that if the complaint was that the duty proposed on British goods was insufficient to give effective protection to the Indian article, then it was quite another matter and we were quite prepared to hear any evidence in support of such a charge and go into the figures. Here, again, Sir, with one exception, no one has attempted to challenge the correctness of the figures assumed by the Tariff Board in regard to the selling price of British goods. That one exception was my Honourable friend, Diwan Bahadur Ramaswami Mudaliar. He took exception to the selling price assumed by the Board in regard to British galvanized sheets. He suggested that it was possible for British galvanized sheets to sell in this country at the same price as continental. I controverted that proposition and I based my objection on the findings of the Ottawa Delegation who had definitely gone into this matter when they were abroad—findings which were verified by subsequent advices and by subsequent enquiries which we instituted. My Honourable friend, the Diwan Bahadur, did me the honour subsequently to discuss this point with me personally. I laid before him the evidence upon which I supported my contention and I asked him whether he would wish me to make any reference to any quarter in order to substantiate still further my contentions in this matter. He suggested that I should send a telegram to Colombo and ascertain the price of British galvanized sheets quoted there. I did so and I got a reply from the Collector of Customs, Colombo, an officer who is not under the control of the Government of India, which showed that my contentions were absolutely justified. Now, Sir, I have made reference to this matter for two reasons. Firstly, to acknowledge the courtesy and fairness of my Honourable friend and, in the second place, to substantiate the correctness of my own allegations. So much, Sir, for the point in regard to the price of British galvanized sheets. I think we have established beyond doubt that the price cannot be below Rs. 160 *c. i. f.* Now, my Honourable friend, Mr. Reddi, suggested that British galvanized sheets should be subjected to the same duty as continental sheets. We will deal with that when the amendment which bears on that subject comes up for consideration, but I would only point out here and now that if that suggestion were accepted, it would impose an intolerable burden upon the consumer, far more, I think, than my Honourable friend has any conception of at the moment. Sir, I frankly admit the necessity for seeing that the continental importer is not unduly or improperly penalised. I am at one with those who point out the danger inherent in an unfair handicap

on continental products. But I would draw attention to the pregnant observations of the Tariff Board on the question of continental competition. This is what they say :

"Continental prices have shown an extraordinary degree of fluctuation during the past few years and often appear to bear no definite relation to the costs of manufacture. The sale of Continental steel is effected through an international organisation which apparently regulates prices for export markets according to the local condition of each market and not necessarily to the expenses of production. It is against this class of competition based on indeterminate and often uneconomic prices that the Indian industry now requires protection.....To this extent therefore it is reasonable to suggest that the protection which we now propose for the Indian steel industry may be regarded as in the nature of an anti-dumping provision rather than as a measure of substantive protection."

I would like to say that when continental prices become stable and economic, there is nothing to prevent us from utilising our powers under clause 2 to bring the duties into line with such modifications of prices. That takes me to the third point, namely, the question of the differentiation between tested and untested steel. Here, also, I venture to think that many Honourable Members who have raised this point have not gone into the matter, at any rate, into the details of it, with any degree of care. I need only point out, in the first instance, that if the industry at any stage finds that the measure of protection which it was led to expect is not actually, in effect, being secured, it has a right to come up to the Government of India and ask that its case be referred to the Tariff Board for reconsideration. I have no doubt that if the industry makes out a *prima facie* case, such a reference will be made. Then, Sir, to those who have tried to make, not merely in this House but outside as well, some amount of capital out of this question and the prices of tested and untested steel arrived at in the Tariff Board's report, I would only say this,—firstly, that the prices which prevail today of tested steel will, I am sure, largely influence the industry itself in deprecating that the question should be raised at the moment, and, secondly, there can be no question of future dumping of British steel at prices which will make it impossible for Tatas to obtain a fair selling price for their untested steel, because in that case the powers under clause 2 could and would be brought into play in order to set right the position.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Without a reference to the Tariff Board ?

The Honourable Sir Joseph Bhore : Yes, Sir. Of course, clause 2
5 P.M. does provide that the Government may make such enquiry as it deems fit and that power must always remain.

Sir Cowasji Jehangir : I admit that. It may not be on a reference to the Tariff Board.

The Honourable Sir Joseph Bhore : It may not be a full-dress reference to the Tariff Board. But I am not prepared to tie my hands at the present moment as to the nature of the enquiry, if any, which will precede the taking of action under clause 2. My Honourable friend cannot expect me to do that at the moment.

I think that I have, as far as I can, dealt with most of the general points of criticism. Other points will be raised and dealt with when the

[Sir Joseph Bhole.]

various amendments are moved. I again repeat what I have said before, that honestly and, I think, the debate today proves it, the scheme of protection embodied in this Bill is a fair compromise holding the balance reasonably between the interests of the industry and the interests of the consumer, and, I trust, Sir, that in its present form, the Bill will receive the full and undivided acceptance of this House. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 22nd August, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 22nd August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

TRADE UNIONS IN INDIA CARRYING ON LIFE ASSURANCE BUSINESS.

763. *Sardar G. N. Mujumdar : (a) Is it a fact that section 14 of the Indian Trade Unions Act of 1926 lays down that the Provident Insurance Societies Act of 1912 and the Indian Life Assurance Companies Act of 1912 shall not apply to any registered trade union ?

(b) Are Government aware that several registered Trade Unions in India are carrying on life assurance business ? If so, what action have Government taken or propose to take against such Unions ? If none, why not ?

(c) Will Government please state the names of the trade unions carrying on business as life assurance companies ?

(d) Have Government laid down any safeguards similar to those for life assurance companies in the case of trade unions carrying on life assurance business ? If not, do they propose to do so by amending the Trade Unions Act ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) and (c). Government have no information as to which registered trade unions are carrying on life assurance business, but the Indian Trade Unions Act permits them to do so, so long as policies of assurance are restricted to members.

(d) Section 28 (1) of the Indian Trade Unions Act, 1926, which provides for the submission by registered trade unions of annual statements of receipts and expenditure audited in the prescribed manner, enables every member to ascertain for himself the financial condition of his Union. Under this section it is also open to the Local Government to require the submission of separate accounts in connection with the insurance business of a registered Trade Union. In the circumstances, Government do not propose to take any action in the matter until experience shows the necessity for further safeguards.

APPOINTMENT OF A GOVERNMENT SERVANT TO A LOWER GRADE POST.

764. *Sardar G. N. Mujumdar : Is it a fact that under Fundamental Rule 15, no Government servant shall be appointed to a lower grade post carrying less pay than his position in the cadre, save in cases of inefficiency or misbehaviour ?

(1813)

The Honourable Sir James Grigg : The position is substantially as indicated by the Honourable Member, except in the case of a transfer effected on the written request of the officer concerned.

REDUCTION OF A RAILWAY EMPLOYEE TO A LOWER GRADE.

765. ***Sardar G. N. Mujumdar :** Is it a fact that under paragraph 300 of the State Railway Open Lines Code, Volume II, no Railway employee may be reduced to a lower grade save as a punishment?

Mr. P. R. Rau : The rule runs as follows :

“The promotion of persons of all classes may be stopped, or their reduction to a lower grade may be ordered, as a punishment for misconduct or neglect of duty, at the discretion of the Manager or the Railway Board, according as these authorities make promotions.”

PROMOTION TO TRANSPORTATION INSPECTORSHIP.

766. ***Sardar G. N. Mujumdar :** Is it a fact that under Rule 10, Section II, of the Rules for the recruitment and training of Subordinate Staff, only Station Masters, Controllers, or Yard Foremen are eligible for promotion to Transportation Inspectorship?

Mr. P. R. Rau : No.

DECLARATION OF THE POST OF TRANSPORTATION INSPECTOR AS A SELECTION POST ON THE EAST INDIAN RAILWAY.

767. ***Sardar G. N. Mujumdar :** Is it a fact that under Rule 2, Note 1, of the Rules for the recruitment and training of Subordinate Staff, the Agent, East Indian Railway, in his Circular No. 548/A.E.-2460 of the 1st October, 1932, declared the post of Transportation Inspector a selection post?

Mr. P. R. Rau : Yes.

NON-ELIGIBILITY OF THE HOLDER OF A SELECTION POST IN A SUBSTANTIVE CAPACITY TO HOLD A LOWER POST.

768. ***Sardar G. N. Mujumdar :** Is it a fact that the holder of a selection post in a substantive capacity is not eligible to hold a lower post, either temporarily, officiating or otherwise, in a non-selection grade?

Mr. P. R. Rau : I am afraid I must ask my Honourable friend to make his meaning clearer and more definite before I can attempt to answer his question.

ALLEGATIONS AGAINST THE DIVISIONAL SUPERINTENDENT, MORADABAD.

769. ***Sardar G. N. Mujumdar :** Is it a fact that the Divisional Superintendent, Moradabad, always and regularly disobeys the orders of the Railway Board, and the Agent and defies the rules and regulations? If not, will Government please state :

(a) the authority under which he has in his No. E.T.-3/33/S.M., dated the 11th October, 1933, ordered the Transportation Inspectors (substantive permanent since June, 1922), to officiate as Station Masters (non-selection posts) ;

(b) the authority under which he has recommended unqualified clerks of his office for promotion to Transportation Inspectors ;

(c) whether the Head Clerk, Trains Branch, appointed as Transportation Inspector underwent practical training in Com-

mercial duties ; if so, when and where and when he passed the higher grade's examination ; if not, the special reasons for his appointment ;

(d) whether the Controller, appointed as Transportation Inspector underwent practical training in Commercial duties ; if so, when and where and when he passed the higher grade's examination ; if not, the special reasons for his appointment ;

(e) whether the Guard appointed as Transportation Inspector underwent practical training in Commercial duties ; if so, when and where, and the special reasons for his promotion without working as Station Master ;

(f) the number of Transportation Inspectors who are utilised as Station Masters, and the reasons for such action against rules and regulations ;

(g) if there are any subordinates amongst Controllers, Section Controllers, Station Masters, and Assistant Station Masters, qualified in Commercial duties and in the Goods Audit Examination ; if so, why their names were not recommended and considered for the post of Transportation Inspectors ; and

(h) when the Selection Board for these appointments was held, and whether they are prepared to lay a copy of the proceedings of the Selection Board on the table of this House ; if not, why not ?

Mr. P. R. Rau : The reply to the first part of the question is in the negative. As regards the rest Government have no information and must leave such matters of detail to the Railway Administration, but I have sent a copy of the question to the Agent, East Indian Railway, for his information and such action as he may consider necessary.

PROVISION OF MEDICAL FACILITIES AND POLICE ARRANGEMENTS IN THE AREA NEAR THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

770. ***Rao Bahadur M. C. Rajah :** (a) Are Government aware that great inconvenience is being felt by the staff of the Government of India Press, New Delhi, owing to the absence of medical facilities and inadequate police arrangements in that area ?

(b) What is the total number of quarters occupied by the staff of the above Press, and how many quarters have now been built on the Minto and the Circular Roads and allotted to the staff of the Government of India offices for the ensuing winter season ?

(c) How far are the nearest Government hospital and the nearest Police Station from the Government of India Press quarters ?

(d) Do Government propose to open a dispensary and a police post and appoint a medical attendant for that area ?

The Honourable Sir Frank Noyce : Information has been called for and a reply will be laid on the table of the House in due course.

LANDING PLACE FOR AIR SERVICE IN RAMNAD.

771. ***Mr. B. Rajaram Pandian :** Are Government prepared to open a landing place for air service in Ramnad to connect Ceylon and India and open a mail service also ?

The Honourable Sir Frank Noyce : Government already have under discussion with the Ceylon Government a proposal for the extension of the existing Karachi-Madras Air Mail Service to Ceylon. It has been provisionally decided to make Trichinopoly the intermediate port of call between Madras and Colombo when the service is extended. It is probable that additional emergency landing grounds will be required but it is not yet possible to say where these, if found necessary, will be located.

Mr. B. Rajaram Pandian : Are Government making any inquiries on this subject as to the place ?

The Honourable Sir Frank Noyce : Naturally, Sir.

PROTECTION OF DHANUSHKODI, A SACRED PLACE OF IMPORTANCE TO HINDUS.

772. *Mr. B. Rajaram Pandian : Are Government aware that the place, Dhanushkodi, which is not only meant for connecting Ceylon and India but is a sacred place of all-India importance to the Hindus, with a floating population of over a lakh annually, is being threatened with being washed away by the sea ? If so, will Government be pleased to state what protection they propose to give and what steps they propose to take in order to give due protection to that place ?

The Honourable Sir Frank Noyce : No, Sir. I have no doubt that the Local Government are fully aware of the position and will take any steps that they may consider necessary.

RUNNING OF AN INTERMEDIATE CLASS COMPARTMENT IN THE RAMESHWARAM EXPRESS OF THE SOUTH INDIAN RAILWAY.

773. *Mr. B. Rajaram Pandian : Will Government be pleased to state whether the South Indian Railway is running an intermediate class compartment in the Rameshwaram Express ?

Mr. P. R. Rau : According to the current time table, intermediate class accommodation is provided on Nos. 1 and 2 Indo-Ceylon Expresses only and not on the Dhanushkodi Fast Passengers, which presumably are the trains the Honourable Member refers to as the Rameshwaram Express.

RETURN OF LABOURERS FROM CEYLON.

774. *Mr. B. Rajaram Pandian : (a) Will Government be pleased to state the reasons for the return of labourers in large numbers from Ceylon in the months of February to April last ?

(b) What is the total number of labourers from the beginning of the year to the end of April ?

(c) What is the total number of labourers that have gone to Ceylon from 1st of May to the end of July, 1934 ?

Mr. G. S. Bajpai : (a) The number of Indian labourers returning from Ceylon to India during February to May is always larger than during the other months of the year. The number who returned during February to April last is not abnormal.

(b) 20,524.

(c) 71,659.

WORKING OF CREW SYSTEM ON THE SOUTH INDIAN RAILWAY.

775. *Mr. B. Rajaram Pandian : (a) Will Government be pleased to state how the crew system is working on the South Indian Railway ?

(b) What is the actual enhanced income the Railway has derived since the introduction of this system ?

(c) Are Government aware that at dead of nights these crew-men go and disturb the sleeping passengers in the train ? If so, do Government propose to issue instructions to the South Indian Railway administration to stop the practice of disturbing the passengers at night ?

Mr. P. R. Rau : (a) and (b). I am placing on the table an extract from the Agent, South Indian Railway's Annual Report which gives all information Government have on the working of the system of ticket checking on that line during 1933-34.

(c) The reply to the first part is in the negative. As regards the second part, I am communicating the Honourable Member's suggestion to the Agent, South Indian Railway, for such action as he may consider necessary, in order to diminish the inconvenience to passengers as far as possible.

Extract paragraph 3 from Agent, South Indian Railway's Annual Report for 1933-34 Section I.

(i) There are 197 Travelling Ticket Examiners and 14 Travelling Ticket Inspectors for checking trains. Of these 20 Travelling Ticket Examiners and 4 Travelling Ticket Inspectors are posted at headquarters, divided into 4 squads of which one is a Special Festival Squad while the remainder of the Travelling Ticket Examiners and Inspectors are distributed on the districts as under :—

	Travelling Ticket Examiners.	Travelling Ticket Inspectors.	
Madras	30	2 and 4	Travelling Ticket Exa- miners to form a squad.
Trichinopoly	35	2 „ 5	
Madura	27	2 „ 4	
Tinnevely	17	1 „ 4	
Podanur	25	2 „ 6	
Calicut	16	1 „ 4	

(ii) The Travelling Ticket Examiners allotted to the Districts check trains according to monthly rosters and about 70 per cent. of the trains are checked daily. The District Traffic Superintendents engage the District Squads to the best advantage for minor festivals, etc.

(iii) The 3 Ticket Checking Squads at headquarters are allotted to North and South Sections on the Metre Gauge and to the Broad Gauge. Each squad is split up into 3 batches who check passenger tickets on as many trains as possible. The Travelling Ticket Examiners assist in preventing trespass and see that tickets are properly collected at stations, they also attend festivals in the absence of the Festival Squad who attend all important festivals and check trains near stations at which a festival takes place. Normally their work is similar to the other squads.

(iv) Prosecution work continues to be done from headquarters.

(v) A comparative statement showing the results of working is appended.

Statement showing Earnings and Expenditure of Ticket Examining Staff (running and office) from 1st April, 1933 to 31st March, 1934 as compared with the previous year (1932-33).

No.	Particulars.	Period.	
		1st April, 1932 to 31st March, 1933.	1st April, 1933 to 31st March, 1934.
1	No. of passengers travelling without tickets.	164,220	*164,411
2	Amount collected—		
	(a) fare Rs.	1,06,346	*1,04,598
	(b) Penalty "	33,302	33,962
	Total "	1,39,648	1,38,560
		Under Section	Under Section.
		112 113	112 113
3	No. of prosecutions—		
	(a) Successful No.	39 1,369	34 1,186
	(b) Unsuccessful "	13 2,112	8 1,452
	Total "	52 3,481	42 2,638
4	No. of cases detected where luggage was improperly booked—		
	(a) Number "	87,367	37,990
	(b) Amount collected .. Rs.	44,655	53,337
5	No. of staff employed on the last day of the year—		
	(a) Travelling Staff .. No.	226	225
	(b) Office staff including Crew Clerks "	28	18
	Total "	254	243
6	Cost of staff employed for the year—		
	(a) Travelling Staff .. Rs.	1,44,810	1,47,187
	(b) Office Staff including Crew Clerks "	11,501	6,896
	Total "	1,56,311	1,54,083

* Includes 946 passengers who voluntarily paid fares amounting to Rs. 1,996 due to the Company for journeys beyond the original destination or in higher classes owing to their inability to procure the necessary tickets while commencing the journey.

NOTE.—1. The decrease under items 5 (b) and 6 (b) is due to the number and cost of crew office staff chargeable to the regular office staff of the Commercial Department not having been included during the year under review.

2. The figures of cost under item 6 represent gross cost.

PROVISION OF SHEDS FOR PILGRIMS AT DHANUSHKODI.

776. *Mr. B. Rajaram Pandian : Will Government be pleased to state if the South Indian Railway are prepared to provide pilgrim-sheds for the pilgrims who visit Dhanushkodi ?

Mr. P. R. Rau : With your permission, Sir, I shall answer questions Nos. 776 and 777 together. Government have forwarded the suggestions to the Agent, South Indian Railway, for consideration.

Mr. Gaya Prasad Singh : Are Government aware that pilgrims going to Dhanushkodi are put to a great amount of inconvenience for want of a shed there, as I myself witnessed a few years ago ?

Mr. P. R. Rau : I shall take my Honourable friend's word for it.

Mr. Rajaram Pandian : Sir, I may mention that the names of the two places are given wrongly here. They should be "Darbhasayanam" and "Navapashanam".

PUTTING UP OF A BOARD ON THE RAMNAD STATION, SOUTH INDIAN RAILWAY.

†777. *Mr. B. Rajaram Pandian : Are Government prepared to advise the South Indian Railway to put up a board on the Ramnad Railway Station for pilgrims who want to visit Dharmasmenjanam and Navajashanam, the two important religious places, in all the languages which would help a great way to the pilgrims who go from Northern India to these parts ?

CONTRACTS GIVEN BY THE DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY, FEROPPORE.

778. *Sardar Sant Singh : (a) How are the contracts given by the Divisional Superintendent of the North Western Railway, Ferozapore ?

(b) Are such contracts notified in any way and tenders invited ? If so, how and in which papers ?

(c) What are the general terms of such contracts offered by him ?

(d) Are Government aware that the food stuff sold by these Railway contractors in the Ferozapore Division of the North Western Railway, is of very much inferior quality and the price charged by the vendors is exorbitant as compared with the bazar rates ?

(e) Are Government aware of the general dissatisfaction of the travelling public in this Division over this matter, and if so, how do Government propose to remove this complaint ?

Mr. P. R. Rau : (a) By selection of the most suitable local professional men from among the applicants.

(b) The reply to the first part is in the negative, and the second does not, therefore, arise.

(c) I am placing in the Library of the House a copy of the contract form.

(d) No, I understand that the tariff of charges at each station is sent to the local civil authorities twice a year and that they make the necessary alterations therein according to prices prevailing locally.

†For answer to this question, see answer to question No. 776.

(c) The Agent, North Western Railway, reports that during the last six months only four complaints have been received. This does not indicate general dissatisfaction.

PROTECTION OF THE SMALL INDIAN STEAMSHIP COMPANIES.

779. *Mr. Gaya Prasad Singh : (a) Will Government be pleased to state whether they have received any representation during the current year from the association of the small Indian steamship companies, requesting them to call a conference of all the Indian shipping interests concerned so that all avenues to take the small steamship companies into the Conference might be explored and they might live and grow as an integral part of the Indian Mercantile Marine ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they propose to call a conference of all the Indian shipping interests to protect the Indian steamship companies from being wiped out of existence ?

The Honourable Sir Joseph Bhole : (a) Yes.

(b) The matter is receiving the consideration of the Government of India.

DISCONTINUANCE BY THE BIBBY LINE OF STEAMERS OF CARRYING DECK PASSENGERS FROM COLOMBO TO RANGOON.

780. *Rao Bahadur M. C. Rajah : (a) Will Government be pleased to state :

- (i) whether the Bibby Line of steamers are common carriers of goods and passengers ;
- (ii) whether they carry cabin passengers from Rangoon to Colombo and *vice versa* ;
- (iii) whether they still carry deck passengers from Colombo to Rangoon ; and
- (iv) whether they have discontinued carrying from Rangoon to Colombo deck passengers other than the servants of cabin passengers ?

(b) If the reply to part (a) (iv) be in the affirmative, will Government be pleased to state :

- (i) from what date and on what grounds to the knowledge of Government such discontinuance was made ;
- (ii) whether the discontinuance is permanent or temporary, and if temporary, when it will cease ;
- (iii) whether they are aware that the discontinuance is causing great inconvenience, trouble and hardship to passengers from Rangoon to Colombo, who cannot afford a cabin passage, as such passengers have now to travel *via* Madras, undergoing quarantine at the Mandapam camp ; and
- (iv) whether they are prepared to take steps for the removal of this discrimination at the earliest possible opportunity ?

The Honourable Sir Joseph Bhole : (a) (i). Government are not in a position to express an opinion on the point.

(ii) and (iii). Yes.

(iv) From representations that they have received the Government of India understand that Bibby Line steamers do not now carry deck passengers from Rangoon to Colombo.

(b) (i) to (iv). In January, 1932, it was brought to the notice of the Government of India that Bibby Line steamers sometimes carried deck passengers from Rangoon to Colombo although the Board of Trade's passenger certificates held by them contained no definite provision for the carriage of deck passengers. After a careful examination of the position, the Government of India held that the certificates issued to Bibby Line steamers by the Board of Trade did not authorise the carriage of deck passengers, however few in number. This decision was communicated to the agents of the Company at Rangoon and they were told at the same time that their ships would be permitted to carry deck passengers if application were made for a further survey at Rangoon and the Government Surveyor was satisfied as to the adequacy of the life saving appliances, sanitary arrangements and shelter provided for such passengers. Since then, no deck passengers appear to have been carried in the Company's steamers from Rangoon to Colombo. The remedy, however, lies in the Company's own hands.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

781. *Mr. Jagan Nath Aggarwal : (a) With reference to the starred question No. 416 (a) of the 9th March, 1934, will Government please state whether it is not a fact that prior to the instance of the compulsory retirement of a Deputy Assistant Controller of Military Accounts in 1930, quoted, no such compulsory retirement had been ordered under the Civil Service Regulation Rule 465A ? In regard to the 1930 instance, will Government please state whether it related to the Military Accounts Department, and quote their notification concerned ?

(b) Are not the officers retiring in the Military Accounts Department every year only a few in number and will Government please state why the information asked for is not available ? Are Government now prepared to furnish the same ?

The Honourable Sir James Grigg : With your permission, Sir, I propose to deal with questions Nos. 781 to 791 together.

These relate generally to the retirement in 1933 of nine Deputy Assistant Controllers of Military Accounts under Note 1 of Article 465-A of the Civil Service Regulations in accordance with which Government retains an absolute right to retire any officer after he has completed 25 years qualifying service without giving any reasons. The right is not exercised except when it is in the public interest to dispense with the further services of an officer. Seven of these officers were retired on this general ground and after Government had, on a careful examination of their records by my predecessor, decided that they did not reach the standard of efficiency which departmental interests required. The remaining two, whose cases are particularly referred to in these questions, were retired, not only on the general ground I have mentioned, but because their definite omission to discharge certain duties imposed on them as Local Audit Officers had facilitated the perpetration at Rawalpindi of two frauds which involved a total loss to Government of Rs. 74,000. So far as these

particular instances of laxity were concerned, they were given the fullest opportunity to represent their case in accordance with the regulations of the Department. I have satisfied myself in all the cases that the retirement of these officers was in the public interest and was given effect to after the most careful consideration and after full compliance with any formalities prescribed in this connection. I regret that I am not prepared to furnish more detailed information on the many points to which the Honourable Member has referred. It is detrimental to service discipline, and is, therefore, not in the public interest, that there should be public discussion of the details of individual cases of this character.

Mr. Jagan Nath Aggarwal : May I invite the attention of the Honourable Member to the fact that two persons, the Superintendent and the Auditor, were put before the ordinary Courts of law in connection with these frauds and were acquitted and have since been re-instated by Government ?

The Honourable Sir James Grigg : Presumably that fact was fully taken into account in the investigation of these cases that was undertaken by my predecessor.

Mr. Jagan Nath Aggarwal : But may I point out that this acquittal has taken place only recently and could not have been taken into consideration then ?

The Honourable Sir James Grigg : I do not think the acquittal of two people who are found to be innocent and are put back presumably after a full review of their case by the authorities concerned alters the fact that contributory negligence on the part of other people should be properly dealt with.

Mr. Jagan Nath Aggarwal : If persons who were more directly concerned, like the Superintendent and the Auditor, are exonerated by a Court of law, does it not follow that their superior officers have been unfairly held liable to punishment which had been meted out to them in advance ?

The Honourable Sir James Grigg : The cases of these superior officers were fully inquired into by my predecessor and by myself and the fact that their negligence facilitated these frauds has been fully established ; and, therefore, as I said, I think their cases have been dealt with quite equitably and I am not prepared to reopen them.

Mr. Jagan Nath Aggarwal : Does it not look a bit unfair that the persons to whom punishment was meted out at a particular time are left to suffer, whereas those who are more directly concerned are exonerated by a Court of law ? Does it not give new material to the Honourable Member to look into these cases ?

The Honourable Sir James Grigg : The people who were exonerated by the Court of law were presumably acquitted of charges of fraud, and their cases were presumably reviewed by the authorities concerned and dealt with in accordance with the regulations. But these people were found, on departmental investigation, to have contributed by their negligence to the success of the fraud and they have been dealt with in accordance with the requirements of departmental discipline.

Mr. K. P. Thampan : Have these two people who were acquitted by a Court of law been re-instated in service ?

The Honourable Sir James Grigg : As a matter of fact, I was not aware of the re-instatement of these two people who have been acquitted by a Court of law. But it seems to me, on the face of it, quite irrelevant to the questions asked in regard to other people who were negligent and in regard to whom there was no question of any accusation of fraud.

Mr. K. P. Thampan : Will the Honourable Member kindly inquire whether these two people have been actually re-instated ?

The Honourable Sir James Grigg : Certainly, Sir, but it does not seem to be in the least relevant that the people were acquitted of fraud. That fact by itself does not acquit other people of negligence, and the negligent have been dealt with.

Mr. K. P. Thampan : If these two people who were primarily concerned in the offence have been acquitted in a Court of law, have not the rest, who were departmentally dealt with a cause of action for damages against the Government ?

The Honourable Sir James Grigg : I think not. I think there is no connection between the two cases.

Mr. Jagan Nath Aggarwal : Were not the Superintendent and the Auditor below the Military Accounts Officers who have been punished ?

The Honourable Sir James Grigg : Whether they were or not, the Court of law has decided in their cases. But what is quite indubitable was that the two people who have been punished were negligent, and, therefore, the fraud was not discovered.

Bhai Parma Nand : May I know if it is a fact that of these two persons who were thus dismissed for negligence, one had taken leave for some months, and, therefore, it was not possible for him to attend to his duty and detect the fraud ?

The Honourable Sir James Grigg : These people have not been dismissed for negligence : they have been retired, one of them on full pension, and the other on a slightly reduced pension.

Bhai Parma Nand : My point was this, whether it could be called negligence in case a man had taken leave of absence : would that be negligence on his part ?

The Honourable Sir James Grigg : I do not feel called upon to answer that particular question, because, as I said, these officers have had every opportunity to advance any considerations on their own behalf that they felt disposed to make : they have had that opportunity and their case was fully investigated by my predecessor, and he was satisfied, as I am, that they were dealt with properly.

Bhai Parma Nand : But is it a fact that they sent representations and no answer was given to them in reply—whether the representation was satisfactory or not ?

The Honourable Sir James Grigg : So far as these particular instances of laxity were concerned, they were given the fullest opportunity to represent their case in accordance with the regulations of the Department.

Dr. Ziauddin Ahmad : Do I understand that these persons were responsible for negligence of a crime which, according to a Court of law, was never committed ?

The Honourable Sir James Grigg : No. The Court of law decided that the fraud was not committed by two particular people : the fraud was indubitably committed and these people contributed to the fraud by their negligence.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†782. *Mr. Jagan Nath Aggarwal : With reference to the starred question No. 417 (b) of the 9th March, 1934, will Government please state whether the question of compulsory retirement of the nine Deputy Assistant Controllers of Military Accounts referred to was placed before the Controllers' Conference for discussion ? If not, why not ?

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†783. *Mr. Jagan Nath Aggarwal : (a) With reference to the starred question No. 417 (c) of the 9th March, 1934, will Government please state definitely in how many of the nine cases the Controllers concerned recommended the action taken ? In which cases did the Military Accountant General make the recommendation of his own accord ?

(b) Was the recommendation made by the Controller of Military Accounts with reference to the letter to this effect from the Military Accountant General himself ?

(c) Will Government please place on the table a copy of the letter that the Military Accountant General wrote to the Controllers as an initiation of the subject of compulsory retirement and state whether he himself suggested names ?

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†784. *Mr. Jagan Nath Aggarwal : With reference to the answer to starred question No. 417 (d) of the 9th March, 1934, will Government please state why the nine Deputy Assistant Controllers of Military Accounts could not be warned beforehand to either retire voluntarily under the Retrenchment Rules (communicated to all officers for consideration during 1932) or else that they would be compulsorily retired under Article 465-A, Civil Service Regulations ?

INTERPRETATION OF ARTICLE 465-A OF THE CIVIL SERVICE REGULATIONS.

†785. *Mr. Jagan Nath Aggarwal : Will Government please lay on the table a copy of the interpretation of Article 465-A, Civil Service Regulations, as given by the Finance Department in November, 1933 ?

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†786. *Mr. Jagan Nath Aggarwal : (a) With reference to the answer to starred questions Nos. 418 and 421 of the 9th March, 1934, regarding the retrenchment of nine Deputy Assistant Controllers of Military Accounts in which it was stated that regular and 'very full' enquiries have been made in accordance with rules in the case of officers Nos. 8 and 9, will Government please state exactly :

(i) what those enquiries were and which are the rules referred to ;

†For answer to this question, see answer to question No. 781.

(ii) who were the officials entrusted with the investigation ;

(iii) whether the retrenched officers were informed of the formation of the investigating body ;

(iv) whether they were called upon to appear before this body to defend their cases ; and

(v) whether they were given full opportunity, facility and material to enable them to tender their defence ?

(b) Will Government please explain fully the investigation made ?

(c) Are Government now prepared to furnish complete answers to all points raised in the starred question 418 of the 9th March, 1934 ?

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†787. *Mr. Jagan Nath Aggarwal : (a) With reference to the answer to starred question No. 417 (e) of the 9th March, 1934, regarding the discharge of nine Deputy Assistant Controllers of Military Accounts, will Government please state what considerations have stood in their way of furnishing the information required ?

(b) Are Government aware that the information asked for is in respect of a short period and are Government now prepared to furnish the statement required ?

DUTIES OF THE MILITARY ACCOUNTS DEPARTMENT AND THE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†788. *Mr. Jagan Nath Aggarwal : In answer to the starred questions 419 (a) and 420-A of the 9th March, 1934, it is stated that the "Duties" of the Military Accounts Department and the Deputy Assistant Controllers are different from those of the Civil Accounts Offices and the Assistant Accounts Offices ? Will Government kindly explain the difference ?

EFFICIENCY OF THE MILITARY ACCOUNTS DEPARTMENT.

†789. *Mr. Jagan Nath Aggarwal : (a) Is it not a fact that the Auditor General's remarks as to the general efficiency or otherwise of audit in a Department are not necessarily stated in the yearly Audit reports in all cases ? Are Government prepared to obtain from the Auditor General an answer to question No. 419 (b) of the 9th March, 1934 ?

(b) Is it not a fact that the Auditor General has with reference to the report on Appropriation Accounts for 1932-33 recently stated that the efficiency of the Military Accounts Department has improved ?

STANDARD OF AUDIT IN THE MILITARY ACCOUNTS DEPARTMENT.

†790. *Mr. Jagan Nath Aggarwal : (a) With reference to the answer to starred question No. 419 (e) of the 9th March, 1934, regarding the standard of audit in the Military Accounts Department, will Government please furnish a complete set of Audit Reports of the last ten years ?

†For answer to this question, see answer to question No. 781.

(b) Are Government aware that in these yearly reports the irregularities noticed by the Military Accounts Department and by the Army Test Audit authorities are not so marked? Will Government therefore please lay on the table the comparative statement already called for?

(c) With reference to the answer to starred question No. 419 (e) and (f) of the 9th March, 1934, will Government please place on the table the circular issued on the particular point, referred to by me in my original question some considerable time after the Northern Command order of the 23rd August, 1929, and state whether it is not a fact that the Military Accountant General, when Controller of Military Accounts at Rawalpindi, had given very strict orders that the issue of the 'written' objection statements by the Local Audit Staff should be cut down to the lowest limit possible, and serious irregularities were detected *subsequent* to his transfer from Rawalpindi?

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†791. *Mr. Jagan Nath Aggarwal: With reference to the answer to starred question No. 420 (c) and (d) of the 9th March, 1934, will Government please state whether it is not a fact that Sir B. N. Mitra, when Financial Adviser, Military Finance, kept himself personally in touch with the Deputy Assistant Controllers, although the pressure of work in his time was even more and further that cases were thrashed out threadbare unlike the present system when the Military Accountant General's disposals of personal cases are simply sent to the Financial Adviser direct for signature?

(b) Will Government seriously consider the necessity of having the cases of the nine officers retired during the absence of permanent Financial Adviser on leave, reviewed with a view to recalling them to duty, if possible, or awarding them compensation for premature retirement?

INTRODUCTION OF GROUP SYSTEM IN THE MILITARY ACCOUNTS DEPARTMENT.

792. *Mr. Jagan Nath Aggarwal: (a) Will Government please explain the reasons for the introduction in 1929 of the Group System in the Military Accounts Department?

The Honourable Sir James Grigg: The "Group System" in the Military Accounts Department was introduced on the amalgamation of certain Military Accounts offices. It aimed at decentralising work in the larger offices that were formed as a result of the amalgamation of offices. The functions of Group Officers are analogous to those of the old District Controllers of Military Accounts.

INTRODUCTION OF MECHANICAL COMPILATION SYSTEM IN THE MILITARY ACCOUNTS DEPARTMENT.

793. *Mr. Jagan Nath Aggarwal: (a) Will Government please explain in brief the advantages gained and the savings made by the mechanical compilation system introduced in the Military Accounts Department?

†For answer to this question, see answer to question No. 781.

(b) Was this system previously tried in the Railway Accounts Service but given up as it did not prove to be advantageous?

(c) Are Government aware that clerks and superintendents have to work long extra hours to avoid mistakes for which they are heavily punished for each mistake?

(d) What is the number and names of the machines used and their value?

(e) What is the amount of monthly hire paid for each machine and why have the machines not been bought by Government?

The Honourable Sir James Grigg:

(a) The advantages gained are in brief:

1. *Speed*.—The all-India compilation of accounts for each month can be produced about a month earlier.
2. *Accuracy*.—Posting and arithmetical errors are almost eliminated.
3. *Flexibility*.—The superiority of the Hollerith to the manual system, from the point of view of flexibility, is achieved by reason of the fact that the Hollerith card and Hollerith machines are so designed as to allow of a vast amount of information being recorded in the card and only just as much of it as is required being tabulated on the machine as and when necessary.
4. *Economy*.—It is anticipated that it will be possible eventually to effect a saving of at least Rs. 1,17,000 per annum by a replacement of the manual compilation by the Mechanical one.

(b) No. The machines are still in use in the Railway Accounts.

(c) No.

(d) Two 45 column Tabulators. } Hollerith Mechanical
Two 45 column Horizontal sorters. } Accounting Machines.

As the machines are only hired and not sold by the owning company, their value is not known to Government.

(e) The hire for the Tabulators and Sorters is Rs. 1,866-10-8 and Rs. 303-3-4 respectively per mensem. The British Tabulating Company to whom these machines belong will not sell the machines.

Mr. B. Das: May I inquire, with reference to the answer to part (b) of the question, if it was not a fact that Mr. Scott who experimented with these machines in the railways had to abandon the use of those machines?

The Honourable Sir James Grigg: The answer to part (b) of the question is:

"No. The machines are still in use in the Railway Accounts."

Mr. B. Das: But may I inquire from the Honourable the Railway Member if it was not a fact that it was proved before the Public Accounts Committee that the machines could not do the work and that they were abandoned?

The Honourable Sir Joseph Bhore: I shall require notice of that question.

PROMOTION OF TWO DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

794. *Mr. Jagan Nath Aggarwal: (a) Will Government please state what the system of recruitment in the Superior Accounts Service has been in force since 1910 in the Civil and in the Military Accounts Department, the changes made therein from time to time and the reasons for the same?

(b) If any of the vacancies in the Superior Accounts were set aside for members of the Subordinate Accounts Service, on what basis was the selection for promotion made?

(c) Will Government please state the special qualifications of the two Deputy Assistant Controllers who have been selected for promotion recently, the duration of audit charges held by them, any important audit work done by them, their standing on the seniority list, their ages and educational qualifications?

(d) Will Government please lay on the table a statement showing the Deputy Assistant Controllers in service at the time of the promotion of these officers who had been recommended or held eligible for selection for this service?

The Honourable Sir James Grigg: (a) A statement giving the required information is placed on the table. Generally speaking, the changes in the system from time to time have been effected with a view to accelerate the Indianization of the department.

(b) and (c). The Honourable Member's attention is invited to my predecessor's reply to starred question No. 681 of the 11th April, 1934. I regret I am not prepared to supply any further information in this matter. I am satisfied that on the general record and attainments of the two officers, their selection for promotion was justified, and it is detrimental to the interests of service discipline that there should be further public discussion regarding it.

(d) Government are not prepared to disclose information regarding any recommendations they may receive in regard to promotions, or opinions as to eligibility therefor.

Military Accounts Department.

Methods of recruitment.—Before December, 1909 the Superior Staff of the Military Accounts Department was recruited from British officers of the Indian Army; but in that year the Secretary of State decided that it should be recruited in future solely by Civilians appointed by him in England. Since then Civilians were appointed by the Secretary of State for India at Home except on one occasion in November, 1912, when a Civilian Gazetted Officer of the Opium Department was, on the reduction of that Department, appointed in India with the approval of the Secretary of State. During the Great War it became difficult to get recruits from Home and in 1915 and 1916 six appointments were made in India with the sanction of the Secretary of State. Of these six appointments, one was filled by an officer of the B. B. and C. I. Railway and the remainder by promotion of five European gazetted officers of the non-superior service of the Department. After this there were no changes until 1920 when with a view to giving opportunities to qualified Indians for employment in the Superior Staff of the Department the Secretary of State decided that future vacancies should be filled in the following proportion:—

- 1/6th by promotion of Deputy Examiners,
- 1/3rd by direct recruitment of Indians, and
- 1/2 by recruitment of Europeans at Home.

In 1921 the Indian Military Requirements Committee presided over by His Excellency Lord Rawlinson recommended that recruitment in England for the superior grades of the Department should be gradually stopped and that the system prevailing in the Civil Accounts Department should be gradually introduced. This recommendation was accepted by the Government of India and in 1922 they proposed that the direct recruitment of Indians to the Superior Service of the Military Accounts Department should in future be made generally from among the successful candidates at the examination held for the recruitment of Indians for the Indian Audit and Accounts Service. The proposal was accepted by the Secretary of State in 1923 and since then vacancies in the Department are being filled by the direct appointment of Indians and by the promotion of members of the Subordinate Service in the proportion of 2 : 1 except one appointment which was filled by the transfer of an Indian Army Officer with the sanction of the Secretary of State.

The system of recruitment to the Indian Finance Department (now designated as the Indian Audit and Accounts Service) since 1909 and the reasons for the changes effected in 1920.

The system of recruitment to the Indian Finance Department from 1909—1919 was that one-half of the vacancies in the Department were filled by Indians chiefly by examination in India and the other half by the recruitment of Europeans in England.

In 1920 the system was changed because Indians recruited by competitive examination in India had proved quite satisfactory; and it was therefore decided that ordinarily recruits to this Department, i.e., by recruitment on the regular terms at the bottom of the list, should be carried out in India only. The system, which is still in force, is as follows:—

1. *Sources of recruitment.*—(a) Recruitment is made in India and is restricted to statutory natives of India. Government reserves the right of making special appointments of Europeans for special work as well as for the ordinary duties of the Department.

(b) Three posts of Accountant-General are reserved by statute for members of the Indian Civil Service and four training posts nominally belonging to Class I are filled by members of the same service. It has been decided that the obligation to employ a limited number of I. C. S. Officers in the Indian Audit and Accounts Service should be withdrawn.

2. *Method of recruitment.*—(a) Appointments are generally made on the result of a competitive examination conducted by the Public Service Commission. Rules for nomination of candidates for appearing in the examination and rules relating to the examination itself are made by the Governor General in Council in consultation with the Public Service Commission.

(b) Posts to the extent of one-fifth of the total cadre are filled by promotion of subordinates. The proportion may vary from time to time to suit administrative convenience.

3. The formula to determine the number of appointments to be made from time to time is as follows:

The number of officers to be recruited direct, that is, by examination, is:

$$C + N + \frac{1}{2}(S - C - N)$$

(C being the number of posts newly created since the 1st of August last, less the number of subordinates whose promotion is rendered possible by their creation, N the normal recruitment, and S shortage on the 1st April of the following year.)

4. Special provision for reservation of posts for minority communities.

It has been decided to reserve one-third of the total number of vacancies for members of minority communities.

EXTENSION TO THE PRESENT MILITARY ACCOUNTANT GENERAL.

795. *Mr. Jagan Nath Aggarwal: Has the present Military Accountant General been given an extension? If so, what are the grounds and services for which he has been given this concession?

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The Honourable Sir James Grigg : (a) Yes.

(b) The extension was given after the fullest consideration, and in the interests of the public service.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

796. *Bhai Parma Nand : (a) In answer to the starred question No. 418 of the 9th March 1934 regarding the discharge of nine Deputy Assistant Controllers of Military Accounts, it was stated that officers Nos. 8 and 9 have been retired because of definite acts of neglect of duty. Will Government please state :

- (i) whether they were held responsible because their auditors working under the supervision of the superintendents failed to detect certain irregularities in the accounts of the two units, Rest Camp, Rawalpindi and Rations Stand, Chaklala, which it is alleged the Local Audit Officers ought to have detected ;
- (ii) whether it is a fact that the original papers connected with these cases were not shown even when demanded by them, so as to enable them to recollect the exact circumstances of the case ;
- (iii) whether the explanations given by these officers were consequently altogether incomplete on the basis of which the verdict of compulsory retirement was passed by Government ;
- (iv) whether these officers were given opportunity to appear before the investigation authority to defend their cases personally if they so desired to do, as required by the Civil Service Classification, Control and Appeal Rules ; if not, why not ;
- (v) whether it is a fact that as required by the above quoted Rules no proper charge-sheets were framed against them detailing fully the manner in which it is alleged that these officers neglected their duty, quoting orders, rules and vouchers concerned, etc. ;
- (vi) whether in the ordinary letters calling for explanation there was no indication to show the particular Civil Services Rules under which the explanation was called for or the fact that failing satisfactory explanation disciplinary action laid down in these rules would be taken so as to distinguish these disciplinary cases from ordinary cases ;
- (vii) whether it is a fact that the explanations were obtained in great hurry and the time generally allowed in similar serious cases was not given and in one case the explanation was called for by return of post ; and
- (viii) whether the respects in which the explanations were found to be unsatisfactory were pointed out to these officers ; if not, why not ?

(b) Will Government please lay on the table a list of the officers who were on the investigation board with the number of the sittings of the board, and the volume of the proceedings written ?

(c) Is it a fact that during the period of these cases there were no rules or instructions existing, by which the Local Audit Officers were held responsible to the extent blamed for the audit work supervised by the superintendents, of which the part disputed by the officer commanding was required to be reviewed by the Local Audit Officer himself as per Controller of Military Account's orders of 1929 or 1930 which should please be placed on the table ?

(d) Similarly, is it not a fact that there were no rules or instructions by which the local audit was held responsible for the audit of quantities purchased with reference to scales and strength of the units and that this was the function of the Stores Audit Section of the Controller of Military Account's office which section has altogether been given scot-free in these cases ?

The Honourable Sir James Grigg : Sir, with your permission, I propose to deal with questions Nos. 796 and 797 together.

The attention of the Honourable Member is invited to the reply given to questions Nos. 781 to 791 by the Honourable Mr. Jagan Nath Aggarwal. The reply to part (e) of question No. 797 is in the affirmative. The differentiation in the treatment accorded to the two officers in question, and the other seven officers pensioned as inefficient, was based on the particular laxity shown by the two officers in the fraud cases referred to in the reply to questions Nos. 781 to 791.

Bhai Parma Nand : With reference to part (a) (i) of question No. 796, were these local audit officers given an opportunity to come and answer the allegations made against them and be present on the occasion ?

The Honourable Sir James Grigg : Yes ; if the Honourable Member will recollect the passage I read out from my original answer, so far as these particular instances of laxity were concerned, they were given the fullest opportunity to represent their case in accordance with the regulations of the Department.

Bhai Parma Nand : Were they given the reasons why their representations were not found to be satisfactory ?

The Honourable Sir James Grigg : They were given the fullest opportunity of defending themselves.

FRAUDS AT REST CAMP, RAWALPINDI, AND RATIONS STAND, CHAKLALA.

†797. *Bhai Parma Nand : (a) Will Government please state whether there was a conference held at Rawalpindi after the frauds at Rest Camp, Rawalpindi and Rations Stand, Chaklala, had been detected to determine the respective responsibilities of the auditors, superintendents and officers both in the Stores Audit section and on the Local Audit side ? If so, will Government please lay on the table a copy of the findings of this conference ?

(b) Is it not a fact that the Controller of Military Accounts, Northern Command, reported to the Military Accountant General that after careful investigation he had come to the conclusion that the frauds referred to had been committed by manipulating accounts in the units after the audit had been conducted ?

†For answer to this question, see answer to question No. 796.

(c) Is it not a fact that the Controller of Military Accounts, Northern Command, did not recommend the disciplinary action taken against these Local Audit Officers and no disciplinary action has been taken against other officers responsible, including the Controller of Military Accounts and the superintendents concerned? If taken, will Government please define the action taken with the names of persons concerned?

(d) Is it a fact that there were more than a dozen Army officers who were involved in these frauds and that no such disciplinary action has been taken against them? Is it also a fact that every action against them was postponed until after the result of the prosecution in Court had been seen? If so, why was action in the case of these officers delayed and why in the case of Local Audit Officers, was so immediate and drastic an action taken by Government?

(e) Is it also a fact that the Local Audit Officers referred to were not only punished by premature retirement coupled with a reduction in the ordinary pension admissible in one case but they have been deprived of the full leave due to them which has been given to other seven officers pensioned as inefficient?

(f) Is it not a fact that no reduction in pension is required to be made if the service of the officer is *on the whole* satisfactory and full qualifying amount of service has been put in? Will Government please lay on the table a list of officers of the Department whose pensions have similarly been reduced in the past and the cases in which the officers have been retired on account of neglect of duty as in these two cases?

MURREE HOSPITAL COAL FRAUD.

798. *Bhai Parma Nand : (a) Is it a fact that in the first fraud case detected after the present Military Accountant General left the Northern Command, known by the "Murree Hospital Coal fraud" the irregular issue was noticed by the Local Audit Officer but the point was dropped by the Group officer in the Controller of Military Account's office who was an European and who had been selected for the Superior Accounts Service? Why was no disciplinary action taken against this European officer?

(b) Is it not a fact that the High Court passed very adverse remarks against the Army officers in this case holding them to be chiefly responsible for the fraud, but no disciplinary action has been taken against Army officers concerned beyond expression of "severe displeasure" of His Excellency the Commander-in-Chief? Was such displeasure even not recorded with the officer's documents in one case?

(c) Will Government please state why distinctions have been made between officers of the Army and the Audit Department, i.e., the former have been let off with practically no punishment while the Audit officers, Nos. 8 and 9 have been severely punished for "neglect of duty"?

The Honourable Sir James Grigg : (a) Yes. No fault could be found with the officer referred to as the objection was dropped on receipt of an explanation which appeared, on the face of it, to be satisfactory from the administrative officer concerned.

(b) and (c). The High Court commented adversely on the action of one Army Officer concerned in the Murree Fraud Case. The severe displeasure of His Excellency the Commander-in-Chief was conveyed to this

officer and recorded in his documents. This is a grave measure of disciplinary action, especially in the present case where the officer had otherwise a distinguished and unblemished record as it has to be considered in connection with the officer's promotion which it may seriously affect. In regard to the other officer concerned, the High Court made no comment. Though he was found to have been sufficiently neglectful in his duty, as to have made the fraud easier, he was not held to be responsible for it, and while an expression of His Excellency's severe displeasure was intimated to him, it was not recorded in his documents. The circumstances in which the two audit officers Nos. 8 and 9 were compulsorily retired have been indicated in my reply to questions Nos. 781 to 791 by my Honourable friend, Mr. Jagan Nath Aggarwal. On the reviewing the two cases, Government are satisfied that they disclose no undue disparity of treatment.

PREVENTION OF IRREGULARITIES IN THE ARMY ACCOUNTS.

799. *Bhai Parma Nand : Is it not a fact that the Army Test Audit authorities working under the Auditor General have complained in connection with the Report on the Appropriation Accounts for 1932-33 that the Army officers are not infrequently blind to their own initial responsibilities and that these officers have pleaded that they had been labouring under a wrong impression that the Audit authorities alone were responsible for "prevention of irregularities"?

The Honourable Sir James Grigg : The Honourable Member presumably refers to paragraph 11 of the Report of the Director of Army Audit on the Appropriation Accounts for 1932-33. His attention is invited to the observations on this subject of the Military Accounts Committee contained in Annexure "A" to the Report of the Public Accounts Committee, which I am presenting to the House in a few minutes time.

RAILWAY FREIGHT AGREEMENT BETWEEN THE TATA IRON AND STEEL COMPANY AND THE BENGAL NAGPUR RAILWAY.

800. *Mr. G. Morgan : (a) Is it a fact that there was a Railway freight agreement between the Tata Iron and Steel Company and the Bengal Nagpur Railway which terminated on the 30th June, 1933?

(b) Is it a fact that new and increased rates of freight came into force from 1st July, 1933?

(c) Will Government be pleased to lay on the table a statement showing the rates of freight in force during the agreement ending 30th June, 1933?

(d) Will Government be pleased to lay on the table a statement showing the rates of freight now in force under the new agreement?

(e) Is it a fact that rebates on the current rates of freight are given to the Tata Iron and Steel Company by the Bengal-Nagpur Railway? If so, are Government in a position to state the amount of rebate given?

(f) Is it a fact that the extra amount of freight now payable by the Tata Iron and Steel Company since 1st July, 1933 (*vide* Tariff Board's Report on the Iron and Steel Industry, page 70, Note at foot after paragraph 122) less rebate, if any, will bring the net rates into conformity with rates in force on other commodities?

Mr. P. R. Rau : (a) to (e). I would refer the Honourable Member to the reply I gave to Mr. Thampan's question No. 518 on the 13th August, 1934.

(f) There is no definite standard proportion between the freight rates for one commodity and those for another, and a comparison such as that suggested by my Honourable friend is not practicable.

PROMOTION TO THE PERMANENT WAY INSPECTORS' POSTS ON THE NORTH WESTERN RAILWAY.

801. ***Mr. S. G. Jog :** (a) With reference to the reply given to Mr. Piracha's question No. 354, will Government state why preferential treatment is given to the outsiders for the promotion to the P. W. Is. posts on the North Western Railway when the latter are considered also fit for this post ?

(b) Is the training given in T. (10) course in the Walton Training School given to the A. W. Is., grade I not equivalent to that given to the A. P. W. Is. ? If the reply is in the negative, why are A. W. Is., grade I considered fit to hold charge of a section ?

(c) If the reply to part (b) be in the affirmative, why are equal rights refused to A. W. Is., grade I for promotion in pay and grade, etc. ?

Mr. P. R. Rau : (a) I regret I have been unable to understand who are the outsiders referred to and what is the preferential treatment alleged.

(b) and (c). The reply to the first part is in the negative. Government are informed that A. W. Is., Grade I, are given such training as is considered sufficient to enable them to qualify to hold charge of a section as a P. W. Inspector. The courses for A. W. Is. and apprentice P. W. Is. are different as the former who are practical men with long experience are required to undergo an examination to qualify for promotion to higher posts and the latter are under training on recruitment.

RECRUITMENT OF PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

802. ***Mr. S. G. Jog :** (a) How many posts of P. W. Is. were likely to be vacated on the North Western Railway during 1927—1933 ?

(b) How many A. W. Is. who had passed the P. W. Is. Examination were available during that period and how many outsiders were recruited as apprentices for the P. W. Is. posts ?

(c) If sufficient number of A. W. Is., who were qualified P. W. Is., were available, why did the Railway Administration take about 80 apprentices and thus waste public money by giving them training to qualify them as P. W. Is. at Railway expense ? Did Government consider that the former class of men could come out during this period after getting proper training in the Walton Training School as is being done now ?

Mr. P. Rau : Government have no information. The appointment of the staff referred to in the question is entirely within the competence of the Agent, North Western Railway, and Government are not pre-

pared to interfere, but I have sent a copy of the question to the Agent, North Western Railway, for his information.

RECRUITMENT OF PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

803. ***Mr. S. G. Jog :** (a) What is the number of A. W. Is., grade I passed P. W. Is. who are available on the list of North Western Railway ? If the number is sufficient why are the apprentices allowed to continue at heavy expense to the Railway ? Could they not be discharged as per their agreement ? Have Government considered that if this class of apprentices is discharged, they can be replaced with the men now qualified in T. (II) which will save huge amount to the Railway now disbursed on these apprentices ? Are the latter qualified from any Engineering College ?

(b) Why is there a big difference in pay of A. W. I., grade I and grade II ? Is it not a fact that the latter class of men have to perform the same duties and hold the same responsibility and have little service and less experience in P. Way in comparison to the former ?

(c) Is it a fact that these apprentices were getting training under P. W. Is. grade I at the time of their officiating as P. W. I. and were given special allowance for this purpose ? If so, is it not a fact that the same apprentice becomes Incharge of the section after few years and the man under whom he got training is working as his assistant ?

(d) Do Government propose to reconsider the present system of recruitment to the posts of P. W. Is. and fix a larger percentage thereof to be filled up from amongst the old Assistant Way Inspectors ?

Mr. P. R. Rau : These questions are all within the competence of the Agent, North Western Railway, to decide, and I have sent these questions to him for consideration of the suggestion therein.

DEBT LEGISLATION IN THE MADRAS LEGISLATIVE COUNCIL.

804. ***Mr. J. Ramsay Scott :** (a) Are Government aware that in the Madras Legislative Council on Thursday, August 2, the Honourable the Law Member for Madras during the debate said :

" Apart from the difficulties of enforcing this provision (Interest Clause) his main objection to it was that the Government of India was intending to treat this as an All-India question and contemplating legislation on this basis " ?

(b) Is there any truth in the statement above made by the Madras Law Member ?

(c) Has the " Debtors Protection Bill " been withdrawn in the Madras Council in consequence of the above statement by the Law Member ?

The Honourable Sir Nripendra Sircar : (a) The Government of India have been informed by the Government of Madras that the actual words used by the Madras Law Member were as follows :

" The Government of India have intimated to us that they are taking up the question which is covered by this clause as an Indian question applicable to all the provinces and that they are contemplating legislation. Therefore we are unable to approve of this clause."

(b) The Law Member's statement correctly reproduced the substance of an intimation conveyed to the Local Government at a time when the initiation of All-India legislation on the subject was under the active consideration of the Government of India. The position has since been changed as the result of the relevant conclusions reached by the Provincial Economic Conference for a statement of which the Honourable Member is referred to paragraph 5 of the Resolution of the Government of India in the Finance Department No. F.16-1-F.34, dated the 5th May, 1934.

(c) No. In the course of the consideration stage the Council carried an amendment moved by Government for the omission of the relevant clause and the third reading of the Bill was postponed to the next session which commences on the 22nd October.

DEBT LEGISLATION IN THE UNITED PROVINCES LEGISLATIVE COUNCIL.

805. *Mr. J. Ramsay Scott : (a) Will Government please state what Bill or Bills have been passed, or will be, before the September Session of the United Provinces Legislative Council relating to "Rural Indebtedness" ?

(b) Are there any Bills before His Excellency the Governor General for consent ?

(c) Are Government prepared to examine all such Bills to see that the economic stability of the country is not seriously disturbed ?

The Honourable Sir Nripendra Sircar : (a) Unless the Honourable Member classes the Bill enacted as the Agriculturists Loans (United Provinces Amendment) Act, 1934, as a Bill relating to rural indebtedness, no such Bill has been passed by the United Provinces Legislative Council. The Government of India understand that, if previous sanction is granted by the Governor General, the United Provinces Government may decide to proceed with a United Provinces Encumbered Estates Bill, a United Provinces Temporary Regulation of Execution Bill, a Usurious Loans (United Provinces Amendment) Bill and a United Provinces Regulation of Sales Bill at the September session of the Provincial Legislative Council.

(b) If, by consent, the Honourable Member means previous sanction, the answer is in the affirmative.

(c) Government are prepared to, and do, examine all Bills submitted for the previous sanction or for the assent of the Governor General from this and all other relevant points of view.

ESTABLISHMENT OF LAND MORTGAGE BANKS.

806. *Mr. J. Ramsay Scott : (a) Will Government please make a statement of their action with regard to Land Mortgage Banks, as promised by the Honourable the Finance Member on August 6, when answering a supplementary question to question No. 377 ?

(b) Will Government please state what progress has been made and outline their plan of action for the near future ?

The Honourable Sir James Grigg : Sir, the promise which I gave on the 6th instant, in answer to a supplementary question to question No. 377, referred not to Land Mortgage Banks but to the Rural Credit

Department of the Reserve Bank. The scope and functions of the Agricultural Credit Department must be left to the decision of the authorities of the Bank, but a preliminary enquiry into some aspects of the question is being undertaken by Mr. M. L. Darling, C.I.E., I.C.S., who has been placed on special duty under the Finance Department.

Dr. Ziauddin Ahmad : Is the inquiry going to be limited to rural credit or it will be extended to land mortgage bank questions as well ?

The Honourable Sir James Grigg : I should have thought that land mortgage banks and rural credit were inextricably bound up together.

MARKETING OF FRUITS.

807. *Mr. G. Morgan : (a) Will Government please state whether Mr. Livingstone, the Marketing Expert, is preparing any scheme for the marketing of fruit ?

(b) Are Government aware that the competition of imported fruit is proving a menace to the fruit-growers in India ?

(c) Are Government aware that Railway freights and higher parcel post rates are hampering the indigenous fruit trade ?

(d) Do Government propose to inquire into these matters with a view to helping fruit-growers in India to obtain markets for their produce ?

Mr. G. S. Bajpai : (a) Yes.

(b) Government have no figures showing the amount of fruit produced in India, and are, therefore, unable to say how the fruit growers in India have been affected by the import of foreign fruit. Statistics show, however, that the imports of fruit were less in 1933-34 than in the two preceding years.

(c) The rates for fruit carried by passenger trains are half the ordinary rates for parcels traffic. Several of the principal Railways are also quoting special rates substantially below the half parcel rates for the carriage of fruit in wagon loads, and have under consideration proposals for further reductions. As the Honourable Member is probably aware, parcel rates have been increased, since 14th June, 1931, only for parcels exceeding 20 tolas and upto 440 tolas. Government have no reason to believe that these higher rates are hampering the indigenous fruit trade.

(d) This will be one of the matters to be examined by the marketing organisation proposed by the Imperial Council of Agricultural Research.

Mr. G. Morgan : Is it a fact that fruit transport from Kulu has to go through the Mandi State ?

Mr. G. S. Bajpai : I am afraid I could not say whether fruit coming from Kulu has to go through the Mandi State.

Dr. Ziauddin Ahmad : What was the reply to part (a) about the scheme for the marketing of fruit ?

Mr. G. S. Bajpai : I said, Sir, that they have already prepared a scheme, but it has to go to the Standing Finance Committee.

Dr. Ziauddin Ahmad : Will it be laid on the table, and will it be open to Members to examine it ?

Mr. G. S. Bajpai : We will consider that suggestion.

Mr. Jagan Nath Aggarwal : Is the Honourable Member aware that the import of foreign fruit has been making considerable progress in this country at the expense of Kulu and other places where fruit is grown in India ?

Mr. G. S. Bajpai : Well, Sir, I have just answered that question and said that statistics showed that the value of fruit imported into India during the year 1933-34 was less than in 1931-32 and 1932-33.

Mr. Jagan Nath Aggarwal : The imports in 1932-33 were several times more than those of the previous year ? Is that so ?

Mr. G. S. Bajpai : The imports in 1932-33 were certainly not higher than in 1930-31.

APPOINTMENT OF AN INDIAN WOMAN ON THE ADVISORY COMMITTEE OF THE LEAGUE OF NATIONS FOR THE PROTECTION AND WELFARE OF CHILDREN.

808. ***Sir Hari Singh Gour :** (a) Is it a fact that three Indian Women's Organisations (the all-India Women's Conference, the Women's Indian Association and the National Council of Women in India) had moved the League of Nations to appoint a woman on the advisory committee for the protection and welfare of children and young people, and that upon their request the League decided to appoint one such woman ?

(b) If the reply to part (a) be in the affirmative, did Government consult any of the all-India Women's Organisations on the choice of a suitable Indian representative ? If not, why not ?

(c) Is it a fact that the all-India Women's Conference, the Women's Indian Association and the National Council of Women in India sent in a panel of names with a request that one of them should be sent to represent them ? If so, what action did Government take in response to this request ?

(d) Is it a fact that the representative chosen by Government was not one of those so recommended and no organisation of the Women in India was even consulted before making the appointment ?

(e) Will Government please state whether the delegate chosen by them was to represent the Government or the women of India ?

The Honourable Sir Henry Craik : (a) The position is not quite as stated by the Honourable Member. A delegation from the Indian Women's Organisation which was received last year by the President of the Council of the League of Nations drew his attention to the interest taken by Indian women in the League's social work and their anxiety to take an effective part in it. Subsequently, the League invited the Government of India to appoint a delegate to represent that Government on the Advisory Commission for the Protection and Welfare of Children and Young People, the object of the invitation being to include national groups not represented and to strengthen the representation of extra-European countries. There was no suggestion by the League that the representative of the Government of India should be a woman. The Government of India, however, thought it desirable that they should be represented by a woman.

(b) Does not arise.

(c) The answer to the first part is in the affirmative. As regards the second part, the names submitted were duly taken into consideration in making a choice of a representative.

(d) Yes.

(e) The invitation was to appoint a delegate to represent the Government of India, not the women of India.

Sir Hari Singh Gour : What were the special qualifications that the Government of India thought necessary for the representative to the League of Nations ?

The Honourable Sir Henry Craik : Does the Honourable Member mean what were the special qualifications of the delegate selected ?

Sir Hari Singh Gour : Yes.

The Honourable Sir Henry Craik : The delegate selected is the Chairman of the Madras Presidency Maternity and Child Welfare Association. She is also a member of the Syndicate of the University of Madras and a member of her local District Board. She went to London as a delegate to the Round Table Conference in 1930 and 1931, and she was a Member of the Round Table Conference Franchise Committee. She is believed to be deeply interested in the welfare of women and children.

Sir Hari Singh Gour : Do I understand that the Government of India considered the names of the persons submitted by the three women's organisations and did not consider any of the members recommended by the organisation as suitable for representation ?

The Honourable Sir Henry Craik : The names of the panel recommended by the women's organisations were considered, but the delegate selected was thought to be more suitable than any of the names on the panel.

AUDIT OF THE ACCOUNTS OF THE SHAHDARA NOTIFIED AREA COMMITTEE.

809. ***Mr. Bhuput Singh :** (a) Is it a fact that the Secretary, Notified Area Committee, Delhi, Shahdara, was granted two years' leave ?

(b) Is it also a fact that after a week the President accepted the Secretary's resignation ?

(c) Is it a fact that he has been settled up within two days and the President is satisfied with the accounts and has duly taken over the charge ?

(d) Do Government propose to get the Committee's accounts audited in the interest of the public ?

Mr. G. S. Bajpai : Information has been called for and will be laid on the table in due course.

Mr. Gaya Prasad Singh : Is it a fact that a European gentleman is going to be appointed as Secretary of this Committee ?

Mr. G. S. Bajpai : I have no information, Sir, about that.

GRIEVANCES OF THE HINDU PUBLIC OF SHAHDARA.

810. *Mr. Bhuput Singh : (a) Will Government kindly state if Mr. Waugh, President, Notified Area Committee, Delhi, Shahdara, was asked to resign his post, or he voluntarily submitted his resignation ?

(b) Do Government contemplate reinstating him in his former post after some time ?

(c) Are Government aware that the grievances of the Hindu public of Shahdara have not yet been redressed, as one of their chief demand of returning the stray cows and bulls possessed by Mr. Waugh has not yet been acceded to ?

The Honourable Sir Henry Craik : (a) I would refer the Honourable Member to the reply given by me on the 31st July to part (c) of Pandit Satyendra Nath Sen's question No. 311 on the same point.

(b) No.

(c) The stray cattle referred to are ownerless and have done much damage to crops in the villages in the Shahdara locality where they have been wandering about for years past. If they are released, it is certain they will again do considerable damage.

RECRUITMENT IN RAILWAY ACCOUNTS OFFICES.

811. *Sardar Sant Singh : (a) Is it a fact that while heads of offices subordinate to the Auditor General can ordinarily recruit men from the province in which the respective offices are situated, there is no similar rule for Railway accounts offices ?

(b) If the reply to part (a) be in the affirmative, will Government please state :

(i) why the principle underlying the restriction mentioned above, which is considered to be equitable for civil accounts offices, has not been applied to the Railway accounts offices, and

(ii) whether they now propose to lay down that recruitment in Railway accounts offices should be confined to the provinces through which the respective Railways pass ?

Mr. P. R. Rau : Government have not hitherto laid down any restrictions on a territorial basis for recruitment to railway service and see no reason to do so.

RECRUITMENT OF THE CHIEF INSPECTOR OF EXPLOSIVES.

812. *Mr. Bhuput Singh : (a) Is it a fact that the post of Chief Inspector of Explosives, has been advertised in England ? If so, what are the reasons therefor ?

(b) Will Government please state the qualifications and experience required for the post of Chief Inspector of Explosives ?

(c) Will Government please state the present number of Inspectors of Explosives and their periods of service ? Were they recruited through the Public Service Commission or through any other selection board ?

(d) Does any of the Inspectors of Explosives possess foreign qualifications in chemistry and training in explosives and petroleum technology ?

(e) Are there no officers in the Explosives Department with the requisite qualifications and experience, from whom a selection for the post of Chief Inspector of Explosives could be made ?

(f) Will Government please state the technical experience in explosives and petroleum technology of the last incumbent of the post of Chief Inspector of Explosives ?

(g) Are Government satisfied that none of the Inspectors had the experience in explosives and petroleum technology, which were possessed by the last incumbent of the post of Chief Inspector of Explosives, who was recruited from outside the Department ?

(h) Is it a fact that one of the recommendations of the Retrenchment Committee was that "when the present Chief Inspector of Explosives retires by super-annuation in May, 1932, one of the Inspectors should be sent abroad for further training and, if suitable, appointed to the post" ? What action, if any, have Government taken in the matter, or propose to take in the matter in view of the existing vacancy ?

The Honourable Sir Frank Noyce : (a), (e) and (g). Yes. The post was advertised in England on the advice of the Public Service Commission as it was considered that no one sufficiently qualified for the post was available in India.

(b) No qualifications are laid down, but Government consider that experience in the manufacture and storage of explosives, chemical training of a specialized kind, and capacity to advise on the form of technical rules relating to explosives and (if possible) to petroleum, and to administer the Explosives Department are necessary. The duties of the post involve a considerable amount of touring and close relations with large commercial interests, and a man of tact and physical energy is required.

(c) Four, two of whom were brought on to the permanent cadre as recently as March last. Their periods of service range from three years and four months to ten years and eight months. Of the four Inspectors, one only was recruited with the assistance of a specially constituted selection committee. I may, however, add that recruitment through the Public Service Commission is now compulsory.

(d) Two possess foreign qualifications in chemistry. Two had training in explosives before entering the Department. All officers in the Department naturally acquire a working knowledge of petroleum. One of them has undergone a practical course of training in England.

(f) The last incumbent of the post of Chief Inspector had four years' experience in the Government Chemist's Laboratory in England, followed by ten months in the Chemical Warfare Department, King's College, London. He was Assistant Works Manager in the Cordite Factory, Aruvankadu, from March 1929 until he joined the Department in September 1932.

(h) The reply to the first part of this question is in the affirmative. Government have not been able to accept this recommendation for the present and have already selected a candidate from outside the Department to fill the vacancy.

Mr. Gaya Prasad Singh : With regard to the answer to part (a) of the question, may I know the reasons which were assigned by the

Public Service Commission in recommending that the advertisement should be made in England only and not in this country ?

The Honourable Sir Frank Noyce : The reason was that the Public Service Commission was of opinion that no one sufficiently qualified for the post was available in India.

Mr. Gaya Prasad Singh : What steps did the Public Service Commission take to find out whether suitable candidates were available in India or not ?

The Honourable Sir Frank Noyce : The Public Service Commission reported that they had very great experience of the candidates applying for chemical posts and that, in their view it was no use advertising the appointment in this country as none of those applications showed possessive of the qualifications necessary for this particular appointment.

Mr. Gaya Prasad Singh : What harm would have ensued if the advertisement had been made in India, and may I know what special qualifications the members of the Public Service Commission had in the matter of explosives ? (*Some Honourable Members :* "Hear, hear".)

The Honourable Sir Frank Noyce : I think that if my Honourable friend calls to mind the personnel of the Public Service Commission, he will realise that the Chairman of that Commission has considerable experience in matters of this kind.

Sardar Sant Singh : Did not the Public Service Commission look for one in the detenu camp at Deoli ?

The Honourable Sir Frank Noyce : I am sorry I did not catch the Honourable Member's question.

Mr. S. C. Mitra : Is it not a fact that he has no knowledge of Chemistry and he is not a Doctor of Science, and that he was merely a Police Officer ?

The Honourable Sir Frank Noyce : But he knows a great deal about explosives.

Mr. S. C. Mitra : How ? Does the Honourable Member mean, when he says that the Chairman of the Public Service Commission is an expert in chemical explosives, merely from the fact that he was a Police Officer and that he derived all knowledge from police cases and no study of the Chemical Science is necessary at all ?

The Honourable Sir Frank Noyce : Obviously, Sir, it would be no use appointing to a post of this character any one who has not got a special knowledge of explosives.

Mr. S. C. Mitra : Does the Honourable Member seriously contend that a Police Officer has all information about chemical analysis of explosives, merely because he was a Police Officer ?

The Honourable Sir Frank Noyce : No, but I do contend that the Chairman of the Public Service Commission is in a special position to judge the qualifications of candidates.

Mr. S. C. Mitra : On chemistry and explosives ?

The Honourable Sir Frank Noyce : No, but in regard to knowledge of explosives. That is the real point. He knows perfectly well the field for selection of candidates with special knowledge of explosives.

Mr. Vidya Sagar Pandya : May I enquire whether the advertisement was inserted in any papers in other countries in Europe and in America, or is it the monopoly of England to send such experts to this country ?

The Honourable Sir Frank Noyce : As far as I know, the appointment was advertised in England only.

Mr. K. C. Neogy : The Honourable Member stated that the Chairman of the Public Service Commission is quite competent to judge of the qualifications of candidates. But did the Public Service Commission have any opportunity to judge of the qualifications of any candidates for this appointment before they gave their opinion ?

The Honourable Sir Frank Noyce : I can only repeat that the Public Service Commission reported that in their view it would be mere waste of time to advertise this appointment in India. I have nothing to add to that.

Mr. K. C. Neogy : That is to say, they went upon their general information about people in India who might be supposed to possess such qualifications ? Is that what it comes to ?

The Honourable Sir Frank Noyce : Exactly.

Mr. K. C. Neogy : May I take it that they had no definite information before them as to whether there were any Indians with suitable qualifications when they gave that opinion ?

The Honourable Sir Frank Noyce : I can only say that they had knowledge of the qualifications required for this appointment, and that they had a very wide knowledge of the range of candidates likely to be suitable for it.

Mr. K. C. Neogy : Does the Honourable Member know that, of the present Inspectors, at least one already possessed foreign qualifications before he was chosen by the Selection Committee to which the Honourable Member has referred, and that after such selection that officer was sent to England at Government expense to specialise in all matters relating to explosives ?

The Honourable Sir Frank Noyce : I need hardly say that the qualifications of the officers at present in the Department were carefully considered before it was decided to obtain an officer from outside the Department.

Mr. K. C. Neogy : That is not the answer to my question. I would like my Honourable friend to tell me whether it is not a fact that one of the Inspectors, I believe he is the seniormost Inspector now, who was selected by the Selection Committee—I may tell my Honourable friend that I was a member of that special Selection Committee—was sent to England at Government expense for special training in explosives ?

The Honourable Sir Frank Noyce : That, I think, is true except that it is not the case that he is the seniormost Inspector in the Department.

Mr. K. C. Neogy : It may be he is the next seniormost. But is it not a fact that the question about the physical capacity of the officer, who was to undertake tours throughout India, also taken into account by the Selection Committee when they made the particular selection?

The Honourable Sir Frank Noyce : I can only say once more that this is a matter which has to be decided by Government after due consideration of the claims of all officers in the Department and that it was so decided. In the opinion of Government, no officer at present in the department was sufficiently well qualified to hold the post of Chief Inspector of Explosives. I may mention for the information of the House that the candidate, who has been appointed Chief Inspector, has been appointed on a five year contract, and it may be that, at the end of that time, an officer in the Department, in the opinion of the Government of the time, may be considered sufficiently well qualified to hold the post. That is a question which can only be decided in course of time.

Mr. K. C. Neogy : My last question related to the physical capacity to which my Honourable friend referred as one of the qualifications looked for. I want to know from my Honourable friend as to whether he is in a position to say that that was not one of the qualifications looked for in the candidate who had to be selected by the special Selection Committee.

The Honourable Sir Frank Noyce : Physical capacity is only one of the many qualifications that are required.

Mr. K. C. Neogy : My Honourable friend referred to that subject.

The Honourable Sir Frank Noyce : Naturally I referred to all the qualifications of which physical capacity is only one, and I may say, certainly not the most important, thought it is a very desirable one.

Mr. S. C. Mitra : Will the Honourable Member please explain how the Public Service Commission was in a position to know that in the whole of India there are no qualified men to occupy this post without due advertisement here in India?

The Honourable Sir Frank Noyce : I have nothing to add to the answer I have already given on that point. I am obviously not in a position to discuss the qualifications of the Public Service Commission.

Mr. S. C. Mitra : The Honourable Member has not understood my question. I should like the Honourable Member to explain to the House how the Public Service Commission was in a position to say that in the whole of India there is not a single qualified man to occupy this post without due advertisement in India or without trying in any way to ascertain whether there are qualified men here.

Mr. K. C. Neogy : The Chairman is a policeman. Therefore, he is expected to know.

The Honourable Sir Frank Noyce : I have nothing to add to the reply I have already given.

Sir Cowasji Jehangir : May I ask one question? Supposing there is no suitable candidate in India, may I know why the Government have turned down the Retrenchment Committee's recommendation of

sending men for training in this line? If the Government think, and I take it that it is correct, that there is nobody in India, then I should think it was a very good argument for accepting the Retrenchment Committee's recommendation for the next appointment, five years hence.

The Honourable Sir Frank Noyce : That is a point which will doubtless be most carefully considered five years hence. It was not worth while sending a candidate home at this juncture for training when it was not intended to appoint him in this vacancy. When the next vacancy occurs, the point raised by my Honourable friend will doubtless receive the most careful consideration.

Sir Cowasji Jehangir : In other Departments, when Government send men to England for education, they are not supposed to take the post at the top of the tree. They get their training in England, come back and serve at the bottom or somewhere in the middle, till they are fit to come to the top. So the time is ripe for somebody to go to England for training in this line so as to enable him five years hence to have a chance of getting this post.

The Honourable Sir Frank Noyce : That is a point which I shall certainly consider.

Mr. B. R. Puri : What is the salary of this post, please?

The Honourable Sir Frank Noyce : I may mention for the information of the Honourable Member and of the House that one recommendation of the Retrenchment Committee has at any rate been accepted. The salary of this post up to the present has been Rs. 1,450—50—2,000. The new candidate has been recruited on the reduced scale of pay which will apply to the future incumbents of the post recruited from outside the Department, namely, Rs. 1,300.

Mr. B. R. Puri : What are the scientific qualifications which are absolutely essential for a job of this kind?

The Honourable Sir Frank Noyce : I mentioned them in my reply to the question.

Mr. K. C. Neogy : How many of the present Inspectors of Explosives were sent abroad at Government expense for special training in Chemistry relating to explosives?

The Honourable Sir Frank Noyce : I should like to have notice of that question. My Honourable friend has referred to one at least.

Mr. K. C. Neogy : Will the Honourable Member look into his papers and tell this House as to whether it is not a fact that the reason why that particular candidate, to whom I referred and in the selection of whom I had some hand, was sent abroad for special training, in spite of the fact that he possessed first class chemical qualifications both in India and in England already, was that when the occasion arose he could take the place of the Chief Inspector of Explosives?

The Honourable Sir Frank Noyce : I am not certain about that. In any case, I have already said that the present appointment is being made on a five years' contract basis, and his claims to the post will be duly considered when the time comes. I would mention that he has at present only eight years' service.

Mr. K. C. Neogy : Will the physical capacity of this officer improve after five years ?

The Honourable Sir Frank Noyce : I do not know why my Honourable friend is harping on physical capacity.

Mr. K. C. Neogy : The Honourable Member referred to it. I did not.

The Honourable Sir Frank Noyce : I mentioned it as one only of the qualifications required. As I have already stated, I do not regard it as the most important qualification. Obviously scientific knowledge and ability to administer the Department are of even greater importance.

IMPORTS OF STANDARD CUT-PIECES FROM JAPAN.

813. ***Lala Rameshwar Prasad Bagla :** (a) Will Government please state if they have received any representation as to excessive imports of standard cut-pieces from Japan ? If so, from whom ?

(b) Will Government be also pleased to state the total yardage of standard cut-pieces so far imported from Japan ?

(c) Do Government propose to take steps to restrict the excessive imports of standard cut-pieces from Japan ?

The Honourable Sir Joseph Bhore : (a) and (c). The Honourable Member is referred to my reply to question No. 413, by Mr. B. Das on the subject.

(b) Presumably by standard cut-pieces the Honourable Member means *bona fide* remnants not exceeding four yards in length as defined in the Indian Tariff (Textile Protection) Amendment Act, 1934. Imports of such goods into India from Japan during May and June, 1934, amounted to 4,801,379 yards. Imports of cut-pieces of four yards and below were not recorded separately prior to May, 1934.

INDIANS EMPLOYED AS POLITICAL AGENTS OR RESIDENTS OF INDIAN STATES.

814. ***Lala Rameshwar Prasad Bagla :** Will Government be pleased to state the number of Indians employed during each of the previous five years, separately, as Political Agents or Residents of Indian States within their own jurisdiction ?

Mr. H. A. F. Metcalfe : No Indian officer has been appointed as Political Agent or Resident in Indian States during the last five years. So far there has been no officer in the Political Department of requisite seniority and experience, except one who has been employed as Administrator, Nabha, since 1932.

DISPOSAL OF LAND ATTACHED TO THE PUSA AGRICULTURAL INSTITUTE.

815. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Pusa Estate comprised of Khas-Mahal lands of the Government of Bengal, Bihar and Orissa before partition, and the Estate was, under their instructions, transferred to the Inspector General of Agriculture in India in 1902-03, by the District Magistrate and Collector of Durbhanga, for the establishment of the Pusa Agricultural Institute ?

(b) Will Government kindly lay on the table a copy of this deed of transfer, or any other instrument, by virtue of which they claim ownership over the lands ?

(c) Is it a fact that the lands comprising the Pusa Estate was transferred to the Government of India by the then Local Government of Bengal, Bihar and Orissa, on certain conditions ? If so, what are those conditions ?

(d) Is it a fact that the then Government of Bengal, Bihar and Orissa, paid an annual subsidy for the upkeep of the Institute of Pusa for a number of years ? If so, what was the total amount subsidised ?

(e) In the event of the Institute being transferred from Pusa, do Government propose to restore the lands to the original donor ?

(f) Is it a fact that the Government of India propose to sell the Estate to private individuals ? Can they produce the instrument or deed to support their claim ?

Mr. G. S. Bajpai : (a) The Pusa Estate consists of about 1,617 acres, of which roughly 1,340 acres are held under a permanent lease and were transferred by the Government of Bengal in 1903, and 277 acres were acquired by the Government of India under the Land Acquisition Act.

(b) There is no deed of transfer.

(c) No.

(d) An annual subsidy of Rs. 50,000 was promised by the Government of Bengal but never paid.

(e) and (f). The lands will be disposed of in accordance with the rules regulating the transfer of State lands set out in the Finance Department Resolution No. D.3428-A., dated the 10th December, 1925, and letter No. D.3009-A., dated the 28th October, 1929, copies of which have been placed in the Library of the House.

Mr. B. Das : With reference to the reply to part (f), in the eventuality of the transfer of the Pusa Institute to Delhi, will not the Government of India consider the transfer of part of the farm and the Research Institute to the Government of Bihar and Orissa ?

Mr. G. S. Bajpai : The Government of India have already asked the Government of Bihar and Orissa to submit suggestions as regards the disposal of land in the event of transfer.

Mr. Gaya Prasad Singh : Will Government consider the desirability of, at least retaining some section of the Agricultural Institute at Pusa, such as botanical or horticulture or whatever it may be, even if the transfer of the other sections of the Institute may be eventually decided upon ?

Mr. G. S. Bajpai : I am answering that point in a separate question later on.

Mr. B. Das : In case the Government of Bihar and Orissa ask the Government of India to transfer to them a portion of the farm and Research Institute, will the Government of India make a present of it to the Government of Bihar and Orissa, or will they ask for payment ?

Mr. G. S. Bajpai : I am afraid I cannot anticipate what will be the terms upon which the Government of India will be prepared to give the lands or any part thereof to the Government of Bihar.

Mr. B. Das : Is it not fair that stricken Bihar should get it as a present from the Government of India ?

Mr. G. S. Bajpai : It might be all right from the point of view of the Government of Bihar, but the tax-payers in the rest of India have also got to be considered.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

816. ***Mr. Gaya Prasad Singh :** (a) With reference to the following opinion of the Royal Commission of Agriculture, regarding the Pusa Institute, will Government kindly lay on the table, the opinions of the Directors of Agriculture of Provinces, who have supported the proposed transfer of the Institute from Pusa to Delhi :

"The climate is good, and the soil fertile, and well-suited to growing most of the important Indian crops. A District chosen by man with a good eye for country, such as the early Dutch and English planters, is not lightly to be abandoned" ?

(b) Do Government propose to consider the scheme of retaining the Institute at Pusa, and establishing agricultural sub-stations at suitable centres in the country, as recommended by the Royal Commission of Agriculture ? If not, why not ?

(c) Have Government given a chance to the Public Works Department of the Government of Bihar and Orissa to examine the extent of damage done to the buildings at Pusa by the earthquake and the cost of repairs ? If so, with what result ?

Mr. G. S. Bajpai : (a) The Directors of Agriculture discussed the question with the Vice-Chairman of the Imperial Council of Agricultural Research who conveyed their views to Government. The discussion was not recorded in writing.

(b) The Honourable Member is already aware that Government propose to remove the main Institute from Pusa. The question whether a Botanical sub-station should be retained there is under consideration.

(c) Government were informed that, owing to the extensive damage in North Bihar the Public Works Department officers of the Local Government could not conveniently be spared to examine the damage done at Pusa for some time. The task was, therefore, entrusted to the Central Public Works Department.

Mr. Gaya Prasad Singh : May I know if the Government of Bihar and Orissa informed the Government of India that the Public Works Department officers of the Local Government were not in a position to examine the damage done to this Institute by the earthquake ?

Mr. G. S. Bajpai : I am informed that at the time when the Government of India first wished to have the damage at Pusa assessed, the Public Works Department of Bihar and Orissa, through the Chief Engineer presumably, informed the Government of India in the Central Public Works Department that it would be more convenient to them if somebody were sent down from Delhi.

Maulvi Muhammad Shafee Daoodi : So I take it that there is no authoritative report on the question of the damage done to the building ?

Mr. G. S. Bajpai : I do not see how that arises from my answer. There is no doubt a very authoritative report on the extent of the damage.

Maulvi Muhammad Shafee Daoodi : And what is that report ?

Mr. G. S. Bajpai : The report is an authoritative report.

Mr. Gaya Prasad Singh : Are you in a position to place it on the table, or at least to make it available to such Members of the House as desire to see it, if you are unwilling to place it on the table for all to see it ?

Mr. G. S. Bajpai : I have no objection whatsoever to making the report of the Public Works Department Chief Engineer available for inspection by any Member of this House who is interested in the question.

Maulvi Muhammad Shafee Daoodi : Why has it not been laid on the table up till now ?

Mr. G. S. Bajpai : I do not remember a single request so far made in this House that a copy of the report of the Chief Engineer should be laid on the table of the House. My Honourable friend, who is a Member of the Standing Finance Committee, made a request that I should obtain from the Engineer a statement of the damage done to the building. I undertook to supply that information, and my Honourable friend may rest assured that he will get it.

Mr. K. P. Thampan : May I know whether Government has considered the desirability of shifting this Institute to Coimbatore ?

Mr. G. S. Bajpai : Sir, if Government had considered the wishes of Members from all parts of India, then there would not be one institute but the *disjecta membra* of it scattered all over India.

Mr. Gaya Prasad Singh : In view of the fact that Coimbatore is situated at one extremity of the Indian Peninsula, do Government propose to bring that institution also to a site near Delhi ? (Laughter.)

Mr. G. S. Bajpai : No, Sir, the reason being that there is an essential difference between fundamental research such as that done at Pusa and field research, which is done by means of field stations, of which Coimbatore is one.

Mr. K. P. Thampan : May I ask whether it is not a fact that the principle involved in selecting a site for establishing such an institute is the natural conditions and facilities for carrying on researches and experiments obtained at the site selected rather than the institute being at a central place ? According to the latter consideration, a place somewhere near Nagpur ought to be selected.

Mr. G. S. Bajpai : My friend is raising a point which would have been better raised if this Resolution had been discussed on the last occasion. My point is that there is no part of India of which it can be said that it is typical of the agricultural conditions of the sub-continent of India as a whole. One has to make a distinction between an investigation into the soil and climatic conditions, which is done by means of field stations such as those which exist at Coimbatore and Karnal, and fundamental research, for which it is not necessary really to locate such an institute at a place in the geographical centre of India but anywhere that normal climatic conditions are suitable.

Mr. Gaya Prasad Singh : Do the Government propose to send the Karnal Institute to Pusa in that event ?

Mr. G. S. Bajpai : I have already said, Sir, that what exists at Karnal is a botanical sub-station, and the question, in the event of the institute being moved up to Delhi, of the botanical sub-station at Karnal being amalgamated with the Institute at Delhi and of the existing botanical station at Pusa being continued on the present footing is under consideration.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

817. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that in the area near Delhi, which is going to be acquired for the location of the Agricultural Institute on its transfer from Pusa, the water of the wells (as stated in the petition filed by the villagers in the Court of the Collector, or Deputy Commissioner, Delhi) "is extremely saltish, and unpalatable for taste. Its drinking is not conducive to health, and its use for agricultural purposes is sure to cause disappointment" ?

(b) Has the attention of Government been drawn to the fact that "the soil of the village is not fitted for the purpose for which village lands are being acquired. It is neither fertile nor productive", and "can very well be tested by a scientific examination of the soil" ?

(c) Is it a fact that "the area of the village consists of low lands, which, for the most part of the year, especially during the rainy season, remain under water and are rendered unfit for cultivation", and that the climate is "damp and malarial", and "unsuited to health" ?

(d) Is it a fact that last year land revenue of villages Gheora, and Tikli Kalan had to be wholly and partially remitted, respectively, on account of the sufferings due to heavy flood, and that the Deputy Commissioner of Delhi had to reconnoitre the area on an aeroplane ?

(e) Is it a fact that in the area which is sought to be acquired, "Tikli Kalan is purely a Hindu village. It contains two old and ancient temples", that "the temples have attached to them dohli lands, which according to law and custom is inalienable", and that "the acquisition of these dohli lands would entail injury to the feelings and religious susceptibilities" of the people concerned ?

(f) Have Government made any enquiry into the above allegations ? If so, when, and by whom ? Were the villagers given any opportunity of being present, to state their case ?

(g) Can a copy of the enquiry report be laid on the table ?

(h) Is it a fact that the Secretary Gramrakshni Sabha, Delhi, has recently written to Mr. Burt, Agricultural Expert, stating that the water of the wells is "heavy and saltish"; that the fields that were watered by those wells have become barren, and they are producing nothing but sand, and inviting Mr. Burt to hold a scientific examination by boring into the soil ?

Mr. G. S. Bajpai : (a) Government have not seen the petition referred to by the Honourable Member. They, however, took the necessary precaution of having the water in the area intended for acquisition analysed and have satisfied themselves that the requirement of the Institute in respect of water for irrigation and drinking can be adequately met from the canal and from tube-wells.

(b) and (c). No. On the other hand the climate and soil of the area are good and suitable for an even greater range of crops than Pusa. Its partial flooding, during the recent severe floods, was due to the neglect of the Najafgarh drain and its tributaries. The question of repairing and cleaning these is now under consideration.

(d) Information is being obtained and will be furnished as soon as possible.

(e) So far as Government are aware, one temple is included in the land preliminarily notified for acquisition. Every endeavour will be made to exclude this from the area that may ultimately be acquired.

(f) I would refer the Honourable Member to the answers I have given to parts (a)—(c) and (e). It is the intention of Government that the officers concerned with acquisition should work in close touch with the villagers.

(g) There is no enquiry report.

(h) Yes. I have already stated that water and soil analyses were made before the preliminary notification was issued.

Mr. Gaya Prasad Singh : With reference to the answer which the Honourable Member has just now given in part (g) that there was no inquiry made and that the Government have satisfied themselves as regards the nature of the water, and so on, I presume the report must have been submitted to the Government by the officer who held the inquiry. Can that copy of the report be made available to us ?

Mr. G. S. Bajpai : Reading the question as a whole, Sir, I thought my Honourable friend was referring to a sort of general inquiry made as regards the various allegations which are said to have been made by the villagers. If he is really referring only to the results of the analysis of soil and water, I shall certainly endeavour to obtain the report and make it available to my Honourable friend.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

818. ***Mr. Gaya Prasad Singh :** Will Government kindly lay on the table the scheme prepared by the Director of the Pusa Agricultural Institute, in regard to its transfer to the neighbourhood of Delhi, and referred to by the Honourable Sir Fazl-i-Husain in the Council of State, in the course of the debate on the adjournment motion in this connection ?

Mr. G. S. Bajpai : The 'Scheme' referred to by the Honourable Member is a departmental note which, in accordance with the accepted procedure, must be treated as confidential and cannot, therefore, be laid on the table of the House. The substance of the note has been incorporated in the memorandum laid before the Standing Finance Committee, a copy of which has already been placed in the Library of the House.

Mr. Gaya Prasad Singh : May I know—as I understand the Honourable Sir Fazl-i-Husain made a reference to this report in the course of the debate in the Council of State—whether it is permissible for a Member to make a reference to a report which is withheld from the House ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair cannot allow the Honourable Member to discuss the propriety of what has taken place in another place.

Mr. Gaya Prasad Singh : I am merely asking, Sir, whether Government have any objection to laying that report on the table, in view of the fact that the Honourable Member in charge of this Department made a reference to it publicly in the course of the debate in the other House.

Dr. Ziauddin Ahmad : On a point of order, Sir. Are we not in order when we are merely asking a question about anything that happened in the Council of State ?

Several Honourable Members : Why not ? Why not ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Mr. G. S. Bajpai : Sir, I took care to examine the exact words used by the Honourable Sir Fazl-i-Husain in another place before I came to answer this question here this morning. The Honourable Member did not mention any report. He merely said that the scheme for the transfer of the Institute at Pusa to Delhi had been drawn up by Dr. Macrae, the former Director, the present Director and the Agricultural Expert of the Government of India. No mention was made of any report.

Mr. Gaya Prasad Singh : That scheme must be contained in a report : will that scheme be made available to us ?

Mr. G. S. Bajpai : The proposals of these officers are contained in a departmental note which it is not customary to place on the table and which is in fact treated as confidential. The substance of the recommendations made by these officers has already been incorporated in a memorandum presented to the Standing Finance Committee and a copy of which is available in the Library of the House, and the experts are there available to answer any questions which the Honourable Members of the Standing Finance Committee might care to ask.

MOTION PASSED BY THE BURMA LEGISLATIVE COUNCIL TO REMOVE ITS PRESIDENT.

819. *Mr. Gaya Prasad Singh : Has there been any correspondence between the Government of India and the Government of Burma, regarding the motion passed by the Burma Legislative Council to remove the Honourable Sir Oscar de Glanville from the office of the President of the Burma Legislative Council ? If so, can the correspondence be laid on the table ?

The Honourable Sir Henry Craik : The answer to the first part is in the negative. The second part does not arise.

Mr. Gaya Prasad Singh : Are Government aware that on a similar occasion U Chit Hlang, who was formerly the President of the Burma Legislative Council, at once resigned his appointment ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. It does not concern the Governor General in Council.

U Ba Maung : Has not the Governor General in Council got a responsibility in settling the dispute that is going on ? (Laughter.)

The Honourable Sir Henry Craik : I think the matter is entirely one for the Local Government.

PROPOSED TRANSFER OF MR. VIDYA BHUSHAN, A PRISONER DETAINED UNDER REGULATION III, FROM THE DELHI JAIL TO THE ANDAMANS.

820. *Mr. Gaya Prasad Singh : (a) Is it intended that Mr. Vidya Bhushan, who was interned under Regulation III of 1818, following his discharge from the Delhi conspiracy case, is to be transferred from the Delhi District Jail to the Andamans ? If so, when ?

(b) On what date was he discharged, and when was he arrested under Regulation III of 1818 ?

The Honourable Sir Henry Craik : (a) No.

(b) The 4th February, 1933.

PROPOSED TRANSFER OF MR. VIDYA BHUSHAN, A PRISONER DETAINED UNDER REGULATION III, FROM THE DELHI JAIL TO THE ANDAMANS.

821. *Mr. Bhuput Singh : Will Government be pleased to state :

(a) if it is a fact that Mr. Vidya Bhushan was arrested in connection with the Delhi conspiracy case and subsequently discharged ;

(b) whether the said Mr. Vidya Bhushan after his discharge was detained under the Regulation III of 1818 ; if so (i) whether in connection with civil disobedience movement or (ii) in connection with the terrorist activities ;

(c) if it is a fact that he is going to be transferred from the Delhi district jail to the Andaman penal settlement ; and

(d) the number of prisoners under Regulation III of 1818, that are transferred to Andaman penal settlement ?

The Honourable Sir Henry Craik : (a) and (c). I would refer the Honourable Member to the replies I have just given to Mr. Gaya Prasad Singh's question on the same subject.

(b) He was detained as a State Prisoner because of his terrorist activities.

(d) None.

RULES GOVERNING THE GRANTS FROM THE ARMY BENEVOLENT FUND.

822. *Maulvi Muhammad Shafee Daoodi : (a) What are the rules governing the grants from the Indian Army Benevolent Fund ?

(b) Are the grants made quarterly or half-yearly ?

(c) How long does it generally take to issue grants to applicants ?

(d) Are Government aware that delay is caused in actually making the grants ?

(e) Are Government aware that most of the applicants are illiterate widows of deceased Indian Other Ranks ? If so, what facilities are given to such persons to have their claims settled early ?

(f) Will Government please state whether the widow Lalan Bi, wife of the late L/NK, No. 805, Ghulam Muhammad, has been applying for a grant from the Indian Army Benevolent Fund, etc., for more than a year,

vide letter No. R.23/1019, dated the 16th August, 1933, from the Commandant, Mountain Artillery Training Centre, Ambala Cantonment, to the President, District Soldiers' Board, Rawalpindi? If so, how long will it take to settle her case?

Lient.-Colonel A. F. R. Lumby : (a) The rules governing the grants from the Indian Army Benevolent Fund are contained in Appendix IV to the Report on the working of the Indian Soldiers' Board for the year ending the 31st March, 1933, a copy of which is in the Library of the House.

(b) The grants are made half-yearly.

(c) About three months from the last date fixed for receiving applications by the Indian Soldiers' Board.

(d) Not so far as the Central Board is concerned, but a few cases have come to notice in which delays have occurred because the local civil or military authorities to whom the grants were sent for distribution found difficulty in tracing the individuals to whom the money was to be given.

(e) The answer to the first question is in the affirmative. With regard to the second question, the Honourable Member's attention is invited to rules 3 and 4 of the rules quoted in the answer to part (a).

(f) Government have no information. An enquiry is being made from the District Soldiers' Board, Rawalpindi. The Honourable Member will be informed of the result in due course.

MUSLIM ASSISTANT SURGEONS ON THE NORTH WESTERN RAILWAY.

823. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state what steps are being taken for increasing the number of Muslim Assistant Surgeons on the North Western Railway?

Mr. P. B. Rau : I would refer the Honourable Member to the reply given to his unstarred question No. 77 on the 20th August, 1934.

SERVICES ON DIFFERENT RAILWAY SYSTEMS ON TERRITORIAL BASIS.

824. ***Mr. M. Maswood Ahmad :** (a) Is it a fact that services on different Railway systems are not restricted on territorial basis?

(b) Do Government propose to inform the Agents and the appointing authorities to consider the claims of all the applicants in the light of the recent Government Resolution, No. F-14/17-B/33 and not to give preference to any candidate on territorial basis?

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

(b) I would refer the Honourable Member to the reply I have just given to question No. 811 put by Sardar Sant Singh.

APPOINTMENT OF A BIHARI MUSLIM ASSISTANT SURGEON ON THE NORTH WESTERN RAILWAY.

825. ***Mr. M. Maswood Ahmad :** Will Government be pleased to state whether a Behari Muslim Assistant Surgeon can be appointed on the North Western Railway?

Mr. P. B. Rau : There is nothing to prevent such appointment.

UNSTARRED QUESTIONS AND ANSWERS.

NON-PAYMENT TO PIECE-HAND EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES FOR WORK ON HOLIDAYS.

96. **Mr. S. G. Jog :** (a) Is it a fact that the piece-hand employees of the Madras Government Press are paid for the gazetted holidays at their respective class rates?

(b) Is it a fact that the piece-hand employees of the Government of India Presses are not paid for the holidays?

(c) If the replies to the preceding parts are in the affirmative, will Government please state the reasons why the piece-hand employees of the Government of India Presses are not paid for the gazetted holidays, and do Government propose to reconsider their decision about it? If not, why not?

The Honourable Sir Frank Noyce : (a) Government have no information.

(b) The attention of the Honourable Member is invited to the reply given by me on the 19th September, 1932, to part (c) of unstarred question No. 50 by Mr. S. C. Mitra.

(c) Does not arise.

COMPENSATION LEAVE FOR ATTENDANCE ON GAZETTED HOLIDAYS TO CERTAIN EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.

97. **Mr. S. G. Jog :** (a) Is it a fact that the employees of the Government of India Presses confirmed and appointed in and after 1929 are not granted compensation leave for attendance on gazetted holidays?

(b) Is it a fact that the employees who are booked to work the whole day on such holidays are paid for only two hours? If so, why?

(c) Is it a fact that the concession of casual leave has been withdrawn from the employees confirmed and appointed in and after 1929? If so, what are the reasons for this withdrawal?

The Honourable Sir Frank Noyce : (a) Compensation leave for attendance on gazetted holidays which do not fall on Sundays has been abolished with effect from the 1st July, 1928, in the case of all piece-work employees and of those salaried employees who have been appointed on or after the 1st July, 1928.

(b) Piece-work employees, who work on a closed gazetted holiday, receive both their ordinary rates of pay for that day and 25 per cent. extra. Piece-work employees, who work on a non-closed gazetted holiday receive only their pay for that day at ordinary rates. Salaried employees who work on a closed gazetted holiday are paid 25 per cent. of a day's wage for that day in addition to their monthly pay. They receive no extra payment for work done on non-closed gazetted holidays.

(c) Yes. The grant of casual leave to industrial employees is considered administratively inconvenient.

INCREASE OF PRINTING WORK IN THE GOVERNMENT OF INDIA PRESS,
NEW DELHI.

98. Mr. S. G. Jog : (a) Is it a fact that in the Government of India Press, New Delhi the printing work has increased considerably ?

(b) Is it a fact that a section has been abolished there ?

(c) Is it a fact that the employees of the above section have been distributed to four other sections ? Is it a fact that due to the increase of men in other sections the Section Holders work has also considerably increased ?

(d) If the replies to the above parts are in the affirmative, do Government propose to reconsider their decision about the abolition of the section ?

The Honourable Sir Frank Noyce : (a) The printing work in the Government of India Press, New Delhi, tends to increase as work is diverted to it from the Calcutta Press. At the same time staff is increased, whenever necessary, to cope with the additional work.

(b) The hand composition section has recently been abolished in the interests of efficiency.

(c) The employees in the section in question have been distributed among the other sections, the section holders of which, where necessary, have been given extra assistance to enable them to cope with the increase of the staff under them and the additional work.

(d) No.

PRINTING OF CERTAIN PUBLICATIONS IN THE GOVERNMENT OF INDIA PRESS,
NEW DELHI.

99. Mr. S. G. Jog : (a) Is it a fact that the following publications which used to be printed at the Government of India Press, Calcutta have been transferred to New Delhi Press :

1. Army List, 2. Blue Books, 3. Postal Guide, 4. Gazette of India Parts, II, IIA, III and——supplementary and other publications, correction lists, etc. ?

(b) Is it a fact that due to the above printing, work at the Delhi Press has increased by more than 50 per cent. ?

(c) If the replies to the above parts are in the affirmative, will Government please state the number of staff that has been increased in the following branches ?

Clerical, Reading Section, Composing, Lino, Mono, Printing Machine, Section Holders, Assistant Section Holders, Binding and Ware House Branches.

The Honourable Sir Frank Noyce : (a) Yes.

(b) The work has increased, but the percentage of increase cannot be readily estimated.

(c) The increase of staff in the branches is as follows :

Clerical (including Computing) Branch	13
Reading Branch	9
Composing Branch	1
Lino Branch	7
Mono Branch	3
Machine and Press Branch	14
Section Holders	Nil
Assistant Section Holders	Nil
Binding and Warehouse Branches	14

PROVISION OF PROPER MEDICAL FACILITIES FOR THE EMPLOYEES OF THE
GOVERNMENT OF INDIA PRESS, NEW DELHI.

100. Mr. S. G. Jog : (a) Is it a fact that a Sub-Assistant-Surgeon daily attends the Government of India Press, Delhi, in the morning for an hour only ?

(b) Is it a fact that there is no arrangement to attend to the serious cases during the remaining hours of the day or night ?

(c) Are Government aware that last year a daughter of the Binding Jemadar had suddenly a severe attack of fever at about 1 A.M.

(d) Is it a fact that the Press doctor was requested on the telephone from the Manager's bungalow to attend on the patient ?

(e) Is it a fact that according to the Factories Act, the doctor should remain near the Factory all the 24 hours ?

(f) Is it a fact that the Doctor refused to attend on her at that time saying he could not come as there was no conveyance available ?

(g) If the replies to the above parts are in the affirmative, do Government propose to make such arrangements that employees may secure necessary medical aid in emergencies without the least delay ?

The Honourable Sir Frank Noyce : (a) No, but I am informed that a Sub-Assistant Surgeon attends for about an hour daily at a dispensary maintained by the New Delhi Municipality in the Press area.

(b) The employees of the Government of India Press, New Delhi, like other Government servants in Delhi, can, in the case of their own illness or that of any members of their family, send for the medical officer of Government, to whose services they are entitled under the rules.

(c), (d) and (f). Government have no information.

(e) No.

(g) Does not arise.

ATTENDANCE OF FACTORY INSPECTORS AT THE GOVERNMENT OF INDIA PRESSES.

101. Mr. S. G. Jog : (a) Is it a fact that according to the rules framed by Local Government about the Factories Act, Factory Inspectors should attend the factories at least once a year to enquire about the diffi-

culties and take the ballot in his presence about the working hours of the factories ?

(b) If the reply to part (a) is in the affirmative, will Government please state how many times the Factory Inspectors attended the Presses at Calcutta, Simla, New Delhi and Aligarh during the last three years, and place their reports on the table of the House ?

The Honourable Sir Frank Noyce : (a) No.

(b) Does not arise.

REPRESENTATION OF MUSLIMS IN THE SERVICES.

102. **Mr. M. Maswood Ahmad :** (a) Are Government aware of the following resolutions passed at a meeting of the Muslim League, Multan, held on the 15th July, 1934 ?

1. That this League welcomes the decision of the Government of India resolution fixing the representation of minority communities in Central Services. Although fixation of 25 per cent. representation for the Muslim community falls short of the 33.3 per cent. due on legislature basis, yet the community views with equanimity this fixation, as this is a step forward, and takes this opportunity to thank Lord Willingdon's Government in general and Sir Harry Haig in particular, for this courageous action.

2. That Government of India be approached to put this resolution to effect, in the matter of I. C. S. recruitment (where out of 20 Indians accepted this year, only 4 Muslims have been taken), by nominating a few more Muslims, before the present batch of selected candidates, leaves for England in September, 1934, so that the inequality of Muslim representation complained of, is not further exaggerated.

3. That Government of India be requested to detail an officer to watch recruitment in different services, and see that the representation of minorities does not fall short of the quota fixed.

(b) Do Government propose to take any action in connection with the second and third resolutions ?

The Honourable Sir Henry Craik : (a) The reply is in the affirmative.

(b) As regards the second Resolution, Muslims have secured five out of the 22 vacancies in the Indian Civil Service filled by Indians in the recruitment year 1933-34 (London Examination of 1933 and Delhi Examination and nominations in 1934), i.e., as nearly 25 per cent. of vacancies as is practicable. Government, therefore, do not propose to take any further action in the matter.

As regards the third Resolution, the Government have already decided to appoint temporarily an additional Deputy Secretary in the Home Department, one of whose main duties will be to frame detailed instructions designed to ensure that the new orders are effectively implemented.

STATE PRISONERS DETAINED UNDER REGULATION III OF 1818.

103. **Mr. S. C. Mitra :** (a) Will Government please place a statement on the table of this House regarding the State prisoners under Regulation III of 1818, giving (i) their names, (ii) the date and the period of detention, (iii) classification showing how many of them are detained for acting against (1) "due maintenance of alliances formed by the British Government with foreign powers", (2) "Preservation of tranquillity in

the territories of Indian Princes entitled to protection", (3) "the security of the British Dominion from foreign hostility", and (4) "the security from internal commotion" ?

(b) How many of the State prisoners have been released during the last 12 months, and under which category of the classification of (iii) do they come ?

The Honourable Sir Henry Craik : (a), (i), (ii). I would refer the Honourable Member to the answer given by me to Mr. Sitakanta Mahapatra's question No. 555 on the 14th August, 1934.

(iii) (1)	..	..	..	..	..	..	4
(iii) (2)	..	..	..	..	..	..	2
(iii) (3)	..	..	..	..	..	..	Nil
(iii) (4)	..	..	..	..	..	..	29

(b) Ten. All of them were detained under the fourth category.

STRENGTH OF THE OFFICE OF THE MILITARY SECRETARY TO THE VICEROY AND CERTAIN OTHER OFFICES.

104. **Maulvi Badi-uz-Zaman :** What is the total strength of the following offices :

- (i) Military Secretary to the Viceroy ;
- (ii) Comptroller, Viceregal Household ; and
- (iii) Invitation Office ?

The Honourable Sir Henry Craik : The total strength of the staff in the Military Secretary's office is 21. Of these, five are in the Comptroller's office and three in the Invitation office.

FURNITURE ISSUED TO CERTAIN PERSONNEL OF THE VICEREGAL ESTATE.

105. **Maulvi Badi-uz-Zaman :** Will Government kindly lay on the table a rough statement showing the amount of furniture issued to the following personnel of the Viceregal Estate :

- (i) European clerks,
- (ii) Indian clerks, and
- (iii) Bandsmen ?

Why are the Indian clerks not issued furniture in the same scale as the Europeans ?

The Honourable Sir Frank Noyce : No scale of furniture is laid down for the quarters allotted to personnel serving on the Viceregal Estates. Quarters are, so far as possible, furnished to meet the individual needs of each family. No distinction is made in furnishing quarters allotted to Europeans and Indians except in respect of certain items which are special either to Indian or to European houses and are usually supplied at the request of the occupant. All reasonable demands for extra furniture are carefully considered and complied with when possible.

EARNINGS FROM ILLICIT TRAVELLING ON THE NORTH WESTERN RAILWAY.

106. **Sardar Sant Singh** : Will Government be pleased to lay on the table of this House a statement showing the figures of earnings made during 1931-34 from illicit travelling by the Special Ticket Examiners of the North Western Railway under each of the following heads :

No. of Passangers.	Amount recovered in cash.	On Guards certificate.	Without Guards Certificate.
Without Tickets			
Over-riding			
Higher class			
Halves unbooked			
Unbooked baggage			
Wrong route			
Over-age			
Animals			

Mr. P. R. Rau : No. The collection of the information required will involve a considerable amount of time and labour not commensurate with the use to which the figures could be put.

EXPENDITURE ON CONTINGENCIES IN THE CENTRAL PUBLICATION BRANCH.

107. **Mr. D. K. Lahiri Chaudhury** : (a) Will Government state the actual expenditure on account of contingencies during the last financial year in the Central Publication Branch ?

(b) Will Government furnish comparative statistics of expenditure on this account during the last three financial years ?

The Honourable Sir Frank Noyce : (a) and (b).

	Rs.
1931-32	28,851
1932-33	77,930
1933-34	54,148 (approximately).

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sir Hari Singh Gour (Central Provinces, Hindi Divisions : Non-Muhammadan) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Income tax Act, 1922.

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have received a Message from His Excellency the Governor General :

(The Message was received by the Assembly standing.)

"In pursuance of sub-section (3) of Section 63B of the Government of India Act, I, Freeman, Earl of Willingdon, hereby require the attendance of the Members of the Legislative Assembly in the Assembly Chamber at Simla, at 11 o'clock on Wednesday, the 29th August, 1934.

WILLINGDON,

SIMLA,

Viceroy and Governor General."

The 21st August, 1934.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir James Grigg (Finance Member) : Sir, I beg to present the report of the Public Accounts Committee on the accounts of 1931-32—Part II—Railways, the report of the Public Accounts Committee on the accounts of 1932-33—Part I—Civil, Military and Posts and Telegraphs and the report of the Public Accounts Committee on the accounts of 1932-33—Part II—Railways.

Report of the Public Accounts Committee on the Accounts of 1931-32.

PART II—RAILWAY ACCOUNTS.

Position as regards estimating.

1. The following table compares the original estimates made before the beginning of the year, the revised estimates prepared near its end, and the actual results :

			(Lakhs of Rupees)		
			Budget.	Revised.	Actuals.
(1) Traffic receipts (less refunds)	..	..	1,01,00	86,75	86,63
(2) Miscellaneous receipts	..	..	1,58	1,30	1,20
(3) Working Expenses	..	..	66,43	62,83	62,77
(4) Miscellaneous Expenditure	..	..	61	58	55
(5) Surplus Profits	..	..	75	83	64
(6) Interest charges	..	..	33,57	33,28	33,07
(7) Surplus (+) or deficit (—)	..	..	1,22	—9,47	—9,20
(8) Contribution to general revenues	..	..	5,36	..	..
(9) Payment to (+) withdrawal from (—) Reserve	..	..	—4,14	—4,95	—4,95
(10) Loans from the Depreciation Fund	..	..	..	4,52	4,25

2. The budget estimate anticipated a net surplus of Rs. 1,22 lakhs which with a withdrawal of Rs. 4,14 lakhs from the Reserve Fund was to be utilised to meet the contribution of Rs. 5,36 lakhs to general revenues. In framing

this estimate it had been assumed that the year would show a modest improvement in traffic over the abnormally low figures of the previous year and an allowance was made for increased receipts from alterations of rates and fares already given effect to or under investigation at the time. Far from improving, the traffic showed a considerable decline and the revised estimate pointed to a deficit of Rs. 9.47 lakhs which was to be met by transfer of the whole balance of the Reserve Fund (Rs. 4.95 lakhs) and a loan of Rs. 4.52 lakhs from the Depreciation Fund. The actuals proved to be slightly better than the revised and a loan of Rs. 4.25 lakhs only from the Depreciation Fund was necessary. The large deterioration as compared with the original estimate was mainly due to the continued economic depression, the low level of prices and the decreased spending power of the people. Increasing road motor competition was also probably an important contributory cause. Compared with the revised estimate the actual receipts were Rs. 22 lakhs less and the actual expenditure Rs. 49 lakhs less with the result that the deficit on the working of the railways during the year was less by Rs. 27 lakhs. But for a saving of Rs. 21 lakhs in the interest charges due to the actual rate of interest being slightly lower than that assumed in the revised estimate the net deficit would have been only Rs. 6 lakhs less than what was assumed in the revised estimate.

Position as regards control of expenditure.

3. The following table compares the final voted grants with the expenditure against those grants:

	Original grant.	Supplementary grant.	Final grant.	(Lakhs of Rupees.) Actual expenditure.	Excess + Saving —
<i>Expenditure charged to Revenue.</i>					
1. Railway Board	10.50	..	10.50	10.26	— .24
2. Inspection	.90	..	.90	.80	— .10
3. Audit	14.20	..	14.20	13.78	— .42
4. Working Expenses, Administration	13,00.00	..	13,00.00	12,99.78	— .22
5. Repairs, maintenance and operation.	37,54.00	..	37,54.00	33,94.59	—3,59.41
6. Payment of surplus profits ..	75.00	7.75	82.75	64.19	—18.56
9. Appropriation to Depreciation Fund.	13,00.00	..	13,00.00	13,03.49	+3.49
11. Miscellaneous expenditure ..	10.75	.25	11.00	3.38	—7.62
14. Strategic lines	1,97.50	..	1,97.50	1,80.13	—17.37
<i>Expenditure charged to Capital and Depreciation and Reserve Funds.</i>					
7. New construction	2,86.80	..	2,86.80	2,75.87	—10.93
8. Open line works	8,38.40	..	8,38.40	3,98.93	—4,39.47
10. Appropriation from Depreciation Fund.	8,25.00	4,52.02	12,77.02	12,52.12	—24.90
13. Appropriation from Reserve Fund	4,14.67	80.39	4,95.06	4,95.06	..
15. Strategic lines Capital	17.00	..	17.00	—3.23	—20.23

4. The non-voted appropriations sanctioned by the Government of India and the expenditure against those appropriations are given below:

	Original appropriation.	Supplementary appropriation.	(Lakhs of Rupees.) Final appropriation.	Actual expenditure.	Excess + Saving —
<i>Expenditure charged to Revenue.</i>					
1. Railway Board	4.60	— .25	4.35	4.39	+ .04
2. Inspection	3.10	— .11	2.99	2.96	— .03
3. Audit	5.60	— .25	5.35	5.34	— .01
4. Working Expenses, Administration.	1,00.00	+9.43	1,09.43	1,07.82	—1.61
5. Repairs, Maintenance and Operation.	1.00	+ .20	1.20	1.29	+ .09
11. Miscellaneous Expenditure ..	10.75	— .32	10.43	9.97	— .46
14. Strategic lines	6.00	— .72	5.28	5.51	+ .23
<i>Expenditure charged to Capital.</i>					
7. New construction	2.20	+ .61	2.81	2.72	— .09
8. Open line works	.60	+ .70	1.30	1.33	+ .03
15. Strategic lines	..	..	..	.01	+ .01
Interest on debt	32,21.28	—31.09	31,90.19	31,75.50	—14.69
Interest on Capital contributed by Companies.	1,35.92	+1.98	1,37.90	1,31.14	—6.76

5. We give in paragraph 6 below the reason for the excess over voted grant No. 9 which requires the vote of the Legislative Assembly. There was only one excess in the year under report against six and four in 1930-31 and 1929-30 respectively. The excesses over non-voted appropriations numbered five in 1931-32 against four in 1930-31 and five in 1929-30. The percentage of individual excesses, votable and non-votable, varied from .27 per cent. to 7.89 per cent. under heads of expenditure charged to Revenue. The excess under capital expenditure was small.

As regards savings, they varied from .02 per cent. to 118.99 per cent. under individual heads the biggest savings occurring under the revenue grants 2, 5, 6, 11 and 14 and the capital grants 8 and 15. Taking the total railway expenditure both voted and non-voted, there was a saving of 4.24 lakhs or 4.18 per cent. under expenditure charged to revenue and a saving of 4.95 lakh or 16.96 per cent. under capital expenditure. The position in this respect compares as follows with the last two years:

Expenditure charged to Revenue.

(Excluding appropriations to and from the Reserve Fund.)

Year.	Final grant and appropriation.	(Lakhs of Rupees.) Savings.	Percentage of column (3) to column (2).
1	2	3	
1929-30	1,01.55	—66	.64
1930-31	1,05.11	—2.98	2.83
1931-32	1,01.38	—4.24	4.18
<i>Expenditure charged to Capital.</i>			
1929-30	45.03	—3.08	6.84
1930-31	25.74	—1.14	4.39
1931-32	29.18	—4.95	16.96

We agree with the Auditor General that the conditions of the year 1931-32 were such as not to afford a fair test of budgeting on railways, that railway administrations are making real attempts to control expenditure despite the difficulties connected with the present unsuitable system of units of appropriations and that a high standard of efficiency and control cannot be expected until the form of the demands for grants is altered to conform more to the structure of the initial accounts. We shall deal in later paragraphs with the question of the alteration of the form of demands for grants.

Excess over voted grants.

6. There was only one excess over a voted grant which requires to be regularised by an excess vote of the Legislative Assembly :

	Final grant.	Actual Expenditure.	Excess.
	Rs.	Rs.	Rs.
Demand No. 9—Appropriation to Depreciation			
Fund	13,00,00,000	13,03,49,498	3,49,498

The excess was mainly due to the fact that a typographical error in the Revised Estimates of the East Indian Railway involving a sum of Rs. 3 lakhs escaped detection. We recommend that the Assembly should assent to the excess grant which the Governor General in Council will place before them in due course.

Reappropriations not made in accordance with prescribed Rules.

7. Under Rule 52 (2) (ii) of the Indian Legislative Rules we are required to bring to the notice of the Legislative Assembly every appropriation within a grant which is not in accordance with such rules as may be prescribed by the Finance Department. We give below with our comments the cases brought to our notice by the Director of Railway Audit :

(i) The Railway Department communicated to the Agent, Burma Railways, a grant of Rs. 57.85 lakhs for expenditure in India and of Rs. 5.80 lakhs for expenditure in England. The Agent sanctioned a reappropriation of Rs. 1.37 lakhs from the English provision to the Indian provision which was beyond his powers. The matter was virtually regularised by the Railway Board in their final appropriation orders.

(ii) The total appropriations made by the Railway Board under the voted portion of grant 11 aggregated Rs. 11,25,000 against a sum of Rs. 11,00,000 voted by the Assembly. The practice of over-allotment under this grant is not covered by the convention established with the previous Public Accounts Committees and set forth in paragraph 23 of their Report on the accounts of the year 1928-29. The Railway Department explained that this was done in expectation of certain credits accruing on the Eastern

Bengal and East Indian Railways under "Surveys" a sub-head of this grant but that no formal withdrawal of funds was made from those two railways on the ground that originally no allotment had been made to them under this head.

We agree with the Auditor General that none of the above irregularities is important from our point of view.

Comments on matters outstanding from previous Reports.

8. *Special concessions for military traffic.*—The Financial Commissioner explained that the Railway Department were endeavouring to come to some agreement with the Army Department and that a memorandum would be circulated to the members of the Committee as soon as possible.

9. *Remodelling of the form of demands for grants for railways.*—The main difficulty in the proper control of railway expenditure is that the present form of the demands for grants is entirely different from the structure of the railway accounts. For example, under the present system, the total working expenses of railways are shown under two demands and under each demand there are a large number of sub-heads. These sub-heads do not correspond to the heads under which accounts are kept and consequently the Railway Administrations have to re-arrange all the figures in their accounts in order to enable them to compare expenditure with the grants. This not only involves a lot of unnecessary labour but also makes it very difficult for the Railway Administrations to watch the progress of expenditure against the grants. In order to meet this difficulty the Public Accounts Committee which examined the accounts of 1930-31 recommended that it was imperatively necessary that the arrangement of the working accounts and the sub-divisions of the demands should correspond so that administrative and executive authorities may have no difficulty in carrying out the wishes of the legislature. In accordance with these recommendations the Financial Commissioner has made certain proposals regarding the alteration in the form of demands. We accept these proposals. As regards the division of working expenses of railways into the various demands there are two alternatives (1) to make each railway a separate demand and the various accounts abstracts into sub-heads under the demand or (2) to make each abstract a separate demand and each railway a sub-head under the demands. The Financial Commissioner favours the second alternative subject to a convention being established that a saving under one demand should be considered as a set off against an excess in another. We agree with the Financial Commissioner. We are glad to note that these changes have been given effect to in the demands for grants for 1934-1935.

10. *Allocation of expenditure to capital, Depreciation Fund and to Revenue.*—The Financial Commissioner intimated to us that the matter was still under the consideration of the Government. The Auditor General explained that the problems involved were exceedingly difficult and what he feared was that if they were postponed further, decisions might have to be taken hurriedly in connection with the drafting of the Bill relating to the Statutory Railway Board. He therefore suggested that the matter should be expedited. We endorse the Auditor General's suggestion.

11. *Delay in the apportionment of joint station expenses.*—The Financial Commissioner informed us that the question of devising a simpler system of apportioning joint station expenses had been referred to the Railway Conference Association whose recommendations had been received and that a decision would be reached without avoidable delay. We desire that a memorandum should be placed before the Committee next year explaining the action taken.

Comments on matters arising out of the accounts for 1931-32.

12. *Date of issue of the Financial Commissioner's Review.*—In paragraph 11 of the Report on the accounts for 1930-31, Part II, the Public Accounts Committee expressed the opinion that the Financial Commissioner's Review of the Appropriation Accounts should be in the hands of the Director of Railway Audit before the latter wrote his report in order that he might be able to take into account all the material furnished by the Financial Commissioner and thus minimise duplication in the presentation of results. To meet the desire of the Committee the Financial Commissioner undertook to endeavour to send his Appropriation Accounts with his Review to the Director by the middle of April each year so as to enable the Director to submit his report to the Auditor General by the middle of May. The Financial Commissioner explained to us the difficulties involved in preparing the Review by the middle of April and stated that he would try to give it by the end of May. We recognise the difficulties pointed out by the Financial Commissioner but desire that he should try to have his Review ready in time for consideration by the Auditor General before he wrote his letter on the Appropriation Accounts.

13. *Utilisation of unanticipated credits to cover excess expenditure.*—We adhere to the recommendation already made in paragraph 11 of the first part of the Report on the Accounts of 1931-32, viz., that in cases where substantial unanticipated credits are to be utilised to incur fresh expenditure, which would not have been incurred but for such credits, the approval of the Standing Finance Committee should be obtained in the same way as for items of supplementary grants.

14. *Policy of overallotment.*—The Auditor General explained to us that under the convention agreed to by the previous Committees overallotment was allowed only in respect of grants Nos. 4, 5 and 6, but in 1931-32 the Railway Board had extended the convention to other grants. After careful consideration of the explanation given by the Financial Commissioner (*vide* paragraph 12 of the Proceedings) we do not see any reason for agreeing to the extension of the convention to other grants. We recognise, however, that it may be necessary in very exceptional cases to depart from the convention and in such cases the Public Accounts Committee should consider the matter when it reviews the accounts of the year.

15. *New Service.*—The Auditor General has brought to our notice two doubtful cases of new service in the accounts of 1931-32 (Appendix VI), namely, (1) additions and alterations to the locomotive running shed at Bhusawal and (2) installation of wireless sets on railways. On the assumption that the additions and alterations to the locomotive running shed involve merely an

extension of the facilities for carrying out running repairs, it is debatable whether the item should be classified as an item of new service but in view of the amount involved we consider that it should be treated as an item of new service. The second item should be treated as an item of new service.

16. *Utilisation of the Reserve provision for an item of new service.*—In accordance with the recommendation of the Public Accounts Committee in their Report on the accounts of 1928-29 a reserve provision is being included in the railway estimates to meet unforeseen emergencies. The Auditor General raised the question whether the Railway Board could utilise such provision to meet expenditure on an item of new service without obtaining a specific vote from the Assembly as required by the rules. We consider that the existence of this provision does not absolve the Railway Board from obtaining a specific vote from the Assembly as required by the Statutory Rules for expenditure on a new service. In cases of real emergency, however, *i.e.*, where delay in executing a work is likely to affect the public interest seriously the Railway Board could utilise this provision for an item of new service but should bring the matter to the notice of the Assembly as soon as possible. In other cases the Railway Board should obtain the specific vote from the Assembly for every item of new service (possibly by a token vote) even if expenditure could be met from the emergency provision.

17. *Balance Sheets of Railways.*—The Director of Railway Audit in paragraph 115 of his report has offered certain criticisms regarding the present form of the balance sheets and has suggested that in order to get over these difficulties the double account system should be used for preparing these balance sheets, *i.e.*, capital and assets should be omitted from the balance sheets and constituted into a separate capital statement giving greater details of the assets. We understand that this system has been introduced in England to exhibit the expenditure of monies obtained by the creation of fixed liabilities and is applied generally to bodies that have been incorporated by a special Act of Parliament to work public undertakings such as railways. We generally accept the proposals in the Financial Commissioner's Review regarding the introduction of this system but leave the details to be settled by the Director of Railway Audit in consultation with the Financial Commissioner.

The Director of Railway Audit also raised the question whether in view of the difficulties involved in preparing accurate balance sheets and profit and loss accounts of individual railways such accounts should continue to be prepared. We agree with the Auditor General and the Financial Commissioner that profit and loss accounts of individual railways should continue to be prepared as accurately as possible, as the Public Accounts Committee is much interested in the financial results of the working of individual railways and such accounts would afford it some basis for comparing efficiency of work. The preparation of balance sheets of individual railways is not so important but the same treatment may be applied to them.

18. *Delay in the execution of agreements.*—The Director of Railway Audit has brought to our notice a case in which the negotiation of an agreement about certain collieries had been pending for over 20 years. In order to avoid such delays we desire that the Railway Board should consider whether they could

not obtain an annual report from all the railways showing agreements the conclusion of which was outstanding.

19. We append to our report minutes of the proceedings which we consider should be treated as part of the report. We assume that in accordance with the established practice action will be taken by the Department as necessary on the observations and recommendations contained in these paragraphs.

T. N. RAMAKRISHNA REDDI.

I. ALIKHAN.

R. D. DALAL.

M. C. RAJAH.

J. RAMSAY SCOTT.

S. C. MITRA.

K. P. THAMPAN.

K. SANJIVA ROW,

(Secretary).

Dated the 6th August, 1934.

As the Chairman of the Committee which examined the Railway Accounts of 1931-32 has left India it has not been possible to obtain his signature to the Report.

A. A. L. PARSONS,

Secretary to the Government of India.

PROCEEDINGS OF THE COMMITTEE.

Proceedings of the Tenth* Meeting of the Public Accounts Committee held on Wednesday, the 9th August 1933, at 2-30 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Mr. T. N. RAMAKRISHNA REDDI.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. S. C. MITRA.

Mr. K. P. THAMPAN.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. RAMSAY SCOTT.

Dr. R. D. DALAL.

Mr. A. C. BADENOCH, Auditor General.

Mr. J. C. NIXON, Director of Railway Audit.

The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. V. S. SUNDARAM, Director of Finance.

Mr. L. S. DEANE, Controller of Railway Accounts.

Members.

Were also present.

Witnesses.

* The first nine meetings were held in connection with the Appropriation Accounts relating to Civil, Military and Posts and Telegraphs.

The Committee took up the further consideration of Appendix XIX* regarding the amendment of the rules relating to the constitution of the Public Accounts Committee. The Committee agreed that if the life of the Assembly was extended beyond the normal period of three years a fresh Committee should be elected.

2. The Committee decided to proceed with the examination of the Railway Appropriation Accounts on the understanding that the question of the coal purchase policy of the Government of India, the Railway Board's summary of the working of Railways during 1932-33 and any other matters which the members might bring forward should be discussed at a meeting to be held later in the year.

3. The Committee then took up the consideration of the items shown in the Quarterly List of Outstandings (Appendix I) and accepted the action taken and the explanation given in regard to items subject to the following remarks :

Item 2. Special concessions for military traffic.—The Financial Commissioner explained that the Railway Department were endeavouring to come to some sort of agreement with the Army Department and that a memorandum would be circulated to the members of the Committee as soon as possible.

Item 4. Financial results of Railway electrification scheme.—The Committee was informed that a note† was under preparation and would be circulated to the Committee shortly.

Items 5 and 6.—Remodelling of form of demands for grants for Railways.—These two items were reserved for consideration at the meeting to be held on the 11th August at 2-30 P.M.

Item 7. Allocation of expenditure to capital depreciation fund and to revenue.—The matter was reported to be under the consideration of the Government of India. The Auditor General explained that the problems involved were exceedingly difficult and what Sir Ernest Burdon feared was that if they were postponed further, decisions might have to be taken hurriedly in connection with the drafting of the Bill relating to the Statutory Railway Board. He therefore suggested that the matter should be expedited. The Committee endorsed the Auditor General's suggestion.

Item 9. Delay in the apportionment of joint station expenses.—The Financial Commissioner informed the Committee that the question of devising a simpler system of apportioning joint station expenses had been referred to the Railway Conference Association whose recommendations had been received and a decision would be reached without avoidable delay. The Committee desired to have a memorandum placed before it next year stating the action taken.

Item 10. Earlier submission of monthly accounts.—The question was reported to be still under consideration‡.

4. Paragraph 2 of the Auditor General's letter (Appendix II-A)—Date of issue of the Financial Commissioner's Review.—The Financial Commissioner

* Printed in Part I of Report.

† Since circulated, vide Appendix XII.

‡ Memorandum circulated, vide Appendix IV.

explained the difficulties involved in preparing the Review earlier and stated that he would try to give it before the end of May. The Committee recognised the difficulties pointed out by the Financial Commissioner but desired that the Financial Commissioner should try to have his Review ready in time for consideration by the Auditor General before he wrote his letter on the Appropriation Accounts.

5. *Paragraphs 20 and 22 of the Report of the Director of Railway Audit.*—The Committee examined the reasons for the excesses in voted grants and non-voted appropriations and decided to recommend that the excess in the voted grant be voted by the Legislative Assembly and that the excesses in non-voted appropriations be sanctioned by the Government of India.

6. *Paragraph 24 of the Director's Report.*—The Director raised the question whether Annexure II to the Report which gives a list of misclassifications detected during the year should be continued. The Committee desired that it should be continued.

7. The Committee then adjourned till 11 A.M. on Thursday, the 10th August 1933.

Proceedings of the Eleventh Meeting of the Public Accounts Committee held on Thursday, the 10th August 1933, at 11 A.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH.

Mr. T. N. RAMAKRISHNA REDDI.

Kunwer Hajee ISMAEL ALIKHAN.

Mr. S. C. MITRA.

Mr. K. P. THAMPAN.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. RAMSAY SCOTT.

Dr. R. D. DALAL.

Members.

Mr. A. C. BADENOCH, Auditor General.

Mr. J. C. NIXON, Director of Railway Audit.

The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

Were also present.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. V. S. SUNDARAM, Director of Finance.

Mr. L. S. DEANE, Controller of Railway Accounts.

Witnesses.

8. *Paragraph 30 of the Director's Report—Unanticipated Credits.*—After considerable discussion, the Committee decided to adhere to the suggestion already made by them, *viz.*, that in cases, where substantial unanticipated credits were to be utilised to incur fresh expenditure which would not have been incurred but for such credits, the approval of the Standing Finance Committee should be obtained in the same way as for items of supplementary grants.

9. *Paragraphs 31 and 35 of the Director's Report.*—The Financial Commissioner gave the following explanation :

Under the present arrangements the Demand is sub-divided into a large number of sub-heads based on different categories of expenditure, and the provision made for each sub-head is distributed among the individual railways. This final detailed distribution is, owing to the inadequate information available to the Railway Board as to the detailed requirements of each administration, very often imperfect; it cannot naturally be considered as having any finality and the Agent has to be empowered to make whatever redistribution he feels necessary between these sub-heads. Further he is expected to do whatever he can to ensure by re-appropriation that the total sum allotted to him is utilised to the best advantage and that there are no excesses under any of these sub-heads while there are savings under others. For this reason the Railway Board have also found themselves unable to distribute supplementary grants obtained from the Assembly about the close of the year between the various sub-heads. Their opinion is that for the purposes of their general control it is most important that the additional grant to be placed at the disposal of an administration under each separate Demand should be definitely fixed and that the administrations should be left to distribute these among the various sub-heads as required, because they have in their possession much later information than the Railway Board have as to actual requirements, and, whatever allotments are made by the Railway Board, they not only can but should change them if and as soon as necessary, even though it is immediately after they are informed of these allotments. The Audit Department point out that (a) a grant should be considered as voted according to the distribution in the Pink Books and (b) a supplementary grant should be distributed in the same detail as an original grant. From the strict theory of appropriation audit they may be right, but from the practical standpoint a formal redistribution by the Railway Board according to the Agent's redistribution would be an unnecessary waste of time. A reconciliation of these points of view in relation to supplementary grants will be achieved by making the distribution a division by railways, but this will not settle the question of the original distribution. In the case of supplementary grants if the Railways are taken as sub-heads the Railway Board would be in a position to satisfy constitutional requirement on which emphasis is laid by the Audit Department, by distributing the supplementary grant by sub-heads. At the same time they would not have to face the practical absurdity of making detailed distributions which would be liable to be modified immediately thereafter.

The Auditor General concurred in this view in so far as supplementary grants were affected but said that the decision regarding the original grant depended on how far the Pink Books were

considered as receiving the imprimatur of the legislature. Audit must have some authoritative distribution against which to exercise a check.

It was explained that it would be sufficient if the Agent's redistribution were assumed to have Railway Board authority, the Pink Books being considered merely explanatory memoranda, and the Committee agreed that this course should be followed.

10. *Paragraphs 43 and 44 of the Director's Report—Railway Schools.*—The Financial Commissioner informed the Committee that the matter was receiving attention but that he was unable to say when it would be settled. The Committee desired to have a report next year.

11. *Paragraph 56 of the Director's Report—Postponement of Adjustment for want of funds.*—The Committee was informed that this was not a postponement for want of funds but that when the Agent was asked for sanction to write off Rs. 85,000 on account of obsolete stores he issued instructions to find out whether they could not be utilised elsewhere. As a result of this, the major portion of these stores was utilised elsewhere and the amount that had actually to be written off ultimately was only Rs. 14,000.

12. *Paragraph 73 of the Director's Report—Over-allotment.*—The Auditor General explained to the Committee that under the convention agreed to by the Public Accounts Committee over-allotment was allowed only in respect of grants 4, 5 and 6, but in 1931-32 the Railway Board had extended the convention to other grants. The Financial Commissioner gave the following explanation to the Committee:

"About the end of the year 1931-32 certain orders were issued by the Railway Board authorising certain railways to incur expenditure up to a definite maximum in excess of sums originally allotted to them. The Railway Board were satisfied from the progress of the actual expenditure that the total grant would not be exceeded, and that there would be savings in the same grant on other railways to cover the extra expenditure incurred on the authority of these orders. While it was probable that in the particular railways in question additional funds would be necessary, it was at the same time difficult to say where exactly the savings would occur. Apart from the fact that it was at the time practically too late to ask the Assembly to vote a supplementary grant, it was considered that it would be improper to ask for such a grant when it was fairly certain it would not be required. It might be objected that the course of action taken by the Railway Board practically amounted to allotment of funds in excess of the total granted by the Assembly, or at least to authorisation of expenditure beyond what was permitted by the Assembly. The only other course open to the Railway Board, apart from asking for an additional unnecessary grant, was to take no action on the request of the railway administrations. In my view, this would have been open to serious objection, and would have been tantamount to

the Railway Board abdicating their functions. If railway administrations are expected to obtain the sanction of the Railway Board for additional expenditure when they cannot, by the exercise of all possible economy, keep within their original grant, it is obvious that any such demand must receive careful consideration; and if the Railway Board are satisfied that a certain amount of additional expenditure is inevitable on a particular railway, but that, taking railways as a whole, no additional expenditure is likely, it seems to me that the only proper and practically correct course for the Railway Board is to authorise whatever additional expenditure they consider necessary, holding themselves responsible to the Assembly if the total is thereby exceeded. Such orders can, if considered necessary, be brought to the notice of the Public Accounts Committee. While the consolidated appropriation account would take no cognizance of such an order, as any formal over-allotment of funds is *ultra vires*, the appropriation account of the individual railway concerned should take note of it, as it is the authority for the railway administration to spend the money. Such an authorization is, however, quite distinct from an additional allotment and will not be treated as affecting the grants; but against any expenditure in excess of the formal allotments made a note will be recorded showing to what extent the excess was authorized by the Railway Board. In 1931-32, the grants affected and the amounts are as follows:

				Rs.
Grant No. 4 ..	..	..	..	16,28,000
Grant No. 6 ..	..	..	..	1,17,000
Grant No. 10	..	..	..	37,42,000
Grant No. 11	..	..	..	25,000

The last is special, because the Railway Board were aware at the time of issuing the orders of the existence of credits due to the transfer of survey expenditure to capital on the commencement of construction; but these credits were in railways in which no expenditure was expected and no grants had been allotted; and partly in deference to what was supposed to be the audit point of view that negative appropriation was *per se* objectionable, the orders did not mention these credits. There was not in this case even a technical over-allotment."

The Committee did not see any reasons for agreeing to the extension of the convention to the other grants, but recognised that it might be necessary in very exceptional cases to depart from the convention and that in such cases the Committee would consider the matter when it reviewed the accounts of the year.

13. The Committee then adjourned till 2-30 P.M.

Proceedings of the Twelfth Meeting of the Public Accounts Committee held on Thursday, the 10th August 1933, at 2-30 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, <i>Chairman</i> .	
Mr. T. N. RAMAKRISHNA REDDI.	
Kunwer Hajee ISMAIEL ALIKHAN.	
Mr. S. C. MITRA.	
Mr. K. P. THAMPAN.	
Mr. MUHAMMAD ANWAR-UL-AZIM.	
Mr. RAMSAY SCOTT.	
Dr. R. D. DALAL.	
Mr. A. C. BADENOCH, Auditor General.	
Mr. J. C. NIXON, Director of Railway Audit.	
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.	
Mr. P. R. RAU, Financial Commissioner, Railways.	
Mr. V. S. SUNDARAM, Director of Finance.	
Mr. L. S. DEANE, Controller of Railway Accounts.	

Members.

Were also present.

Witnesses.

14. The Committee took up the Auditor General's Memorandum of doubtful cases of 'new service' appearing in the accounts of 1931-32 (Appendix VI). The Auditor General had included in the Memorandum two cases, viz. (1) additions and alterations to the locomotive running shed at Bhusawal and (2) installation of wireless sets on railways. After full discussion the Committee considered that, on the assumption that the additions and alterations involved merely an extension of the facilities for carrying out running repairs, it was debatable whether the first item should be classified as an item of 'new service', but in view of the amount involved they decided that it should be treated as an item of 'new service'. As regards the second item also the Committee decided that it should be treated as a 'new service'.

15. In accordance with the recommendations of the Public Accounts Committee in their Report on the accounts of 1928-29, a reserve provision is being included in the Railway estimates to meet unforeseen emergencies. The Auditor General raised the question whether the Railway Board could utilise such provision to meet expenditure on an item of 'new service' without obtaining a specific vote from the Assembly as required by the rules. The Committee decided that the existence of this provision did not absolve the Railway Board from obtaining a specific vote from the Assembly as required by the Statutory rules for expenditure on a 'new service'. In cases of real emergency, however, i.e., where delay in executing a work was likely to affect the public interest seriously, the Railway Board could utilise this provision for an item of 'new service' but should bring the matter to the notice of the Assembly as soon as possible. In other cases the Railway Board should obtain a specific vote from the Assembly for every item of 'new service' (possibly by a token vote) even if expenditure could be met from the emergency provision.

16. *Paragraphs 96-98 of the Director's Report:—Defective Rules of Allocation.*—The Financial Commissioner informed the Committee that, as stated

at the previous meeting, the general question was still under consideration but that certain individual points had been settled.

17. *Paragraphs 102 and 103 of the Director's Report:—Allocation of expenditure on rolling stock.*—The Committee was informed that the question was under the consideration of the Railway Board. The Committee desired to have a report next year.

18. *Paragraphs 105 and 113 of the Director's Report.*—The Committee desired to discuss these paragraphs with the Director of Mechanical Engineering, Railway Board.

19. *Paragraph 107 of the Director's Report and paragraph 9 of the Auditor General's letter.*—The Auditor General raised the issue of how far any expenditure incurred as a matter of policy but admitted to be unjustified financially should be left at the debit of capital. The Financial Secretary explained that the main question was whether expenditure which was unjustified financially was to be incurred at all. If it had to be incurred the question whether it should be debited to capital or revenue should follow the ordinary rules of classification. An impossible situation would arise if it was held that only expenditure which was later found to be financially remunerative should be debited to capital as a logical sequence of this would be the valuation of the total railway assets according to their earning capacity. The Committee generally agreed with the Financial Secretary.

20. The Committee then adjourned till 11 A.M. on Friday, the 11th August 1933.

Proceedings of the Thirteenth Meeting of the Public Accounts Committee held on Friday, the 11th August 1933, at 11 A.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, <i>Chairman</i> .	
Mr. T. N. RAMAKRISHNA REDDI.	
Kunwer Hajee ISMAIEL ALIKHAN.	
Mr. S. C. MITRA.	
Mr. K. P. THAMPAN.	
Mr. MUHAMMAD ANWAR-UL-AZIM.	
Mr. RAMSAY SCOTT.	
Dr. R. D. DALAL.	
Mr. A. C. BADENOCH, Auditor General.	
Mr. J. C. NIXON, Director of Railway Audit.	
Mr. P. R. RAU, Financial Commissioner, Railways.	
Mr. V. S. SUNDARAM, Director of Finance.	
Mr. L. S. DEANE, Controller of Railway Accounts.	
Mr. J. M. D. WRENCH, Director, Mechanical Engineering, and Chief Controller, Standards.	

Members.

Were also present.

Witnesses

21. *Paragraph 105 of the Director's Report.*—The Committee discussed with the Director of Mechanical Engineering, Railway Board, the case relating to the relaying of the Parbatipur Siligari Section with 90 pound rails. When this line was converted from metre gauge to broad gauge in 1926, new 75 pound

rails were used, but within three years the track showed signs of weakness and at places the rails fractured. It had been suggested that the principal reason for the failure of the track, was the introduction of a heavier type of engine which the 75 pound rails could not carry; but the Director of Mechanical Engineering explained to the Committee in detail that this was not the true reason, as in the case of the XB type of engines used on this section the stress on the rail was actually less than in the case of the older type of engines. He stated that the actual causes of deterioration of the track were increase in traffic and the nature of ballast.

22. *Paragraph 113 of the Director's Report.*—Another case which the Committee discussed with Mr. Wrench was the purchase of a large number of YF class engines in 1929 for use on certain branch lines. The Committee was informed that this type of engine was purchased as the railways wanted an engine with a wide fire box so as to use low grade fuels. Though the engines initially proved defective and derailments occurred in some instances, the Railway Board had recently been able to remedy the defects at a small cost and the engines were now reported to be working quite satisfactorily.

23. *Paragraph 116 of the Director's Report and paragraph 10 of the Auditor General's letter—Balance Sheets of Railways.*—The Director of Railway Audit proposed that the double account system should be used for preparing the balance sheets of the railways, i.e., capital and assets should be omitted from the balance sheets and constituted into a separate capital statement giving greater details of the assets. The Committee generally accepted the proposals in the Financial Commissioner's Review but left the details to be settled by the Director of Railway Audit in consultation with the Financial Commissioner.

24. *Paragraphs 117-123 of the Director's Report.*—The Director of Railway Audit also raised the question whether in view of the difficulties involved in preparing accurate balance sheets and profit and loss accounts of individual railway such accounts should continue to be prepared. The Committee agreed with the Auditor General and the Financial Commissioner that profit and loss accounts of individual railways should continue to be prepared as accurately as practicable as the Committee was much interested in the financial results of the working of individual railways and such accounts would afford them some basis for comparing efficiency of work. The preparation of balance sheets of individual railways was not so important but the same treatment might be applied to them.

25. *Paragraph 128 of the Director's Report and paragraph 11 (a) of the Auditor General's letter—Contracts.*—The Committee was informed that detailed instructions embodying all the important principles had been issued some time ago.

26. *Paragraph 138 of the Director's Report and paragraph 11 (b) of the Auditor General's letter—Recovery of cost of stone supplied to a contractor.*—As the Director of Railway Audit was of opinion that the Legal Adviser would not have advised payment if he had been consulted before the payment was made, the Committee desired that the Railway Board should now consult* the Legal Adviser as to whether, if he had been consulted at the proper time, he would have been

and in that case whether a successful attempt could be made to recover it from the contractor. The Committee also desired that, if the Legal Adviser was prepared to give a clear opinion on the case, a description of the facts of the case should be circulated* to Railway Administrations for guidance.

27. *Paragraphs 169-172 of the Director's Report and paragraph 11 (c) of the Auditor General's letter—Stores balances.*—The Committee was informed that the increase in the percentage of closing balance to issue in 1931-32 was mainly due to the stoppage of a number of works as a result of the economy campaign. The Committee noted with satisfaction that the stores balances had been reduced from 23,67 lakhs in 1921-22 to 11,82 lakhs in 1932-33.

28. *Paragraph 177 of the Director's Report—Periodical revaluation of stores.*—As the Railway Board was not yet in a position to express an opinion on the points raised in this paragraph, the Committee desired that it should be included in the next year's report together with the report of the further action taken in the matter.

29. *Paragraph 233 of the Director's Report and paragraph 11 (d) of the Auditor General's letter—Defalcation by a clerk on the North Western Railway.*—The Financial Commissioner promised to circulate† a memorandum to the members of the Committee before the next meeting.

30. *Paragraph 242 of the Director's Report.*—In this paragraph the Director of Railway Audit has brought to notice a case in which the negotiation of an agreement about certain collieries had been pending for over 20 years. The Committee desired that in order to avoid such delays the Railway Board should consider whether they could not obtain an annual report from all the railways showing agreements the conclusion of which was outstanding.

31. The Committee then adjourned till 2 P. M.

Proceedings of the Fourteenth Meeting of the Public Accounts Committee held on Friday, the 11th August 1933, at 2 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Mr. T. N. RAMAKRISHNA REDDI.
Kunwer Hajee ISMAIEL ALIKHAN.
Mr. S. C. MITRA.
Mr. K. P. THAMPAN.
Mr. MUHAMMAD ANWAR-UL-AZIM.
Mr. RAMSAY SCOTT.
Dr. R. D. DALAL.

} *Members.*

* *Vide Appendix XI since circulated.*

† *Vide Appendix X, since circulated.*

Mr. A. C. BADENOCH, Auditor General.
Mr. J. C. NIXON, Director of Railway Audit.
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

Were also present.

Mr. W. M. BRAYSHAY, Chief Commissioner, Railways.
Mr. P. R. RAU, Financial Commissioner, Railways.
Mr. V. S. SUNDARAM, Director of Finance.
Mr. L. S. DEANE, Controller of Railway Accounts.

Witnesses.

32. Paragraph 11 (g) of the Auditor General's letter—Unsatisfactory state of stores accounting on the East Indian Railway.

Paragraph 275 (1) of the Director's Report.—The Director of Railway Audit desired that consideration of this paragraph should be postponed as he wanted to go into greater detail and explain the matter in the next year's report.

33. Paragraph 275 (2) and 275 (3) of the Director's Report.—The Committee was informed that steps had been taken to improve matters.

34. Form of Demands for Grants.—The Financial Commissioner explained to the Committee that under the present system the total working expenses of railways were shown under two demands and under each demand there were a large number of sub-heads. These sub-heads did not correspond to the heads under which accounts were kept and consequently the railway administrations had to rearrange all the figures in their accounts in order to enable them to compare the expenditure with the grants. This not only involved a lot of unnecessary labour but also made it very difficult for the railway administrations to watch the progress of expenditure against the grant. It was therefore necessary to recast the demands so as to improve the current control of expenditure. He stated that the present system should be considered to have broken down and that a change was necessary but left it to the Committee to decide whether in view of the impending constitutional changes a change in the form of demands should be effected now or should be left over till the new constitution came into force. The Committee decided that the change should be introduced immediately.

35. The Committee generally accepted the proposals of the Financial Commissioner as regards the form of the demands which it was explained had yet to be considered by the Government of India.

36. As regards the division of working expenses of railways into the various demands, there were two alternatives: (1) to make each railway a separate demand and the various accounts abstracts into sub-heads under the demands or (2) to make each abstract a separate demand and each railway a sub-head under the demands. The Financial Commissioner favoured the second alternative subject to a convention being established that a saving under one demand should be considered as a set-off against an excess in another. After considerable discussion the Committee agreed with the Financial Commissioner.

37. The Committee adjourned till 11 A.M. on Saturday, the 12th August 1933.*

* The meeting held on the 12th August did not relate to Railways.

Report of the Public Accounts Committee on the accounts of 1932-33 other than Railways.

I. Excess Votes.

1. General Summary.—The following table compares the total grants voted by the Legislative Assembly with the total expenditure against those grants:

(In lakhs of rupees.)

	Original grant.	Supplementary grant.	Final grant.	Actual expenditure.
Expenditure charged to revenue ..	27,21	94	28,15	26,25
Expenditure charged to capital ..	1,33	9	1,42	1,24
	28,54	1,03	29,57	27,49
Disbursements of loans and advances ..	13,38	..	13,38	8,41
	41,92	1,03	42,95	35,90

2. The following tables compare the non-voted appropriations sanctioned by the Government of India with the total expenditure against such appropriations:

(In lakhs of rupees.)

	Original grant.	Supplementary grant.	Final grant.	Actual expenditure.
Expenditure charged to revenue ..	80,19	—1,27	78,92	78,73
Expenditure charged to capital ..	17	10	27	31
	80,36	—1,17	79,19	79,04

3. The position regarding total expenditure, voted and non-voted, is as follows:

(In lakhs of rupees.)

	Original grant.	Final grant.	Actual expenditure.
Expenditure charged to revenue ..	1,07,40	1,07,07	1,04,98
Expenditure charged to capital ..	1,50	1,69	1,55
Total expenditure ..	1,08,90	1,08,76	1,06,53
Disbursements of loans and advances ..	13,38	13,38	8,41
Total ..	1,22,28	1,22,14	1,14,94

4. *Savings*.—There was thus a saving of 7,20 lakhs or 5.9 per cent. in the final grant. The percentage compares as follows with the results of previous years :

	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.
Expenditure charged to Revenue	1.1	-7	-3	3.2	1.9
Expenditure charged to Capital	20.2	12.9	15.9	11.4	8.3
Disbursements of loans and advances	—3	—3	—20.3	10.8	37.1
Combined percentage	1.4	.9	—7	4.3	5.9

5. The following table compares the percentage of savings under voted grants for expenditure proper (i.e., exclusive of disbursements of loans and advances) with that of savings under non-voted appropriations :

Year.	Voted.	Non-voted.
1928-29	5.7	.2
1929-30	.8	1.1
1930-31	3.9	—2
1931-32	9.6	1.0
1932-33	7.0	.2

6. *Excesses*.—In the following cases the actual expenditure exceeds the voted grants and an excess vote of the Assembly is accordingly required :

Item No.	Number of Grant.	Amount voted by the Assembly.	Actual expenditure.	Excess.
		Rs.	Rs.	Rs.
1	22.—Irrigation, etc.,—charged to Revenue	3,84,000	4,36,133	52,133
2	26.—Interest on Miscellaneous Obligations	49,49,000	50,93,368	1,44,368
3	48.—Survey of India	15,79,000	16,39,402	60,402
4	63.—Aviation	9,05,000	9,31,939	26,939
5	67.—Emigration—External	1,93,000	2,21,675	28,675
6	70.—Indian Stores Department	6,61,000	7,44,153	83,153
7	74.—Superannuation Allowances and Pensions.	73,99,000	76,60,394	2,61,394
8	76-B.—Miscellaneous Adjustments between the Central and Provincial Governments.	22,000	22,345	345
9	77.—Refunds	94,77,000	1,06,77,228	12,00,228
10	82.—Andamans and Nicobar Islands	31,49,000	31,50,207	1,207
11	96.—Commuted value of Pensions	40,61,000	49,84,730	9,23,730

7. A brief explanation of each excess is given below :

Item 1.—The excess was mainly due to the absence of provision for expenditure in the North-West Frontier Province for the first seventeen days of April 1932.

Item 2.—The voted charges under this Grant represent mainly payments to the Posts and Telegraphs Department for Savings Bank and Cash Certificate work. The excess was due to an increase in the number of Savings Bank and Cash Certificate transactions beyond that anticipated when the supplementary grant was obtained under this head.

Item 3.—The excess was due to smaller recoveries owing to the fall in the demand for mathematical instruments.

Item 4.—The excess was mainly due to the late receipt of debits from the Posts and Telegraphs Department on account of wireless facilities.

Item 5.—The excess was due to the fact that provision for losses by exchange on advances to the South Africa Agency resulting from the abandonment of the gold standard by England could not be made for want of definite information.

Item 6.—The excess was due to smaller recoveries from indenting departments on account of the purchase and inspection of stores owing to the financial depression and downward trend of prices.

Item 7.—The excess was mainly due to heavier retirements than anticipated under the retrenchment terms.

Item 9.—The excess occurred mainly under customs refunds and is due to the late adjustment of debits on account of the refunds of excise duty on motor spirit and kerosene in Burma.

Item 11.—The excess was due to the abnormal increase in the amount of pensions commuted, as the result of a large number of individuals retiring on account of retrenchment coupled with economic pressure affecting pensioners.

8. We recommend that the Assembly assent to the excess grants detailed in paragraph 6 above, which the Governor-General in Council will place before them in due course.

9. Rule 52 (2) of the Indian Legislative Rules requires that we should bring to the notice of the Assembly every reappropriation from one grant to another, every reappropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department and all expenditure which the Finance Department have requested should be brought to the notice of the Assembly. During the year there was only one reappropriation which was not made in accordance with the rules prescribed by the Finance Department. A Collector of Customs sanctioned, under a misapprehension, a reappropriation of Rs. 1,900 from the sub-head "Pay of officers" under Grant No. 16-Customs, which under the rules required the previous approval of the Finance Department.

II. Important Comments on matters arising out of the accounts for 1932-33.

10. *Accuracy of budgeting control over expenditure, etc.*—From the point of view of accurate estimating and efficient control of expenditure the year 1932-33, like its predecessor, was one of difficulties. A good deal of the savings of the year was due to the fact that in many cases further retrenchment was effected after the budget estimates were framed. In some cases, such as pensions and commuted value of pensions, there were particular difficulties in making accurate estimates even during the course of the year. Taking all these

factors into consideration, the results of the year do not seem to be as a whole unsatisfactory. We consider it, however, desirable that, as suggested by the Accountant General, particular attention of the various Departments should be drawn to the detailed results of the 1932-33 Appropriation Accounts in connection with the current control of expenditure.

In the Posts and Telegraphs Department, although we recognise that some progress has been made, there is still room for considerable improvement. We were furnished with a memorandum (Annexure B to the Proceedings of the third meeting) on the subject which explains the various steps taken, or under contemplation, to remedy the defects noticed, and to effect improvements in the procedure concerning budgeting and control of expenditure. We are glad to hear from the Auditor General that he has definitely gained the impression that the Posts and Telegraphs authorities are now going much more deeply and in much more detail into these matters, and that he is satisfied with what they are doing and what they propose to do in future.

11. *Financial results of irrigation systems, residential buildings, etc.*—We went through the very interesting and lucid review furnished by the Accountant General, Central Revenues, of the financial results of irrigation systems, the administration of residential buildings, the financial prospects of the Vizagapatam Harbour Project, and the analysis of loans and advances bearing interest. The last item has been included in the report for the first time this year, and we hope that its value will be still further enhanced when it is supplemented by certain further important information regarding the various loans and advances as promised by the Auditor General.

12. *Trading results of Government of India commercial concerns.*—The Accountant General, Central Revenues, has in paragraphs 20 to 29 of the Commercial Appendix given a comprehensive review of the financial results of all the Central Government commercial concerns and indicated in a clear form and comparatively brief compass the special features of the accounts of these concerns. We entirely agree with the following remarks of the Auditor General regarding the presentation of the accounts of these concerns :

"I am specially struck on this occasion with the improvement which has been effected in the presentation of the accounts of Government commercial concerns contained in the Accountant General, Central Revenues' Commercial Appendix to his report. In my opinion the Financial Reviews of the various accounting officers have, in general, now reached a higher standard than before, both in the fullness and the suitability of the information supplied; and the work of my Auditors has thus been correspondingly simplified. I note also that, in general, despite adverse circumstances the financial administration of a number of the concerns has, in the commercial sense, been more successful than for some years past."

In this connection, the Auditor General raised the question whether, in view of the considerable improvement in the commercial accounts presented to the Committee and in view of the fact that the Committee had before them at present figures of a number of years for purposes of comparison, advance reviews of the subsequent year based on unaudited figures should be continued.

He expressed the opinion that these reviews should be discontinued, as they were, on the whole, objectionable from the Auditor's point of view, being based on unaudited figures. We agree with the Auditor General that these advance reviews may be discontinued, but the departmental witnesses should, if required by the Committee, be in a position to furnish information regarding the working of any particular commercial concern in the subsequent year.

13. *Financial position of the Indian Posts and Telegraphs Department.*—We have perused the memorandum furnished by the Director General, Posts and Telegraphs (Annexure A to the Proceedings of the third meeting), on the future commercial prospects of the Indian Posts and Telegraphs Department and on the various measures taken to reduce the expenditure of the Department. We are glad to note that the loss in the working of the Department has been reduced from about a crore in 1931-32 to about 15 lakhs in 1934-35, which may rise to about $\frac{1}{2}$ a crore if the cut in pay is restored. We hope that, with the various measures, which the Department propose to take to reduce the loss further, the department will be in a position to present a balanced budget in the near future.

14. *Creation of unauthorised excluded funds in the North-West Frontier Province.*—The Auditor General brought to our notice that certain excluded funds were created by the local Administration in the North-West Frontier Province without proper sanction. One such fund is the khassadar's fund which is financed by money drawn from Government treasury on monthly

- (1) contingent bills at the rate of 1/12th of the annual provision made in the sanctioned budget on account of khassadar contingencies, and
- (2) establishment bills prepared on the basis of the sanctioned strength of the khassadars irrespective of the fact whether the persons for whom pay was drawn were actually in Government service or not.

Out of the amounts thus drawn and credited to the funds, payments are made as and when occasion arises. Another such fund is the motor lorry depreciation fund, which has been created by drawing from the treasury 25 per cent. of the estimate of the annual cost of upkeep and crediting it to the fund. After going into the matter fully we have come to the conclusion that these funds should be abolished immediately. We also consider it desirable that a list of all excluded funds maintained in the Province should be obtained as quickly as possible and examination should be made to see whether all, or any of them, should not be abolished.

15. *Report of the Military Accounts Committee.*—We append the report submitted by the Military Accounts Committee (Annexure A) constituted to make a preliminary examination of the Military Appropriation Accounts and connected documents. We endorse the recommendations and observations of the Committee, both in its report and in the accompanying proceedings of its meetings.

III. Miscellaneous observations.

16. As in the previous years, we append to our report minutes of our proceedings which we consider should be treated as part of the report. We assume

that in accordance with the established practice action will be taken by Departments as necessary on the observations and recommendations contained in these proceedings.

17. We wish to thank the Auditor General for his lucid comments on the various Appropriation Accounts and specially the "key statement" attached to his letter for the first time this year which greatly facilitated our work, and also for the assistance which he rendered to us throughout the proceedings. We also desire to record that the Appropriation Report of the Accountant General, Central Revenues, was very lucid and informative.

P. J. GRIGG.

M. C. RAJAH

T. N. RAMAKRISHNA REDDI.

S. C. MITRA.

K. UPPI.

ISMAIEL ALIKHAN.

B. DAS.

SHER MOHD. KHAN.

R. D. DALAL.

K. SANJIVA ROW.

Dated the 20th August, 1934.

ANNEXURE A.

Report of the Military Accounts Committee.

We were constituted in pursuance of the recommendations of the Public Accounts Committee of the year 1931-32 in paragraph 31 of their report to make a preliminary examination of the Military Appropriation Accounts and connected documents. In our task we received great assistance not only from the Auditor General and the Financial Adviser, Military Finance, but also from the Army Secretary and the Engineer-in-Chief.

2. The results of our examination of the Appropriation Accounts and connected documents are as usual embodied in the proceedings of our meetings (Annexure I) which should be treated as a part of our report, and it is unnecessary for us here to do more than to refer to the more important points.

3. We are glad to observe that in the Auditor General's view the financial administration of the year, so far as the control of expenditure in bulk is concerned, was active and alert and that the control exercised was commendably successful in its results. In this view we fully concur; and in our judgment there is ample evidence of the obvious desire of the Army authorities to secure every possible economy and strict control of expenditure and of the efficacy of the action which they have taken to this end.

On the other hand, the Director of Army Audit has deemed it necessary to call our attention to a number of instances of financial irregularity which, as the Auditor General has pointed out, reveal considerable laxity of view

and an insufficient sense of responsibility in financial matters on the part of individuals. Though many of those instances are in themselves trivial, we agree with the Auditor General's view, and we are glad to be informed that it is generally accepted by His Excellency the Commander-in-Chief. But we have to recognise that in an organisation of the size of the Defence Services of India there is bound to be every year a certain number of irregularities; they must be viewed with a due sense of proportion, and should not necessarily be taken as indicating that there is anything radically wrong in the financial administration as a whole.

4. *Authorised War reserves of stores.*—The Quartermaster General and the Master General of the Ordnance have furnished the necessary certificates in regard to the existence in stock of the authorised war reserves of stores on the 31st March 1933. Copies of these certificates are attached to our proceedings (Annexures IV and V).

5. *Review of Military Engineer Services expenditure.*—We have been through the lucid and informative review of expenditure on Military Engineer Services prepared by the Financial Adviser for the second year in succession. We agree with the Auditor General that while a certain measure of reform has been devised, there is scope for considerable improvement in the administration of the Military Engineer Services expenditure, especially in the matter of defining more exactly the scope of the original demand for the expenditure and conforming more closely to the scope of the demand as so defined. We had the assistance of the Engineer-in-Chief in examining some of the specific points raised in the review and in the report of the Director of Army Audit regarding Military Engineer Services expenditure. The various steps which the Army authorities propose to take in order to remedy the defects noticed and to improve the position as regards control of expenditure, regulation of contracts, etc., are mentioned in paragraphs 28—31 of our proceedings.

6. *Medical Store Depots.*—We understand that the cost of the Stores Section of the office of the Director General, Indian Medical Service, which is employed solely on work in connection with the Medical Stores Depots is not at present taken into account in calculating the cost of the drugs, etc. We entirely agree with the Auditor General that the cost of this Section should be taken into account, since otherwise the cost of drugs, etc., will not be correctly evaluated. It does not of course follow, and is in fact unlikely, that as a result it will be possible to increase the prices charged to Provincial Governments, etc. Those must depend on market prices.

7. *Financial irregularities.*—The most serious cases of individual irregularity mentioned in the Report of the Director of Army Audit are, in our opinion, those in which false or misleading certificates were recorded, or incorrect information was supplied to audit in other ways. In some of these cases the offence was deliberate in order to conceal an irregularity already committed; in one case the object was to enable the administration to spend money before the 31st of March. The correct recording of original facts in bills, acquittances, vouchers, measurement books, certificates, etc., is essentially an administrative requirement and it is the duty of the responsible departmental officers to ensure the strict accuracy of these departmental records. Audit is not in direct contact with the original facts and has to depend in the execution of its functions on the accuracy of these departmental records; and it becomes almost

impossible for audit, unless supported by administrative co-operation, to detect irregularities if these documents are not in accordance with the facts or if false certificates are recorded. For example, we were told that in one of the cases referred to it was due to a pure accident that audit happened to obtain evidence which proved that an explanation furnished by the executive for certain heavy expenditure was not in accordance with the facts and that a fraud had taken place. We view with grave concern the fact that such false certificates were furnished deliberately in some cases, and we therefore welcome orders to the following effect which, we were informed by the Army Secretary, are being issued under the direction of His Excellency the Commander-in-Chief:—

(a) *Improvement of supervision.*—It will be impressed on all senior officers that it is their duty to see that their juniors realise their financial responsibilities and exercise them properly.

(b) *Proper liaison with finance.*—The attention of all officers acting in an administrative capacity will be drawn to the importance of maintaining close and cordial relations with the accounts authorities throughout all stages of a financial transaction. They will also be made to realise the limitations of audit in detecting fraud without the co-operation of the Army authorities.

We fully agree with the Auditor General that such additions should be made to the orders to be issued as will ensure more effective co-operation with the statutory audit conducted by the Auditor General's department, as well as with the accounts authorities. We think it most important that every one concerned, Military Accounts and Audit authorities, should recognise that they are complementary parts of a single organisation whose duty it is to render mutual assistance to each other, so that the organisation as a whole may function with the greatest possible efficiency.

8. It is our usual practice to restrict our comments to general types of irregularity that are brought to our notice and our recommendations to the action required to prevent their recurrence; but one case has occurred in the year under report of so serious a character that we consider it necessary to refer to it specially. The facts are not disputed. A field officer signed a series of false certificates over a period of a year, some of them to the effect that he had not been provided with quarters when actually he was living in quarters provided for him, and others to the effect that his family was residing with him when it was found that his family was not residing with him during the period in question, in order to obtain for himself a small personal advantage of approximately Rs. 240 in lodging allowance and compensation for inferior accommodation. Similar action by a Civil officer would, so far as we can judge, have justified a criminal prosecution for cheating under Section 420 of the Indian Penal Code. No disciplinary action of any kind was taken against this officer; he was merely required to refund the sum of which, by his deliberately false statements, he had defrauded Government.

We were informed that so far as the field officer himself is concerned, it is held, as a matter of administrative principle, that no further action could be taken, since the order of the General Officer Commanding-in-Chief of the Command must be considered a final order. We do not wish to dispute that this is so, but, so far as we have been able to ascertain, Army Headquarters

have, up to the present at any rate, refrained from commenting to the General Officer Commanding-in-Chief of the Command on his failure to take disciplinary action in this case. We strongly recommend that they should do so.

9. We desire to record our warm appreciation of the work of Mr. Macleod who has been extremely helpful to the Committee during the period he was Financial Adviser.

P. J. GRIGG.

A. A. L. PARSONS.

S. C. MITRA.

K. UPPI.

K. SANJIVA ROW.

Dated the 18th August, 1934.

ANNEXURE I.

Proceedings of the Military Accounts Committee. Proceedings of the First Meeting of the Military Accounts Committee held on Monday, the 25th June 1934, at 11 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB BAHADUR.

Sir ERNEST BURDON, Auditor General.

Lt.-Col. A. F. R. LUMBY, Army Secretary.

Mr. A. MACLEOD, Financial Adviser, Military Finance.

Mr. J. R. HOPE, Deputy Financial Adviser, Military Finance.

Lt.-Col. R. PRINCE, Military Accountant General.

Mr. L. J. PECK, Director of Army Audit.

} *Members.*

} *Were also present.*

The Committee took up the examination of Appendix A to the Appropriation Accounts prepared by the Financial Adviser, Military Finance. The Committee accepted the explanation given or the action taken in regard to the cases mentioned in the Appendix subject to the following remarks:—

2. *Item 1. Revision of Army Regulations.*—The Army Secretary explained that draft Defence Services (Classification, Control and Appeal) Rules had been framed to govern on the disciplinary side all civilians serving under the Army Department, and that, in addition, Basic Rules had been prepared in draft both for civilian personnel and personnel subject to the Indian Army Act and the Indian Air Force Act to serve as a foundation for the revision of the various existing Army Regulations. The Principal Staff Officers and the Military Finance authorities

should complete their preliminary review of the Basic Rules by the end of July 1934, when it is intended to begin the revision of each book of regulations in the light of the general principles the rules contain. The question of a code of regulations to govern civilians under the Army Department in matters other than those covered by the Classification, Control and Appeal rules is under separate consideration.

3. *Item 2 (i). Exhibition of losses due to sale of surplus and obsolete stores.*—The Auditor General presented a Memorandum (*Annexure II*) explaining the progress of the investigation of this subject and the steps that are being taken during the current year for the compilation of statistics and for their examination by the financial control authorities and the Director of Army Audit and stated that any conclusions that might be drawn from the current year's experiment would be intimated to the Committee next year.

Item 2 (ii). Losses on sale of waste and scrap in Ordnance and Clothing Factories.—It was agreed that this subject should be treated on its merits in strict accordance with the orthodox procedure relative to the preparation of commercial accounts and that, therefore, it should not be combined with item 2 (i) above.

4. *Item 3. Method of Costing in Medical Store Depots.*—The item was postponed for consideration with paragraph 4 (1) of the Auditor General's letter on the commercial accounts of Army manufacturing concerns.

5. *Item 4. Items to be debited to the Civil Grant for the expansion of the Territorial Forces.*—The Army Secretary explained to the Committee that orders have been issued that the entire cost of Units of a certain Class, namely University Training Corps and Urban Battalions, shall be debited to the so-called "Civil Grant". As regards the outstandings in respect of previous years, no disagreement remains on any points of principle and the amount to be refunded to Civil is being calculated in consultation with the Director of Army Audit.

6. *Item 7. Correct exhibition of stores, apparatus and plant in the books of the holders.*—The Financial Adviser explained that the procedure regarding the exhibition of stores in all departments was examined and found quite suitable. The particular case which gave rise to this recommendation was an exceptional one.

7. *Item 9. Question of the reduction of the total estimate of expenditure on special programme measures in view of the fall in prices.*—The Army Secretary explained that it now seemed that the programme could be completed for about Rs. 9.75 lakhs against the original Rs. 10 crores. In fact if Government were in a position to complete the programme or a substantial part of the outstanding items while prices were still ruling low and if it were possible to obtain the balance of the equipment required within the same time, even larger reduction might be made, but at present there was no indication of either of these possibilities, *vide* Annexure III which explains the position more fully.

The Committee took up the consideration of paragraph 4 of the Auditor General's letter along with the above item. The Auditor General explained that it was agreed that a formal progressive account of the transactions of the Defence Reserve Fund supplemented by an analysis of

balances would be included in the next year's Appropriation Accounts. As regards the extension of the Fund to serve other purposes, the Financial Adviser stated that certain equalisation allotments were at present included in the Defence Reserve Fund, but an analysis of the balances would show these items separately. The suggestion that all the reserves for unforeseen expenditure should be unified and held in the Defence Reserve Fund was not accepted. The Committee agreed with the Auditor General that the Military Engineer Services Reserve should be included in the budget under the appropriate service head, but that its control should be vested in the Army Authorities responsible for the general control over Army expenditure as a whole.

8. *Item 11. Revision of rules for the Depreciation Reserve Fund of Ordnance and Clothing Factories.*—The Auditor General explained that this involved intricate and technical questions of accounting requiring very careful examination and that for this he required further time.

9. *Paragraph 3 of the Auditor General's letter.*—The Committee agreed with the Auditor General that, so far as the control of Army expenditure in bulk was concerned, the Financial administration of the year was active and alert and that the control exercised was commendably successful in its results.

10. *Paragraph 5 of the Auditor General's letter.*—It was explained to the Committee that items 11 and 12 in the list of items of expenditure which had, so far not received the sanction of competent authority were still under investigation and a further report would, if necessary, be made to the Committee next year. As regards the inability of audit to exercise an effective check over the balances of stores held on charge by units, the Army Secretary explained that steps had been taken to revise the present Equipment Tables.

11. *Paragraph 6 of the Auditor General's letter—Review of Military Engineer Services Expenditure.*—The Committee agreed with the Auditor General that, while a certain measure of reform had been devised, there was scope for considerable improvement in the administration of the Military Engineer Services expenditure especially in the matter of defining more exactly the scope of the original demand for the expenditure and conforming more closely to the scope of the demand as so defined. The Committee desired, however, to examine the Engineer-in-Chief in regard to Military Engineer Services expenditure in general and also in regard to certain specific matters, *e.g.*, the regulation of contracts, brought to notice by the Financial Adviser and the Director of Army Audit.

12. *Paragraph 7 of the Auditor General's letter—Expenditure on special programme measures.*—The Committee was informed that the Military authorities accepted the correctness of the facts embodied in this account and in the supplementary information furnished by the Financial Adviser.

13. *Paragraph 8 of the Auditor General's letter—Stores Transactions.*—The Committee agreed with the Auditor General that the Army Administration were not at present in a position to assess what should be regarded as the normal level of stores consumption and balances as they had been passing through a period of disturbed conditions which had not yet come to an end. As regards the accounting difficulties in the way of producing accurate and easily verifiable figures for the statement, the Financial Adviser explained that certain suggestions of his to get over these

difficulties had been accepted by the Auditor General. The Committee agreed with the Auditor General that it was desirable (a) that the information should include a reference to the corresponding figures given in connection with the estimates of the year and (b) that there should be a presentation in parallel columns of the figures relating to each heading for a number of years. He suggested that such a presentation of the stores position would be extremely valuable when normal conditions are again reached, especially if the notable variations between particular years were explained in suitable foot-notes by the Financial Adviser.

14. *Paragraph 9 of the Auditor General's letter.—Account of special expenditure for the expansion of the Territorial Force.*—This is already dealt with in paragraph 5 preceding as a separate matter. Mr. Mitra desired to draw attention to the fact that the Army Authorities were not able to spend the sum (commonly called the "Civil Grant") appropriated annually for the expansion of the Territorial Force.

15. *Paragraph 10 of the Auditor General's letter.—Financial Irregularities.* The Army Secretary read to the Committee a statement prepared by the Military authorities at Army Headquarters giving the views of His Excellency the Commander-in-Chief on the various points brought out by the Auditor General and the steps he proposed to take in connection with them. His Excellency regretfully acknowledged that there was cause for the Auditor General's main criticisms, but was not prepared to agree that 'laxity of view' and 'insufficient sense of responsibility' in financial matters were as wide-spread as the Auditor General's remarks might be held to imply.

His Excellency has given orders that the serious attention of local Military authorities shall be drawn to the two following directions in which he considers improvement is most necessary :—

(a) *Improvement of Supervision.* It is being impressed on all senior officers that it is their duty to see that their juniors realise their financial responsibilities and exercise them properly.

(b) *Proper Liaison with Finance.* The attention of all officers acting in an administrative capacity will be drawn to the importance of maintaining close and cordial relations with the accounts authorities throughout all stages of a financial transaction. They will also be made to realise the limitations of audit in detecting fraud without the co-operation of the Army authorities.

Steps are also being taken to accelerate the revision and simplification of Army regulations, the intricacy of which leads at present to much misunderstanding between the financial and administrative authorities.

In connection with (b) above, the Auditor General asked the Army Secretary if he would be willing to arrange for the addition to the orders to be issued of such additional instructions as would ensure more effective co-operation with the Statutory Audit conducted by the Auditor General's Department as well as with the Accounts authorities. The Army Secretary agreed to bring the Auditor General's wish to the notice of the Adjutant General.

The Army Secretary also suggested that the Report of the Director of Army Audit might make some distinction between irregularities belonging to the year under review and those which are legacies of previous years.

The Committee after considerable discussion did not accept the suggestion as all cases are not included in the Report but only a few typical ones and it would therefore be misleading to judge from the number of cases included in the Report in any particular year. The Committee desired that the Report should include cases cleared up in time for inclusion in the Audit Report but really bad cases might be mentioned though they were not completed.

16. *Paragraph 20 of the Report of the Director of Army Audit.—Over-issue of marriage allowance.*—The Financial Adviser explained that this was a very rare case. It was also stated that a new fact had recently come to light which had necessitated the re-opening of the case and the further consideration of its disciplinary aspect.

17. *Paragraph 24 of the Report of the Director of Army Audit.—Irregular employment of an Engine Cleaner.*—The Auditor General raised the general question whether adequate machinery had even now been adopted for the internal check of sanctions and the scrutiny of original claims in the case of recurring payments. The Military Accountant General explained that he had gone into the position thoroughly and, so far as he could see, the checks at present exercised were as perfect as they could be. In the particular case referred to by the Director of Army Audit, the Engine Cleaner was originally employed by the Military Engineer Services who were competent to accord sanction, but he was subsequently transferred to the Medical Branch, who were not competent to employ him without the sanction of the Government of India.

18. *Paragraph 27 of the Report of the Director of Army Audit.—Failure to raise debits against His Majesty's Government in respect of certain pensions.*—The Military Accountant General explained that the original pension orders had to be issued within a certain limit of time with the result that the accounts authorities could not go in detail into the history of each pensioner. The Government of India realised at the time that there was a certain risk of wrong debits. Every pension was now being audited and he hoped to complete the work in about two years' time.

19. *Paragraph 40 of the Report of the Director of Army Audit.—Irregular disposal of fees for testing water.*—The Financial Adviser explained that under the rules a fee of Rs. 5 could be levied for each analysis and this was to be credited to Government. In addition, the Medical Officer-in-charge may, if he thinks fit, make an extra charge against non-Army authorities and distribute this extra amount among the staff. The Auditor General suggested that the new rules should make it clear that all the fees recovered should first be credited to Government and any portion to be paid to the staff should be drawn on a payment voucher. The Committee agreed to this suggestion.

Proceedings of the Second Meeting of the Military Accounts Committee held on Tuesday, the 26th June 1934, at 2-30 P.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB Bahadur.

} *Members.*

Sir ERNEST BURDON, Auditor General.
 Lt.-Col. A. F. R. LUMBY, Army Secretary.
 Mr. A. MACLEOD, Financial Adviser, Military
 Finance.
 Mr. J. R. HOPE, Deputy Financial Adviser,
 Military Finance.
 Lt.-Col. R. PRINCE, Military Accountant General.
 Mr. L. J. PECK, Director of Army Audit.

} Were also
 present.

20. *Paragraphs 43 to 47 and 60 of the Report of the Director of Army Audit.*
 —In these cases false or misleading certificates were recorded and in one case incorrect entries were made in the accounts and an incorrect reply given to Audit. In some cases the offence was deliberate in order to conceal an irregularity already committed; in one case the object was to enable the administration to spend money before the 31st of March. The correct recording of original facts in bills, acquittances, vouchers, measurement books, certificates, etc., is essentially an administrative requirement, and it is the duty of the responsible departmental officers to ensure the strict accuracy of these departmental records. Audit is not in direct contact with the original facts and has to depend, in the execution of its functions on the accuracy of these departmental records; and it becomes almost impossible for Audit, unless supported by administrative co-operation, to detect irregularities if these documents are not in accordance with the facts or if false certificates are recorded. For example, we were told that, in one of the cases referred to in these paragraphs it was due to a pure accident that Audit happened to obtain evidence which proved that an explanation furnished by the Executive for certain heavy expenditure was not in accordance with the facts and that a fraud had taken place. The Committee viewed with grave concern the fact that such false certificates had been furnished deliberately in some cases. They also desired to record their opinion that the punishment awarded in some cases was entirely inadequate and that the administrative authorities appeared to take a far too lenient view of cases where the furnishing of false certificates was deliberate.

21. *Paragraph 62 of the Report of the Director of Army Audit—Irregularities in the allotment and hiring of quarters.*—The Committee was informed that the first and the third of the cases mentioned were due to faulty administration and the second to force of circumstances and that the rules had since been amended to permit the local authorities to take, in future, action of the kind taken in the second case.

22. *Paragraph 64 of the Report of the Director of Army Audit—Non-recovery or short recovery of rent, water and electric charges and conservancy tax.*—The Committee was informed that certain improvements in procedure had already been given effect to and other improvements were under consideration.

23. *Paragraph 67 of the Report of the Director of Army Audit—Contracts.*—The Committee desired to discuss this with the Engineer-in-Chief.

24. *Paragraph 11 of the Auditor General's letter and paragraph 50 of the Report of the Director of Army Audit—Rulings of the Judge Advocate*

General.—The Committee was informed that, while the individual cases quoted by the Director of Army Audit were regarded as finally settled, the rulings given by the Judge Advocate General in connection with them were being carefully re-examined in consultation with the Legislative Department and that the final conclusions reached would be intimated to Audit and a statement placed before the Committee next year.

Army Manufacturing Concerns.

25. *Paragraph 2 of the Auditor General's letter.*—The Financial Adviser informed the Committee that the Reviews of the departmental officers on the trading accounts would in future be furnished to the Director of Army Audit by the 1st of March. The general review of the Financial Adviser on the commercial accounts as a whole would be furnished a little later. The Committee agreed with the Auditor General that the accounts would be more informative if they were presented, as is already done in the case of the Commercial Accounts of the Central Government (Civil), with two parallel money columns showing the figures of the preceding year and the current year side by side. They also agreed that the departmental review in respect of the current year's accounts was sufficient for their purpose, and that the review of the preceding year need not be reprinted.

26. *Paragraph 4 of the Auditor General's letter.*—The Auditor General informed the Committee that—

- (1) the cost of the Stores Section of the office of the Director General Indian Medical Service, was at present included correctly in the Profit and Loss accounts of the Medical Stores Depots though it was debited to the Civil budget and not to the Army budget, and
- (2) the cost of this Section was not taken into account in calculating the cost of the drugs, etc.

As regards (1), the Committee was given to understand that the question of the transfer of the cost to the Army Budget was at present under consideration. As regards (2), the Committee consider that it should be taken into account in calculating the cost of the drugs, etc. The Financial Adviser explained to the Committee that if this item were taken into account the cost of drugs, etc., would show a rise. The Auditor General contemplates that the costs of drugs, etc., should be correctly evaluated and a comparison made with market prices in respect of important representative items of medical stores and that the whole matter should then be further considered. The Financial Adviser intimated that, if the cost of drugs, etc., as so valued should rise, a corresponding increase could not be made in the prices actually charged to the Provincial Governments, etc., as this would almost certainly drive the customers to go elsewhere for their requirements. The Committee accepted this.

27. The Committee desired that in the "Statement comparing the cost of important items of manufacture with Home priced vocabulary stores rates" the cost of manufacture for two years should be given.

Proceedings of the Third Meeting of the Military Accounts Committee held on
Wednesday, the 27th June 1934, at 11 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB BAHADUR.

} *Members.*

Sir ERNEST BURDON, Auditor General.

Lieutenant-Colonel A. F. R. LUMBY, Army Secretary.

Mr. A. MACLEOD, Financial Adviser, Military Finance.

Mr. J. R. HOPE, Deputy Financial Adviser, Military Finance.

} *Were also present.*

Lieutenant-Colonel R. Prince, Military Accountant General.

Mr. L. J. PECK, Director of Army Audit.

Major General G. H. ADDISON, Engineer-in-Chief.

28. Mr. Mitra asked the Engineer-in-Chief why tenders other than the lowest continued to be accepted in some cases without assigning any reasons and why it was not possible to accept the lowest tender in all cases when there was an approved list of contractors. The Engineer-in-Chief explained that, under the revised edition of the regulations for the Military Engineer Services issued in 1933, the officer who receives the tenders is bound to record his reasons in a case where he recommends acceptance of other than the lowest tender. As regards the acceptance of the lowest tender in all cases, the Engineer-in-Chief referred to a note in which he had explained that they were aiming at that ideal but there were certain difficulties mentioned below which they were trying to overcome :—

he hoped that the remaining surveyors would arrive early in the next trooping season.

(3) A detailed examination of the present regulations is being undertaken to consider where amendments are necessary, and this will take time to complete.

(4) In order to get a really efficient contract, detailed and accurate documents would have to be produced but where at a moment's notice accommodation for a large number of troops is needed or a similar urgent work had to be undertaken there would be no time to go into such detail.

29. As regards the Engineer-in-Chief's apparently depreciatory estimate of the quality and competence of contractors in India, the Auditor General remarked that the Public Works Reorganisation Committee of 1917 recommended that efforts should be made to stimulate the creation of a class of contractors who would be reliable and who would be able to undertake large works. The Public Works Department have since done their best to stimulate the growth of competent contractors, and it was his information that in many places, *e.g.*, Delhi, there were a number of perfectly competent contractors to whom it would not be fair to apply the description given by the Engineer-in-Chief. One other recommendation of that Committee was that firms taking large Engineering contracts should be required to employ competent Engineering staff and contractors employed by the Public Works Department do actually conform to this requirement. He added that it was his experience that the Civil Public Works Department, who have to work under rather more restrictive conditions than the Military Engineer Services because they deal with expenditure which is subject to the vote of the Assembly, have not experienced the same difficulty in observing financial rules as the Military Engineer Services. The Engineer-in-Chief remarked that his note was not meant to be a general condemnation of contractors in India but that it applied only to certain particularly difficult areas, such as the tribal areas, and that though the Civil Public Works Department worked under more restrictive financial conditions than the Military Engineer Services, the latter owing to the unavoidable variations in Army policy, even in peace time, found it very difficult to bring the regulation of Military Engineer Services expenditure to a state of greater stability.

30. In reply to a question from the Auditor General the Engineer-in-Chief agreed that it was right to impress on all concerned, as suggested by the Financial Adviser, Military Finance, in the last sentence of paragraph 237 of the Appropriation Accounts, that the conditions to be complied with under the rules before a work is started are not mere "formalities" but should be observed before the work is actually put in hand in all but cases of the utmost urgency. It is, of course, a different matter when the conditions are waived by the Government of India themselves and in such cases objection should not be raised by Audit against the Military Engineer Services.

31. In paragraph 239 of the Appropriation Accounts the Financial Adviser had brought to notice two important points. The first is that, when Engineer Officers exercise the authority given to them by the regulations to extend contracts without calling for fresh tenders, particular vigilance is necessary at a time like the present to ensure that advantage is taken of falling prices. The

second point relates to a tendency to revise particular clauses in contracts on representations from contractors. The Financial Adviser observes that, while it is admitted that there may be exceptional cases in which unforeseen developments may necessitate the revision of a single clause of a contract, the power to revise is clearly one the exercise of which calls for discretion and if agreements are properly drawn occasions for using that power should be rare. The Engineer-in-Chief in reply to a question from the Auditor General stated that he accepted the views expressed in the whole of paragraph 239.

32. *Paragraph 67 of the Report of the Director of Army Audit.*—The Engineer-in-Chief informed the Committee that in this particular case the work was not given to the first contractor as he was in financial difficulties at the time. Subsequently when he got sufficient financial backing he was given a similar work. The Committee noted that in this particular case the reasons given to Audit for not giving the work to the first contractor were not the real reasons.

33. The Military Accountant General informed the Committee that the Military Engineer Services' Audit was at present conducted by non-technical men with the result that the objections raised during the period under review were in some cases very irritating to the Engineer Officers. In this connection the Auditor General raised the question why it was not possible to have trained Works Accountants as on the Civil side. The Committee desired that the Military Accountant General and the Auditor General should examine this question and make joint recommendations.

34. Mr. Mitra invited the attention of the Army Secretary to the point made in paragraph 11 of the Director of Army Audit's Report, viz., that Audit cannot relieve an executive authority of at least part of his responsibilities for the prevention and detection of irregularities. The Army Secretary quoted from the statement giving the views of His Excellency the Commander-in-Chief on paragraph 10 of the Auditor General's letter to show that His Excellency was in sympathy with the views expressed by the Director of Army Audit and had ordered instructions to be issued to bring the point raised by him prominently to the notice of subordinate military authorities.

35. Mr. Mitra drew attention to paragraph 16 C of the Director of Army Audit's Report which dealt with the recording of certificates otherwise than in accordance with the facts. The Army Secretary pointed out that it was only natural that a report which dealt almost entirely with mistakes committed should give the impression that cases of this nature were more prevalent than the facts actually warranted. He assured Mr. Mitra, however, that the Military authorities were fully alive to the seriousness of offences of the kind brought to notice.

36. In answer to enquiries arising out of paragraph 16-D of the Report regarding the loss and premature destruction of documents, it was stated that there was no such evidence as would justify an inference that such action was deliberate or intentional. In response to a request, the Army Secretary undertook to furnish a statement* in respect of the three cases of loss mentioned in paragraph 61 of the Audit Report.

37. Certificates furnished by the Quartermaster General and the Master General of the Ordnance (*Annexures IV and V*) regarding the existence in stock

* Since furnished.

of the authorised War Reserve of stores on the 31st March 1934 were read out to the Committee.

38. Mr. Mitra and Mr. Uppi Sahib Bahadur expressed their appreciation of the work of the Financial Adviser who has been very helpful to the Committee during the last three years. The Chairman and Sir Alan Parsons desired to associate themselves with the remarks of Mr. Mitra and Mr. Uppi Saheb Bahadur.*

ANNEXURE II

(Vide paragraph 3 of Proceedings.)

Memorandum furnished by the Auditor General regarding the preparation of statistics relating to surplus and obsolete stores of the Army, Marine and Military Engineer Services; vide item 2 of Appendix A to the Army Appropriation Accounts.

As expressed in paragraph 32 of their Report on the Accounts of 1929-30, Volume I, the Public Accounts Committee agreed to the abolition of priced store accounts on the understanding that certain statistical information would be given to them, which would in some form replace the information which was previously at their disposal through consolidated statements based on the priced store accounts. The figures shown in Appendix "E" to the Army Appropriation Accounts for 1932-33 are intended to fulfil in part the undertaking given in this connection; while it would be consistent with the undertaking, or at any rate with the desire underlying the Committee's request, that certain further information should be given, viz., on the financial aspect of the periodical disposals of surplus and obsolete stores.

2. The Auditor General, through the Director of Army Audit, is still examining in consultation with the Military Finance authorities the most suitable method of examining, co-ordinating, and exhibiting the relevant material.

3. It may be explained, at once, however that, if a practicable and reliable means can be devised of exhibiting such figures, the primary object will be not to add to the enumeration of formal "losses" but to provide an additional test of the efficiency of financial administration and control. In this connection it is of interest to note that, in the United Kingdom, the difference between the book value and the sale value of surplus and obsolete stores of the Army and Royal Air Force is not exhibited as a formal "loss", expressed in terms of money. The reason for this is that in many cases stores become surplus or obsolete as a result of deliberate and necessary changes of policy and alterations in design. So long as money has been expended in accordance with the decisions of Parliament, the question of policy is not subjected to review as a matter of Account, while as a general rule the accounting records do not furnish sufficient information to enable a correct judgment to be formed on the economic results of policy. In the case of the Navy, though the details of the procedure are not exactly known, the Accounts show figures of "depreciation and loss" which appear to include the writing down of such stores to sale value.

* The draft Report of the Military Accounts Committee was adopted by the Public Accounts Committee, with certain modifications, at the meeting held on Saturday, the 18th August 1934, at 3 p.m.

ANNEXURE III.

(Vide paragraph 7 of Proceedings.)

Note on the question of reduction in the cost of the Re-equipment Programme, furnished by the Army Department with reference to paragraph 6 of the Report of the Military Accounts Committee on the accounts of 1931-32.

The Military Accounts Committee in their report on the Appropriation Accounts of the Defence Services for 1931-32 raised the question whether the cost of the re-equipment programme should not be reduced in view of the fall in world prices.

2. The most careful possible calculations have been made and it now seems probable that the programme can be completed for about Rs. 9.75 against the original Rs. 10 crores. In fact if Government were in a position to complete the programme, or a substantial part of the outstanding items, while prices are still ruling low and if it were possible to obtain the balance of the equipment required within the same time, an even larger reduction might be made. At present however there is no indication of either of these possibilities and the matter is therefore more of academic than of practical interest. The fullest possible advantage has already been taken of the fall in prices, and if a further reduction should prove possible, it will be made. The Committee may rest assured that Government will not be asked to provide more money than is actually required.

3. Although the Committee's main point has been met by the above statement, some further explanation may be thought desirable, both to bring out the difficulty of giving an absolutely firm answer to their question and also, perhaps, to show why a larger reduction than the Rs. 25 lakhs mentioned above is not likely to be secured.

4. The original programme was no more than a statement of deficiencies with a rough estimate against each item of the cost of making good the deficiency. It was not a schedule of fully costed items of future expenditure. The provisional nature of the original estimates was fully recognised from the outset both by the Government of India and by the Secretary of State; and it was accepted that alterations and modifications must take place from time to time in accordance with the results of further experience. Moreover, in the Army as in every other department of Government, a margin above the normal standing charges has always to be provided for New Demands. The stabilised budget arrangement in the Army did away with the procedure of budgeting for standing charges *plus* new demands and, therefore, the programme had necessarily to include a fairly large margin for unforeseen expenditure which would otherwise have been met under the New Demands procedure. There was, however, always the stipulation that, whatever variations might take place in the execution of the programme, there should be no large alteration in the total cost and that the purposes for which the programme was intended should remain substantially the same.

5. *Definite costing as programme developed.*—As money became available the programme was taken up by sections in the order of urgency and, as each

section was taken up, it was converted from a roughly valued statement of a deficiency into a concrete and regularly costed proposal for expenditure. It was originally hoped to complete the programme, in four years, but the process described has already been spread over six years and there still remains a substantial balance of the programme which has been only roughly costed.

6. Prices have varied greatly since the programme was initiated and a close approximation to the original rough estimates of cost was never to be expected. If, however, the Committee are disposed to think that larger reductions might have been made, they must bear the following facts in mind.

7. In the first place, the goods purchased in pursuance of the re-equipment programme have not been raw materials but, for the most part, highly finished manufactured articles, among which may be mentioned aeroplanes, artillery tractors, light tanks, motor transport vehicles, machine guns, wireless equipment and other scientific apparatus. Into the price of such articles the cost of skilled labour enters largely and the cost of the materials is, in varying degrees, of minor importance. Consequently the effect of the fall in world prices on the cost of such articles is less marked and slower in maturing. Moreover, owing to improvements in design or to other causes, the prices of certain articles have actually increased.

8. In the second place, of the total expenditure up to date amounting roundly to Rs. 7.50 crores, about 5 crores was spent before the fall in prices became effective. The financial stringency caused by the fall in prices of primary products was itself the cause of a drastic restriction of the funds available for expenditure on the programme. In the three years 1932-33, 1933-34 and 1934-35 together, the total amount spent or to be spent on the programme is only about one crore. Thus, while it is believed that full advantage has been taken, where possible, of such fall as has occurred in the prices of the articles purchased, it will be seen that the volume of expenditure on which such advantage could be taken is a relatively small proportion of the total.

9. *Remainder of programme only roughly costed.*—The remainder of the programme which has to be financed is still only roughly costed and it would serve no useful purpose to make a detailed estimate now in an attempt to obtain a firm revised figure for the cost of completion. To mention one point only, it would almost certainly be misleading to base a detailed estimate on present prices, because it is probably correct to say that a general rise in prices *must* occur before Government will be in a position to provide funds to finance the remainder of the programme. The further expenditure required to complete after allowing for the amount provided in the budget for 1934-35 is roughly estimated at Rs. 195 lakhs.

10. *No expansion of programme has been made.*—If behind this question raised by the Committee there is the desire to be assured that advantage has not been taken of the fall in prices to expand the programme by including items not covered by the original list, it may be of interest to detail the safeguards provided to prevent any such addition. In the terms of the agreement for the stabilization of the Defence Budget it was laid upon the Financial Adviser, Military Finance, as a specific duty that he was to bring to the notice of the Finance Member any proposal for expenditure which seemed to him

to be a departure from the terms of the agreement. As might naturally be anticipated since conditions are not static, and, as was in fact accepted in advance by the Government of India and the Secretary of State (*vide* paragraph 4 above), the measures put into force have not corresponded exactly to the original intentions. In other words, when an item was included in the original 'statement of deficiencies' it was intended to make good the deficiency in a certain way: in some cases further examination or experience has shown that better results would be obtained by applying a somewhat different remedy. The points of doubt, which the Financial Adviser has had occasion to report for orders in the exercise of the responsibility laid on him, have been of this nature, *viz.*, not substantive additions to the original list but variations from the letter of the original proposals. Since such variations involved no departure from the spirit of the original agreement, Government sanction has been freely accorded, provided that the new remedy did not involve greater expenditure than the original one. In point of fact the association of the Finance Department with the execution of the programme has been closer than was originally stipulated: in recent years, owing to the restriction of the resources available for financing the programme, the practice has grown up of referring to the Finance Member for his specific consent a list of the items for which it is proposed to make provision in each year's budget. In view of these safeguards the Committee may rest assured that advantage has not been taken of the fall in prices or other similar factors to make any alterations in the programme which depart from the spirit of the original agreement.

ANNEXURE IV.

(*Vide paragraph 37 of Proceedings.*)

Indian Certificate,

I certify that, on 31st March 1934, the War Reserves of stores authorised by the Government of India to be held at that date for the mobilization of the Army in India and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and maintenance of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand, and with the exceptions shown in the attached Annexure.

E. IRONSIDE,

Lieutenant-General,

Quartermaster General in India.

The 26th May 1934.

Annexure to certificate, dated 31st March 1934.

Deficiencies in the authorised numbers of M. T. Vehicles to be held in mobilization reserve:

(i) 1 motor cycle, solo, authorised to be held by the 1st D. A. C. Camp, Bellpore. This deficiency has been accepted by all concerned in

view of the proposed replacement of this type of unit by Divisional Ammunition Unit in the near future.

- (ii) 4 Workshop lorries, authorised to be held towards the commitments entailed by the raising of new M. T. Companies on mobilization. This deficiency will be made good if and when the 6-wheeled workshop type chassis ordered from the United Kingdom against the 1932-33 Mechanisation Programme are converted* and issued to units, in replacement of 4-wheeled workshop lorries, which will be put in a fit mechanical condition and held as mobilization reserve vehicles.
- (iii) (a) 14 store lorries, authorised to be held for the use of extra 2nd line M. T. artificers on mobilization and towards commitments entailed by the raising of new M. T. Companies.
- (b) 7 breakdown lorries, authorised to be held for the purpose as at (iii) (a) above.

The vehicles, equipment, etc., required to complete the deficiencies of the above vehicles are available in the country, but the conversion has not been completed.

- (iv) 4 Foden disinfecter lorries. Against the authorised establishment of 11 of this type of vehicles, only 7 are held. To meet the deficiency of 4 vehicles, a like number of Albion A-10 type, 3-ton, 4-wheeled chassis is available. These vehicles are at present unallotted and held in mobilization reserve pending a decision as to their abolition.

ANNEXURE V.

(*Vide paragraph 37 of Proceedings.*)

Indian Certificate.

I certify that, on 31st March 1934, the War Reserves of stores authorised by the Government of India to be held at that date for the mobilization of the army in India and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and manufacture of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand.

H. E. AP RHYS PRYCE,

Lieutenant-General,

The 11th May 1934.

Master General of the Ordnance in India.

* Work under suspension owing to reorganization of the I. A. S. C. (M. T.).

IV.—PROCEEDINGS OF THE PUBLIC ACCOUNTS COMMITTEE.

Proceedings of the First Meeting of the Public Accounts Committee held on Friday, the 29th June 1934, at 11 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB BAHADUR.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YAKUB.

Sir ERNEST BURDON, Auditor General.

Mr. M. BUTLER, Accountant General, Central Revenues.

} *Members.*

} Were also present.

The Hon'ble Sir ALAN PARSONS, Finance Secretary, *Witness*.

1. The Committee took up the consideration of the items shown against the Finance Department and the Auditor General in the Quarterly List of outstandings (Appendix I) and accepted the action taken and the explanations given in regard to the various items.

2. The Committee then went through paragraphs 11—20 of the Appropriation Accounts. In view of the fact that the receipts from the residential buildings in New Delhi did not cover the interest charges on the capital expenditure Mr. Das desired that the Finance Department should not in future sanction any capital expenditure or give advances to Provincial Governments from the Provincial Loans Fund for such expenditure if the schemes were not likely to be remunerative. As regards the financial prospects of the Vizagapatam Harbour, the Auditor General suggested that the Committee might consider the question after the first commercial accounts of the Harbour are available next year. The Auditor General referring to the statement giving an analysis of loans and advances bearing interest said that if the Committee considered it desirable, he would supplement the statement in future years by giving certain further important information regarding the various loans and advances. The Committee considered the statement a very useful one and desired that the Auditor General should continue it with such improvements as he might consider necessary.

3. The Committee next examined the general results of Appropriation Audit during the year 1932-33. The Committee agreed with the Accountant General that from the point of view of accurate estimating and efficient control of expenditure the year 1932-33 like the previous year was one of difficulties. A good deal of the savings of the year was due to the fact that in many cases further retrenchment was effected after the budget estimates were framed.

The Committee however considered it desirable that, as suggested by the Accountant General, particular attention of the various departments should be drawn to the detailed results of 1932-33 Appropriation Accounts in connection with the current control of expenditure. The Finance Secretary agreed to issue necessary instructions. He explained that even now the estimates of the various departments were very carefully scrutinised by the Finance Department and lump cuts for probable savings were made when they were justified by previous experience.

4. The Committee then adjourned till 2 P. M.

Proceedings of the Second Meeting of the Public Accounts Committee held on Friday, the 29th June 1934, at 2 P. M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB BAHADUR.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YAKUB.

} *Members.*

Sir ERNEST BURDON, Auditor General.

Mr. M. BUTLER, Accountant General, Central Revenues.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

} Were also present.

Mr. M. S. A. HYDARI, Joint Secretary, Department of Education, Health and Lands.

Mr. R. H. HUTCHINGS, Deputy Secretary, Department of Education, Health and Lands.

The Hon'ble Mr. D. G. MITCHELL, Secretary, Department of Industries and Labour.

Mr. E. W. PERRY, Joint Secretary, Department of Industries and Labour.

} *Witnesses.*

Mr. E. M. JENKINS, Deputy Secretary, Department of Industries and Labour.

Mr. M. IKRAMULLAH, Under Secretary, Department of Industries and Labour.

Mr. A. BREBNER, Chief Engineer, Central Public Works Department, New Delhi.

Mr. C. T. LETTON, Controller of Printing and Stationery.

Mr. F. TYMMS, Director of Civil Aviation.

5. The Committee took up the consideration of the Appropriation Accounts and connected documents relating to the Department of Education, Health and Lands.

6. *Item 4 of the Quarterly Statement—Surplus stocks of quinine.*—The Committee was informed that out of the surplus of lbs. 130,000, lbs. 20,000 have been manufactured into the form of trade quinine and of the latter lbs. 4,000 have actually been sold. The Department was also at present conducting certain negotiations with the representative of the Kina Bureau for the sale of the surplus. The Committee hoped that the Department would be able to report considerable reduction in the surplus stock next year.

7. *Item 6 of the Quarterly Statement—Plates for the Sanchi Monograph.*—The Committee was informed that the remaining 12 plates were expected to be received by October next.

8. The Committee considered the explanations given for the excesses under Grants Nos. 21, 35, 48, 58, 61, 67 and 82 to be adequate.

9. *Commercial accounts of the Mathematical Instrument Office, Calcutta.*—It was admitted that the present state of affairs in the Mathematical Instrument Office is not satisfactory but that the Department could not take steps towards further retrenchment as their chief customer, the Army Department, had not been able to tell them definitely what their requirements were. The Committee was informed that a definite reply from the Army Department had since been received and that steps would be taken as soon as possible to adjust the establishment to the new conditions.

10. *Central Museum.*—The Committee observed that from the statement of receipts and expenditure of the Central Museum given on page 136 of the Appropriation Accounts it was not clear how the expenditure in excess of about Rs. 44,000 contributed by the Government of Bengal and the Government of India was met. The Committee desired that in the future Appropriation Accounts the position should be explained more clearly.

11. The Committee then took up the consideration of the Appropriation Accounts and connected documents relating to the Department of Industries and Labour.

12. *Item 13 of the Quarterly List—Outstanding Balances in the Central Publication Branch.*—The Committee was informed that the money was actually received but was not properly adjusted in the ledgers.

13. The Committee accepted the explanations given for the excesses under Grants Nos. 22, 40, 49, 50, 54 and 63.

14. The Auditor General brought to notice the large closing balance of paper and binding material at the Aligarh Press which represented about six or seven months' consumption against three or four months' consumption provided for in other Presses. The Controller of Printing and Stationery informed the Committee that it was necessary to maintain a larger stock at Aligarh to provide against strikes, etc., in view of the large amount of work done there for the Posts and Telegraphs Department. He stated that the question of reduction of stocks was under his consideration and he hoped to reduce them to a lower figure next year.

15. The Auditor General also pointed out that it was suggested at a meeting of the Public Accounts Committee two or three years ago that the value of the work done by the Government of India Presses for each paying and non-paying

Department of the Government of India should be exhibited in the commercial accounts. The Committee desired that these figures should be included in the commercial accounts from next year as they would be of great use in comparing the expenditure incurred by each department on printing from year to year.

16. The Auditor General also enquired whether the certificate of verification of stock in the Central Publication Branch in paragraph 297 of the Commercial Appendix did not require revision. The Controller informed the Committee that the verification had not yet been completed and that when it was completed a fresh certificate would be furnished.

17. *Paragraph 105 of the Appropriation Accounts.*—In reply to a question from the Auditor General whether a decision had been reached as to the terms on which certain assets had been handed over to the New Delhi Municipal Committee, the Committee was informed that no decision had yet been reached. The Auditor General and the Finance Secretary stated that it was very important to come to a conclusion as quickly as possible as delay would make the case more complicated and there was a danger of the assets passing on to the municipality without any sort of control by Government.

18. The Committee then adjourned till 11 A.M. on Saturday, the 30th June 1934.

Proceedings of the Third Meeting of the Public Accounts Committee held on Saturday, the 30th June 1934, at 11 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*,

Mr. T. N. RAMAKRISHNA REDDI.

Mr. S. C. MITRA.

Mr. K. UPPI Sahab Bahadur.

Kunwer Hajee ISMAEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Dr. R. D. DALAL.

Maulvi Sir MOHAMMAD YAKUB.

Members.

Sir ERNEST BURDON, Auditor General.

Sir ALAN PARSONS, Finance Secretary.

Mr. M. BUTLER, Accountant General, Central Revenues.

Mr. E. T. COATES, Accountant General, Posts and Telegraphs.

Were also present.

Mr. G. V. BEWOOR, Director General, Posts and Telegraphs.

Mr. GHULAM MOHAMMAD, Officiating Financial Adviser, Posts and Telegraphs.

Witnesses.

Mr. S. P. VARMA.

19. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Posts and Telegraphs Department.

20. *Paragraph 3 of the Auditor General's letter—Financial position of the Department.*—A memorandum was furnished to the Committee (*vide* Annexure A) in which it is explained—

(1) The loss in the working of the department was reduced from about 94 lakhs in 1931-32 to about 42 lakhs in 1932-33, but it rose to about 52 lakhs in 1933-34 of which about 27½ lakhs was due to the reduction of the cut in pay with effect from the 1st April 1933. The estimates for the current year anticipate a loss of about 14½ lakhs only which may rise to about half a crore if the cut in pay is restored.

(2) Efforts were being continued to reduce the loss further by the following measures :

"The retrenchment concessions have been extended so far as the Posts and Telegraphs department is concerned up to the 31st March 1935. The retrenchment of surplus staff is being carried out wherever justified and the policy of employing cheaper agencies wherever possible is being consistently pursued. The recommendations of the Telegraph Establishment Enquiry Committee are at present under the consideration of Government. A Postal Enquiry Committee has been appointed in order to examine and simplify the procedures in the post office and some economy may be anticipated as a result of the recommendations of this Committee. New reduced scales of pay for the non-gazetted subordinate staff of the department are expected to be introduced shortly. On the receipt side, attempts are being made to secure more revenue by a reduction in the telephone rates. Government have also under consideration the introduction of a new method of remittance in the form of Indian Postal Orders on the lines of British Postal Orders. The activities of the department are being advertised in the public press so as to attract more traffic. In order to ascertain whether it is really the high rates of postal and telegraph charges that are preventing an increase in traffic, the rates have been reduced this year and the response of traffic to these reduced rates is being carefully watched. The figures for revenue and expenditure for April 1934 and approximates for May 1934 do not give sufficient indication to base any conclusions but the situation is being carefully watched and efforts will continue to be made to reduce expenditure and to secure an increase in revenue."

21. *Paragraph 4 of the Auditor General's letter—Accuracy of budgeting and efficiency of control over expenditure.*—The Committee was furnished with the Memorandum on this subject also (*vide* Annexure B) which explains the various steps taken or under contemplation to remedy the defects noticed and to effect improvements in the procedure concerning budgeting and control of expenditure. The Auditor General also informed the Committee that he had definitely gained the impression that the posts and telegraphs authorities were now going much more deeply and in much more detail into these matters and that he was satisfied with what they were doing and what they proposed to do in future.

22. *Paragraph 80 of the Appropriation Accounts.*—The Auditor General stated that in this paragraph a sum of Rs. 9,58,000 was shown as the value of certain surplus obsolete and unserviceable stores. He desired that an analysis should be furnished showing how much of this represents surplus and how much

obsolete and unserviceable stores. As regards the remark of the Accountant General that the balance in stock was still on the high side, the Committee was informed that this was based on the assumption of the correctness of certain orders issued that only six months' stock should be maintained in the case of stores to be obtained from abroad, and two months' stock in the case of stores available locally. The adequacy of this amount of stock was at present under examination by the department.

23. The Committee then took up the memorandum on the system of apportionment between the constituent Branches of the Indian Posts and Telegraphs Department of receipts and expenditure which relate to more than one branch (Appendix XI). After some discussion it was agreed that the consideration of this memorandum should be postponed as some of the members desired to make a further study and obtain some further information. In this connection the Chairman raised the point whether it would not be possible to devise a simpler method of apportioning the cost which might be revised periodically. The Auditor General promised to consider the matter.

24. The Committee then took up the consideration of some of the items left over relating to the Finance Department. The Finance Secretary explained that the non-voted excesses in Grants 20—Stamps and 71—Currency and the large voted savings under Grant No. 93—Capital Outlay on Currency Note Press were due to a change in the method of accounting of the Currency Note and Security Printing Presses, orders about which were issued after the close of the year.

25. The Committee accepted the explanations given for the excesses under Grants Nos. 25 and 26.

26. The Committee then adjourned till 11 A.M. on Monday, the 2nd July 1934.

ANNEXURE A.

(*Vide paragraph 20 of these Proceedings.*)

Memorandum on the Financial Position of the Indian Posts and Telegraphs Department, furnished by the Director-General, Posts and Telegraphs.

NOTE.—*Figures are in thousands of rupees.*

1931-32.

1. The accounts for the year 1931-32 closed with a loss of 93,84, the expenditure charged to revenue being 11,58,44, while the revenue was only 10,64,60.

1932-33.

2. The budget estimate for this year provided for a revenue of 11,50,73. As the year advanced it was found that the expectation of revenue was not likely to be realised and in the revised estimate the figure of 10,56,88 was adopted. The actual revenue of the department amounted to 10,55,40. The expenditure provided in the budget was 11,66,92, but the results from the economy campaign and the various decisions on the recommendations of the Posts and Telegraphs Accounts

Enquiry Committee enabled the provision for expenditure to be reduced in the revised estimate to 11,04,61. The actual expenditure charged to revenue including interest on capital outlay amounted to 10,97,29. The loss on the year's working, therefore, amounted to 41,89 as compared with 93,84 during the previous year. In spite of the enhanced postal and telegraph tariff the revenue continued to fall and but for the vigorous campaign of economy and retrenchments and the recommendations of the Accounts Enquiry Committee the loss would have been much greater.

1933-34.

3. The budget estimates for 1933-34 provided for a revenue of 10,81,34, or an improvement of 25,94 over the actuals for 1932-33. Of this improvement 16,16 represented interest on the balance of the department's depreciation fund which is being operated on the straight line basis from 1933-34 in pursuance of the recommendation of the Posts and Telegraphs Accounts Enquiry Committee. This increase in revenue, however, is off-set by a corresponding increase in the annual contribution to the depreciation fund which amounted to 45,27 in the budget estimates for 1933-34 against 23,30 in the accounts for 1932-33. The real improvement in revenue estimated in the budget was thus 9,78. As the year advanced it became apparent that the expectation of increased revenue would not be realised in full and consequently in the revised estimate the lower figure of 10,75,34 was adopted.

4. The expenditure provided in the budget for 1933-34 was 11,38,54 or an increase of 41,25 over the actuals of 1932-33. This increase was due to the following causes :—

(a) the general rate of deduction from pay which was 10 per cent. on pay earned to the end of March 1933, was reduced to 5 per cent. This accounts for an increase of ..	27,50
(b) Increase in contribution to the depreciation fund, <i>vide</i> previous paragraph ..	21,97
(c) Annual increments in the pay of staff ..	16,20
(d) Increase in the interest charges on losses of the department ..	6,52

Total .. 72,19

The gross increase under the above items comes to 72,19, but mainly due to counterbalancing economies, an increase of 41,25 only was provided for.

5. The budget estimates anticipated a loss of 57,20 on the year's working. As a result of continued efforts of economy it was possible to reduce the provision for expenditure in the revised estimates to 11,27,46 or a saving of 11,08. Appreciable as the saving was it was insufficient to cover the gap caused by decline in the revenue and it was anticipated in the revised budget that the department would be working at a loss of 51,72.

6. From the accounts up to March 1934 (preliminary) it is estimated that revenue is likely to be less by 1,40 than in the revised estimate and

a further saving of 90 is likely to occur on the expenditure side. The estimated loss of 51,72 referred to above is thus likely to be increased by 50 only.

Prospects for 1934-35.

7. The budget estimate for 1934-35 provides for a revenue of 10,71,26 or 4,48 less than the revised estimated revenue for 1933-34. The expenditure is estimated to be 10,85,73. The decrease in revenue is due to the estimated loss consequent on the reduction in postage and telegraph rates. The gross decrease in revenue due to these changes is estimated at 27,00 which is partly counterbalanced by an increase of 22,00 under other heads.

8. The total expenditure provides for a reduction of 41,73 as compared with the revised estimates for 1933-34. This reduction is made up as follows :—

(a) Contribution to the depreciation fund. Since the organisation of the department on commercial lines the annual allocation for depreciation has been very much higher than the amount annually spent on renewals so that the balance to the credit of the depreciation fund has been mounting up rapidly. Pending a review of the provision under this head and having regard to the large balance in the fund the contribution to the depreciation fund during 1934-35 has been reduced to 8,72 being the amount estimated to be required for the actual renewal and reconstruction of assets. This accounts for a reduction of 35,00.

(b) Increase in the credits received for services rendered to other departments 2,00.

(c) Reduction in payments to retrenched personnel 10,00.

(d) Economies and other items 7,00.

Total 54,00.

This is counterbalanced by a provision of 12,00 to meet charges on account of annual increments.

9. From the actual figures for revenue and expenditure for April 1934, and approximates for May 1934, available at the moment it is not possible to formulate any conclusions to justify a departure from these figures.

10. The revenue and loss on the working of the department as a whole has been as follows :

Year.	Revenue.	Loss.
1931-32	10,64,60	93,84
1932-33	10,55,40	41,89
1933-34 B. E.	10,81,34	57,20
1933-34 R. E.	10,75,34	51,72
1933-34 anticipated actuals	10,74,94	52,22
1934-35 B. E.	10,71,26	14,47

It will be seen from the above that every effort is being made to improve the financial position of the department. Unfortunately the revenue of

the department is not showing signs of recovery. On the expenditure side every effort is being made to reduce the cost of working. The pay of personnel which constitutes the great bulk of the expenditure in the department has always a tendency to increase owing to the annual increments. In spite of this tendency it has been possible to secure a definite reduction in the expenditure in the pay bill of the department. The figures given below will indicate the economies secured :

	Actuals.	Additional savings from emergency deduction.	Total.	Yearly increase or decrease.
1924-25			6,12,00	..
1925-26			6,33,00	+21,00
1926-27			6,57,00	+24,00
1927-28			6,90,00	+33,00
1928-29			7,34,00	+44,00
1929-30			7,66,00	+32,00
1930-31			7,90,00	+24,00
1931-32	7,88,00	15,00	8,03,00	+13,00
1932-33	7,19,00	60,00	7,79,00	-24,00
1933-34 (up to March preliminary).	7,26,00	32,50	7,58,50	-20,50

11. Efforts are being continued to secure further economies in the working of the department. The retrenchment concessions have been extended so far as the Posts and Telegraphs Department is concerned up to the 31st March 1935. The retrenchment of surplus staff is being carried out wherever justified and the policy of employing cheaper agencies wherever possible is being consistently pursued. The recommendations of the Telegraph Establishment Enquiry Committee are at present under the consideration of Government. A Postal Enquiry Committee has been appointed in order to examine and simplify the procedures in the post office and some economy may be anticipated as a result of the recommendations of this Committee. New reduced scales of pay for the non-gazetted subordinate staff of the department are expected to be introduced, shortly. On the receipt side, attempts are being made to secure more revenue by a reduction in the telephone rates. Government have also under consideration the introduction of a new method of remittance in the form of Indian Postal Orders on the lines of British Postal Orders. The activities of the department are being advertised in the public press so as to attract more traffic. In order to ascertain whether it is really the high rates of postal and telegraph charges that are preventing an increase in traffic the rates have been reduced this year and the response of traffic to these reduced rates is being carefully watched. As already stated above, the figures for revenue and expenditure for April 1934, and approximates for May 1934, do not give sufficient indication to base any conclusions but the situation is being carefully watched and efforts will continue to be made to reduce expenditure and to secure an increase in revenue.

ANNEXURE B.

(Vide paragraph 21 of these Proceedings.)

Memorandum on the accuracy of budgeting, efficiency of control over expenditure, stores balances, and incidence of the cost of establishment employed on works in the Posts and Telegraphs Department, furnished by the Director-General, Posts and Telegraphs.

Attention is invited to paragraphs 50—54, 58, 59, 61 and 80 of the Report of the Accountant General, Posts and Telegraphs, on the Appropriation Accounts of the Posts and Telegraphs Department for the year 1932-33 dealing with the accuracy of budgeting, efficiency of control over expenditure and certain connected questions also referred to in paragraph 4 of the Auditor General's covering letter No. 91-Rep. 6-34, dated the 17th of April 1934 (Appendix IV). This memorandum has been drawn up to bring to the notice of the Public Accounts Committee the steps that have been either taken already or are contemplated to remedy the defects noticed and to effect improvements in the procedure concerning budgeting and control of expenditure. The full effect of the measures adopted will begin to appear from the accounts of 1934-35. Efforts are not being relaxed to effect further improvements in the light of experience.

2. Broadly speaking, the measures fall under the following heads :—

- (1) *Reconciliation of departmental figures for Postal fluctuating charges with those booked in the Audit Office.*—As a result of detailed examination the defects in procedure noticed during the last few years have been removed and provision is made to enable Heads of Circles to effect reconciliation by each subordinate controlling officer under his jurisdiction. Detailed instructions drawn up in collaboration with the Accountant General, Posts and Telegraphs, will issue shortly.
- (2) *Credits to Capital or working expenses from sale of assets.*—A revised procedure, devised in consultation with the Accountant-General, Posts and Telegraphs, to remove the basic defects responsible for the divergences between actuals and estimates under the heads "other credits" is being introduced.
- (3) *Control over re-appropriations.*—The centralised control by the Director General's office over re-appropriations is being relaxed to a large extent. The revised procedure mentioned in paragraph 60 of the above Report could only be partially introduced in 1933-34 and will be brought fully into force from 1934-35. This procedure will minimise variations between expenditure and final grants in respect of fluctuating expenditure.
- (4) *Credits for services rendered to other departments.*—Estimates under this head were hitherto based on actuals which are several months old. These estimates are now based on the latest figures regarding the number of transactions and prepared, where necessary, in consultation with the Finance Department, who are in a better position to anticipate the probable effects on Savings Bank and Cash Certificate

business of the issue and discharge of loans and the conditions ruling in the money market.

- (5) The existing methods of framing the budget and controlling the expenditure in workshops and the stores yard is under consideration and steps will be taken in the near future to effect necessary improvements. Considerable improvements are expected to be carried out during the current year as a result of the detailed examination of the existing methods in the Budget Section of the Director-General's office.

- (6) *Level of stores balances.*—The balance of stores on 31st March 1934 was as follows :—

	Rs.
(a) Mobilisation stores	20,15,774
(b) Surplus, obsolete or unserviceable stores.	9,58,000
(c) General stores	31,30,000

The balance of stores has been considerably reduced during the last few years and efforts are still being made to effect further reductions. The question of fixing more practical limits for maximum permissible stock of stores is under examination.

- (7) *Incidence of the cost of establishment employed on works.*—The various methods to determine a reliable ratio between cost of establishments in the Telegraph Branch of the Department and the cost of works expenditure tried hitherto having been found unsuitable, statistics were obtained last year by keeping certain works under observation and maintaining actual records. These unfortunately have not been found of much practical value and no reliable conclusions could be drawn therefrom. The matter is being further investigated and the results will be placed before the Public Accounts Committee in due course.

ceedings of the Fourth Meeting of the Public Accounts Committee held on Monday, the 2nd July 1934, at 11. A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman.*

Mr. T. N. RAMAKRISHNA REDDI.

Mr. S. C. MITRA.

Mr. K. UPPI Saheb Bahadur.

Kunwer Hajee ISMAEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Dr. R. D. DALAL.

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. M. BUTLER, Accountant General, Central Revenues.

Mr. M. K. SEN GUPTA, Audit Officer, Indian Stores Department.

Members.

Were also present.

The Hon'ble Mr. D. G. MITCHELL, Secretary, Department of Industries and Labour.

Sir JAMES PITKEATHLY, Chief Controller, Indian Stores Department.

Mr. C. M. TRIVEDI, Joint Secretary, Home Department.

Mr. C. F. V. WILLIAMS, Deputy Secretary, Home Department.

Rai Sahib BISHAN SWARUP from the Delhi Administration.

Witnesses.

27. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Indian Stores Department.

28. *Voted excess.*—There was an excess of Rs. 83,153 on the voted Grant due to smaller recoveries of departmental charges owing to continued financial depression and downward trend of prices. The Auditor General informed the Committee that he had accepted the suggestion made to him that these recoveries which were not really expenditure incurred on behalf of other Governments or departments, but only a percentage of the value of stores purchased, should be shown as receipts and not as deductions from expenditure.

29. *Note 1 on page 175 of the Appropriation Accounts—Waiving of a recovery of Rs. 21,995 on account of charges for tensile and other tests.*—The Committee was informed that these charges were not recoverable in equity but owing to the defective wording of the schedule they were technically recoverable and that steps had since been taken to redraft the schedule.

30. In reply to a question from Mr. Das as to what progress had been made as regards the various Departments of the Government of India making greater use of the Indian Stores Department, the Committee was informed that the Railway Department was at present making greater use of the Indian Stores Department and that, as regards the Army Department, the matter was at present being examined by the Finance Secretary.

31. Mr. Das desired that in view of the large drop in the value of stores purchased from the Indian Stores Department, London, the question of reducing the strength of that Department and of making it a part of the Indian Stores Department in India should be considered.

32. The Committee then took up the examination of the Appropriation Accounts relating to the Reforms Office and the Home Department.

33. *Important comment on page 235 of the Appropriation Accounts—Theft of a cash box.*—The Finance Secretary agreed that the cashiers of Committees should always be persons in the permanent service of Government and that a standard set of self-contained instructions for the guidance of Committees and Commissions should be issued.

34. *Item 11 of the Quarterly List—Appendix I—Necessity for maintaining a dairy in the Andamans.*—The Committee was informed that it was not possible to close down the Dairy but strenuous efforts were being made to reduce the

loss. It was stated that a proposal was at present under consideration to depute one of the officers of the Military Dairy Farms in India to go into the question. In view of the small amount of loss in the working of the Dairy the Committee considered that it was unnecessary to incur the expense of deputing an officer to go into the question but that the Department should consider whether they could not make up the loss by slightly increasing the selling prices of the products of the Dairy.

35. *Posting of a trained Accounts officer to the Andamans to assist the Chief Commissioner.*—The Committee desired that the proposal which was held in abeyance for various reasons should be revived as soon as possible.

36. The Committee then took up the examination of the remaining items relating to the Finance Department.

37. *Treasury Defalcations.*—There was a serious increase in the number and amount of treasury defalcations dealt with in the report of the year and a common feature of all the cases was a laxity of supervision which facilitated the frauds. The Committee desired that the Government of India should press upon Provincial Governments the necessity of putting proper officers in charge of treasuries and seeing that there is proper supervision.

38. The Committee then adjourned till 2-30 P.M.

Proceedings of the Fifth Meeting of the Public Accounts Committee held on Monday, the 2nd July 1934, at 2-30 P.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman.*

Mr. T. N. RAMAKRISHNA REDDI.

Mr. S. C. MITRA.

Mr. K. UPPI Sahab Bahadur.

Kunwer Hajee ISMAEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Dr. R. D. DALAL.

Members.

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. M. BUTLER, Accountant General, Central Revenues.

Were also present.

Mr. H. A. F. METCALFE, Secretary, Foreign and Political Department.

Mr. V. NARAHARI RAO, Additional Deputy Secretary, Foreign and Political Department.

Witnesses.

Rai Bahadur CHUNI LAL, Financial Secretary,

North-West Frontier Province.

J. SUNDAR DAS, Financial Assistant, Baluchistan.

39. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Foreign and Political Department.

40. *Creation of unauthorised excluded funds.*—The Auditor General brought to the notice of the Committee that certain unauthorised excluded funds were created by the local Administration without proper sanction. One such fund was the Khassadar's fund which was financed by money drawn from Government treasury on monthly

(i) contingent bills at the rate of 1/12th of the annual provision made in the sanctioned budget on account of Khassadar contingencies, and

(ii) establishment bills prepared on the basis of the sanctioned strength of the Khassadars irrespective of the fact whether the persons for whom pay was drawn were actually in Government service or not. Out of the amounts thus drawn and credited to the funds payments were made as and when occasion arose.

Another such fund is the motor lorry depreciation fund which was created by drawing from the treasury 25 per cent. of the estimate of the annual cost of upkeep and crediting it to the fund. The Committee after discussion came to the conclusion that these funds should be abolished immediately. They also considered it desirable that a list of all excluded funds maintained in the Province should be obtained as quickly as possible and an examination should be made to see whether all of them should not be abolished. The Auditor General also mentioned two other apparently legitimate funds, viz., the Scouts Fund and the Frontier Constabulary Fund, which he stated had been brought under his audit.

41. *Financial powers of His Excellency the Governor of North-West Frontier Province in respect of expenditure in Tribal areas.*—The Auditor General informed the Committee that one of the difficulties of the Comptroller, North-West Frontier Province, at present was that the powers of His Excellency the Governor in regard to expenditure on behalf of the Central Government had not been clearly defined and that it was necessary that definite rules should be laid down as quickly as possible. The Committee was informed that the matter was at present under the consideration of the Government of India and that orders were likely to issue shortly.

42. The Committee then took up the remaining items relating to the Finance Department.

43. The Committee accepted the explanations for the excesses under Grants Nos. 42, 74, 76-B and 96.

44. *Report on the working of the Provincial Loans Fund.*—The Auditor General mentioned that suspension of repayment of instalments of principal to the Fund by the Bombay Government in 1932-33 was not mentioned in the Report and desired that all such special features of the year should be included in the Report. The Finance Secretary agreed.

45. The Committee adjourned till 11 A.M., on Tuesday, the 3rd July 1934.

Proceedings of the Sixth Meeting of the Public Accounts Committee held on
Tuesday, the 3rd July 1934, at 11 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Mr. T. N. RAMAKRISHNA REDDI.

Mr. K. UPPI Saheb Bahadur.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YAKUB.

Dr. R. D. DALAL.

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. M. BUTLER, Accountant General, Central Revenues.

Mr. M. K. SEN GUPTA, Audit Officer, Indian Stores Department.

Mr. A. RAISMAN, Member, Central Board of Revenue.

Mr. W. W. NIND, Member, Central Board of Revenue.

Mr. F. C. KING, Commissioner, Northern India Salt Revenue.

Mr. N. R. PILLAI, Joint Secretary, Commerce Department.

Members.

Were also
present.

Witnesses.

46. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Commerce Department.

47. *The Bengal Pilot Service Widows and Family Pension Fund.*—The Auditor General brought to the special notice of the Committee the figures given in paragraph 208 of the Commercial Accounts which showed that during the last five years the expenditure on account of the Fund largely exceeded the receipts every year. Mr. Raisman explained to the Committee that in the case of a Family Pension Fund the receipts and disbursements of a few years were not a proper test but after close examination of the position the Commerce Department had come to the conclusion that the Fund was not sound from an actuarial point of view and it had therefore been decided that future recruits to the Bengal Pilot Service should not be eligible to subscribe to the Fund.

48. *Inadequate current control of expenditure in the Lighthouse Department.*—The Committee was informed that the question was under the consideration of the Commerce Department at present and that it was proposed to allow the Superintendents of Lighthouses to exercise some powers of reappropriation and also to amalgamate some of the unnecessary sub-heads. The matter would be settled in consultation with the Accountants General.

49. *Accounts of Government Commercial Concerns.*—In paragraph 5 of his letter the Auditor General has stated as follows :—

"I am especially struck on this occasion with the improvement which has been effected in the presentation of the accounts of Government Commercial concerns contained in the Accountant General, Central Revenues' Commercial Appendix to his Report. In

my opinion the financial reviews of the various accounting officers have, in general, now reached a higher standard than before, both in the fullness and the suitability of the information supplied; and the work of my auditors has thus been correspondingly simplified. I note also that in general, despite adverse circumstances, the financial administration of a number of the concerns has in the commercial sense been more successful than for some years past."

The Auditor General mentioned that the account of the Lighthouse Department was one of the accounts which was responsible for the above comment in his letter. In this connection the Auditor General raised the question whether in view of the considerable improvement in the commercial accounts presented to the Committee and in view of the fact that the Committee had before them at present figures of a number of years for purposes of comparison, advance reviews of the subsequent year based on unaudited figures should be continued. He expressed the opinion that these reviews should be discontinued as they were on the whole objectionable from the auditors' point of view, being based on unaudited figures. Any information which the Committee desired regarding the working of any particular commercial concern in the subsequent year could, if necessary, be obtained by the Committee during the course of the examination of the witnesses. The Committee agreed to the discontinuance of these advance reviews. The question of discontinuing the advance review in the case of Railways was reserved for separate consideration when the Railway accounts are taken up.

50. The Committee then took up the examination of the Appropriation Accounts and the connected documents relating to the Central Board of Revenue.

51. *New system of audit of Customs Revenue.*—The Committee was glad to note that the Central Board of Revenue has expressed its satisfaction of the smooth and harmonious working of the new system and its appreciation of the results achieved.

52. *Irregular Appropriations.*—A sum of Rs. 1,900 was reappropriated by a Collector of Customs from the sub-head "Pay of Officers" which required the previous approval of the Finance Department. The Committee was informed that this was done by the Collector under a misapprehension and that his attention had been drawn to it.

53. *Supply of Khewra salt for Bengal.*—In reply to a question by Mr. Das, the Committee was informed that a wagon of Khewra salt and one of Sambhar salt had been sent to the Bengal market as an experiment, but owing to the low prices of imported salt at present Khewra salt could not compete with the imported salt unless the former was sold at a price below cost.

54. *Large stock of salt at the Madras Depot.*—The Committee was informed that the question was at present being examined on the spot by one of the members of the Central Board.

55. *Large stocks of Malwa opium and increase in the cost of manufacture of provision opium.*—In view of the increasing stocks of Malwa opium the Committee desired* to have an appreciation of the position as regards the stock of

*Vide Appendix XIII.

Malwa opium and the production of opium in general, with particular reference to financial aspects and prospects. They desired* to know *inter alia* why the cost of manufacture of provision opium had gone up in 1932-33 although the sales of provision opium to Foreign Governments were being reduced.

56. *Excess under refunds.*—The Committee was informed that till 1931 all the excise duty on kerosene and motor spirit made in Burma was actually paid in Burma and when shipments were made out of India the Collector of Customs instead of making a refund merely deducted the amount from the duty payable so that no provision used to be made under refunds. In 1931 the Government of India agreed to petrol and kerosene being shipped from Burma to ports like Bombay and Karachi in bond. When refunds were given at these ports they were actually paid in cash but intimation of these payments was received by the Collector of Customs after the close of the year. He could not therefore apply for additional funds.

57. The Committee then adjourned till 2-30† P.M.

Report of the Public Accounts Committee on the Accounts of 1932-33.

PART II—RAILWAY ACCOUNTS.

Position as regards estimating.

1. The following table compares the original estimates made before the beginning of the year, the revised estimates prepared near its end, and the actual results:

(Lakhs of rupees.)			
	Budget.	Revised.	Actuals.
(1) Traffic receipts (less refunds)	89.00	86.50	85.62
(2) Miscellaneous receipts	1.10	1.07	1.03
(3) Working Expenses	62.70	62.85	62.85
(4) Miscellaneous Expenditure	47	47	47
(5) Surplus profits	80	65	65
(6) Interest charges	33.72	32.94	32.91
(7) Surplus (+) or deficit (—)	—7.59	—9.34	—10.23
(8) Contribution to general revenues			
(9) Payment to (+) withdrawal from (—) Reserve			
(10) Loans from the Depreciation Fund	7.59	9.34	10.23

2. The budget estimate for 1932-33 anticipated a net deficit of Rs. 7.59 lakhs which was increased to 9.34 lakhs in the revised estimate. The actuals proved to be still worse resulting in a deficit of Rs. 10.23 lakhs which was met by a loan from the Depreciation Fund. As in 1931-32, the prescribed contribution to general revenues could not be paid during the year under review. The deterioration as compared with the estimates was due to the continued economic depression, the low level of prices and the decreased spending power of the people. The figures in the above table show that while the receipts varied widely from the original estimates, the total expenditure, excluding interest but including all other expenditure, i.e., ordinary working expenses depreciation, miscellaneous expenditure and surplus profits, was exactly the same in the budget, revised estimate and actuals.

* vide Appendix XIII.
† This meeting was held in connection with Railway Appropriation Accounts.
The draft Report of the Public Accounts Committee was adopted by the Committee at the meeting held on Saturday, the 18th August 1934, at 3 P.M.

Position as regards control of expenditure.

3. The following table compares the final voted grants with the expenditure against those grants:—

(Lakhs of rupees.)						
	Original grant.	Supplementary grant.	Final grant.	Actual expenditure.	Excess + Saving —	
<i>Expenditure charged to Revenue.</i>						
1. Railway Board	7.75	.40	8.15	7.95	— .20	
2. Inspection	.70	.01	.71	.74	+ .03	
3. Audit	12.00	.24	12.24	12.53	+ .29	
4. Working Expenses, Administration.	9,97.00	12.50	10,09.50	9,98.08	—11.42	
5. Repairs, maintenance and operation.	36,76.00	..	36,76.00	36,72.72	—3.28	
6. Payment of surplus profits ..	80.00	..	80.00	65.21	—14.79	
9. Appropriation to Depreciation Fund.	13,25.00	6.00	13,31.00	13,33.16	+2.16	
11. Miscellaneous expenditure ..	6.50	..	6.50	3.82	—2.68	
14. Strategic lines	1,85.00	2.69	1,87.69	1,84.95	—2.74	
<i>Expenditure charged to Capital and Depreciation Fund.</i>						
7. New construction	1,00.60	..	1,00.60	55.59	—45.01	
8. Open line works	3,05.50	..	3,05.50	—25.10	—3,30.60	
10. Appropriation from Depreciation Fund.	13,18.79	1,75.37	14,94.16	16,57.64	+1,63.48	
15. Strategic lines capital	8.00	..	8.00	—22.60	—30.60	

4. The non-voted appropriations sanctioned by the Government of India and the expenditure against those appropriations are given below:—

(Lakhs of rupees.)					
	Original appropriation.	Supplementary appropriation.	Final appropriation.	Actual expenditure.	Excess + Saving —
<i>Expenditure charged to Revenue.</i>					
1. Railway Board	4.25	— .13	4.12	4.16	+ .04
2. Inspection	2.25	.58	2.83	2.78	— .05
3. Audit	4.45	.40	4.85	4.89	+ .04
4. Working expenses, Administration.	94.00	8.18	1,02.18	1,01.20	— .98
5. Repairs, Maintenance and Operation.	1.00	.40	1.40	1.37	— .03
11. Miscellaneous expenditure ..	8.50	.89	9.39	9.51	+ .12
14. Strategic lines	4.50	.84	5.34	5.48	+ .14
<i>Expenditure charged to Capital.</i>					
7. New construction	.40	.77	1.17	1.19	+ .02
8. Open line works	.50	.73	1.23	1.77	+ .54
15. Strategic lines	..	.01	.01	.01	..
Discharge of Debentures	..	44.32	44.32	20.52	—23.80
Interest on Debt	32,33.43	—72.83	31,60.60	31,56.94	3.66
Interest on Capital contributed by Companies.	1,38.21	—4.51	1,33.70	1,33.58	— .12

5. We give in paragraph 6 below the reasons for the excesses over voted grants Nos. 2, 3, 9 and 10 which require the vote of the Legislative Assembly. There were four excesses in the year under report against one and six in 1931-32 and 1930-31 respectively. The excesses over non-voted appropriations numbered six in 1932-33 against five in 1931-32 and four in 1930-31. The percentage of individual excesses, votable and non-votable, varied from .16 per cent to 4.24 per cent under heads of expenditure charged to Revenue and from 1.99 per cent to 43.52 per cent under heads of expenditure charged to Capital.

As regards savings, they varied from .09 per cent to 382.50 per cent under individual heads, the biggest savings occurring under the revenue grants 4 and 6 and the capital grants 7, 8 and 15. Taking the total railway expenditure both voted and non-voted, there was a saving of 37 lakhs or .38 per cent under expenditure charged to revenue and a saving of 2.66 lakhs or 13.6 per cent under capital expenditure. The position in this respect compares as follows with the last two years :—

Expenditure charged to Revenue.			
(Excluding appropriations to and from the Reserve Fund.)			
(Lakhs of rupees.)			
Year.	Final grant and appropriation.	Savings.	Percentage of column (3) to column (2).
1	2	3	4
1930-31	1,05.11	—2.98	2.83
1931-32	1,01.38	—4.24	4.18
1932-33	97.36	—37	.38
Expenditure charged to Capital.			
1930-31	25.74	—1.14	4.39
1931-32	29.18	—4.95	16.96
1932-33	19.55	—2.66	13.60

We agree with the Auditor General that as the conditions of the year were abnormal—large departures from the budget programme were necessitated by financial difficulties—and as the demands for grants continued in the year in a form which has been condemned and has been superseded in 1934-35, no definite conclusions can be drawn from the results of the appropriation audit of the year. We are glad to note that, in spite of these difficulties the Director of Railway Audit has not reported any important failure

Excesses over voted grants.

6. The excesses over voted grants which require to be regularised by excess votes of the Legislative Assembly are shown below :

Demand No.	Final grant.	Actual expenditure.	Excess.
	Rs.	Rs.	Rs.
2. Inspection	71,000	74,008	3,008
3. Audit	12,24,000	12,52,640	28,640
9. Appropriation to Depreciation Fund	13,31,00,000	13,33,15,627	2,15,627
10. Appropriation from Depreciation Fund	14,94,16,000	16,57,63,635	1,63,47,635

The excesses under demands Nos. 2 and 3 were mainly due to larger payments of gratuities and leave salaries. The expenditure under Demand No. 9 is not controllable and the excess is very small being less than one-sixth of 1 per cent. It is due to special difficulties met with in framing a proper estimate. The excess under Demand No. 10 was due to the fact that the actual works expenditure debitable to the Depreciation Fund and the temporary loan from the Fund to meet the deficit were more than anticipated.

Reappropriations not made in accordance with prescribed rules.

7. Under rule 52 (2) (ii) of the Indian Legislative Rules we are required to bring to the notice of the Legislative Assembly every reappropriation within a grant which is not in accordance with such rules as may be prescribed by the Finance Department. We give below the cases brought to our notice by the Director of Railway Audit :

- (1) On the South Indian Railway and the Great Indian Peninsula Railway certain reappropriations were sanctioned from the sub-head "Payment to the Income-tax Department" which required the previous approval of the Railway Board.
- (2) On the same two railways as well as on the Madras and Southern Mahratta Railway reappropriations were sanctioned from the sub-head "Track Renewals" which also required the previous approval of the Railway Board.
- (3) On the South Indian Railway a reappropriation was sanctioned to meet expenditure which had not been sanctioned by the Railway Board.
- (4) The Assam Bengal Railway, the Bengal Nagpur Railway, the Bengal and North-Western Railway, the Burma Railways, the Jodhpur Railway and the Madras and Southern Mahratta Railway assumed that certain authorisations of expenditure sanctioned by the Railway Board in excess of the allotment were actual additional allotments sanctioned by the Railway Board and made formal reappropriations which were irregular.

Comments on matters arising out of the accounts for 1932-33.

8. *Date of issue of the Financial Commissioner's Review.*—In paragraph 12 of the Report on the accounts for 1931-32, the Public Accounts Committee agreed that in view of the difficulties pointed out by the Financial Commissioner it was enough if his Review was ready in time for consideration by the Auditor General before he wrote his letter on the Appropriation Accounts. The question has again been raised by the Auditor General in his letter on the Appropriation Accounts (Appendix I) where he says that "to promote materially the convenience and efficiency of the Public Accounts Committee" and in order to avoid overlapping it is absolutely necessary that the report of the Director of Railway Audit should be written only after the Financial Commissioner's Review is available to him. The Financial Commissioner agreed that he would try to give the Review to the Director of Railway Audit by the middle of April from next year.

In this connection the Auditor General raised the question whether the summary of the financial results and the provisional balance sheets of collieries of the succeeding year prepared by the Financial Commissioner for presentation to the Committee might not be discontinued, as they had fulfilled the purpose for which they were originally designed. We accept the Auditor General's proposal, but the Financial Commissioner should, while giving evidence before the Committee, be in a position to give the Committee any information which they might require regarding the results of the subsequent year.

9. *General question of the treatment of the Depreciation Fund.*—We were informed that there were two questions involved :

(1) the allocation of expenditure to capital, Depreciation Fund and to revenue, and

(2) the method of calculating the contribution to the Depreciation Fund.

We understand from the Financial Commissioner that no conclusion has yet been arrived at as regards the first question, but, as regards the second question, the present method, though theoretically probably justifiable, in practice it cannot be considered as leading to accurate results, and the time utilised for keeping up the registers, etc., appeared to be an absolute waste. Without entering into the question as to whether the present contribution to the Depreciation Fund is adequate or inadequate it has been suggested that the method of calculation should be simplified, and that it should be based, as recommended by the Auditor General two years ago, on the capital at charge of the Railways. We recommend that the proposal should be formally put to the Auditor General in writing as desired by him, and he should be given an opportunity of examining exactly what changes are involved and whether he could accept them, and if he is satisfied with the proposed change, effect should be given to it without further reference to the Public Accounts Committee; but a report should be made to them.

10. *Allocation of expenditure on rolling stock on company-managed railways.*—A memorandum (Appendix IV) was circulated to us by the Railway Board, in which it has been explained that a draft convention on the subject was forwarded to all company-managed railways in June 1932 and that they were asked to obtain the concurrence of their Board of Directors, but most of the companies had not yet accepted it. We accept the Auditor General's suggestion that at the next annual meeting of the Agents the Railway Board should try and get as great a measure of agreement as possible, and if they fail, the Agents of company railways should be permitted to make their own proposals as regards allocation which the Government Examiner would examine, and if he thought that the proposed allocation did not satisfy the general conditions laid down by the Railway Board, the matter should be reported to the latter who would determine the question with reference to the contracts with the individual railways.

11. *New Service.*—We have carefully examined the two items of doubtful cases of new service mentioned in the memorandum furnished by the Auditor General, viz.,

(1) construction of a ring bund at Damukdia, and
(2) regirdering the track of the Delhi-Jumna Bridge on the North-Western Railway.

We consider that both the items should not be treated as items of new service.

In this connection the Auditor General raised the question whether the practice of furnishing the Committee with a memorandum of doubtful cases of new service, which was initiated in order to build up a certain amount of case law, need not be discontinued. He informed us that all his principal Auditors throughout India had most meticulous instructions as to how to identify cases of new service and if the accounts of any year included items of new service, which were undertaken without obtaining a specific vote from the legislature, such items would in the ordinary course be included in the Audit Report. In the circumstances, we agree to the discontinuance of a separate memorandum on the subject.

12. We append to our report minutes of the proceedings, which we consider should be treated as part of the report. We assume that, in accordance with the established practice, action will be taken by the department as necessary on the observations and recommendations contained in these proceedings.

P. J. GRIGG.

M. C. RAJAH.

T. N. RAMAKRISHNA REDDI.

S. C. MITRA.

K. UPPI.

ISMAIEL ALIKHAN.

B. DAS.

SHER MOHD. KHAN.

R. D. DALAL.

K. SANJIVA ROW,

Dated the 20th August, 1934.

PROCEEDINGS OF THE COMMITTEE.

Proceedings of the Eighth* Meeting of the Public Accounts Committee held on Wednesday, the 4th July 1934, at 11 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Mr. T. N. RAMAKRISHNA REDDI.

Mr. K. UPPI SAHEB Bahadur.

Kunwer HAJEE ISMAIEL ALIKHAN.

Mr. B. DAS.

Maulvi Sir MOHAMMAD YAKUB.

Dr. R. D. DALAL.

Members.

* The first six Meetings were held in connection with the Appropriation Accounts relating to Civil, Military and Posts and Telegraphs. At the Seventh Meeting held on Tuesday, the 3rd July, at 2-30 P.M., the draft Report on the Accounts of 1931-32, Part II (Railways), was adopted by the Committee.

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. T. K. RAJAGOPALAN, Director of Railway Audit.

} Were also present.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. T. S. SANKARA AIYAR, Director of Finance, Railway Board.

Mr. B. N. MITRA, Controller of Railway Accounts.

} Witnesses.

1. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Railway Department.

2. *Date of issue of Financial Commissioner's Review.*—The question of the date of issue of the Review by the Financial Commissioner was considered by the Committee last year when, in view of the difficulties explained by the Financial Commissioner, the Committee agreed that it would be enough if the Review was ready in time for consideration by the Auditor General before he wrote his letter on the Appropriation Accounts. The question was again raised by the Auditor General this year and for the reasons given by him in paragraphs 3 and 4 of his letter (*Appendix I*) he considers that it is absolutely necessary that the Report of the Director of Railway Audit should be written only after the Financial Commissioner's Review is available to him. The Financial Commissioner agreed that he would try to give the Review to the Director of Railway Audit by the middle of April from next year. The Committee also agreed to the suggestion of the Auditor General that the summary of the financial results and the provisional balance sheets of collieries of the succeeding year need not in future be prepared by the Financial Commissioner for presentation to the Committee as they have fulfilled the purpose for which they were originally designed, but the Financial Commissioner should, while giving his evidence, be in a position to give the Committee any information which they might require regarding the results of the subsequent year.

3. *Paragraphs 95 and 96 of the Financial Commissioner's Review—Excesses requiring regularisation.*—The Committee accepted the explanations for the voted excesses in Grants Nos. 2, 3, 9 and 10 and non-voted excesses in Grants Nos. 1, 3, 7, 8, 11 and 14.

4. *Irregular Re-appropriations.*—The Committee went through the irregular re-appropriations mentioned in paragraph 28 of the Report of the Director of Railway Audit and came to the conclusion that none of them was important from the point of view of the Committee.

5. *Paragraph 5 (2) of the Auditor General's letter—General question of the treatment of Depreciation Fund.*—The Committee was informed that there were two questions involved (1) the allocation between the Depreciation Fund and capital in the case of renewals and replacements, and (2) the exact method of calculating the contribution to the Depreciation Fund. No conclusion had yet been arrived at as regards the first question, but, as regards the second question, the Financial Commissioner explained that the present method, though theoretically probably justifiable, in practice could not be considered

as leading to accurate results and the time utilised for keeping up the registers, etc., appeared to be an absolute waste. Without entering into the question as to whether the present contribution to the Depreciation Fund was adequate or inadequate it was suggested that the method of calculation should be simplified and that it should be based, as recommended by the Auditor General two years ago, on the capital at charge of the Railways. The Auditor General desired that the proposal, which he heard for the first time in the Committee, should be formally put to him in writing and that he should be given an opportunity of examining, in consultation with the Director of Railway Audit and the Controller of Railway Accounts, exactly what changes are going to be involved and whether he could conscientiously accept them as Auditor General. The Committee after considerable discussion agreed that if the Auditor General was satisfied with the proposed change, effect should be given to it without further reference to the Committee, but that a report should be made to them.

6. *Paragraph 5 (3) of the Auditor General's letter—Allocation of expenditure on rolling stock on Company-managed Railways.*—A memorandum (*Appendix IV*) was circulated to the Committee by the Railway Board in which it was explained that a draft convention on the subject was forwarded to all Company-managed Railways in June 1932 and that they were asked to obtain the concurrence of their Board of Directors but most of the Companies had not yet agreed to it. The Auditor General suggested that, at the next annual meeting of the Agents, the Railway Board should try and get as great a measure of agreement as possible and if they failed, the Agents of Company-managed Railways might be permitted to make their own proposals as regards allocation, which the Government Examiner would examine, and, if he thought that the proposed allocation did not satisfy the general conditions laid down by the Railway Board, the matter should be reported to the latter who would determine the question with reference to the contracts of individual Railways.

7. The Committee then adjourned till 2-30 P.M.

Proceedings of the Ninth Meeting of the Public Accounts Committee held on Wednesday, the 4th July 1934, at 2-30 P.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Mr. T. N. RAMAKRISHNA REDDI.

Mr. K. UPPI Saheb Bahadur.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YAKUB.

Dr. R. D. DALAL.

} Members.

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. T. K. RAJAGOPALAN, Director of Railway Audit.

} Were also present.

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Sir GUTHRIE RUSSELL, Chief Commissioner of Railways.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. T. S. SANKARA AIYAR, Director of Finance, Railway Board.

Mr. B. N. MITRA, Controller of Railway Accounts.

Witnesses.

8. *Paragraph 5 (4) of the Auditor General's letter—Question of productivity of Railway expenditure and the comparison of the financial results actually achieved with those anticipated.*—The Committee was informed that (1) the Railway Board, after discussion with Agents, have instructed them that tests to judge the productivity of capital expenditure should be applied to projects undertaken with the object of increasing earnings or reducing expenditure and that the duty of making these tests could be entrusted, under the general direction of the Agent, to the Accounts Department of the Railway which would work in consultation with other Departments of the Railway, (2) they have asked Railways to lay down definite principles as far as possible regarding the method to be employed in carrying out such tests and also in regard to the form in which schemes should be prepared so that the various items of expenditure thereon could be readily decided as to their productivity and (3) they have also circulated to Railway Administrations certain information in regard to the method adopted on the London Midland and Scottish Railway of testing the results obtained from capital expenditure on new works.

9. *Paragraph 5 (5) of the Auditor General's letter.*—The Committee agreed with the Financial Commissioner that the suggestion of the Director of Railway Audit that certain items of capital represented by assets not in use or by no tangible assets should be written off was hardly a practical proposition. The Committee was also of opinion that there was no point in writing off some of the items which had become valueless if simultaneously those assets, which had become more valuable, were not written up.

10. *Paragraph 5 (6) of the Auditor General's letter and paragraph 160 of the Report of the Director of Railway Audit—Apparent delay in the reduction of schedule of rates on the Eastern Bengal Railway.*—The Chief Commissioner explained that the changing of rates was a very complicated matter and a period of six months did not appear to him to be unreasonably long.

11. *Paragraph 5 (7) of the Auditor General's letter and paragraph 161 of the Report of the Director of Railway Audit—Apparently excessive rates paid for paint work on the Eastern Bengal Railway.*—The Chief Commissioner informed the Committee that no comparison could be made between the two rates as they were for two entirely different kinds of work. It was purely a matter of opinion as to which kind of work was cheaper in the long run.

12. *Paragraph 5 (8) of the Auditor General's letter and paragraph 162 of the Report of the Director of Railway Audit.*—The Committee was informed that in this case there was no modification of the terms of the contract but only in the original tender terms. The original tender documents specified English cement to be supplied by the Railway at a certain price but on a representation from the contractor he was allowed to use Indian cement. It was admitted that the contractor gained by the concession but contended

that, even so, the contract as a whole was an advantageous one from the point of view of Government. The position has been fully explained in the memorandum furnished to the Committee by the Railway Board (*Appendix V*).

13. *Paragraph 5 (12) of the Auditor General's letter and paragraph 211 of the Report of Director of Railway Audit.*—The Financial Commissioner agreed to exhibit separately in the Appropriation Accounts figures for ordinary stores, stores for special works and surplus stores, as desired by the Auditor General.

14. *Paragraph 5 (13) of the Auditor General's letter and paragraphs 244 and 250 of the Report of Director of Railway Audit—Overpayments to establishment.*—The Committee was informed that the Railway Board had issued instructions impressing on all Railway Administrations the necessity of taking special care to see that the orders issued from time to time were properly studied and correctly applied by the staff concerned.

15. *New Service.*—The Committee then took up the Memorandum (*Appendix II*) of doubtful cases of "new service" appearing in the accounts for 1932-33, furnished by the Auditor General. After considerable discussion the Committee came to the conclusion that the two items mentioned in the Memorandum, viz., (1) construction of a ring bund at Damukdia and (2) regirding the track of the Delhi Jumna Bridge on the North Western Railway were not items of new service. The Auditor General then raised the question whether the practice of furnishing the Committee with a Memorandum of doubtful cases of new service, which was initiated in order to build up a certain amount of case law, should not be discontinued. He informed the Committee that all his principal Auditors throughout India had most meticulous instructions as to how to identify cases of new service and if the accounts of any year included items of new service, which was undertaken without obtaining a specific vote from the legislature, such items would in the ordinary course be included in the Audit Reports. In the circumstances, the Committee agreed to the discontinuance of a separate memorandum on the subject.

16. The Committee then adjourned till 11 A.M. on Thursday, the 5th July 1934.

Proceedings of the Tenth Meeting of the Public Accounts Committee held on Thursday, the 5th July 1934, at 11 A.M.

PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Mr. T. N. RAMAKRISHNA REDDI.

Mr. K. UPPI Saheb Bahadur.

Kunwer HAJI ISMAIEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YAKUB.

Dr. R. D. DALAL.

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Members.

Sir ERNEST BURDON, Auditor General.
The Hon'ble Sir ALAN PARSONS, Finance Secretary.
Mr. T. K. RAJAGOPALAN, Director of Railway Audit. } Were also present.

Sir GUTHRIE RUSSELL, Chief Commissioner of Railways.
Mr. P. R. RAU, Financial Commissioner, Railways.
Mr. T. S. SANKARA AIYAR, Director of Finance, Railway Board.
Mr. B. N. MITRA, Controller of Railway Accounts. } Witnesses.

17. *Memorandum on the Financial Results of the Bombay Electrification Schemes.*—The Committee after considerable discussion came to the conclusion that in view of the present depression no definite conclusions could be drawn but noted that at present the percentage of net savings on the G. I. P. Railway did not cover the interest charges on the net capital outlay, but that in the case of the B. H. and C. I. Railway the net savings were more than the interest charges on the net capital outlay. They desired that the figures in the Memorandum (*Appendix XII to P. A. C.'s Report for 1931-32, Part II*) should be revised every year and placed before the Committee at least for the next two or three years.

18. Mr. Das desired that the statistics at present given in Appendix C to the Summary of the Results of working of Indian Railways for 1933-34, which would be discontinued from next year, should be included in the Financial Commissioner's Review.

19. The Committee then discussed with the Chief Commissioner the Administration of Railways in general and some of the recommendations of the Pope Committee.

20. The Committee agreed to the suggestion of the Finance Secretary that the Appropriation Accounts of individual Railways need not in future be printed and circulated to the members of the Committee.

21. The Committee then adjourned and decided to meet some time during the session of the legislature to consider the draft report of the Military Accounts Committee and the draft report of the Public Accounts Committee*.

THE INDIAN IRON AND STEEL DUTIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Indian Iron and Steel Duties Bill. It will be perhaps convenient if the House first takes up clause 4 which levies an excise duty on steel. Clause 2 gives power for imposing an additional duty and clause 3 simply relates to the Schedule. Therefore, if the Honourable the Commerce Member has no objection, clause 4 may be taken up first.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : I have no objection, Sir.

* The draft Reports of the Military Accounts Committee and the Public Accounts Committee were adopted by the latter at its meeting held on Saturday, the 18th August 1934, at 3 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : Has the Leader of the Opposition any objection?

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I have no objection.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 4 stand part of the Bill."

Dr. Ziauddin Ahmad. Amendment No. 10.

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : May I just raise a point, Sir? In the Select Committee, we took up first the Schedule and then clause 4, because the general opinion in the Committee was that after discussing the Schedule they would be able to know what would be the loss to the Government revenue and then we could settle what should be the incidence of duty.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Schedule contains duties to offset the excise duty, and unless the House takes a decision whether there should be an excise duty or not, there is no point in taking up the Schedule.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

"That clause 4 of the Bill be omitted and the subsequent clauses be re-numbered accordingly and consequential amendments be made in the Bill as well as in the Schedule."

My intention in moving this amendment is that there should be no confusion between the revenue duties and the protective duties. We should consider the protection business as a distinct proposition and quite apart from the revenue duty which is levied for revenue purposes. There ought to be an entirely separate Bill for the revenue duty and we should consider the position from the revenue point of view alone. In this Bill there has been a great deal of confusion by mixing the revenue and protection together. We know very well that the revenue duty can be utilised for the purpose of protection as well. Therefore, in the first instance, we give a full protection duty and then we put down a revenue duty for revenue purposes alone, and this, to my mind, leads to a confusion. We should take up the question of protection by itself and see what protection we are prepared to give to this industry. If, after giving the protection, the Finance Member is of opinion that for general expenditure some revenue should be collected from this particular source, then let him come forward with a separate Bill and propose this revenue duty. The usual time for a revenue duty is the 28th of February and I think we are now departing from the well-established principle by putting this revenue duty at all times of the year. Therefore, my submission is that we should remove the question of revenue duty from this Bill altogether and consider it in a distinct and separate Bill and then probably the Finance Member will be able to show why he needs that money. For that Bill the Finance Member alone should be responsible and not the Commerce Member. He should lay before us an estimate

[Dr. Ziauddin Ahmad.]

of expenditure and also an estimate of income and he should show that so much money is absolutely necessary in order to meet the expenditure and such and such revenue duty is essential. That is a thing which we ought to consider. Here we have come to the process of protection. We know that this House cannot refuse protection to the steel industry and Government have taken advantage of this fact by mixing up with it a new Bill which is entirely for revenue purposes and I think this is not justifiable. I do not wish to argue at the present moment on the intrinsic value of the proposition whether the excise duty of rupees four per ton is or is not necessary for revenue purposes. That is a point which we can consider separately. But I do object and object very strongly that we ought not to mix in this particular Bill the protection and the revenue duties together. We should first of all consider and decide definitely what protection we should give to the steel industry. It is a proposition by itself. If, after giving this protection, the Finance Member thinks that a duty should be levied for revenue purposes, then let him come forward with some definite proposition separately and then we will consider that proposition on its merits as to whether the country needs it and whether an additional taxation on the consumers of this country for revenue purposes is justifiable. It is essential that such duties should be both on home products and on imports. But, in the present instance, all the responsibility of the Finance Member has been shoved on the Commerce Member and no case has been made out that this additional duty is required. Therefore, I should have very much liked that this revenue duty should be levied in a separate Bill so that we may be justified in levying a new duty on the imports and a corresponding excise duty on the articles manufactured in this country. That would really be the right way of doing things, but as the Government was in a great hurry they had absolutely no time to swallow and digest all the facts, and that is evident from the manner in which proposals have been rushed through. It is also clear from the fact that they never examined even the balance-sheet of the Tata Company for this protection and it is also evident from the fact that they have not succeeded in laying even before the Select Committee the volume of evidence on which the Tariff Board has come to this conclusion. They are hurrying this measure very much. Sir, it would have been very much better if they had continued the operation of the old Act for another six months as they did last time in 1933. In this way they would have got time to digest the whole thing and then they would have been in a better position to come before the Assembly with some definite conclusions. They could then have come before us with two Bills—one providing for protection and the other levying duties for revenue purposes. With these words, Sir, I beg to move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) :
Amendment moved :

"That clause 4 of the Bill be omitted and the subsequent clauses be re-numbered accordingly and consequential amendments be made in the Bill as well as in the Schedule."

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, as one who has given notice of a similar amendment, I have great pleasure in supporting the amendment moved by

my Honourable friend, Dr. Ziauddin Ahmad. Sir, I entirely agree with the remarks made by my Honourable friend on the question that, on principle, the Government ought not to introduce the excise duty in a protection Bill. It is entirely a finance measure and it must come only in the shape of a Finance Bill. Sir, I also support the amendment on the merits of the proposal itself. The object of the Government is to levy an excise duty on steel ingots made in this country. Steel ingots is a raw product for the manufacture of so many other articles of iron and steel. So, even according to the Fiscal Commission recommendation, raw products ought not to be taxed with excise duty. It is really a hurdle for the Indian industry to develop and to compete with other foreign industries. It cannot be said that there is over-production of this particular item of product. The excise duty can be justified only when there is over-production of a particular product or when there the industry brings excess profits. The other day, the House passed a measure for excise duty on sugar on the consideration that there was over-production of sugar in a short time, and also that large profits were being made by the industry and also because of the special consideration that 25 per cent. surcharge over and above the protection duty was imposed. The Government got back by way of excise duty the excess of protection that is given under the surcharge over the protective duty recommended by the Tariff Board. That is all what was meant by the sugar excise duty. But here no such considerations prevail. The industry is in a nascent condition and there is not over-production nor over-profiteering nor is the particular item a thing which ought to be prohibited. The Government might say that they have got proposed countervailing import duties to off-set this extra amount of burden. But that countervailing duty according to the Bill as drafted—I am not talking of what the Bill will be after it has been amended—this countervailing duty does not affect the most important articles, the imported articles such as galvanized sheets and structurals. This will not affect these things at all. For all these reasons, I have great pleasure in supporting this amendment that the excise duty ought to be removed from the Bill.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir I had also tabled an amendment similar to the one moved by my Honourable friend, Dr. Ziauddin Ahmad, and I, therefore, heartily support this amendment. The reason assigned for the imposition of this excise duty is that there is a loss of revenue consequent upon the adoption of the proposals contained in the Tariff Board report and that revenue must be made up somehow or other and the excise duty is the only way of doing it. I say the only way of doing it, because the Honourable the Finance Member the other day said that this excise duty forms a vital part of this Bill which, interpreted by the Honourable the Leader of the Opposition, was that, if this excise duty is not passed by this House, the Bill itself will be dropped. The first and the most important thing is how much revenue has been lost which they want to make up by means of this excise duty. So far as I remember, the Tariff Board reported that the deficiency will be 60 lakhs. But the Finance Department has reduced it to 30 lakhs. How much is the actual loss no one knows except the *ipse dixit* of these two bodies. Where are the materials upon which they have come to this conclusion that the loss caused by the proposals in the Tariff Board report would be 30 lakhs and would not be 10 lakhs or would not be

[Raja Bahadur G. Krishnamachariar.]

anything less than that, so that the incidence of the excise duty may be determined with reference to the actual amount that is required to be made up. Ordinarily excise duties and other duties of this sort should have been made in the course of the Budget proposals, but in this case no doubt there is a special circumstance, because this thing did not come into existence at the time when the Budget was presented. The difficulty is this. At present you have no idea of the whole picture and of the resources and of the demands made upon the revenues of the Government of India in order to be able to conclude as to whether this excise duty is temporarily required, and, if so, what should be the rate at which that duty should be levied. It has been said—and I do not want to repeat it—that there are no materials upon which we should go on; my Honourable friend, the Member in charge of the Bill, said that this duty will not be continued for one day longer than is absolutely necessary and until the resources of the Government of India allow the abolition of this duty. Sir, I do not know when the Government of India resources are going to allow the abolition of this duty, but I know this, that once a duty is imposed some how or other, that duty is never wiped out. I have lived long enough to remember the first initiation of the Income-tax Act during the Viceroyalty of Lord Dufferin when it was stated that the income-tax was imposed in order to make up for the deficit caused by the Burmese War and we have travelled a long way out of that. I can well remember when I was in college, Lord Dufferin visited Trichinopoly and triumphal arches with the slogan “cannot income-tax be abolished” greeted him all along the route from Trichinopoly to Srirangam. That was in 1887 or 1888 and today we are in 1934, only four years more to make up half a century. What is the result? Time after time, the Income-tax Act was revised and the chord was drawn tighter and tighter round the neck of the Indian people, and whenever the Government wanted funds they thought that this two thousand limit was too high, and, therefore, they said that we will have one thousand. I know at one time we had the limit up to Rs. 500 and it was a mercy that it was raised to Rs. 2,000. Now, again, it has come to Rs. 1,000. The surtax and all those adjuncts of the income-tax, together with the extraordinary procedure adopted by the Income-tax Act, we have now experienced. We all know that once an Income-tax Officer imposes a duty, there is absolutely no power on earth which would help the assessee to get out of the grip of the assessment. That is the way in which the promise of Government that it shall not continue one day longer than is absolutely necessary is actually fulfilled. I do not say there is any wrong intention in that. I do not say that the Government wilfully make a false statement or a statement which they knew could not be fulfilled. What I do say is a fact which is patent in the annals of the tax-imposing history and record of the Government of India. Where is there any guarantee that this excise duty will be abolished even if the resources of the Government of India happen to clear up on one side. Sir, the Government of India's resources are perpetually on the wrong side. (Hear, hear.) Sir George Schuster, in one of his speeches, I think it was the Budget speech, said referring to the return of prosperity to this country that we have turned round the corner. I am afraid we have not turned round the corner. I am afraid we are now looking towards the corner and trying to look round the corner and I do not think we have defi-

nitely turned, and, so far as circumstances go, I do not want to be a prophet, unless you know the whole thing you cannot judge of the future from the existing circumstances and conditions. There is absolutely no chance for this duty being wiped at least for the next 18 months, and, after that, we do not know what will happen? “Sufficient unto the day is the evil thereof”. I would, therefore, respectfully submit that until this House is satisfied that they want this excise duty by reason of the fall in the revenue, until all the materials are placed before us and until this House is in a position to determine for itself that such a thing is absolutely necessary, it is not right, and I will ask this House not to accede to the proposals made by Government.

Sir, I heard that during the discussions in the Select Committee in order to determine whether it is necessary to impose this excise duty or not, they first looked up the Schedules and tried to find out if they could not scrape off a few lakhs of rupees in order at least to reduce the incidence of this excise if they could not completely wipe it out. I do not know what happened; it is not possible for me to know what items of the Schedule were examined and what is the result of the whole thing. The fact is that they had made up their minds to say that if this excise duty were not agreed to, the protection would not be given. That is not the way to treat this House. You must tell us why you want this and what attempts you have made in order to recoup your revenue by other means before you impose fresh taxation. That procedure has not been followed, and I say that in the absence of that procedure or in the absence of any information regarding the same, I respectfully submit that this excise duty ought to go out of this Bill, and I ask the House to reject this proposal.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammaddan) : Sir, I have great pleasure in supporting this amendment. In fact, Sir, one feels that we are having excise after excise and that has become the order of the day. We had an excise on sugar, we had an excise on matches, we had an excise on mechanical lighters and now we have an excise on steel. One has to examine the justification for this measure. The odd combination which this Bill presents to the House is at once apparent. On the one hand it is said that this iron and steel industry is such a national concern that we must protect it from cheap goods from outside and that we must see to it that this industry is allowed to grow up for the benefit of the country at large. Well, Sir, protection in a fairly large measure has been granted to the iron and steel industry during the last six or seven years, and we propose to continue that protection for the next few years to come. Then, Sir, what is the justification of the excise? Excise is, so to say, levied on the products of this very concern for whom the taxpayer is asked to pay as a measure of protection a good deal of bounty. The two are, from my way of looking at it, inconsistent. If the thing is worth protecting and you erect a tariff wall for its protection, there should be some point in levying an excise on this very concern. There can be three alternatives. You might say you levy an excise because protection has led to profiteering. From the report of the Tariff Board and other material available to us,—and I suppose my Honourable friend, Mr. Mody, will be able to say whether they are busy in profiteering or they are only getting on,—it is not because of profiteering that this excise is levied. Then, Sir, the two other alternatives are either political considerations or the de-

[Mr. Jagan Nath Aggarwal.]

mands of the revenue. So far as the demands of the revenue are concerned, the resources of the Government of India and the various directions in which they can expand are so many and so various that this little impost of a sum of 30 lakhs of rupees is certainly not one of those important avenues for raising revenue which would be looked to for filling any gaps in the revenues of the Government of India. All that one can say is that this excise has been put in as a countervailing duty to the impost of ten per cent. on British steel. Well, Sir, it reminds me of a long forgotten duty, the countervailing excise duty on textiles. In the early nineties when that countervailing excise duty on Indian made cloth was levied, it was the result of a duty levied on British cotton goods imported into this country. The argument was like this. Ordinarily cotton goods are entitled to come into this country duty free. If you are going to levy a duty on British goods, you should not leave the Indian mills free to make money in this country, regardless of the fact that Indian mills exist for India and other mills do not exist for India. Well, Sir, this argument appealed, and since Lancashire had the ear of the Secretary of State in the matter of directing operations from abroad, that duty remained, much against the wishes of the Indian people, till ultimately when the mill industry was in a very sad plight, that duty was removed.

Diwan Bahadur A. Ramaswami Mudaliar (Madras city : Non-Muhammadan Urban) : And that is now coming back.

Mr. Jagan Nath Aggarwal : As a result of the Round Table Conference or what ? Anyway, Sir, whether it is coming back or not we shall see ; in fact it is a part of the system of excise duties that are coming up every day. But one would like to see the justification for this measure. I would say that it is an odd combination of putting in excise and putting in protection at the same time ; and all that the Select Committee has been able to do is to tinker with the position, because it had been made fairly clear that if you want protection you shall have to swallow the excise. If that is so, all that we can do is to register our protest against this inequitable impost and we say that no occasion has arisen for levying this excise duty, and the juxtaposition of these two duties in this Bill is very unfair.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, there is just one remark that fell from my Honourable friend, Dr. Ziauddin, with which I am not in complete agreement, and that was when he said that this Bill has been considered in haste and was hurried through this House. Perhaps the Honourable Member, Dr. Ziauddin.

Dr. Ziauddin Ahmad : I am sorry, but I never said it was hurried by this House ; I said it was hurried by Government themselves without giving us the necessary material.

Sir Cowasji Jehangir : My Honourable friend, Dr. Ziauddin, will remember that Government extended the present Act to enable them to consider their proposals with the greatest care and the greatest precision. Therefore, I do not think it is possible to either accuse Government or the Select Committee or anybody of undue haste. It was refreshing to find another Honourable Member who supported this amendment informing the House that there was no profiteering with regard to

the Steel Company. My Honourable friend, Dr. Ziauddin, who occupied over 50 minutes yesterday, tried to make out that there were invisible profits which were only visible to himself but, I am glad to find, are not visible to other Members. But there is just one point about this excise duty which I should like to emphasise. A great deal has been said in this House about the burden on the consumer. When an industry is protected necessarily some burden does fall upon the consumer and the consumer and the country are prepared to bear that burden in the hope of getting a handsome return in the future in more than one direction. As regards the excise duty, this burden has been increased not for the purpose of protecting the industry : the public must clearly understand that. I hope that there will be nobody in this House or in the country at large who believes that the price they will have to pay for their steel in India in future is necessary in order to protect the steel industry. Government found that protection to the steel industry in the past was a gold mine for themselves, and not desiring to lose that gold mine when lesser protection was required, they have found ways and means of increasing the burden on the consumer for their own purposes ; and, therefore, when the people of this country in the future will be called upon to bear certain burdens, let them clearly understand that the whole burden is not paid for the protection of the industry. A part is paid for the protection of the industry and a part is paid to increase the revenues of this country. That is a point which must be made perfectly clear in this House and to the public at large. I do not want to go into the question of this excise duty on its merits. I understand that a large majority of the Select Committee agreed to this excise duty as a compromise (*An Honourable Member* : "Not a large majority"), and I am prepared to stand by any compromise that my friends may have made in the Select Committee. I must state that I am connected with the Steel Company, I am one of those unfortunate beings whom my Honourable friend, the Doctor, damned yesterday—I am a shareholder,—I am prepared, as far as I am concerned, to stand by any compromise which the Select Committee may have arrived at, and, therefore, personally I am not going into the question of this excise duty on its merits. But I will repeat that the House and the public must clearly understand that the price they will pay for steel in future will not be due only on account of protection.

My Honourable friend, the Doctor, who always studies questions that come before this House with great care, is sometimes given to postponing the study of those questions till the night before, when with his usual energy he burns the midnight oil and comes forth the next morning having had a sleepless night, with figures galore and with facts, may I state, sometimes rather confused. He will excuse me if I tell him that these questions require a little deeper study, and even a mathematician of his standing and reputation requires a little more than twelve hours to study the whole question, and, therefore, during the remaining part of the debate on this Bill, I trust the Doctor will spare us facts and figures : he has given us ample facts and figures, and I hope he will spare us any more.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, the question has been raised whether it is proper to put excise duty in a Bill for protection. My friend, the Honourable Dr. Ziauddin Ahmad,

[Mr. Vidya Sagar Pandya.]

says that, if this had come after protection had been granted, probably he would have agreed to the excise duty....

Dr. Ziauddin Ahmad : No, I did not say that. I said I would have probably agreed if the Finance Member had been able to make out a case that additional income was needed.

Mr. Vidya Sagar Pandya : My friend, the Honourable Sir Cowasji Jehangir, has spoken about certain compromises : I do not know where those compromises were made and what were the terms of the compromises. But I have heard of certain stories—or rather newspaper reports somewhere, that if the Members of the Select Committee agreed to the imposition of the excise duty, then the Government would agree to put a ten per cent. duty on British steel products. I would like to know if this House, by any fluke of voting, happens to reject the excise duty, is the Government also going to bring forward an amendment to remove the ten per cent. duty on British goods, proposed by the Select Committee ? Are they bound by the compromise and was any compromise entered into ? If any such compromise was even contemplated it would amount to political corruption (Opposition Cheers):...

Sir Abdur Rahim : May I give the information to the Honourable Member as I was a Member of the Select Committee that there was no compromise and no bargain ?

Mr. Vidya Sagar Pandya : I am very glad to learn from my Honourable friend, the Leader of the Opposition, that there was no compromise. I do not know how the newspapers got the information—probably they are busy-bodies and they must find something to write about ; and, because there was no such compromise, I have nothing further to say.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, I have also been watching the proceedings on this Bill. At the first stage, we heard a lot against the imposition of the excise duty on the products of the Steel Company ; but I find that in the Select Committee there was no such opposition to the imposition of that excise duty. On the other hand what we find is that upon British products the protection has been, by some arrangement, raised to an appreciable extent. That gives rise to a suspicion in our minds as to why this change has taken place in the attitude of those who were opposing the excise duty. Just now our Honourable friend, Sir Cowasji Jehangir, has told us that there was some compromise in the Select Committee ; but it appears that this compromise was not made to the knowledge of Honourable Members of the Select Committee as our esteemed Leader, Sir Abdur Rahim, has just put it....

Mr. President (The Honourable Sir Shanmukham Chetty) : So far as the House is concerned, it cannot take note of any compromise that has been arrived at.

Maulvi Muhammad Shafee Daoodi : But that is what appears from the report of the Select Committee as I have just now shown to the House. It appears that any arrangement that was made between the imposition of the excise duty and the raising of the protection duty was done with the consent of some Members of the Select Committee, not with the consent of all. That is the inference that can reasonably be drawn from the facts on record. Now, could we see that yesterday also, in the course of the discussion on this Bill, save a few gentlemen, those who had spoken against the excise duty in the first instance did not open their lips against it. They did not even suggest whether this excise duty was wrong in principle. It appears, Sir, that there seems to have been some understanding, if not a compromise, arrived at between the Government and the Tatas. If this understanding had been to the benefit of the people at large, I would have had no objection at all. But I find that by this understanding the consumers are going to be hit and greatly hit, and that is the reason why I take the strongest exception to this sort of understanding. It is obvious that the consumer would have to pay the excise duty as well as the protection duty which has been raised to ten or 20 per cent. in some cases,—he will have to pay those ten per cent. or 20 per cent. in some. This attitude of the Government is not at all satisfactory and, therefore, I take very strong exception to it, and I hope that the House will see that the attempt of the Government or of Tatas which is going to impose a heavy burden on the consumers is frustrated.

Sir Abdur Rahim : Sir, after what has fallen from the previous speaker, it has become necessary for me to intervene in the debate and say a few words to clear up the position. The House will remember that when the motion for reference to Select Committee was before the House, I raised the question whether it would be open to the Select Committee to deal with this question of excise and report against this duty, and, secondly, what would be the attitude of the Government with reference to this excise duty, and both the Honourable the Leader of the House and the Finance Member made it clear that they would stand by the excise duty, and if the excise duty was to be removed, then, so far as the Government were concerned, it would mean dropping the Bill altogether. That was made absolutely clear, and with that understanding we went into the Select Committee. There was no question, so far as the Members of the Select Committee other than representatives of the Tatas were concerned, of any bargaining. We were not concerned as members of the public to bargain with the Government about this matter, and, therefore, I can inform this House that in the Select Committee, so far as we were concerned, we did not give any countenance to any idea of any kind of bargaining or compromise. Our position was perfectly clear, that we were to deal with all the questions raised as fairly as possible and to the best of our judgment, and the decision of the Select Committee would depend entirely on the merits, and it was not a question of bargaining at all. Sir, we had to take into consideration the fact that the Government were not prepared to give any protection to the Tatas unless we agreed to the imposition of excise. That was a very important fact, which not only the Select Committee but this House itself had to take into consideration. That

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could not be said to be a question of bargaining at all. When any measures are brought forward before the House, we have to consider how far we can go and how far we cannot go. That was exactly the position with reference to this matter and nothing more. That is all I have to say.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadian Rural) : Sir, after listening to what my esteemed friend, the Leader of the Opposition, just said, I am in a position to understand the attitude of my friend, Mr. Mody, who has not raised his voice against this proposition. If I were he, I would have hurled all the anathemas on the heads of the Government Members sitting opposite. Sir, I am neither a shareholder nor have I any other interest in the Tatas than that of an ordinary consumer. I do not want to repeat the arguments that have been already advanced by the previous speakers, but I do want to point out one serious difficulty which might arise in the working of this measure, and I would like to know what the Government are going to do in that matter. We have heard, Sir, that the Government of Mysore have decided, in their budget proposals for the next year, to provide 21 lakhs of rupees with a view to improving their iron works at Bhadravati to start the manufacture of steel. When they do that, will not this levy be a tremendous lever in the hands of the Mysore Government to oust the Tatas from the field? If it were a private industrial concern, the Mysore Government could co-operate by levying an excise duty on their steel, but inasmuch as it is a Government concern, the Government of Mysore cannot levy an excise duty on their own works, and, therefore, there will be a distinct margin of advantage in favour of the steel produced in Mysore. That aspect of the question has to be considered by the Government. I support the motion.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Mr. President, the remarks which have just fallen from my friend, Mr. Thampan, make it necessary for me to intervene in the debate, though I should have very much liked to avoid doing so. Mr. Thampan reproached me for not hurling,—I do not know whether he meant bombs,—(Laughter),—anathemas at my friends on the opposite Benches. My position is very plain. So far as the excise is concerned, it is to me like a dose of medicine. My friends might as well ask me whether I like a dose of medicine; my answer is, if I am faced with the alternative of either suffering an illness or taking a bottle of medicine, naturally as a prudent man, I would take the bottle of medicine, particularly if I was assured by my doctor that beyond one bottle of the mixture I would not be compelled to take any of the stuff. (Laughter.) Now, Sir, some misunderstanding seems to have been created by a remark which fell from my friend, Sir Cowasji Jehangir. He was not a member of the Select Committee, and, therefore, he could not say anything from his own personal knowledge. I do not understand why there should be any room for misunderstanding on this question. We were faced with this position. The Government showed their goodwill by making a few concessions. They, at the same time, made it clear that they would insist upon the excise duty, and that if the duty was done away with by the Select Committee or in the open House, they would have to reconsider the whole position, and might even have to go the length of withdrawing the Bill. In these circumstances, Sir, like prudent practical men, most of the Members of the Select Committee took the position that they would not press

for the deletion of the excise duty, and that is why my friend, the Leader of the Opposition, and most of us did not put in any dissenting minute on the excise, and that is precisely why, we who have been parties to the Select Committee's Report, do not want to make any trouble over the question in the House. I hope, Sir, that the assurance given by the Government Benches that the excise duty will be removed at as early a date as possible will be implemented in every possible way, and that they will not leave the matter with just a vague assurance. I hope that the Government mean something when they say that at the earliest moment this duty would be removed. With that position, Sir, I am content for the present.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, my Honourable friend, Mr. Mody, has, in the few remarks which he has made, put the position of the Tatas clearly, and it is this, they want protection even if the consumer's interest is adversely affected.....

Mr. H. P. Mody : It is not a question of the position of the Tatas. It is a question of the position of the Select Committee.

Mr. Gaya Prasad Singh : I am not bound by what transpired in the Select Committee. I was not a Member of the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. What the Honourable Member, Mr. Mody, says here in his speech must be taken as an expression of his opinion as a Member of this House and as a member of the Select Committee, and not as the representative of the Tatas in this House.

Mr. Gaya Prasad Singh : Whatever that may be, we know Mr. Mody's position when he was a Director of the textile industry of Bombay in which capacity he visited Lancashire and gave us the benefit of his results.

Mr. H. P. Mody : I am glad you appreciate them. (Laughter.)

Mr. Gaya Prasad Singh : However, I understand that the Tatas are willing to swallow this dose of medicine which has been administered in the shape of an excise duty provided they get this scheme of protection.

Mr. H. P. Mody : I strongly object to these remarks.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair would like to draw the attention of Honourable Members to the undesirability of making a reference of that nature. It is for this House, as representing the public, to decide whether protection is to be given to an industry, and under what conditions it should be given. They might take the advice of the representatives of the industry if they so choose, but they need not at all be influenced by what the representatives of the industry themselves think about it.

Mr. Gaya Prasad Singh : That is what I am submitting. I am submitting that I am in favour of giving protection to the Indian steel industry of this country, but at the same time, I am here to guard the interests, the legitimate interests of the consumer, and the imposition of this excise duty will mean a heavy burden on the consumer. When we inaugurated in 1924 a scheme of protection to the Tatas, we thereby threw a burden on the consumers in the shape of increased prices of the imported articles into this country, but we undertook to do it in the hope that in course of time the industry would be able to stand on its

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own legs and would be in a position to withstand world competition, and that as a result of that the products of the Tatas would be sold at a lower price, and, thereby, the burden which was then thrown upon the consumers would be considerably lessened. This industry is within a measurable distance of attaining that position when it will be able to do away with this protective duty, and we find, that an excise duty is being saddled upon the consumers. My Honourable friend, Mr. Mody, stated that he has been assured by Government that this will be taken off at the earliest possible opportunity....

Mr. F. E. James (Madras : European) : The House was being assured, not Mr. Mody.

Mr. Gaya Prasad Singh : But Mr. Mody, as a Member of this House, has taken this assurance at its face value, while some of us who know better are not prepared to take this assurance of the Government at its full value. Mr. Mody must remember that the cotton excise duty which was imposed on the textile industry of Bombay was maintained for a long number of years, and that his efforts and the efforts of his friends from Bombay did not avail until we took up the question in the Legislative Assembly and it was with great difficulty that the excise duty was eventually abolished. Mr. Mody must have a very short memory to forget what happened with regard to his old industry with which he has burnt his boat and broken his bridge. (Laughter.)

Diwan Bahadur A. Ramaswami Mudaliar : What does it matter if the bridge is broken, if the boat has already been burnt? (Laughter.)

Mr. Gaya Prasad Singh : We have got very unpleasant experiences in these matters. With regard to the present assurance of the Government also, I do not know how far we should rely upon it. The plain fact, which emerges as a result of this imposition of the excise duty, is that the prices of the products of Tatas would likely increase, and they would not have to suffer. I am not referring to Mr. Mody, I am referring to the Tata Company. The imposition of the excise duty will result in this that the Tatas will increase the prices of their products and naturally this burden will fall upon the consumer, and it is, therefore, in his interest that this excise duty should not be levied. It is in the interests of the consumer that this excise duty should not be imposed. I am not very much impressed with the threat which is held out by the Government that unless this House accepts the excise duty the Government will not be willing to give protection to the industry. I hope that those of us who claim to be the champions of the interests of the consumers will not be much cowed down by this threat, but will press this motion to a division and vote in favour of the removal of the excise duty.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, like the wise statesman that my Honourable friend, Mr. Mody, is, he has made his position clear. He said that in a statesmanlike way he and the majority of the Select Committee members accepted this levy of excise duty as a settled fact like the Bengal Partition of the old days. I am one of those minority members who opposed the levy of the excise duty on the floor of the House and in the Select Committee, and we have appended our minutes of dissent which I hope the House has appreciated. In the course of discussion this morning, it came out, although there was no compromise—I take this opportunity to say that it is beneath me to

enter into any compromise with the Government either on the floor of the House or in any Select Committee—but it came out that there had been some negotiations. Whether the negotiations had been in the lobby or in the ante-chambers of the Commerce Member I do not know, but knowing the great part which my Honourable friend, Mr. Mody, played during the passage of the Safeguarding of Industries Bill and the Cotton Textile Protection Bill, I cannot say that he is not susceptible of playing the part of a negotiator. I am not concerned with that, but I will refer to the speech of my Honourable friend, Sir Leslie Hudson, while he was speaking when this Bill was referred to Select Committee. He said :

“ I may point out that in their note to Government, dated the 19th July, Tatas suggested that a condition of the admission of British steel, free of duty, should be its compliance with the standard specification and to that I imagine no British steel importer could take exception.”

I had the temerity to interject :

“ Is that a public document that the Honourable Member is quoting from ? ”

Sir Leslie Hudson's reply is :

“ I believe it is to be found in many quarters.”

It has not found access to this quarter of the House, although it has found access to that quarter of the House.

Mr. F. E. James : May I inform my Honourable friend that the document was widely published in the nationalist press of this country ?

Mr. B. Das : I am not an Englishman by birth, and I can only interpret the English words in their plain meaning. My Honourable friend wants to put a different meaning to the implication of Sir Leslie Hudson's speech. However, I am not concerned with that, but I believe there have been certain talks between the representatives of the Tatas, my Honourable friend, Mr. Mody, and the gentlemen on the European Benches. At the outset, Sir Leslie Hudson was doubtful whether the levy of an excise duty was the proper thing to be done in the case of steel. But after sitting on the Select Committee, when he spoke yesterday, it appeared that his doubts were completely removed and he now believes in the levy of an excise duty. He is so much enamoured of this excise duty that he thinks it is the only thing that will help the Indian steel to continue its attenuated existence in India.

Mr. F. E. James : May I interrupt my Honourable friend ? He is putting sentiments into Sir Leslie Hudson's speech, which are quite foreign to the sentiments he expressed.

1 P.M.
In explaining the point of view of the European Group yesterday, he was careful to say that we had reluctantly agreed to the imposition of excise, but that it was subject to two very important considerations, of which he reminded the Honourable the Commerce Member and the Honourable the Finance Member, which influenced him in arriving at that decision. I, therefore, appeal to my Honourable friend, Mr. Das, to be accurate in his statements and give due weight to the considerations set forth in the speech of the Leader of our Group.

Mr. B. Das : Thank you, Mr. James. That leads me nowhere. I particularly noted this assurance and the two conditions which the Leader of the European Group defined, but that does not lead me away from the humiliating position that the Government are going to levy an excise duty and which excise duty will be a halter on the steel industry. As my Honourable friend, Mr. Thampan, just pointed out, and I read in the

[Mr. B. Das.]

press yesterday only, that the Mysore Government have sanctioned nearly 21 lakhs to start a steel plant. Sir, the Tatas have been nurtured on the large amount of bounty and protection which they have received for the last ten years. They can even stand for a few years more on their legs until British steel can drive the Indian steel completely. But Mysore steel will find the greatest difficulty from the outset.

I was referring to the speech of my Honourable friend, Sir Leslie Hudson, the Leader of the European Group. The result of the negotiations in private and the assurances that were asked for on the floor of the House demanded various things. He said that the Tatas should not extend manufacture of their coke. He said something about the tin bars. The Honourable the Commerce Member, the Leader of the House, made it clear that Tatas made a most foolish agreement with the tin plate industry, and I know that the tax-payers paid more price to the steel in India, which was due to the foolish agreement which Tatas originally entered into with the tin plate industry from which they could not get out and the Honourable the Leader of the House the other day said that they must enter into an agreement with the tin plate industry in a way that will help the steel industry.

Diwan Bahadur A. Ramaswami Mudaliar : I thought it was the other way. Tatas fixed a price which was far in excess of what was necessary for the tin plate industry, and my Honourable friend, the Commerce Member, said that it was due to Tatas themselves that they should revise the contract in favour of the tin plate industry.

Mr. B. Das : Certainly, I am paying a compliment to my Honourable friend, the Leader of the House, that he noted that foolish mistake of Tatas.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : They gained by this contract....

The Honourable Sir Joseph Bhore : I had absolutely no intention of intervening, but I must say that far from being foolish, Tatas were quite sane over this matter. They entered into this contract, because it was to their advantage. But it is useless trying to clear the mind of my Honourable friend, so I made no attempt to correct him.

Mr. B. Das : Do I understand that the original agreement with the tin plate industry was favourable to the steel industry ? Then, I am afraid, the Leader of the House has not read the first Tariff Board's report. I am referring to the original Tariff Board's report of 1924 and how the country was penalised, because the Tatas entered into a foolish contract with the tin plate industry.

Mr. H. P. Mody : We rectified it by being smart the second time.

Mr. B. Das : You become smart after making the country pay terribly for your mistake. You learnt your smartness too late. Then the Honourable the Leader of the European Group also mentioned as a sop to the re-rolling industry that bars should come free of duty.

Mr. President (The Honourable Sir Shanmukham Chetty) : We have not come to the third reading yet.

Mr. B. Das : I was referring to the negotiations that have gone on behind the scenes. I shall reserve my remarks on this subject till the third reading.

Now, coming to this excise duty, I am opposed to it, and if we had a national Government, our Chancellor of the Exchequer would not have dared to bring forward a measure of this kind. He ought to have waited till the next Budget season, and then he can bring out a Bill embodying this proposal. Today the country is of opinion that the Government have some ulterior purpose behind this proposal of levy of an excise duty. The Government are not responsible to us. I do not like to repeat what I spoke on the last occasion. I will only read two lines from my own minute of dissent and sit down : I said :

"Government must wait till the next budget time, if, revenue deteriorates due to the present protection Bill. Government cannot dispel the suspicion that they are deliberately putting a handicap on Indian steel."

Sir, that is my charge against the Government.

Mr. President (The Honourable Sir Shanmukham Chetty) : I must remind the House that the House will sit this afternoon till about six o'clock.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. N. Anklesaria : Sir, the episode about the proceedings of the Select Committee must have come to some of us at least as a matter of great humiliation and regret. Certainly, Sir, the explanations given by Honourable Members who sat on the Committee from the Opposition side will not enhance their reputation for grit or their reputation for their power to stand up for what they regard as just and true in the interests of our country. Sir, I have got too much respect for my Honourable friend, Sir Abdur Rahim, and some of his colleagues to think that the explanation vouchsafed here was quite the correct explanation. I think the more correct explanation was the absence of visitors' galleries and Press galleries at the meetings of the Select Committee. Sir, in the Select Committee, Honourable Members become much more responsible and much more reasonable than you find them here (Mr. S. C. Mitra : "Question"), and as my Honourable friend questions that, I will give a convincing proof of the truth of my statement.

Mr. Gaya Prasad Singh : You are speaking from your own experience.

Mr. N. N. Anklesaria : In this House, Member after Member has talked of Government Members violating pledges and disregarding promises made in this House. What are the Select Committee people satisfied with ? In the seven operative paragraphs of their Report there are five paragraphs in which Government give mere assurances and my Honourable friends who have been talking about broken promises and violated pledges are perfectly satisfied with those assurances. Is that not reasonableness, Sir ? Sir, that is neither here nor there (Mr. Gaya Prasad Singh : "Nowhere"), but I now come to the question of excise. Sir, excise has got a very bad name in India, thanks to the agitation of the Bombay millowners at the time the Fiscal Commission was sitting. The prejudice against excise was started and I must say fomented by the

[Mr. N. N. Anklesaria.]

Bombay millowners, but as I said, Sir, sentiment is never a companion of reason or common sense. The question arises—why have the Government selected excise as a form of taxation in connection with the present measure? Sir, when we gave protection to the steel industry in India, it was pre-arranged, that a fresh adjustment would be necessary of the protective tariffs at the end of the protective period, and that was as it ought to be, because, if there were no readjustment of tariffs, then it would be tantamount to admitting in the most signal manner possible the failure of the whole scheme of protection. Fortunately for India and fortunately for the industry, that is not the case, and the tariffs have got to be readjusted. But, how shall these tariffs be readjusted? The Tariff Board stated that it was possible now to re-adjust the tariffs in the interests of the general consumer, especially of the agriculturist and in the interests of the subsidiary industries and in the interests of public utility concerns. Now, as regards the consumers' interests and as regards the interests of the subsidiary industries, I have nothing to say, because it is so transparent and self-evident, but as regards the public utility concerns, Members have spoken against the Government's view that the tariffs should be in the interests of public concerns. But imagine, Sir, the public utility concerns in India are mostly Government concerns, and by imposing tariffs on the materials used mostly by Government public utility concerns, you take away with one hand what you give with the other by your protective tariffs. Sir, secondly, the Tariff Board stated and stated in a most distinct and definite manner that the new scheme should be adjusted so as to implement the promises and understandings which were made in connection with the Ottawa negotiations and Agreement. Sir, I just want to read one or two lines from the Tariff Board's Report to show how definitely and how distinctly that object was put forward by the Tariff Board. On page 62 of their Report they say :

"We have, however, decided to adopt the other method which is calculated to give the British manufacturer a definite advantage consistently with the interests of the Indian industry. Our object in doing so is to maintain as far as is now possible the principle of reciprocity underlying the Ottawa Agreement relating to galvanized sheets," etc.

Sir, when the Tariff Board is so very definite and when our understandings and our promises were so very definite, relying on which the British Government made it possible for our products to replace continental imports into England, I ask why should this Government be so squeamish about mentioning that fact before this House? Sir, I will not take up the time of this House by reading the relevant portion of your report concerning the Ottawa negotiations, but I rely specially on paragraphs 73 and 76 of that report. Anybody who wants to know what the British Government has done for encouraging the imports of Indian steel and Indian iron into England with a view to replace continental products should read paragraph 73 of that report carefully.

Mr. B. Das : Does my Honourable friend know that the Tata's have suffered a great loss by sending pig iron to England?

Mr. N. N. Anklesaria : No, Sir, I do not know that. Besides, that is absolutely irrelevant to my argument.

Mr. B. Das : In that case my Honourable friend's whole speech is irrelevant.

Dr. Ziauddin Ahmad : They sell it Rs. 11 per ton cheaper.

Mr. N. N. Anklesaria : We may be very weak in a military sense and we may be very weak in a financial sense, but our power to negotiate with outside countries on account of our having 300 million consumers of commodities.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order : The amendment is about the removal of the excise duty.

Mr. N. N. Anklesaria : I am talking about the excise duty. Sir, I say that our power which comes from having 300 million consumers of commodities is absolutely unrivalled in the world. It is the realization by Great Britain and by the Indian Government and by our public men of the existence of our 300 million consumers that will enable us to carry through negotiations with Great Britain much more rapidly and much more efficiently than the wicked murders of a few Englishmen and a few native officials in India. Sir, the existence of 300 million consumers will make any country desire our good will and fear our hostility.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order : The Honourable Member's observations are thoroughly irrelevant over the amendment.

Mr. N. N. Anklesaria : I bow to your ruling, Sir, but if you will bear with me for a minute.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has borne with the Honourable Member for about ten minutes.

Mr. N. N. Anklesaria : Now, Sir, how is that loss to be recouped? Shall we impose more duties on the consumers in order to recoup that loss or shall we impose more income-tax? Naturally, my Honourable friend, Sir Cowasji Jehangir, looks at me with a good deal of misgiving.

Sir Cowasji Jehangir : I have been looking at you the whole time.

Mr. N. N. Anklesaria : I may assure him that I am not going to suggest an increase of income-tax. The only remaining method by which, and, as the Tariff Board says, the most obvious method by which, you can recoup your revenue loss is the excise duty. The other day I challenged my Honourable friend, Mr. B. Das, to give us any other alternative to this excise. My Honourable friend said that he would give out that alternative when his turn came and he would allow the Finance Member to reply to him. Sir, I patiently and most attentively listened to the speech of my Honourable friend, Mr. B. Das, that day, but not one word did he say about the promised alternative in his whole speech nor has my Honourable friend suggested in his minute of dissent any other alternative which would be called a better alternative to excise. Sir, as I said, this excise has got a bad name but, after all, it is not such a bad thing as people imagine it to be. My Honourable friends who have been railing against excise would be surprised to hear that for 50 years England put an excise on the manufacture of her cotton cloth, from 1784 to 1834, and that was in the fitness of things. That fact is related by the Fiscal Commission themselves on pages 69-70. Sir, the Industry has been getting the benefit of the protective duties and when a stage has arrived when those protective duties have achieved what they were meant to achieve, it is just and proper and it is only fair to the consumer and the tax-payer that the industry must bear the burden of the excise

[Mr. N. N. Anklesaria.]

duty. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar—I am sorry he is not in his seat—and my Honourable friend, Mr. Mody, regaled us with dismal stories about the soundness of the Tata's position in connection with the dividends that have been paid. Sir, I venture to submit that the Tata's are an essentially sound concern and they may be trusted to making the most of the opportunities which a grateful country has extended and is extending to them. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, talked of no dividends being paid on the ordinary shares and with great exultation and flourish of the hand he repeated “nil, nil,” for every year. Sir, a table has been given on page 160 of Dey's *Tariff Problems in India* and I have calculated that the interest which the Tata's have paid during the seven years—from 1915 to 1922—amount to 1,200 per cent. and, if this 1,200 per cent. interest is spread over a period of 20 years from 1915 to 1935, it would work out at 60 per cent. interest per annum on deferred shares. If this is not doing well, I do not know what it is.

Mr. B. Das : What about Dr. Dalal's widows ?

Mr. N. N. Anklesaria : They are perfectly safe. Sir, my Honourable friend, Mr. Das, has not taken up my challenge of showing a better alternative. Government Members have more than once stated that they are not enamoured of this excise duty but, as a *pis aller*, they have put in this form of taxation and they have promised to take it off at the earliest possible moment. Therefore, I say that in the absence of a better alternative and in the interests of our protective scheme, we should accept this scheme of excise taxation. In conclusion, I would say, Sir, eschew prejudice and eschew suspicion, for where prejudice and suspicion enter reason and common sense go out. If my Honourable friend, Mr. B. Das, wants any specific proof of the truth of this adage, I would point out its truth in his own connection. The other day my Honourable friend said that he was a confirmed protectionist, that he always stood for protection, but what does he say in his minute of dissent. He hopes that this measure of protection in India will be the last measure of protection in this country.

Mr. B. Das : It is because of *national humiliation*.

Mr. N. N. Anklesaria : You never said that in the minute of dissent.

Mr. B. Das : You had better read it again.

Mr. N. N. Anklesaria : As my Honourable friend, Sir Cowasji Jehangir, is looking at me, I will give an instance in his connection. The other day, the Honourable the Finance Member gave expression to very noble sentiments. He asserted more than once that he was a servant of the Government of India and of India and not of the British Government (Hear, hear), and this noble expression of opinion the whole House applauded but my Honourable friend, Sir Cowasji Jehangir, would not allow this opportunity of making a debasing point to go away without quibbling on the constitutional position. If that is the spirit in which we judge this measure, then I say eschew that spirit. With these words I oppose the motion of my Honourable friend, Dr. Ziauddin.

The Honourable Sir James Grigg (Finance Member) : Sir, during the course of this morning's debate, a slight storm blew up about what happened in the Select Committee, as to whether there was a bargain or an honourable understanding or something else. You, Sir, have ruled

that the House was not entitled to take cognizance of what happened in the Select Committee, and that being so, the Government are content in that respect to leave matters where they were left by the statement of Sir Abdur Rahim. I come now to the real subject under discussion which is, whether we shall or shall not impose an excise duty of Rs. four per ton upon the domestic production of steel ingots. During this debate, a certain number of general principles have been formulated, some of them rather startling. Take first Mr. Ramakrishna Reddi, his principle is that an excise duty is only justified in cases where there is domestic over-production. On this I would only say this that this is an entirely novel principle and I do not agree with it. The primary purpose of an excise is to produce revenue and not to remedy economic defects. Then, my Honourable friend, Mr. Jagan Nath Aggarwal, gave voice to the theory that there should never be an excise on protected articles. Again I do not agree. The Fiscal Commission quite definitely contemplated that there should be excise on protected articles and I referred in my previous speech to an extract from paragraph 95 of the report of the Indian Fiscal Commission. It says :

“It is possible indeed that the necessities of revenue may force the Government to put a higher import duty on certain protected goods that is required for purposes of protection. We deal with such a contingency in a later chapter, when we recommend that any such excess revenue should be raised by means of an excise duty *plus* an additional import duty. The additional duties would be purely for revenue purposes and would be dealt with on strictly revenue principles.”

So that, the standard authority on fiscal matters in India, the Indian Fiscal Commission, entirely denies the principle formulated by Mr. Jagan Nath Aggarwal. Then my Honourable friend, Dr. Ziauddin Ahmad, also formulated certain principles which are of a general nature. He said, so far as I understood him, that we should not mix up revenue and protection and this seems to me to be rather, if I may say so, an inaccurate echo of my remarks on the last occasion when this was debated in this House that we should not mix up revenue duties and protective duties. That is a very well understood principle, but to say that we should not mix up in the same Bill revenue and protection, this does not by any means follow from that. Obviously protection and revenue are inextricably bound up and you have only to look up at the terrible fall in the customs revenue of this country, as a consequence of the protective policy in some industries, to see how revenue and protection are bound up. I imagine, however, that what Dr. Ziauddin Ahmad really meant was, and in this he was joined by my Honourable friend, Raja Bahadur Krishnamachariar, that you must wait and see how much revenue you are going to lose and then introduce, not now but next February, the appropriate remedial measures. In other words—I apologise for repeating this metaphor—you must leave the stable door unlocked and in six months after the horse has been stolen you think of locking it. Apart from that, I contend that both these Honourable Members displayed a certain amount of inconsistency. After giving expression to the opinion that it is an absolute outrage that you should mention excise or that you should impose excise duty in a Bill whose purpose is protection, or whose main purpose is protection, I find in amendment No. 14 that my Honourable friend, Dr. Ziauddin Ahmad, has given notice to move :

“That after clause 4 of the Bill the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

“5. If revenue duty is imposed on any article mentioned in the Schedule, the equal amount of excise duty shall be imposed on similar articles.”

[Sir James Grigg.]

I can only say after this, that consistency is not one of his best virtues. How does that square with his theory that there should be nothing about excise in this Bill?

Then, my Honourable friend, Raja Bahadur Krishnamachariar, at one point contradicted or queried the optimistic forecast of my predecessor that in budgetary matters we have turned the corner. In that case, if that is his view, how can he possibly argue, "wait and see if we have turned the corner"? Whether we have turned the economic corner or not, I do not know, but, I think, I can see some signs of our being in the course of doing so, but I am bound to say that I do not see any signs of our having turned the budgetary corner yet, and, it is on that that I rest my case for the imposition of an excise duty now. We are going under the protective part of the Bill to lose something which is variously estimated, but which we at present estimate at 30 lakhs, it may be a little more or it may be a little less. I do not know, nobody knows, whether the existing taxation is sufficient to cover that loss. I dealt with all this in my previous speech and I said that the yield of the match excise duty and the sugar excise duty has practically not begun yet. Both these are uncertain elements in the Budget and as the House knows perfectly well there are other doubtful items in it. I do not think any responsible Finance Member can recommend the House to take the risk of throwing away 30 lakhs revenue and not make it up immediately. That is my case, viz., that we do not in the least know where we are, but I think, it is extremely unlikely that the Budget will stand a loss of 30 lakhs and, therefore, we must make it up, not in six months time, but now. So much for the necessity for making up the revenue. The next question is, is there any other way of doing it than the one we propose in this Bill? The Raja Bahadur rather hinted, if I have not misunderstood him, that at least the debates of the Select Committee proved that there was an alternative way of raising this revenue. I went into it.....

Raja Bahadur G. Krishnamachariar: If my Honourable friend would allow me, what I said was that there was a proposal in the Select Committee to find out if there was any alternative way of recouping this loss. We do not know exactly what happened in the Select Committee whether that attempt was made and if so with what result.

The Honourable Sir James Grigg: I will come to that. As a matter of fact I went into all that in my previous speech, and I came to the conclusion and tried to prove that there was no alternative way of raising these 30 lakhs and nothing that happened in the Select Committee changed my views. I think it will not be an unfair statement of the deliberations of the Select Committee that the only way of replacing these 30 lakhs of revenue was in fact to put back a large part, practically the whole, of the Rs. 43 a ton which is being taken off the duties both on continental and on British galvanised sheets. I do not think anybody, who has been a member of the Select Committee, will challenge that. I made it clear previously and I make it clear now that Government cannot be a party to any such scheme as that. As the House knows very well, it is often extremely difficult to know what in the positive way can be done to help the agriculturist. We have now got something which will undoubtedly help the agriculturist, particularly in Bengal; and I personally and Government as a whole are certainly not prepared to forego this opportunity of helping the agriculturist when it comes to our hands.

Now, Sir, as the House will remember, the Fiscal Commission definitely recommended excise duties and I think it is not

3 P.M.

unfair to say that universal economic theory proves that the least burdensome way, as far as the consumer is concerned, of raising revenue, is not to give a gratuitous increase of protection to the producer but to impose a low excise and an exactly equal customs duty on the commodity under consideration. And here perhaps I can again read paragraph 120 of the Tariff Board's report:

"The general question of replacing by some other source of taxation the Customs revenue lost to Government by reason of the policy of protection is one which the country must be prepared to face sooner or later. An obvious way of meeting the situation is to levy an excise duty, provided the protective duty is increased at the same time by a corresponding amount so as not to impair the measure of protection granted to the industry. The same principle may be applied to individual articles manufactured by a protected industry on which no protective duty is required by levying the duty on both imports and local production at a uniform rate so calculated that on the total consumption the aggregate amount of revenue desired by Government may be realised. Such a course has the advantage, besides safeguarding the Indian industry and supplying the deficiency in revenue of preventing so high a rise in prices as will follow if the whole duty is levied in the form of an import duty."

In this way, by a comparatively low excise and an equal import duty, the needs of the Treasury are met most economically; for, after the protective needs of the producer has been fully met, this theory ensures that the revenue/needs should be met by a method which gives the Exchequer all the money that is taken from the consumer, and it does not adopt the plan of taking from the consumer many times the amount that the Exchequer needs and gets, the remainder, by far the greater part, of the money taken from the consumer, being an entirely gratuitous donation to the producer who *ex-hypothesi* does not need it. This, I conceive, was the intention of Mr. Anklesaria's argument, and, if so, I may say that I entirely agree with it.

We had the spectacle this morning of a good many people opposite getting up and simultaneously posing as friends of the consumer and opposing the excise duty. Sir, I am not sure whether they spoke with their tongues in their cheeks. I claim that I am the true friend of the consumer and I, therefore, invite all the other true friends of the consumer to follow me into the lobby.

There are two small points which I might deal with before I sit down. My Honourable friend, Mr. Thampan, raised again the question of the States. Sir, I do not think I can do better than read the paragraph of the Select Committee's report:

"We considered the possibility that the inauguration of steel manufacture in Indian States might bring into existence circumstances prejudicial to the interests of manufacturers in British India. We have received an assurance that any development of this kind will be carefully watched by Government and that steps will be taken, if the necessity arises, to safeguard the interests of manufacturers in British India."

Mr. Thampan rather sneered at assurances of Government, but I do not think that in the present circumstances it is possible to formulate a safeguard against an evil which has not yet emerged, and, at any rate, I think the producers in this instance are quite satisfied that Government mean what they say and that they will watch the position and will do their utmost to deal with the danger, if and when it arises.

[Sir James Grigg.]

The other question was that raised by Mr. Mody with regard to the removal of the excise. The Commerce Member and myself have both made our position in this matter absolutely clear, and if we went on paraphrasing and reiterating our views on that matter for a month, I do not think we could make our position any clearer. Neither of us contemplate that this particular excise should form a permanent part of the fiscal system of this country. As to the time and the circumstances in which it can be removed nobody can prophesy, but our desire and intention is that it should not be kept on a moment longer than it is necessary.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 4 of the Bill be omitted and the subsequent clauses be renumbered accordingly and consequential amendments be made in the Bill as well as in the Schedule."

The Assembly divided :

AYES—28.

Abdul Matin Chaudhury, Mr.
Aggarwal, Mr. Jagan Nath.
Ba Maung, U
Bhupat Singh, Mr.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gunjal, Mr. N. R.
Hari Raj Swarup, Lala.
Ismail Ali Khan, Kunwar Hajee.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Mahapatra, Mr. Sitakanta.
Mitra, Mr. S. C.

Martuza Sahab Bahadur, Maulvi Sayyid.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Pandya, Mr. Vidya Sagar.
Patil, Rao Bahadur B. L.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhraj.
Sant Singh, Sardar.
Sen, Mr. S. C.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gaya Prasad.
Thampan, Mr. K. P.
Wilayatullah, Khan Bahadur H. M.
Ziauddin Ahmad, Dr.

NOES—55.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Bajpat, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Chinoy, Mr. Rahimtoola M.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Duguid, Mr. A.
Ghurnavi, Mr. A. H.
Gnantham, Mr. S. G.
Grigg, The Honourable Sir James.
Hockenhill, Mr. F. W.
Hudson, Sir Leslie.
James, Mr. F. E.

Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lindsay, Sir Darcy.
Lumby, Lieut.-Colonel A. F. R.
Metcalf, Mr. H. A. F.
Morgan, Mr. G.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nihal Singh, Sardar.
Noyce, The Honourable Sir Frank.
Perry, Mr. E. W.
Rafuddin Ahmad, Khan Bahadur Maulvi.
Raghubir Singh, Rai Bahadur Kunwar.
Raisman, Mr. A. J.

Rajah, Rao Bahadur M. C.
Ramakrishna, Mr. V.
Ranga Iyer, Mr. C. S.
Rastogi, Rai Sahib Badri Lal.
Rau, Mr. P. R.
Richards, Mr. W. J. C.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan Gakhar, Captain.

Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Studd, Mr. E.
Trivedi, Mr. C. M.
Yamin Khan, Mr. Muhammad.
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : For the convenience of Honourable Members, the Chair would explain the procedure that it proposes to follow regarding the amendments. After finishing clause 4, the Chair proposes to go on to the subsequent clauses in order,—clauses 5, 6, 7, 8, 9, etc.—and then to the Schedule ; and then the House will come back to clause 3 and then clause 2 and then clause 1 and then the Title and the Preamble. That will be the order in which the amendments will be taken.

Mr. Sitakanta Mahapatra : Sir, I beg to move :

"That in clause 4 of the Bill, for the words 'four rupees' the words 'three rupees' be substituted and clause 7 be amended accordingly."

So much has already been said against the imposition of an excise duty that it is needless for me to say anything more. I shall only, as briefly as I can, try to convince you that there is a fair scope for a substantial reduction in the incidence of excise duty, unless the Honourable the Finance Member wants to tax unnecessarily and make money out of it on a plea. But the Honourable the Finance Member and the Honourable the Commerce Member have repeatedly asserted on the floor of this House that they want nothing of the kind and they are prepared to be reasonable in this case. The Government estimate that the loss to their revenue on account of lowering of duties now proposed will be in the neighbourhood of Rs. 30 lakhs. This sum they propose to make up by levying an excise duty on the production of steel ingots in the Tatas which was roughly 740,000 tons in 1933. But, as I have already indicated in my minute of dissent, this estimated loss of Rs. 30 lakhs of revenue is an over-estimate. I shall prove it presently. My first point is that while calculating loss of revenue, the Treasury Benches always over-estimate the loss, and, while calculating the income, they invariably underestimate it. When we suggest that postcards may be reduced from nine pies to six pies, they say : "Oh, the loss will be tremendous—so many crores and so many lakhs". But when we contend there will be a larger saving, they say it is a question of a few thousands of rupees. The Honourable the Commerce Member has in a way admitted that this may be an over-estimate. In his speech on the 31st July, he said :

"Estimates of losses must be uncertain, but even if we regard this as an over-estimate, it is absolutely certain that we shall have to face a serious diminution in our customs revenue."

But the Finance Member, who is perhaps responsible for these calculations, is nothing if not very frank in his statements, since he is not yet

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a "spoilt child" of the Government as newspapers say about him. In his speech on the 1st of August, the Finance Member said :

"On the later figures now available, we estimate the actual loss to be expected is from 25 to 30 lakhs."

In view of the fact that the Finance Member himself calculates that the loss of revenue may vary between 25 and 30 lakhs, it may safely be taken as 25 lakhs, but to be modest and cautious, let us put it at an average figure of 27½ lakhs. But this calculation was made by the Finance Member before the Report of the Select Committee. In the Select Committee the revenue duties on structurals and steel ingots and steel plates of British manufacture have been restored. There is an income of about two lakhs, but let us put it at 1½ lakhs, to be very cautious, according to the modest calculation of the Finance Member himself. On the 1st of August, he said :

"There remains the possibility of a revenue duty on tested structurals and plates. According to our calculations, the yield of ten per cent. duty on the basis of imports of 1932-33 would be about 1½ lakhs, and on the figures of next year would have amounted to a sum very slightly in excess of that figure, certainly it will come under two lakhs."

But, when he was interrupted by Mr. Mody, he admitted that this might go up to three lakhs if there is a switch-over from continental to British. Let me read the passage referred to.

"Mr. H. P. Mody: May I ask a question? What would happen in the case of a switch-over from continental to British? Would not the revenue loss be greater?"

"The Honourable Sir James Grigg: If I go into that, it might put me off from the thread of my argument, but supposing it doubled and in the result you get three lakhs.... 3 lakhs is a very inadequate contribution towards 30 lakhs."

This is what he said. But let me put it at 2½ lakhs instead of three lakhs. So our loss comes to 25 lakhs. Then, the countervailing duty leviable upon tin plates and tin sheets have been increased to the extent of about 12 annas per ton. Here, there is a very considerable revenue. Further, import duties on highly priced alloy steel bars have been considerably increased. Some revenue increase must be allotted to this side. Over and over all these, in paragraph 6 of the Select Committee's Report, there is a clear provision that in case of unfair cutting of prices on imported articles, additional duties will be imposed by the Government of India. In the present world conditions today such reduction in prices is a foregone conclusion. From all these factors it may safely be assumed according to a most modest calculation that there will never be a loss of more than 22 to 23 lakhs of revenue as a result only of reduction in the level of import duties, and so we are required to raise this sum only by imposing excise duty, if at all.

Then, the rate of production of steel ingots in Tatas was 740,000 tons in 1933, but Tatas have been found to be increasing their production by leaps and bounds. Let me quote a sentence from Sir Leslie Hudson's speech on the 1st of August. This is what he said :

"Their output in 1923, was 163,000 tons, in 1924, 380,000 tons, and in 1933, it was 500,000 tons."

It is quite possible that in 1934 and further on till 1941, their rate of production will go on increasing steadily, if not at this rate. Further, Sir, in paragraph 5 of the Select Committee's Report, it is stated that there is

every possibility of the inauguration of steel manufacture in Indian States. Very recently it appeared in the newspapers,—and that was referred to this morning in this House,—that the Mysore Government have already sanctioned such a scheme at Bhadravati at an initial cost of 21 lakhs. Over and above all these, there are some smaller firms in British India, both European and Indian, that are even now producing steel to a certain extent, and there are a number of firms, which are perhaps within the knowledge of Government, that are coming into being in the near future, not to speak of those that may come into being during all the next seven years with the object of manufacturing steel. From all these factors, it would only be very reasonable on the part of Government to agree to a reduction of the incidence of excise from rupees four to rupees three per ton, although I personally believe that there is sufficient scope for reducing the incidence by half. The Finance Member in his speech on the 1st August said this :

"I personally should have been very glad to be able to dispense with it,—I hope the House will agree that I have proved that we could not dispense with it, if the balance of the budget was not to be prejudiced and like my Honourable friend, the Commerce Member, I cannot see this excise duty on steel ingots becoming a permanent feature of the Indian fiscal system."

Sir, when we have agreed to the manner and method of imposing the excise duty, and when we have accepted the imposition of the excise duty, I believe the Finance Member in his national sportsman's spirit will come to our rescue and agree to a partial reduction of the incidence so that his loss may be fully recouped without any extra taxation. In his speech later, on the 31st July last, the Honourable the Commerce Member said : "Its removal or reduction, however, must largely depend upon our general financial position". I am sure, he, in his heart of hearts, believes that the loss of revenue may not be to the extent of 30 lakhs. He is sure, I think, that it may not be only 740,000 tons, but considerably more of steel ingots that will require excise. He will, I hope, prevail upon his colleague to agree to my modest and very reasonable proposal.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 4 of the Bill, for the words 'four rupees' the words 'three rupees' be substituted and clause 7 be amended accordingly."

Mr. N. R. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member, speaking in the vernacular, supported the amendment.)

The Honourable Sir James Grigg : Sir, I am afraid I must confess that I only very imperfectly apprehended the argument put forward by the last speaker (Laughter), and if, therefore, I do not deal with his remarks at the length which they deserved, I have no doubt he will forgive me. Mr. Sitakanta Mahapatra gave us the second of our recent arithmetical lectures. As far as I can make him out, the process which he went through is rather like that of the man who sought to prove that the ordinary lawyer's fee in the United Kingdom was not 6s. 8d. but 3d. six and eight equals 14d., which is 1s. 2d., which again became one and two pence which equals 3d.! He seems to me to arrive at some such result. He first of all started off to prove that the recommendations of the Select Committee had, in fact, greatly diminished the loss which the revenue suffered by the adoption of the recommendations of the Tariff Board. When I talked on the 1st August about the

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extra revenue which is to be expected from the restoration of the revenue duty on structurals and plates, that was a gross figure. Of course, it was not the amount of extra revenue that we shall actually realise, because the duty to countervail the excise was there anyhow. So, the extra revenue, in my view, and on a liberal calculation, to be apprehended from the alterations made in the Bill by the Select Committee, may be about a lakh. Now, one-fourth of the 30 lakhs, which is what he proposes to knock off, is about Rs. 7½ lakhs. Towards that Rs. 7½ lakhs, instead of producing the whole amount as he tried to do, he has, in fact, produced only one lakh and still we are Rs. 6½ lakhs short. Yesterday the House passed a Bill on the subject of double income-tax relief which was required in order to stop a potential loss of Rs. eight lakhs of revenue. The Government having taken the responsibility of bringing in a measure to stop a loss of Rs. eight lakhs, quite clearly we should be failing in our duty if we agreed to an amendment which would mean a loss of revenue of Rs. 6½ lakhs. There is not so much difference between Rs. eight lakhs and Rs. 6½ lakhs that one could afford to take a different view. Therefore, Government must oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 4 of the Bill, for the words 'four rupees' the words 'three rupees' be substituted and clause 7 be amended accordingly."

The motion was negatived.

Mr. Sitakanta Mahapatra : I beg to move :

"That in clause 4 of the Bill, for the words 'four rupees,' the words 'three rupees eight annas' be substituted and clause 7 be amended accordingly."

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot make a speech. He can move it if he wants.

Mr. Sitakanta Mahapatra : I want to move it. I only want to say this that if the Honourable the Finance Member is unwilling to sustain a loss of Rs. 6½ lakhs he can agree to this small loss.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 4 of the Bill, for the words 'four rupees' the words 'three rupees eight annas' be substituted and clause 7 be amended accordingly."

The Honourable Sir James Grigg : I am afraid, Sir, that my heart, though not so hard, is at any rate half as hard towards this proposal. This amendment, if carried, would mean a loss of somewhere between Rs. three and four lakhs, and even that is a loss which the Government are not prepared to face.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 4 of the Bill, for the words 'four rupees' the words 'three rupees eight annas' be substituted and clause 7 be amended accordingly."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : No. 14, Dr. Ziauddin Ahmad's amendment,* the Chair is inclined to think, is out of order, because, in anticipation, he wants to provide that there should be an extra excise duty in case there is a revenue duty on any of the articles mentioned in the Schedule, the effect of which would clearly be an imposition of a heavier burden for which the previous sanction of the Governor General would be required. Has the Honourable Member to say anything on that ?

Dr. Ziauddin Ahmad : The intention of my amendment is that the revenue duty, if it is ever put, should not be used for protective purposes. It should be treated purely as a revenue duty. That is my intention. I would develop the point later on.

Mr. President (The Honourable Sir Shanmukham Chetty) : When they increase the revenue duty, it will come before the House and the Honourable Member can express his opinion at that time.

The question is :

"That clause 5 stand part of the Bill."

Raja Bahadur G. Krishnamachariar : Nos. 15, 16 and 17 are only consequential upon my original amendment relating to clause 4, and as it has been voted against, all these amendments go.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6, 7 and 8 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 9 stand part of the Bill."

Dr. Ziauddin Ahmad : May I suggest that amendment No. 18 be taken after we have disposed of amendment No. 3 by Mr. Vidya Sagar Pandya. This will be a consequential amendment to that.

"That after clause 4 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

"5. If revenue duty is imposed on any article mentioned in the Schedule, the equal amount of excise duty shall be imposed on similar articles."

Mr. President (The Honourable Sir Shanmukham Chetty) : That means that we will have to postpone clause 9. Clause 9 is held over.

The question is :

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Schedule stand part of the Bill."

There is a new scheme by Dr. Ziauddin. What the Chair would like to know is whether the result of this new scheme will result in an increase of taxation.

The Honourable Sir Joseph Bhore : On the whole I am not prepared to say that it will result in an increase.

Mr. President (The Honourable Sir Shanmukham Chetty) : What was the intention of Dr. Ziauddin Ahmad ?

Dr. Ziauddin Ahmad : I have provided for the figures of Rs. 15 per ton and Rs. 10 per ton. In one case I have raised it, and in the other case I have lowered it, and in no case is the duty increased. I will give a sketch of my scheme.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's intention was to increase it.

The Honourable Sir Joseph Bhore : There may be an increase on certain items, but not in the total.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair will give the benefit of the doubt to the Doctor.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That for the Schedule to the Bill the following be substituted :

THE SCHEDULE.

(See section 3.)

Amendments to the Second Schedule to the Indian Tariff Act, 1894.

1. For Items Nos. 143 to 154 the following Items shall be substituted and the subsequent Items shall be re-numbered accordingly, namely—

143. Iron and steel.

(a) not fabricated—

(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India.

(ii) not of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India plus Rs. 20 per cent. *ad valorem*.

(b) Iron and steel—
fabricated—

(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots plus Rs. 10 per ton.

(ii) not of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots plus Rs. 30 per ton.

2. In Item No. 235—

(a) in the second column the words 'Iron pig' shall be omitted ;

(b) in the fourth column for the figures '20' the figures '10' shall be substituted ; and

(c) in the fifth column for the figures and words '10 per cent.' the word 'nil' shall be substituted.

3. In Item No. 236—

(a) in the fourth column for the figures '20' the figures '10' shall be substituted ; and

(b) in the fifth column for the figures and words '10 per cent.' the word 'nil' shall be substituted.

4. In Item No. 237—

(a) in the fourth column for the figures '20' the figures '10' shall be substituted ; and

(b) in the fifth column for the figures and words '10 per cent.' the word 'nil' shall be substituted."

I should like first to mention the principles on which the suggested Schedule is based. I may mention that I have suggested this, not in the interest of the British manufacturers, but I have made this suggestion in the interest of the Indian consumers alone. I will mention the principles and if that is agreed to then the conclusion will follow. My first principle is that the burden on the consumers should be lightened as much as possible. I do not think there will be any person who will be opposed to this principle. The second principle is that minor industries should be benefited and that in two ways. The price of raw materials should be cheapened and the price of fabricated articles slightly raised, so that minor subsidiary industries may profit.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member wants to do away with all the classifications.

Dr. Ziauddin Ahmad : I am just going into the principles on which my amendment is based. My third principle is that the Tatas should have a profit of 104 lakhs every year which I do not like to touch which is given to them by the Tariff Board. This I called it the visible profit. I am also giving them a good margin of invisible additional profit in this amendment, though not to the same extent as is contained in the Bill. My last principle is that the operation of the Act should be simplified as much as possible. It has got so much of classifications and sub-classifications a, b and c, and so on. I want to simplify the Indian Tariff Act which may be easy and understood and easy to work. If this principle is adopted, there will be a great retrenchment and saving in the number of customs officers. I trust nobody would disagree with the principles which I have suggested. I said at the very outset that my proposals are not based in sympathy of the British manufacturers but of Indian consumers. Now, as regards unfabricated steel, I have

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a table before me on page 54. It is Table XXIII. The fair selling price with ten per cent. profit on work costs are taken from the figures I gave yesterday :

	Landed price with- out duty Rs. per ton.	Fair selling price on which one crore profit is included. Rs. per ton.	Fair selling price on which profit of 10 per cent. on manu- facturing cost is in- cluded.
Rails	113	95	78
Fish plates	151	133	114
Structurals British ..	113	100	86
Bars	96	94	80
Plates	114	99	84
Semis	64	53	52
Black Sheets	119	122	108
Galvanised sheets ..	160	159	144
Sleepers	86	78	71

These figures show that Tata needs no protection against British goods. Any duty we impose on British goods would in fact be additional protection not contemplated by the Tariff Board.

So when I propose to abolish all duties on British goods, I am not doing it in the interests of the British manufacturers ; I am doing it in the interest of consumers and in the interest of the minor industries according to the principles which I have just enunciated and which the House has admitted. (An Honourable Member : " Admitted ! ") Sorry ; not questioned. If we agree to these principles and these are the principles which are admitted by everybody, then I see no justification why any duty at all should be placed on British goods in the shape of additional protection—more than what the Tariff Board have given to the Tata Company. That is really one of the very important principles on which I have made my new Schedule and, therefore, I have suggested in the first part that on British goods only it should be 1 1/3 times the excise duty, leviable for the time being, on steel ingots produced in British India and no additional duty because none is needed. Now, coming to the non-British goods, I find that the protection is needed there, because, in the same Table, I notice that in the case of non-British goods some kind of protection is necessary. What is the quantum of protection ? I would prefer to put specific duties but I could not suggest the specific duty as I apprehended that it may be out of order. Therefore, I propose this duty of 20 per cent. *ad valorem*, but I may say

I would like very much specific duty of Rs. 15 per ton instead of an *ad valorem* duty. The duty should not be abnormal and we may give quotas to various centres. So my first part is that in consonance with the principles I have enunciated, no protection is necessary as against British goods. If you want to levy any revenue duty, then levy the revenue duty on British goods and a corresponding amount as the excise duty as well, but for protection purposes no duty as such is necessary as against British goods.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Sir, as a result of the last ten years of protection, we have reached a stage where no protection is needed for Tatas' goods against British goods, and if the Government are levying any such duties, I think they are not doing justice to the consumers of this country because it is not to their interest ; here I have absolutely no consideration in mind, whatsoever, for the British manufacturer, but I consider, from a study of the figures I have quoted, that the Tata Company can stand on its own legs against the British manufacturer and I would not like to be led away by sentimental arguments. I would like to be told by facts and figures that if this duty is removed from the British article, then the Tatas would substantially suffer and I maintain from the figures I have quoted that the Tatas can hold its own against British goods. They do, however, need some kind of protection against the non-British goods ; that is to my mind Rs. 15 per ton is quite sufficient protection according to the figures I have got in my hand. Further protection may be given by assigning quota and not by increasing quantum of protection. Coming to the second part, that is, the fabricated articles, in the case of these, I would very much like to impose some duty in the interests of Indian steel rollers. I have suggested that Rs. ten per ton in addition to any excise duty would be sufficient for our minor industries and about Rs. 30 per ton in the case of the non-British manufacturer. Here, again, further protection may be given by quota system.

Coming to the second part of my amendment, there also I have suggested that duties of Rs. 20 and Rs. ten should be changed into duties of Rs. ten and *nil* ; that is, no duty on British goods and a ten per cent. duty on non-British goods, and then also, I say, I do it in the interest of the consumer. So this is really the principle on which I have made my suggestions, and excepting one point, that is, where I want to omit pig iron on which I believe there is another motion elsewhere and which I will take up later on and in which case I shall propose that the duty on pig iron should be removed altogether. Sir, I have quoted the principle on which I have made my suggestion and I think the time has come when on unfabricated steel we should have no duty on British goods but some specific duty on non-British goods, but in the case of fabricated articles, in the interests of our minor industries, it is desirable that we ought to levy some duty on British goods and also a higher amount of duty on the non-British goods, and I have suggested Rs. ten per ton on British and Rs. 30 per ton on non-British goods. These are really the essence of my amendment and I do not like to make detailed distinctions as are contemplated here in this Bill and are also put down in the Tariff Board Report in which every item

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is divided into about twenty smaller items which is really a very troublesome thing, both to the customs authorities and to the merchants; it is much better that we should give some kind of simple tariff as we used to have before the War; that is, uniform small duty for revenue purpose, and I think we should go back to the simplicity of tariff and I have suggested that this thing would be exceedingly simple if the Government accept it, though I know that on the spur of the moment they may find it exceedingly difficult and they may not be inclined to give any thought to it. Some persons are telling that it is unnecessary to make any speech in this House. The Government have certain majority in their pocket.

Sir, we are here to represent the interests of the consumers and we must have our say on their behalf in full. Before I sit down, I should like to answer one or two points which were raised by several speakers about myself, because although I tried to do it the last time I could not get an opportunity. First of all, I come to my Honourable friend, Sir Cowasji Jehangir. I may tell him one thing—that whenever I hear abuses and curses, I am exceedingly happy and my digestion improves. (Laughter.) Really speaking, whenever I have to speak, I do not take any lunch, but simply on account of abuses hurled at me, I went against my practice and had a good lunch. I have had thirty years of public life, and there was not a day without crisis. Sir, crisis has always been a feature of my routine work. The absence of crisis was to me a crisis. Coming to my Honourable friend, Mr. B. Das, I may tell him that the Tatas never make a mistake against themselves.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member may reply to all these criticisms during the third reading.

Dr. Ziauddin Ahmad: Sir, on the third reading there may not be much time and so I wanted to reply to them now. Sir, Government have always got the last word in every motion. We would not have a chance to reply to what Government have said till next motion, which may be entirely different, comes up for discussion. The Honourable the President gave opportunity to reply the Government and other speakers at the next motion. Will you just give me a chance to explain my position? Will you give me an opportunity to reply?

Mr. Deputy President (Mr. Abdul Matin Chaudhury): If the Honourable Member is brief.

Dr. Ziauddin Ahmad: I will take only two minutes. The Finance Member really misunderstood me when he sketched out my amendment. My position was simply this that I consider all excise duties to be unhealthy but I am not opposed to the excise duty. In fact, in the case of the sugar industry, when this excise duty was proposed, I actually supported the Government, although that is the only industry in which I am financially interested. What I stand for is that the excise duty should be considered as a problem by itself and any kind of revenue duty which we may impose should not be used for protection purposes. That was the gist of my amendment. Put any kind of revenue duty but do not use it for protection purposes. Then the other thing to which I would like to refer was that my Honourable friend, Mr. Mody, said on the floor of the House that the Govern-

ment gave a threat that if excise duty is opposed, they will withdraw the Bill. This shows how slippery is the ground on which they are standing but they will be prepared to withdraw the Bill if the excise duty is removed. With these words, Sir, I move my amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Amendment moved:

“That for the Schedule to the Bill the following be substituted:

‘THE SCHEDULE.

(See section 3.)

Amendments to the Second Schedule to the Indian Tariff Act, 1894.

1. For Items Nos. 143 to 154 the following Items shall be substituted and the subsequent Items shall be re-numbered accordingly, namely—

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(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India.

(ii) not of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India plus Rs. 20 per cent. *ad valorem*.

(b) Iron and steel—
fabricated—

(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots plus Rs. 10 per ton.

(ii) not of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots plus Rs. 30 per ton.’

2. In Item No. 235—

(a) in the second column the words ‘Iron pig’ shall be omitted;

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4. In Item No. 237—

(a) in the fourth column for the figures ‘20’ the figures ‘10’ shall be substituted; and

(b) in the fifth column for the figures and words ‘10 per cent.’ the word ‘nil’ shall be substituted.’

The Honourable Sir Joseph Bhowe: Sir, in the first place, I should like to congratulate my friend, Dr. Ziauddin Ahmad, for, if, as he says, his digestion improves with criticism, then his digestion must never be out of order. My Honourable friend has enunciated four principles and in regard to these four principles there can be....

Dr. Ziauddin Ahmad : I have enunciated five principles.

The Honourable Sir Joseph Bhoré : I very much regret not having heard the fifth, but I have taken down four with very great care. So far as those four principles are concerned, I claim that all of them are in the measure which is now before the House. For instance, two of his principles were to the effect that Tatas should get their 104 lakhs, that they should get their "invisible" profits and that they should get their "latent" profits. Now, Sir, he himself suggested that our Bill embodied these principles, so that I have nothing further to say.

(Dr. Ziauddin Ahmad wanted to interrupt, but the Honourable Member did not give way.)

I will go on with the other two principles. My Honourable friend then enunciated a very wholesome principle. He said that minor industries should be benefited. Well, we have done our very best to see that they will be benefited and we have given certain assurances.

Dr. Ziauddin Ahmad : That is just the thing you have not done.

The Honourable Sir Joseph Bhoré : Finally, there is the question of the consumer, and, again, I am with my Honourable friend entirely there. Our contention is that we have done our best, as things are, to see that the consumer is in no way unnecessarily penalised and, in fact, the imposition of the excise duty was, as has been pointed out repeatedly from these Benches, conceived in the interests of the consumer. I claim, therefore, that our scheme of protection, as embodied in this measure, gives effect to all the four principles which my Honourable friend has enunciated. My Honourable friend has referred to another point, and on this theoretically I am in entire agreement with him. What he said, I think, was that in the interests of the consumer even revenue duty should not be imposed where protection was not necessary.

Dr. Ziauddin Ahmad : I am sorry to interrupt the Honourable Member, but what I said was that the revenue duty should not be used for protection purposes.

The Honourable Sir Joseph Bhoré : That, of course, is a truism, but I understood him to say that a revenue duty should not be imposed where protection was not required. Well, Sir, we endeavoured in one case to give effect to that principle but under pressure we had to vacate the position which we had taken up. I would suggest to my Honourable friend that the scheme of protection embodied in this Bill has been arrived at as the result of a very detailed and a very protracted inquiry by an authoritative Tariff Board. Now, I have no doubt that the alternative suggested by my Honourable friend has the merit of great simplicity. But I think he will admit—in fact, he has admitted it in the course of his speech—that it would be quite impossible for Government at a few minutes' notice to substitute a new scheme for the old scheme. I would, therefore, suggest to my Honourable friend that he should write another Tariff Board report. Let him take his time over it, and when he has given it to the House, to the country and to the Government, and when we come to consider this question in five or six years' time, we shall be in a position to accept or reject his new scheme in place of the old one. I am afraid, Sir, that I must oppose my Honourable friend's amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“ That for the Schedule to the Bill the following be substituted :

‘ THE SCHEDULE.

(See section 3.)

Amendments to the Second Schedule to the Indian Tariff Act, 1894.

1. For Items Nos. 143 to 154 the following Items shall be substituted and the subsequent Items shall be re-numbered accordingly, namely :—

‘ 143. Iron and steel.

(a) not fabricated—

(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India.

(ii) not of British manufacture.. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India plus Rs. 20 per cent. *ad valorem*.

(b) Iron and steel—

fabricated—

(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots plus Rs. 10 per ton.

(ii) not of British manufacture 1-1/3 times the excise duty leviable for the time being on steel ingots plus Rs. 30 per ton.’

2. In Item No. 235—

(a) in the second column the words ‘ Iron pig ’ shall be omitted ;

(b) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(c) in the fifth column for the figures and words ‘ 10 per cent.’ the word ‘ nil ’ shall be substituted.

3. In Item No. 236—

(a) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(b) in the fifth column for the figures and words ‘ 10 per cent.’ the word ‘ nil ’ shall be substituted.

4. In Item 237—

(a) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(b) in the fifth column for the figures and words ‘ 10 per cent.’ the word ‘ nil ’ shall be substituted.’

The motion was negatived.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The next amendment (amendment No. 23) stands in the name of Mr. Thampan. The Chair would like to know from the Honourable the Commerce Member whether it proposes increased taxation, and whether it is necessary to have the permission of the Governor General in regard to the proposal contained in this amendment ?

The Honourable Sir Joseph Bhoré : Yes, undoubtedly.

Mr. K. P. Thampan : Sir, the permission of the Governor General is not necessary for this amendment for the reason that the duties that I propose under my proposal are not higher than the duties that are just at present levied except in one or two cases. There are several instances where the duty would be less than the present rate. I am certain the net effect of the proposal would not be increased in the present revenue. It is only in cases where the proposal is for a higher rate that the sanction of the Governor General in Council is necessary.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Commerce Member has said that the net effect of this amendment will be an increase in the proposed taxation and for this reason the sanction of the Governor General is necessary. The Governor General has withheld his sanction. The amendment is, therefore, out of order. The next amendment stands in the name of Dr. Ziauddin Ahmad.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 1, in the third column of Item No. 142 (b), for the figures '40' the figures '30' be substituted."

Sir, my intention was that the duty that we have imposed on non-British goods is too high. To my mind, this Rs. 40 that I have imposed is a kind of prohibitive duty and there is a good deal of talk among the merchants that if this duty on non-British goods is accepted, there will be no trade left with the non-British countries and we will be put in a very difficult position. I quite agree that we should impose a sufficient protection, but the protection should not be so heavy as to prohibit the import of non-British goods altogether. Now, if we really want to decide that non-British goods should not come into this country, then this is not the method of dealing with the problem. We cannot afford to practically give up our connections with all non-British countries in Europe. We must find a market for our production and we must have a favourable balance of trade in order to give 72 crores to the United Kingdom for all our commitments. These tariff duties leave us in a position that our trade with non-British countries will stop altogether, then we will be in a very unfortunate position. We will not be able to sell our goods in outside markets. I got a telegram this morning, in which it is said, that Germany is contemplating taking some action in this matter and, I think, instead of having a very heavy duty it would be better if we give some kind of quota to these countries so that they may not be able to import more than we require. The practical way of dealing with these protective duties would be this. We know our requirements is in the neighbourhood of 1,300,000 tons. That is the consumption of India in normal times. It has substantially diminished on account of depression and high prices. Then, out of this, the Tatas may produce about 600,000 tons. We have got a margin of about 700,000 tons which we have to import from outside. We can give a quota to all the countries without applying heavy tariff which is practically not needed. The other countries will themselves equalise the price. The fair selling price should be a price on which ten per cent. profit is given. My Honourable friend, the Commerce Member, said clearly on this point, that the Tariff Board figures are very well calculated. Unfortunately, he has placed us in a position when we cannot challenge his figures because he has not given the evidence or any material to us. He has placed us in the position of a man without legs and limbs.

We have to take the figures of the Tariff Board for granted, because we have no other data to go by. As regards the premises on which their calculations are based I challenge them. One of their premises is, that interest at six per cent. should be calculated on working capital. I submit this is too much, it ought to be four per cent. The second premise that I challenge is, that they have given Tatas a clear profit of 100 lakhs on the ground that shareholders should at least get eight per cent. profit. On a sum of 12½ crores it comes to 100 lakhs. This figure again I challenge. A clear profit of 100 lakhs is not what we can afford to pay. In these days a profit of five or six per cent. is good enough. A profit of eight per cent. is abnormal. We should begin the other way. We give them a profit of ten per cent. on working cost. Those Honourable Members who are engaged in industry will be able to tell us whether a profit of ten per cent. on working cost, in any undertaking, is not good enough. I gave some figures last time that their profit varies from 15 per cent. to 40 per cent. We are giving enormous profit to the Tatas. This is the premise of the Tariff Board which I challenge. The Tariff Board gives them eight per cent. on their capital of 12½ crores, and this is a thing which the consumers of India are asked to contribute. Though I do not challenge the figures, yet I challenge the premises on which these figures are based. Therefore, on that particular ground, they are not justified.

The next point I would like to point out is that the Tariff Board has given a fair selling price, but it has not given any machinery by means of which we can see whether Tatas will sell articles at the calculated fair selling price. Will it only remain on paper and will it ever be observed in practice? Neither the Tariff Board nor the Government have suggested anything in this Bill which will go to show that the Tatas will actually sell articles at a fair selling price. I submit that if this is not observed, the Tatas would sell their goods at the price at which the duty paid imported articles would be introduced into this country and, thereby, the Tatas will get an additional profit of 113 lakhs which I called invisible profits. My Honourable friend, the Commerce Member, may say anything in this House, but the country which is behind us will judge the Government by the results. This enormous sum of 113 lakhs we cannot afford to part with. The fact remains, that no machinery is suggested in the Tariff Board report or in this Bill by means which we can see that the Tatas will sell their articles at the scheduled fair selling price which has been calculated for them. Any merchant will verify what I say, namely, that the Tatas will sell at the price at which the foreign articles will be landed duty paid in Bombay. Any customs duty which we will impose on these articles will add to the price of these articles and will add to the actual selling price at which the Tatas would sell. These are facts which my Honourable friend cannot ignore entirely. He may be fool us for sometime, because he has got votes in his pocket, but the country which is behind us will judge the action of the Legislature and will see that we are providing no machinery and we are deliberately putting additional burden of 113 lakhs on consumers. I have calculated this figure item by item and I have given in tabulated form in my first speech. I called this sum of 113 lakhs as "invisible profit" to Tatas. You cannot ignore these facts. I wish your invisible profit or the difference between the selling price and the price at which these articles will actually be sold be the minimum possible, because you must take it for granted that the Tatas will never sell these articles at a fair selling price. This fair selling

[Dr. Ziauddin Ahmad.]

price will only be on paper just like your centre of gravity which never exists except in the mind of the mathematician. I, therefore, submit, that the fair selling price does not exist in the market, it only exists in the Tariff Board report or buried in the Commerce Department. The Tatas will never sell at a fair selling price. They will sell at a price at which the imported articles after paying the customs duty will be landed in the country. I have emphasized this point time after time that the Bill does not provide us any machinery to enforce that the fair selling price should be *de facto* price. Any duty, which you will impose on these articles, will add to the protection and add to the fair selling price immediately, because, as soon as we put any duty on the imported article, the price of that article will go up and the Tatas will sell their goods at that price. I, therefore, submit, that the Government should put an end to this chance and they ought to see that the Tatas do not sell at a price higher than the fair selling price that has been fixed. If this machinery is not provided, and if the Government do not care to provide these things, then it will be very unfair to the consumers. Sir, in this particular case I will give you one illustration.

A legal practitioner when he reaches the highest stage in his profession, his clients on either side pay him fees in order that he may not be engaged by the other side. It is a kind of negative reduction fee. I have seen legal practitioners who are paid simply for the fact that they may not appear for the opposite side. This is the highest of the progress of a legal practitioner. Similarly, in the case of thieves and dacoits, the highest point they could reach is when they never do dacoities but they regulate dacoities and they see that dacoities are committed and their proper share comes in. Similarly, the Government are reduced to this position of the highest form of dacoits and they allow the Tatas to rob the consumers of the country provided the share of the Government in the shape of excise duty is paid to them. This is the tax which the Government are paid by the Tatas because as my Honourable friend, Mr. Mody, pointed out, and the Government have not challenged that, the Government said very clearly that they would not allow this Bill to go through unless the excise duty is paid up. That is really dacoity. The Government do not commit dacoity but they ask others to rob the consumers and they share the profit. That is the position to which we have been reduced. With these words I move my motion.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 1, in the third column of Item No. 142 (b), for the figures '40' the figures '30' be substituted."

The Honourable Sir Joseph Bhore : Sir, as I think that this amendment is very analogous to a large number of amendments standing in the name of my Honourable friend in which he seems to have substituted one figure for another somewhat at random, it will, I think, be advisable for me once and for all to state the position of Government with respect to such substitutions, so that it may be unnecessary for me later on, when other similar motions are moved, to repeat what I have said on this occasion.

Now, Sir, my Honourable friend has substituted the figure "30" for the figure "40". I contend that that is a substitution which has no

scientific basis whatsoever. It is simply a substitution of one figure for another. The figure "40" may be high,—I do not say that it is not,—but the figure "40" was arrived at by the Tariff Board after a complete examination of the case and after a complete scrutiny of the figures involved. It has a scientific basis and it is something which can be logically supported and understood. If we depart from the very definite scheme such as the Tariff Board has adopted, we shall never know where we are. It is for that reason that I consider that we are absolutely bound to adopt the figures in the Tariff Board report unless, as I have said on more than one occasion, it is shown that those figures are incorrect or have been reached by incorrect processes.

Now, the only point which my Honourable friend has really raised in connection with the calculations of the Tariff Board is the allowance for interest which the Tariff Board has made in calculating the fair selling price. It has allowed interest at the rate of six per cent. on working capital and it has allowed a profit of eight per cent. on the total capital at charge. Now, Sir, certainly opinions may differ in regard to the reasonableness of these figures, and I do not quarrel with my Honourable friend for holding the opinion that these figures are on the high side. But the Tariff Board has given the fullest possible reasons for proceeding upon that basis. Apart entirely from other reasons there is one which has possibly escaped my Honourable friend. One of the reasons definitely stated is that these figures allow for unforeseen contingencies. I understand that, in the course of the inquiry, Tatas' Representatives demanded a specific provision for unforeseen contingencies and the reply of the Tariff Board was, "No; we have given you a generous allowance. We have calculated your profit at what we consider is a generous figure and that should cover you against any unforeseen accidents that may occur which may reduce your profits". I think, Sir, that having regard to that explanation it cannot be said that the figures on which the Tariff Board proceeded are unreasonable; and if, we assume that they are not unreasonable, then we are driven to the inevitable conclusion that these figures which have been arrived at as a result of calculations based upon those assumptions must be accepted unless and until we can substitute them by others on an equally scientific basis. The more random substitution of one figure for another is, I submit, not a scientific procedure. For that reason, I must oppose this and other similar amendments which stand in the name of my Honourable friend.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 1, in the third column of Item No. 142 (b), for the figures '40' the figures '30' be substituted."

The motion was negatived.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 2, in the third column of Item No. 143 (a) (i), the words and figures 'or 10 per cent. *ad valorem*, whichever is higher,' where they occur for the first time, be omitted."

This is one of the most important amendments which I should like to move and it is not of the nature of the previous amendments. My Honourable friend repeatedly said that he followed the Tariff Board literally. But he follows the Tariff Board whenever it suits him and he does not follow

[Dr. Ziauddin Ahmad.] the Board when it does not suit him. In this particular case he has not followed the Tariff Board. Am I not correct in that ?

The Honourable Sir Joseph Bhoré : Certainly in the original Bill we followed the Tariff Board.

Dr. Ziauddin Ahmad : In this particular Amendment the Tariff Board report has not been followed.

The Honourable Sir Joseph Bhoré : My Honourable friend is completely wrong. Government followed the Tariff Board report in their original Bill, and this alteration which he now wants to remove was put in by the Select Committee.

Dr. Ziauddin Ahmad : Thank you very much. I thought the Select Committee is intended to reduce the rate. I never heard, except in one solitary example of hosiery, that the Select Committee have come forward to increase taxation and give additional protection and Government readily accepted them. After all, the Tariff Board report has made exact calculations and on the strength of those my Honourable friend drew up the Bill according to the recommendations of the Tariff Board. They calculated the exact amount of protection which ought to have been given and Government suggested the same amount in their original Bill. But for some reason or other, which we do not know and which has been hinted on the floor of the House, Government changed their mind and acceded to the request of Tata's and increased the amount of protection by an amount which is practically equivalent to rupees five per ton. That is practically the additional protection which they have given. Now I have to argue in the first place that the Select Committee was certainly wrong in increasing the protection which had been so carefully calculated by the Tariff Board and on which Government always stand. And, whenever we put forward any argument, the only reply we get is that it is the recommendation of the Tariff Board. Cannot we say, following that same argument, that they ought to follow the recommendation of the Tariff Board in this case also and ought not to have imposed this additional protection ? After all, we have seen many times that the Select Committee recommended certain alteration, but if Government thought that they were not correct, they came forward with amendments on the floor of the House to restore their original recommendations and upset the recommendations of the Committee. Did they not do it in the case of Sugar Bill and in Reserve Bank Bill and in many other cases ? No attempt like that has been yet made in this case and what is the conclusion that we are going to draw ? We may shut our mouths but the country is not a fool and the whole world is not a fool. They understand all the implications of this particular thing and, I think, Government have not done justice to the minor industries. They have not done justice to the consumers by imposing in the Select Committee this additional burden on the consumers, that is, increasing the amount of protection. It was hinted by somebody—but it was denied—that no compromise was made : I do not know : I was not in the Select Committee and I do not want to refer to any action of the Select Committee, but there are the facts which remain and which nobody can challenge. The first is that the excise duty was vigorously opposed by the supporters of Tatas, but in the voting today we have seen that they are not now opposed to it : they are in favour of the excise duty. This change of mind is a fact which cannot be denied. The second thing that we see is that contrary to all principles the Government have agreed that the amount of

protection should be increased as put down in this revised Bill. The supporters of Tatas have changed their mind as regards the excise duty and the Government also have changed their mind and increased protection. It is not for me to draw any inference. But facts are there, call it compromise or no compromise between Tatas and the Government. We cannot understand it. As this has been recommended by the Select Committee, I thought some Member of the Government would come forward and move an amendment that this should be deleted : it ought not to have been left to the Opposition to delete this additional duty. This creates enormous doubts in the minds of the people of India because after all they watch the situation very closely : a large number of people are interested in the use of steel : they are consumers of steel and they would like that the price of steel should be as cheap as possible ; but when we come here and increase the burden by the excise duty and by this additional protection, it will not be intelligible to any person outside. Of course we may shut our eyes and we may not speak out anything here ; but the country will not remain silent : the country will judge the results and will watch the situation very carefully. They see it very clearly. I say that we are giving a clear profit of 250 lakhs or Rs. 2½ crores per annum to Tatas already. This is a thing on which I challenge any person to prove that I am not right—104 lakhs by visible taxation, and 113 lakhs by the difference between fair selling price and the price at which it will actually be sold and they are bound to sell it at the imported price ; and, then, again, there are latent profits here which we have not taken into consideration and which we have no means to judge. My friend has brought in unforeseen circumstances and it is demanded that special allowance should be made for this also. This reminds me that once the King of Oudh gave the revenues of five districts for the expenses of betel-nut—*pan dan ka kharach*—and this is really like that : for an emergency a big revenue duty is laid to provide for the unforeseen circumstances that might possibly arise. I say in reply, that we have already provided 78 lakhs a year in the name of depreciation fund—quite sufficient to meet emergencies ; and there is no further provision necessary to further increase protection. I am afraid, therefore, that the Government have lost their case altogether by increasing the duty in this particular case. They have been asking us that we should follow the Tariff Board Report blindly : they have themselves accepted that principle. We did not want to follow blindly, but they have placed us in that position by not placing in our hands the balance sheet of Tatas or the evidence laid before the Tariff Board, not even representations submitted to the Government, that we have no alternative but to follow the Tariff Board Report blindly, what is the reason or justification for the Government to increase the duty in this particular case ? We have accepted the principle that we should follow the Tariff Board Report blindly, though it is not the right thing to do—we cannot leave the destinies of the consumers of India in the hands of these two or three persons whose previous records are familiar to us ; I think their recommendations ought to have been critically judged and criticised by the Government of the country who represent not only the bigger industries, who represent not only one kind of interest, but who represent the interests of the people of India as a whole and who are the only guardians of the people of this country. When the Government brought forward the Safeguarding Bill, I said myself on that particular occasion about the Government :

“ I very much appreciate the Bill and I give my whole-hearted support to it and I hope that the Commerce Member will prove, as my friend, Mr. Mitra said, a

[Dr. Ziauddin Ahmad.]

benevolent despot and will look after the interests not only of the bigger industries of Bombay and Calcutta, but also the smaller industries which are not very vocal and not represented by influential Members of the Assembly."

But our experience compelled me to modify my opinion about the whole theory of protection and of Government. I make no secret of it. Sir Joseph Bhore himself said on the floor of the house, that he would agree to a thing if it was initiated by Mr. Mody, but he would not accept it if it was initiated by me : he said that in reply to a question on the floor of the House, and, therefore, it becomes exceedingly difficult if we do not take into consideration the real facts but only who has said it.....

Mr. H. P. Mody : I do not remember any such thing.

Dr. Ziauddin Ahmad : I will show it from the proceedings : there is an old proverb which has really come from Imam Ghazali to this effect : "look at what has been said and do not look on who has said it". That is, we must consider the substance of the arguments and not the person who has said it. That is really the principle on which we should act. But the Commerce Member's view is just the reverse. We are, therefore, placed in an exceedingly difficult position and it becomes very difficult to safeguard the consumers' interests. Their interests can only be safeguarded by the Government of the day ; they plead for mercy ; they plead that their interests should be borne in mind more prominently than the interests of the capitalists. That is the only request I make : But in any case of a protection Bill, offer protection, but have some mercy on the consumers of this country, on the poorer population of India, and not take into consideration only the interests of the capitalists. We have given eight per cent., on what I call the visible expenditure ; and, if you calculate the whole interest, we are giving some 20 per cent. to Tatas : this is an amount of protection which is certainly not justifiable. I do not agree with Mr. Anklesaria when he said that it was 1,200 per cent.—I think he was working in astronomical field that was rather too heavy ; but, still under this Bill, 18 to 20 per cent. is secured if the Bill is allowed to pass as it is. With these words, I move my amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 2, in the third column of Item No. 143 (a) (i), the words and figures 'or 10 per cent. *ad valorem*, whichever is higher,' where they occur for the first time, be omitted."

Maulvi Muhammad Shafee Daoodi : Sir, when the Report of the Select Committee came to our hands, we found that in paragraph 3 sub-clause (2) of the Report, there was a duty of ten per cent. *ad valorem* imposed on item No. 143 (a) (i). It struck me at the time as to how this increased duty could be proposed by the Select Committee. I find from the discussions that have taken place so far, in this House, that the Tariff Board view on this point was that a duty of 1-1/3 times of the excise duty, leviable for the time being on steel ingots produced in British India, could be levied. That would come to about Rs. 5-5 and some pies. Now, by the change proposed by the Select Committee it comes to much higher than that amount. I do not think this calculation can be doubted, I mean the amount proposed by the Select Committee is higher than what was proposed by the Tariff Board. Now, Sir, no reason has been assigned in the Report of the Select Committee as to why this change was made, and one

would certainly expect that when a change is made by the Select Committee in the original Bill, that cogent reasons would be advanced for effecting such a change. I just now heard the Honourable Member in charge of the Bill say that this was of course a change made by the Select Committee. Up to this moment, I do not know what led to this change, and I hope that the rules which apply to Non-Official Members and which prohibit them from raising the duty originally proposed also applies to Government Members, and in this case they should not be allowed to raise the duty. With these words, Sir, I support the amendment of my friend, Dr. Ziauddin Ahmad.

Seth Haji Abdoola Haroon (Sind : Muhammadan Rural) : Sir, after listening to the interesting speech of my Honourable friend, Dr. Ziauddin Ahmad, I find that I cannot but agree entirely with the observations he has made. In the previous Bill we saw that the duty was 1-1/3 more than the excise duty, which means about Rs. 5-5-4, whereas, according to the present Bill, which the Select Committee have placed before us, the duty will be Rs. 5-5-4 or ten per cent. *ad valorem*, whichever is higher. I do not know the present price of steel and steel products, but I imagine it is somewhere about Rs. six per cwt. If that is so, then the ton price is Rs. 120. If you calculate the duty at ten per cent. *ad valorem*, the new duty will come to about Rs. 12 per ton, whereas the proposed duty is Rs. 5-5-4, which again means an increase of duty of about Rs. 6-12-0 to Rs. seven on the goods. Well, when the import duty is higher than the selling price in the market of goods of British manufacture, then they must be sold at Rs. seven per ton. The Tariff Board have given protection to the extent of about Rs. 5-5-4 to Tatas. According to this clause, you are giving Rs. 12 per ton, which means Rs. seven more protection per ton. If I am correct, Sir, if the market price I have calculated is correct,—I do not know what is the present market price,—then Tatas will surely be benefited. My friend, Dr. Ziauddin Ahmad, said that protection to Tatas is being given in several ways, visible, invisible and latent, and, therefore, it seems to me that this is latent protection which is being given by this House to Tatas. Sir, I consider it is very unfair to the consumer that Government should give such concessions to Tatas at the expense of the poor consumers. With these few words, I support this amendment.

The Honourable Sir James Grigg : Sir, I could hardly believe my ears when I heard the three Honourable Members attacking the Government for having in the Select Committee introduced this amendment. In the debate on the 1st August last, I sought to defend the position which the Government had taken up in following the recommendation of the Tariff Board's Report. I was attacked from all sides of the House, by the Leaders of every Party, and did a single one of the Honourable Members get up and support the Government ? No, not a word, and now when the Government give way to their Leaders, they get up and attack the Government for doing so. I notice their Leaders are not here. Possibly it is a case of "when the cat is away the mice are having a game of their".

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

It might be pointed out that the proposal of Dr. Ziauddin Ahmad is to revert to Government's original proposal. The Government's original

[Sir James Grigg.]

proposal was, as I sought to explain previously, conceived in the interests of subsidiary industries, but what became clear was that the people who made a great fuss about those proposals were those very subsidiary industries themselves. And that was the reason why the Government in the Select Committee modified their original position and accepted a scheme which quite clearly, from all that has gone on in the press and in this House, commended a much wider measure of support than their original proposals. One of the numerous Chancellors of the Exchequer, whom I had the honour to serve, used to make use of a phrase when he tried to persuade the people to accept various forms of taxation for their own good—"you cannot force little dogs to eat mutton". That is the position here. It may or may not be a matter of regret that the substituted proposal which the Government have now adopted will injure the British manufacturer, that it will put a few lakhs into the pockets of Tatas at the expense of the subsidiary industries, but clearly our prime motive was to benefit those very subsidiary industries, and when it became plain that these people did not appreciate the gifts designed for them and refused to receive them, the ground was cut from beneath the feet of the Government. The amendment now made in the Bill simply means that the Government acquiesced in the views of the people they intended to benefit and who were not in the least grateful for the benefits designed for them. That is the position. There having emerged from the Select Committee a scheme, which obviously commands a much wider measure of support than the original one, although the modifications are comparatively small, I think now it is too late for the Government to go back to their original proposal, and, therefore, although it was the Government's original proposal,—and some of us may regret that we have been forced to recede from it,—Government certainly cannot accept the amendment now proposed.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 2, in the third column of Item No. 143 (a) (i), the words and figures 'or 10 per cent. *ad valorem*, whichever is higher,' where they occur for the first time, be omitted."

The Assembly divided :

AYES—8.

Abdoola Haroon, Seth Haji.
Badi-uz-Zaman, Maulvi.
Ismail Ali Khan, Kunwar Hajea.
Murtuza Saheb Bahadur, Maulvi Sayyid.

Pandya, Mr. Vidya Sagar.
Sadiq Hasan, Shaikh.
Shafee Daoodi, Maulvi Muhammad.
Ziauddin Ahmad, Dr.

NOES—59.

Abdul Aziz, Khan Bahadur Mian.
Abdul Matin Chaudhury, Mr.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Mahk.
Anklesaria, Mr. N. N.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna
Raddi B.

Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Chinoy, Mr. Rahimtoola M.
Craig, The Honourable Sir Henry.
Dalal, Dr. R. D.
Duguid, Mr. A.
Grantham, Mr. S. G.
Grigg, The Honourable Sir James.

Mr. T. N. Ramakrishna Reddi : Sir, I move :

"That in the Schedule to the Bill, in the proposed Amendment No. 3, in the third column of Item No. 144 (i), after the words '*ad valorem*' the words and figures '*plus 1½ times the excise duty leviable for the time being on the steel ingots produced in British India*' be inserted."

Here also I seek to raise the duties on the foreign imports by making the countervailing duty as an addition to the revenue duty and not as alternative as proposed in the Bill. For the same reasons which I adduced in my previous amendment, I move this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 3, in the third column of Item No. 144 (i), after the words '*ad valorem*' the words and figures '*plus 1½ times the excise duty leviable for the time being on the steel ingots produced in British India*' be inserted."

The Honourable Sir James Grigg : Sir, my comments on this proposal are exactly the same as on the Honourable Member's last proposal. Government are not prepared to accept an amendment which gives an unnecessary protection to Tatas and which unnecessarily takes money out of the consumers' pockets.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 3, in the third column of Item No. 144 (i), after the words '*ad valorem*' the words and figures '*plus 1½ times the excise duty leviable for the time being on the steel ingots produced in British India*' be inserted."

The motion was negatived.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 8, in the third column of Item No. 147 (a) (i), the words and figures '*or 10 per cent. *ad valorem*, whichever is higher*', where they occur for the first time, be omitted."

Sir, this amendment is practically the same as amendment No. 25. I do not like to make a fresh speech ; the same speech, as was delivered on the previous occasion, may be taken to be delivered on this occasion also. (Laughter.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 8, in the third column of Item No. 147 (a) (i), the words and figures '*or 10 per cent. *ad valorem*, whichever is higher*', where they occur for the first time, be omitted."

The same speech ? (Laughter.)

The Honourable Sir James Grigg : The same speech, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 8, in the third column of Item No. 147 (a) (i), the words and figures '*or 10 per cent. *ad valorem*, whichever is higher*', where they occur for the first time, be omitted."

The motion was negatived.

Dr. Ziauddin Ahmad : I do not want, Sir, to move amendment No. 32 on account of the same reasons, because this is really a consequential amendment on the one regarding reduction of the ten per cent. duty.

Mr. T. N. Ramakrishna Reddi : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (i), for the words and figures 'Rs. 11 per ton ; or 10 per cent. *ad valorem*, whichever is higher' the words and figures 'Rs. 32 per ton' be substituted."

This amendment No. 33, as also amendments Nos. 35, 36, 37 and 38, all refer to galvanized sheets. I propose by these amendments to equalize the protective duty both on the British galvanized sheets as well as the continental galvanized sheets. Sir, I do not oppose any preferential treatment to the British goods if it does not affect our industries in this country ; and it is obvious by the fact that I have not moved any amendment for the preferential treatment of British goods in connection with other articles in the Schedule. Sir, in this particular instance of galvanized sheets, the Tariff Board has departed from its orthodox method by calculating the protective duty that is necessary for the indigenous article.

Mr. President (The Honourable Sir Shanmukham Chetty) : Not galvanized sheets—black sheets.

Mr. T. N. Ramakrishna Reddi : They may be converted into galvanized sheets—that is why I am moving all these amendments, with your permission.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may move this as a test amendment of his case for equalising his duties and then he may decide whether to move the other amendments or not.

Mr. T. N. Ramakrishna Reddi : However, I shall make a speech when I come to the question of the galvanized sheets and so I content myself with moving this amendment stating that the duties on Continental imports as well as the British imports should be made equal.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (i), for the words and figures 'Rs. 11 per ton ; or 10 per cent. *ad valorem*, whichever is higher' the words and figures 'Rs. 32 per ton' be substituted."

The Honourable Sir James Grigg : Sir, this is a proposal to equalize the duties on Continental and British sheets. A considerable case against this could be made out on Ottawa grounds, but I shall, in order to avoid any misapprehension, deal with it purely from the point of view of the Indian consumer. Now for this purpose it will be necessary for me to use a few figures. The bases of the Tariff Board recommendations are a landed price for British black sheets of Rs. 119, a landed price for continental sheets of Rs. 97, and a fair selling price for Tatas in each case of about Rs. 130. Now, this amendment proposes to equalize the duties at Rs. 32 per ton. That raises the landed price of duty-paid United Kingdom sheets to Rs. 151 and the landed price of continentals to Rs. 97 + 32 = Rs. 129. What it means is that as Tatas have a limited capacity for sheets and cannot with their present plant supply the whole of the Indian market, the whole of the margin automatically goes to continental sheets. The continental exporters will put up their price to Rs. 150, just enough to get underneath the British price and that means that the consumer, instead of paying a fair price of Rs. 130 for his

supplies, will have to pay Rs. 150,—and you do not suppose in these circumstances Tatas are going to sit still and sell their sheets for Rs. 130. No, they will sell theirs for Rs. 150 or Rs. 149 and, therefore, in each case Rs. 19 a ton is unnecessarily being taken out of the consumer and being put partly into Tatas' pockets who thus get an unearned increment without their turning a hand, and a similar figure per ton into the pockets of the continental exporter, and you cut completely out of the market the British exporter. You have thus done severe damage to the Indian consumer, through the abolition of the differential, to the extent of Rs. 19 a ton. That does not seem to me to be very good business ! Sir, I oppose the amendment.

Mr. B. Das : Sir, so many fallacious arguments have been advanced by the Honourable the Finance Member that I am compelled to speak a few words. Sir, this love for the consumer is a theory which has gone deep into the minds of the Treasury Benches. I may remind the House how, when the first steel protection was given, it was in the Select Committee that my Leader, Mr. K. C. Neogy, fought for the consumer and wanted that there should be no protection of galvanized sheets, and, at that time, although the Tatas were not producing a ton of galvanized sheets, in order to help the Government exchequer, they put a heavy revenue duty. In 1927, when Sir Charles Innes moved his second Steel Protection Bill, he acknowledged his defeat before Mr. Neogy. He said—at least virtue and patience had been rewarded, and there was a reduction of duty on the galvanized sheets : and today, Sir, to trot out the interests of the consumers and at the same time to say that British galvanized sheets will also be affected, is absurd. Sir, to me and to the country at large, it is the British galvanized sheets that is the main thing that is in the minds of the Treasury Benches. Sir, the differential duty in 1927 has completely ousted the continental galvanized sheets from the Indian market and today Tatas might make a headway, and—I am divulging no secret, although my Honourable friend, Sir Leslie Hudson, pointed out that I had not understood the true spirit and significance of the difference between a differential duty and a preferential duty, I advocated the argument in Select Committee that the differential duty which the Tariff Board has designed is nothing but a preferential tariff for British steel sections. Although my Honourable friend, Mr. Mody, was very silent at that time, when the galvanized sheets problems were being discussed, he brought forward a similar argument and said that the Tariff Board has not assessed a differential tariff but that it is a preference to British sheets. So, I felt that the arguments that I advanced for the whole scheme that has been designed by the Tariff Board and the Government are correct, because Mr. Mody, being modest and virtuous, did not like to put forward those arguments in the case of all steel sections. So, Sir, after ten years Government have not handicapped the consumer. It was the late Mr. Alexander from Madras who always used to plead that the duties on the galvanized sheets should be reduced, but, at that time, Government had no words to say because they were in need of money. I am sure the Steel Company never advocated protection of galvanized sheets in 1924. In 1927 it was reduced. Of course, the Finance Member has said that he is thinking of the consumer, but I do not know where is his consumer, I mean the masses, for whom the heart of the Government bleeds so much ? Where does he exist and where is the money in his pocket to buy these galvanized sheets today ?

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Therefore he is not handicapped.

Mr. B. Das : Therefore, the consumer is not at all handicapped. The other day, my Honourable friend, Raja Bahadur Krishnamachariar, accused me by saying that we are not thinking of the consumer and the masses. Sir, when we are thinking of the protection of industries, we must see that the protection is adequate or there should be no protection at all. Sir, I do not like the arguments that are so often trotted out that these schemes are in the interests of the consumers and that they are being benefited. If the consumers are benefited, it is the rich people who are the higher class consumers and they can easily afford to pay higher prices. On their behalf, I can assure the Government, we are willing to bear the extra cost ; but the Government are going to reduce the price of galvanized sheets, not so much in the interests of Tata's but to see that the British sheets so capture the market that the Tata's will never be able to expand their production of galvanized sheets. Sir, at no time can I visualise that India will be self-supporting in the matter of galvanized sheets. With these remarks I support the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (i), for the words and figures 'Rs. 11 per ton ; or 10 per cent. *ad valorem*, whichever is higher' the words and figures 'Rs. 32 per ton' be substituted."

The motion was negatived.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (ii), for the figures '32' the figures '23' be substituted."

Sir, I notice that on page 54 of the Tariff Board's report the price of non-British goods is given as 97 and the fair selling price is given as 122. So, I thought that the protection that was needed was just 23 after making allowance between excise and countervailing duties. If you analyse this thing on page 54 and also the previous columns on page 45 where the fair selling prices are given, then you will find that the fair selling price of the black sheets is 122 and there the continental price is given as 97. Therefore, the difference in this case is 23, as Rs. 2 will be the difference between excise duty and the extra duty put on, i.e., Rs. 6 per ton.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (ii), for the figures '32' the figures '23' be substituted."

The Honourable Sir Joseph Bhore : Sir, a little while ago when I was dealing with one of my Honourable friend's typical amendments, I delivered a speech which I asked should be read as repeated on the occasion of all similar amendments. There is only one additional point that I would refer to here and that is that my Honourable friend has mixed up his figures. He stated that the fair selling price is 122 but if he will look at it carefully, he will find that this fair selling price is for Tatanagar, whereas in Table 23 the fair selling price for a port is given

and it is 129. There is, of course, this difference between this particular amendment of my Honourable friend and his previous amendments. There appears to be some logic about this, because it proceeds by transposing the digits while on a previous occasion a figure seemed to have been taken at random. To that extent, my Honourable friend is a little more scientific than he was on the previous occasion. I am afraid that I must oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (ii), for the figures '32' the figures '23' be substituted."

The motion was negatived.

Mr. T. N. Ramakrishna Reddi : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (i), for the words and figures 'Rs. 10 per ton ; or 10 per cent. *ad valorem*, whichever is higher' the words and figures 'Rs. 40 per ton' be substituted."

Sir, this amendment refers to duties on galvanized sheets. My Honourable friend, the Finance Member, has been repeatedly opposing similar amendments by saying that they will break the consumer's back. Now, we are dealing with a protection Bill to a particular industry and necessarily when we impose any protective duty, it will raise the prices which the consumers will have to pay. Now, the one question which the House has got to decide is whether you are giving protection to the industry or not. If you decide that we are giving protection to an industry, then we must ask the next question 'what is the object of giving that protection?' Is it because Government wants to give an instalment of protection so that the industry may be able to get along for a number of years without being able to stand on its own legs at any time or whether you are giving protection to that industry substantially so that within a definite specified time it might be able to stand on its own legs and may completely eliminate foreign competition and then lower the prices of the articles so that consumers may benefit ultimately? That is the question we have to decide. Now, I am dealing with the particular question of galvanised sheets and I would request Honourable Members not to confuse this particular item with the other previous items that have already appeared. This item has been dealt with in a different fashion by the Tariff Board itself.

Sir, in arriving at the amount of protection that should be given to a particular article, the Tariff Board has uniformly adopted the orthodox method of calculating the fair selling price of the Indian article. They have then taken the landed price of the foreign article in the port of Bombay and then they have taken the difference between these two prices as the quantum of protection needed for that particular industry. But, with regard to galvanised sheets, they have deviated from that orthodox method. In the case of galvanised sheets they have adopted an entirely different method. That different method is that while they have taken the landed price of continental galvanised sheets that are imported into this country in 1933 for the purpose of calculation, they have not taken the value of the landed price of British galvanised sheets for the same period. They have stated as the reason for this differential calculation that the price of British galvanised sheets has been artificially raised on

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account of certain circumstances, that is the Ottawa Agreement. If Ottawa Agreement has intervened in 1933, there is absolutely no objection for the Tariff Board to take into consideration the value that existed before the Ottawa Agreement, that is in the first half of 1932 when only competitive prices were prevailing. That would have been a proper method of calculation. On the other hand, their object seems to be to give protection to the British galvanized sheets in preference not only to continental but also to home production. That point I will presently prove. At the time of the Ottawa Agreement in fixing the amount of protection that is necessary as against British galvanized sheets, the parties to the agreements stated that there should be preferential treatment to British galvanized sheets on account of two considerations. Those are, firstly, that Great Britain would import Indian pig iron duty free, and secondly, that Great Britain will allow Indian sheet bar to Great Britain duty free so that sheets might be made out of these bars and sent back to India. For these two considerations a lower rate of protection duty was allowed to British galvanized sheets. Before that Ottawa Agreement, in 1927, there was a uniform duty of Rs. 30 per ton on both British and Continental galvanized sheets. In 1930, the industry wanted further protection, because they could not stand the competition both of British as well as of the Continent. The Tariff Board enquired into the matter and gave further protection of Rs. 37 per ton and in 1930 the protection was Rs. 67 per ton both on the Continent as well as on the British galvanized sheets. In 1932 a surcharge of 25 per cent. was imposed on this duty. The result has been that the trade of Great Britain had considerably fallen and the value of the imported galvanised sheets fell from seven crores of rupees to one crore by the year 1932. Then came the Ottawa Agreement and, as I have just now explained, both parties had come to an agreement giving a preferential duty to British galvanized sheets. That preference is that if the United Kingdom sheets were manufactured from Indian sheets, the duty should be Rs. 30. If the sheets are made from British steel, the duty should be Rs. 53. As against the Continental galvanised sheets the duty was fixed at Rs. 83 per ton. Thus, for the first time, in the Ottawa Agreement these differential duties were introduced. We have to ask whether those considerations at present exist, that is to say whether those considerations still exist for continuing this advantage to the British galvanized sheets? With regard to sheet bars it has been found that it was no longer possible for the Indian industry to export sheet bar to England on account of the development in the capacity of producing sheets in Tata works, and also on account of the increased demand for billets by the re-rolling mills in India. For this reason, the Tatas are not in a position to send sheet bars to England. On the other end also the industry is not anxious to get sheet bar from India. They also wanted to stop this kind of importation of sheet bar from India. This is what the Tariff Board say on this point :

"On the other hand the representatives of the British industry have informed us that for their part they have no particular reason to press for a renewal of this agreement."

So, one consideration, out of these two considerations, has ceased to exist. Then with regard to the introduction of pig iron into the United Kingdom duty free. In 1932-33 before this facility was given, the imports into the United Kingdom of Indian pig iron was 75 thousand tons and after these facilities were given in 1933, the imports were only 93

thousand tons. On the other hand, the exports of pig iron to the other countries have enormously increased much more in proportion than what it has been in the case of the United Kingdom. So these considerations have not been of much benefit to the Indian industries, and, as my Honourable friend, Mr. Mudaliar, said that after all we gain very little by this exemption of duty on pig iron. According to him it is only one rupee per ton that we gain from these exports of pig iron to the United Kingdom. These two considerations do not exist now. What has been the position? On account of this preferential duty, the Continental sheets have been completely ousted and the United Kingdom goods have been dumped into this country. If the Continental sheets were imported at a lower value, it is because of many improvements in the steel industry that have been introduced in Belgium, France and Germany, and hence they are in a position to produce these sheets more economically. On the other hand, the United Kingdom has not been able to produce sheets economically and they want this prop from the Indian market to dump their goods into our market. (Applause.) What is the position at present with regard to the imports of galvanized sheets into India? It has been found that the total amount of consumption in India of galvanized sheets in 1933 was estimated at 115,000 to 120,000 tons. Now the Tatas have improved their plant enormously for the production of these galvanized sheets and a new unit has begun to work in 1933 and they are introducing another unit and it will begin working by the end of 1934. And then the total capacity of the plant for producing the sheets will be 20 to 25 thousand tons of black sheet and 90,000 tons of galvanised sheets. They are also contemplating to introduce another third unit. Now, Sir, out of 115,000 tons of the market that is obtaining for galvanised sheets in India, Tatas are in a position to supply 90,000 tons of the galvanised sheets and there are only about 25,000 tons left both for the United Kingdom and for the Continent. Hence, I do not see any reason why they should make this difference in the rates. On the other hand, if this difference is not made and with a little prop to the Tata's, they will be in a position to supply the entire requirements of Indian consumption.

Now, Sir, my Honourable friend has repeatedly said that we will be hitting hard the consumer if we put equal duties both on British as well as Continental steel. But what will be the effect? If you want to help the consumers you must reduce the duties both on the Continental as well as British galvanised sheets. It is only then that there will be competition and then the prices will necessarily go down. On the other hand, if you retain the heavier duty on the Continent, then the price of galvanised sheets in India will be governed by the price of the imports of foreign galvanised sheets. That will be the price, and then what will be the result? The result will be, that on account of the preference you are giving the British people, the difference between these two duties will go to the pockets of the British industrialists as bounty and that bounty has been calculated at 20 lakhs of rupees.

Then it is said that the agriculturists will greatly benefit. Sir, the less the present Government speak of benefiting the agriculturists the better. Sir, I am an agriculturist, I come from an agricultural family and I represent an agricultural constituency. Certainly, if there is to be any great benefit to be achieved for the agriculturists, I would be the first to vote for it. Sir, in my Presidency, it is a notorious fact that the price of

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rice has fallen considerably and we have been pressing Government, time after time, to take steps to raise the price and thus give a benefit to the agriculturists. Even to this day there is an export duty on the export of rice from India. When you have got competition on all sides, when every week Siamese rice is being dumped into the ports of India and when the prices of agricultural products have gone down, consequently the Government have not been able to take any steps to stop the imports of rice. Sir, it has been said that if we are able to raise the price of a maund of rice by one anna, that will add nine crores of rupees to the agricultural economy of India. But in spite of repeated requests they have not been doing anything in that direction. On the other hand they say that the agriculturists will benefit by this reduction. The reduction is itself problematical. On the other hand, as I already stated the other day, it is not the agriculturists but the industrialists who will benefit if there is to be any benefit at all. And, whatever extra money the industrialists pay for the galvanised sheets, it will go to the capital expenses of their industry. Sir, the consumer is prepared to help the industry by making some sacrifice so that it might stand on its own legs, and ultimately, dispense with this protection. For all these reasons, I do not see any reason why they should make this difference between British galvanised sheets and Continental galvanised sheets. I prefaced by saying that I would not have opposed it if it would not hit the Indian industry. Sir, the Honourable the Finance Member stated they were compelled to levy the excise duty on steel ingots on account of the anticipated fall of revenue on account of the preferential rate of duty proposed to British galvanised sheets: I submit that there will be absolutely no reason why you should impose an excise duty if you only equalise the import duties on all these imports of galvanised sheets. So, no case has been made out by Government for giving this preferential treatment to the galvanised sheets of the United Kingdom and of the Continental countries. Sir, I have great pleasure in moving this amendment which would equalise the duty. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (i), for the words and figures 'Rs. 10 per ton ; or 10 per cent. *ad valorem*, whichever is higher' the words and figures 'Rs. 40 per ton' be substituted."

The Honourable Sir James Grigg : Sir, I ask to be excused from following the last speaker into his disquisition on the subject of rice in Madras. I will only just say one word. In so far as I could follow his argument, it was that Government were extremely blameworthy for not having long ago imposed an anti-dumping duty on rice from Siam imported into Madras, but that when they imposed on Continental sheets an anti-dumping duty they were doing something outrageous and wicked. I do not follow the logic of these two conclusions. As a matter of fact, Sir, 9/10ths of the Honourable Member's speech would not have been made if he had listened to the explanation on the question of the landed price of British sheets which was given by my Honourable friend, the Commerce Member, yesterday. Mr. Reddi is proceeding on the assumption that in this Bill we are giving a preference to British sheets. The Commerce Member proved to the satisfaction of the Honourable Member who

first raised this question, also from Madras, that the minimum landed price, without duty, of British sheets was Rs. 160, so that no question of preference arises. The ordinary question of differential duties only is in question. So, with that preliminary, I come back to prove again that the proposal to equalise the duties on British and continental galvanised sheets will do a great deal of harm to the consumer. Incidentally, both the last speaker and Mr. Das seem to think that the consumer of the 150,000 tons of sheets, used every year, is entirely imaginary. But that they are consumed is undoubted ! The landed price, without duty of continental galvanised sheets, is Rs. 130 a ton. The Commerce Member proved quite conclusively that the landed price of British sheets without duty is Rs. 160 a ton. Tata's fair selling price is Rs. 170 a ton. Now the proposal is to put a duty of Rs. 40 a ton on British sheets. It raises the price of British sheets with duty paid to Rs. 200. Now, as Tata's can only supply a limited part of the Indian market, that means that the whole of the margin is handed over to the continental exporter, which means that the continental exporter, who has a landed price of Rs. 130 a ton and a duty of Rs. 40 a ton, will be able to raise his price from Rs. 170 to (say) Rs. 195. Tata's will also raise their price from Rs. 170 to Rs. 195. Therefore, on every ton of galvanised sheet consumed in India, the consumer will have to pay Rs. 25 a ton extra. That is the result of an ill-considered attempt to equalise the duties on British and continental sheets. Thus, it really becomes a question of cutting off your nose to spite your face—or rather cutting off the Indian consumers' nose to spite the British exporters' face. That seems to me to be extremely bad business, and, therefore, in the interests of the Indian consumer, not in the interests of the British exporter, the Government oppose this amendment.

Dr. Ziauddin Ahmad : Sir, my friend, Mr. Reddi, has drawn attention to a very important point about the connection between the price of rice and the consumption of galvanised sheets. Here, I notice, that in appendix 3 of the Report of the Tariff Board, they have given a graph and we find from that graph that the consumption of these sheets—which is given by the dotted line—always lies midway between the jute prices index and the cereal prices index. Therefore, the graph clearly shows that the consumption of these sheets is proportionate to the prices of these important articles—jute and cereals. As we have pointed out on the floor of the House, these sheets are used substantially in Eastern Bengal and Burma and in Bihar also, and the agriculturists can afford to buy if they can pay the price for these sheets ; and in the absence of cheap prices for these sheets, they will have to go without them and live in huts made of straw which are exceedingly inconvenient during the rains as well as during the winter and thus they suffer very much for want of these sheets. Therefore, in the interests of the people of India, and especially in these three Provinces, it is absolutely necessary that we should reduce the price of these sheets as much as possible. Hence, any attempt that may be made to raise the price of sheets, without correspondingly raising the prices of our agricultural produce, will be hitting the agriculturist exceedingly hard. The graph, which is put here, is a very remarkable graph and you will find that for the last several years consumption of these sheets lies just half-way between the prices of jute and the prices of cereals.

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The other thing that we notice is that the higher the prices of these sheets, the lower becomes the consumption—especially after the year 1929-30. The law of diminishing return has set in. This is a thing to which we have been repeatedly drawing attention, that it is doing a great injustice to the people of India, 70 per cent. of whom are agriculturists, if we raise the prices of manufactured articles without making any effort to raise the prices of agricultural products. This is a point which Mr. Reddi very much emphasised and it is clear from the graphs given at the end of this report. Therefore, if the Government desire to levy any duty on this article, in order to raise the price of this particular commodity, it is first and foremost their duty to raise the prices of agricultural products, because we find that their consumption is very much correlated to the prices of agricultural products. Therefore, this point which Mr. Reddi has just now raised is an exceedingly relevant point: that is, we must first think of wheat, we must first think of rice, we must first think of all these products before we can begin to think of these sheets.

The other point which I mentioned and which I would like to emphasise again is that this is an article not of luxury, but of necessity for the poorer people, because the richer people do not require these sheets for building their houses: they build their houses of bricks and stone: it is only the poorer people who have to build their houses with straw and to cover the houses with these sheets to protect them from rains and from cold.....

Mr. Gaya Prasad Singh: And from outbreaks of fire also.

Dr. Ziauddin Ahmad: Yes, that is very common to these houses.....

An Honourable Member: And from earthquakes.

Dr. Ziauddin Ahmad: My friend adds earthquakes: and I will add one or two other categories,—accidents, etc.....

Raja Bahadur G. Krishnamachariar: Straw houses are immune from earthquakes.

Dr. Ziauddin Ahmad: But, unfortunately, they are not immune from the other calamity, such as fire, and, therefore, these sheets are exceedingly important, and, I think, it ought to be the duty of every Government which looks after the interests of the people, to see that the prices of this commodity should be kept as low as possible. Though we may give to Tatas very large profits—amounting to four per cent. in some cases, I think, in this particular commodity, we should give them only ten per cent. profit on the working cost and this is quite enough. I appeal in the interests of those who cannot speak for themselves that, at least in this particular article, the Tatas should be given only ten per cent. as the manufacturing profit; and if this principle is accepted, then the prices of these sheets will become low.

Coming now to galvanised sheets, the fair selling price is Rs. 159 per ton. But if we give them only ten per cent. profit, then the fair selling price will be reduced from 159 to 144 rupees. If we give them one rupee extra for additional profit to meet the so-called unforeseen emergency that might arise, that would come to Rs. 145, and, I think,

the Government should, in the interests of the poor people, fix the fair selling price at this figure, and not more. If we put the fair selling price at Rs. 145, I think it will be fair that we should regulate the customs duty and make it as low as possible in the interests of these consumers. With these observations, I oppose the motion.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (i), for the words and figures ‘Rs. 10 per ton; or 10 per cent. *ad valorem*, whichever is higher’ the words and figures ‘Rs. 40 per ton’ be substituted.”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 23rd August, 1934.

for monetary gain and without considering the welfare of the girl" is sale. Sir Hari Singh Gour in his book, "The Hindu Code", says :

"Out of eight forms of marriage, all except the Brahma and the Asura forms are said to be obsolete."

This refers to marriages among Hindus under the Mitakshara Law, and they are discredited."

So, Sir, the argument that the Asura form of marriage requires the paying of price for the bride is also untrue. Sir Hari Singh Gour has rightly pointed out that Asura form of marriage is out of use and discredited. I agree with Diwan Bahadur Ramaswami Mudaliar that there are evils in society but we should also try to remove them. It was said that the evil is not very prevalent, but in the United Provinces and that among the Aggarwala community, the Marwaris and in Bihar and Rajputana, the evil is prevalent. He is also in full sympathy. Mr. Jadhav says the motive is very good. Legislation will be able to do it as it is doing with the Sarda Act. Diwan Bahadur Mudaliar says that the evil does not exist in Madras but the Women's Association there is in favour of the Bill. So it does require such a remedy. The Honourable the Home Member said that marriages in this country were based on some pecuniary consideration but this is not true of some marriages as all people are not greedy. Then it was pointed out that the Muslims resent the application of this Bill to them but it is nowhere given in the opinions which have been received. Then it was said that in the case of Christians this Bill was unnecessary but the Cambridge Mission of Delhi supports my Bill, which shows that the Christians also want such a measure. The House has shown full sympathy with the object of the Bill and the opinions show that the motive is laudable. At least I have been able to arouse public opinion in the matter and this august Assembly has shown sympathy, as does the Government also. Hence my purpose is served and I have been shown difficulties to be encountered in its working and I am satisfied that a better framed Bill would better serve the purpose, and, therefore, I beg leave of the House to withdraw my Bill. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Has the Honourable Member the leave of the Assembly to withdraw his motion ?

Honourable Members : Yes, yes.

The motion was, by leave of the Assembly, withdrawn.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I rise to move what is known as the Temple Entry Bill, to remove the disabilities of the so-called depressed classes. Sir, I move :

"That the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Bhai Parmu Nand, Rao Bahadur M. C. Rajah, Mr. T. N. Ramakrishna Reddi, Rao Bahadur B. L. Patil and the Mover"—

I will delete, with your permission, the words "with instructions to report within a fortnight" and then I will continue the remaining portion of the motion :

"and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, at the time I gave notice of this motion, I did not think that before a fortnight we would be going into the wilderness. Therefore, I recognise the limitations of this motion, for there will be no time even to go to a Select Committee. I recognise that it gives us an opportunity to express our opinion on the subject.

I have already stated that I owed an apology to Mr. Satyamurti, for, while interrupting Mr. Mudaliar, I was not in a position naturally as he was rushing along with his speech to explain myself fully and he would have been at a disadvantage if I had done so. I recognise that Mr. Satyamurti, who was at no time in favour of the Temple Entry Bill, has succeeded in making the Congress drop it. I read the following written statement of Mr. C. Rajagopalachariar in the *Hindu* of Madras, dated the 16th August. The *Hindu* is a very responsible newspaper, and as it is not a mere telegraphic interview, but a written statement, I believe Mr. Rajagopalachariar's statement can be taken as accurate. Mr. Rajagopalachariar is apologising to the public for his betrayal of the cause of the untouchables. As the principal lieutenant of Mahatma Gandhi, his betrayal must be placed on record. He says :

"The question has been asked by some Sanatanists whether Congress candidates will give an undertaking that Congress will not support any legislative interference with religious observances. Similar questions may be asked on a variety of topics by persons and groups interested in each one of them. That such questions are asked only of the Congress candidates and similar elucidation is not attempted in respect of other parties and independent candidates is a very great compliment paid to the Congress."

So, says, Sriman Rajagopalachari. And, instead of following up the compliment and arousing public opinion on an unpopular measure, here is a great Congress leader who sat *dharna* at our houses with his son-in-law, Devidas Gandhi, who repeatedly called on me at Delhi and said "We seek joint support for this legislative measure"—here is a man who goes back "like a crab", to borrow the language of Shakespeare. Political parties, explains this subtle brain from the South, have distinctive policies on various questions covering a wide field :

"Not all of them, however, are made into election issues at any one time."

Sir, this Congress leader is afraid of facing the public opinion which he has roused.

Sir, are the Congress people slaves ?

"They are slaves who fear to speak
For the fallen and the weak."

According to Milton, "To say and straight unsay argues no liar but a coward traced". (*Rai Bahadur Kunwar Raghubir Singh* : "Question".) My friend questions. Not being a Congressman, the epithet does not apply to him. I was quoting Milton. Mr. Rajagopalachariar unsays now what he had been saying long before the General Election from every platform in the following words :

"The Congress candidates go to the electorate in this election on well-defined political issues."

That is to say, they go to the electorate with a view to pandering to the prejudice of the masses whom they have misled, so much so, that they have got themselves into a bog. Lord Willingdon came to their rescue, to take them out of the bog by announcing the dissolution of this Assembly and giving them an opportunity, as a constitutional Viceroy, to return to the sheltered paths of constitutionalism. Therefore, they have run away from their own convictions and are playing every trick to come back to the Legislature with as large a number as possible. Had they gone on with the Temple Entry Bill or the untouchability question, they would have lost many votes, for it is not a popular issue. I said so, though Mahatma Gandhi contradicted me publicly at the time. I said so when Shankaracharya was staying in Malabar in my brother's house at Palghat. My bother came on a deputation to the Viceroy to oppose the Bill. I said : "I know, the reformer is not in a majority in Malabar". Nowhere else are the reformers in a majority but the reformers believe in persuading the majority to their way of thinking. Then, I said—whatever the result of a referendum the Congress people might have taken in Guruvayur in Malabar might be. I could not for a moment believe that the majority of the temple going people in Malabar were in favour of admitting the untouchables into the temples ; but, I was prepared to fight them, also to argue with them and to persuade them and to make them take an interest in the cause and the case of the untouchables, for, I feel, the untouchables are a part of my community. Sir, if one-third of my community is to remain submerged in exclusion in the name of religion, I feel, as I have always felt and said, that that community has no right to existence. It is with a view to the unification of the Hindu community, it is with a view to building up the greatness of the future of that community on the past of that community, when untouchability was quite unknown as in the Vedic ages, that I have taken up their cause. And now, I find Congressmen, so keen about untouchability yesterday, explaining why they are not taking it up today. Mr. Rajagopalachariar has driven the last nail into the coffin of the Temple Entry Bill, as Raja Bahadur Krishnamachariar, the Raja Sahab of Kollengode or Sir Satya Charan Mukherji would perhaps like to say, representing as they do the various Sanatanist groups of the country.

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bias, having created that atmosphere of distrust in the country, finding that that atmosphere might not help them in the election if they fought it on a bigger, a cleaner and higher issue, namely, the removal of untouchability itself, they side-track the issue, they run away from their conviction :

"They are slaves who dare not be
In the right with two or three."

(Hear, hear.)

Then he, a principal lieutenant of Gandhiji, goes on to say :

" if successful at the polls, they cannot believe they will receive the mandate of the electorate on any other questions"—

That is to say, they are not receiving the mandate of the electorate on the Temple Entry Bill. This man, who came screaming at our doors, begging us for support—these beggars in the cause of the Congress,—who just begged of us to proceed with this Temple Entry Bill, are not only betraying the cause of the untouchables, but they are betraying the principles of the Mahatma himself, for, we know, that Mahatma's fast was directed toward the uplift of the untouchables by giving them concessions in regard to the Communal Award, which the Congress naturally has hesitated to repudiate, and we, therefore, know that that has a direct bearing on the untouchability question, to approach which, to solve which, the Mahatma, the great Mahatma, wanted to tour the country, but today the Congress, who betrayed him first in the betrayal of the Congress boycott of the Councils, have, by seeking to come to the Councils, further betrayed him with the assistance of his own *samandhi*, Rajagopalachariar, and they say that they are not going to proceed with the untouchability question and the Temple Entry Bill without a mandate from the people !

Sir, where is the difference, I ask, between Raja Bahadur Krishnamachariar and *Sriman* Rajagopalachariar ? Raja Bahadur Krishnamachariar has always conceded—"take a mandate from the people and then come and legislate". Sir, he is not a coward ; a great Sanatanist himself, he is willing to face the music. On the contrary, these people, who pillory the Sanatanists up and down the country, forgetting that Sanatan Dharma is eternal truth itself, are behaving in a manner which even the Sanatanists will not appreciate, for Sanatan Dharma is eternal truth and the betrayal of truth is worthy only of untruthful people ! Having betrayed many a principle which would lead us to our national goal, having taken up the case of the untouchables only to save their faces, with no conviction behind them, as we now see, the great Congress leaders, with the exception of Mahatma Gandhi, have said, through Rajagopalachariar, the Organizer-in-Chief of the coming elections on behalf of the Congress :

"It will be open to all Congressmen to have the matter duly considered before it is ever made into an official Congress Bill."

For this betrayal of the cause of the untouchables, I hope constitutionalists will organize themselves, whether Hindus or Mussalmans. They can agree to differ later on on communal issues, but they will unite and offer a great battle to the Congress and bring that organ of masqueradors down on its knees. Sir, I think here is a betrayal of the cause of the untouchables and the Depressed Classes : and, if I did not believe in this movement before Mahatma Gandhi could have been here to move this Bill.

Sir, I always felt that the father of the Harijan movement was Swami Vivekananda, whose feet I bear on my head. That great prophet of nationalism which Bengal gave to India and the world, in his great speeches, from Colombo to Almora, called upon the Indian people to get rid of this curse of untouchability which is making the nation an untouchable nation. (Hear, hear.) He said, touring in Malabar, what more silly thing could one find than this? What he witnessed in Malabar was that the poor Pariah was not allowed to walk in the streets, but when he changed his name to some hotch-potch Christian name or Muhammadan name, it was all right. What does the Malabar Hindu do? He says: "Don't touch me, I am holy!" The Swami said in another place: "Their religion is the kitchen, their God is the cooking pot!" Sir, Swami Vivekananda was the real founder of the Harijan movement, and Mahatma Gandhi, with his great energy, has come into that movement. Apparently, he finds it difficult to carry the Congress people with him in matters of social reform. Sir, not having sat at the great Mahatma's feet, in matters either of politics or of social reform, and drawing my inspiration first from the teachings of my own religion and the need of social justice and social reform, and secondly from my experience, bitter experience in Malabar, to which I belong, I propose to proceed with this Bill; and, in so doing, I seek, in the first place, a compromise with the Sanatanists. The latter have nowhere said that they were opposed to considering the temple-entry question; they were opposed to the Temple Entry Bill. For instance, I believe that Raja Bahadur Krishnamachariar and Raja Vasudeva Raja, who belong to the Madras Presidency, the latter to Malabar itself, would be willing to build temples for the untouchables, for the untouchables have to be kept within the Hindu fold: you cannot drive them out, as you have tried to drive them out all these ages by excluding them from the community. Sir, if, in spite of all this, all the untouchables have not become Musalmans or Christians, it is because the untouchables are better Hindus than many of these so-called Hindus themselves. (Hear, hear.) They have clung to the Hindu religion in spite of this disability; they have clung to the Hindu fold in spite of the treatment that we have offered them. There is a film going round the country called "Chandi Das". That film deals with temple entry and if it has any connection with our revered Law Member, Sir Nripendra Sircar, whose life is a sermon on sacrifice and service to the Hindu cause, I can only say that he and Bengal and his talented son responsible for that film have rendered a great service to the cause of the removal of untouchability. (Applause.) The applause all over the country that this film has got is an index of the fact that the cause of the untouchables has the support of the Hindus.

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like the Congress politics? I think Hinduism is a great religion, it is not a mean thing to be shuffled through as we like, it does not depend upon the mechanical manipulation of the muscles of the mouth by way of chanting *mantras*. It does not depend on parroting a few words. Hinduism is being and becoming, it is the manifestation of the temple already in man. Hinduism teaches us that there are three stages for the realisation of God. The first is the ritual stage, the temple going stage, the second is the philosophic stage and the third is the yogic stage, the stage of realisation. The untouchables are children, men with a child-mind. If temples are meant for anybody, they are meant for the untouchables. (Hear, hear.) Let us make our temples attractive to the untouchables or build more attractive temples for them and then the Sanatanists need not fight the Congress people, for the Congress people will have to take up some other subject of exploitation and playing to the gallery. Now, the time has come for all of us to stand by the untouchables in our own way.

I must be referring to the opinions received and as we all know, opinions differ, but I am glad to find that even in the Madras Presidency sympathy is expressed by the Judges of the High Court. Sir C. V. Anantakrishna Aiyar, a relation of my first cousin who has married his daughter, a very temple-going man, very orthodox, I thought, would have expressed himself harshly on the Temple Entry Bill of mine. He is not uncharitable. He says, "why go on with it now? Why not leave it to the reformed Legislatures?" Therefore, I think, he is a little better than the Congress people. The Congress people say that when their "constituent Assembly" comes into existence, which now exists in the dreamland of Satyamurti and Rajagopalachari, they will then issue an official Congress Bill on Temple Entry. I do not want a constituent Assembly to wreck constitutions. I want a constitution which I am getting, however imperfect it may be, however unsatisfactory it may be, and I am prepared to build a palace of hope for my country on that constitution. Until the day when their "constituent Assembly" comes, I am not going to wait to build a palace of unity in which the touchables and the untouchables can live, and here, I say, the Sanatanists must strengthen my hands and if the Government will agree they must give us a committee to work out a scheme for building temples for the untouchables. I do not want a revenue-committee, I do not want a roving committee, collecting opinions in the country, because the collected opinions are good enough. If the Sanatanists and the Government—we the reformers, if need be, are willing to stand aside—can work out some policy by which they will be able to build temples for the untouchables and in other ways bring about their uplift, at any rate in future, the Congress people will not be able to treat these uneducated people as pawns in their political game. So far as matters of religion and social reform are concerned, it becomes necessary for us to take great caution of seeing that we all combine against our enemies, because the Congressmen are the common enemies of India and of all noble causes in this country, we must see that we all combine against our enemies for the goodness not only of the touchables but for the greatness of the untouchables. (Hear, hear.)

village. Incidentally I may say that he lives in the house which used to belong to my father and in which great *pujas* used to be celebrated and Brahmins used to be fed month after month, and, therefore, it has all the hallowed atmosphere of Sanatanists.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : And you, the faithful son of that great man, you are now doing the very thing which he will be afraid to do and which he will never be willing to do. (Laughter.)

Mr. C. S. Ranga Iyer : My Honourable friend, the Raja Bahadur, is very quick in thinking, but not quite careful in retort. My father, I know better and that great man known to the village, known to the district, he had realised God. He always felt the presence of Sri Ram for the last 40 years before I was born. That man about whom I found in the *Roy's Weekly* by one who knew him before I was born, a three column reference to his religious idealism and practice, that man had realised long before his death that the temple of God was within him. Living in the neighbourhood of a great temple for a long time, he never went into that temple for many years. And, he said, that he was in communion with the deity in the temple not for purposes mundane. He said that he had felt the presence of God and we had evidence of it before his death as much as in his life-time. He did not, I must say, speak one word against my duty to my community and my country even though this Temple Entry Bill has been before us for the last two years. I did not hurry to take advantage of his passing away to introduce this Bill. Ten years ago, there was a great temple *satyagraha* campaign in Travancore State. One of my prominent friends, a Christian and a Barrister, had led that campaign and gone to prison. I was then in Allahabad and I announced my departure for Vykam to study the situation on the spot, not necessarily to take part in *satyagraha*. And when I arrived there I found my father also there. He was acting at that time, not as the Raja Bahadur would perhaps act because the Raja Bahadur has more fervour for ritualism, but at the same time he shared the opinion of Raja Bahadur Krishnamachariar. He said to me, "Not only no *satyagraha* for you, you must go away from here". I said, "I have a right to persuade my opponents, I have a right to move my friends". He said, "Make a speech, get into a boat and clear out". I made a speech, got into a boat and cleared out. (Laughter.) Eight years after, when he had gone in to further meditation and *tapasya*, when I met him in Palghat, when crowds of Brahmins came to him to appeal to him to reason with me, he left them to discuss with me, and I told my Brahmin friends : "If my religious arguments will not appeal to you, at least my political arguments must appeal to you. You know, the Brahmins have been finished by the non-Brahmins. You know if you walk from one end of the Palghat *agraharam* to the other, you find on the *pial* of every Brahmin house at least a couple of graduates unemployed and unemployable, because the fiat has gone forth that the non-Brahmins must have preference in Madras". There is a non-Brahmin Government there. And I said, "Though there is not much difference between Brahmins and caste non-Brahmins, these non-Brah-

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injustice to the untouchables. These temples are built by most of these non-Brahmin wealthy men and let us put the non-Brahmins on their trial. Let the non-Brahmin who is less efficient than the Brahmin, let the non-Brahmin, who on communal grounds has usurped jobs and deprived the Brahmins, hand them over on the same communal grounds of inefficiency to the untouchables". That is what I told the Brahmins and the Brahmins clapped their hands. They were very pleased. I said, "I am not your enemy; I want the boomerang of non-Brahminism to recoil on the non-Brahmins themselves". And then one class of people were satisfied that I, a Brahmin, had a patriotic Brahmin purpose in taking up the cause of the untouchables by carrying the non-Brahmin movement to its logical conclusion of either complete justice or complete inefficiency. And then I said that as a Hindu I had another object. I did not play upon the weakness of the reformer saying that many an untouchable is being converted every week in Ponnani taluk. I did not play upon that. I played upon this fact: if Hinduism has no place for the untouchables, I would ask them to embrace Islam. A man who gets better treatment in some other religion must go to it and must leave his religion. It is because I want to make Hinduism a habitable home for the untouchable that I have taken up this. I told them another thing and that is my whole case. I said, "You know the Moplah riots, you know the ghastly riots that have taken place from time to time. But the Moplahs are mainly drawn from the class of untouchables. They do not have the culture of the Mussalmans of Northern India, but they have better physique and greater courage". And, I said, "If all the untouchables become Moplahs what will happen to you? Already there are riots and the untouchable is not permitted to come to your *agraharam*. A Moplah can enter it, an untouchable cannot; and if all these untouchables become Moplahs, there will only be two communities in Malabar, the Nairs and the Brahmins". The Raja of Kollengode is a Kshatriya but one swallow cannot make a summer. Kshatriyas as a class are fast disappearing from India. And this argument also appealed to them, and I said, "Why not build temples for them". They who were once admirers of Gandhi and used to applaud Rajagopalachari are no longer with them. I told them that God is greater than Gandhi, and true politics and our duty to the community are greater than the Congress planks and platform. They agreed. And, I said, therefore, that from the non-Brahmin point of view, from the point of view of keeping the community together, and also from the point of view of holding aloft the new banner under which Sanatanists, both touchables and untouchables, can join, they should go with me. I said, "I am not a dangerous man, the future will show it".

Sir, I was referring to Justice Anantakrishna Aiyar, but the interruption of Raja Bahadur Krishnamachariar naturally necessitated an explanation. I have given that explanation with the respect that is due to the Raja Bahadur, and, if, in the course of my argument, I happened to use any sarcasm, which I believe I have not used, the Raja Bahadur deserves my apology. Sir, here is from Chittoor, a very orthodox Brahmin, Sir C. V. Anantakrishna Aiyar, whose views we find at page 347, Paper No. V, opinions Nos. 12-15:

"As I said in connection with the Sarda Bill, time has been working (not inappreciable) in case of social and religious matters for a public opinion which

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man, he was an ex-Minister : the Government of India made it impossible for us to introduce this Bill in the Madras Council. We did not want to create difficulties for my friend, Pandit Sen, from Bengal ; we do not want to embarrass Sir Satya Charan Mukherjee ; we do not want to embarrass any one outside Madras : we believe in this as a provincial measure and when autonomy comes into existence I hope that the Honourable the Home Member will advise the Government of India to accept Sir C. V. Anantakrishna Aiyar's advice.

I have other supporters in this matter. I have, for instance, Justice Madhavan Nair, a distinguished member of the Nair community from Malabar, a nephew of the late Sir C. Sankaran Nair whose death we have all deeply felt.....

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : A Madras non-Brahmin !

Mr. C. S. Ranga Iyer : Yes ; but non-Brahmins like other honourable men have fallen out on this issue. (Laughter.) I know Mr. Thampan belongs to the same caste as Justice Madhavan Nair. I know in the Tamil country also opinion is divided. I do not mind Mr. Thampan expressing an opposite opinion ; but I wish that he will come back to this Assembly by defeating the Congress (Laughter) and, if I happen to be in Malabar, I propose to make a few speeches for Mr. Thampan ; notwithstanding the fact that he is opposed to the Temple Entry Bill, I am perfectly certain that he belongs to that class of progressives in Malabar who want to wipe out untouchability. Like so many progressive men in Malabar, I believe Mr. Thampan is not for the continuance of the present form in which untouchability is observed. On the temple entry question, I do not believe he will be so ungenerous as to refuse the building of temples for the untouchables as close as possible to our own temples, so that if, in some future age, the Congress again takes up temple-entry *satyagraha*, we Brahmins can go into the temples of the untouchables and dish the *satyagrahis*. As I was saying, Justice Madhavan Nair is in favour of the principle of the Bill : he says :

"I am in favour of the principle of the Bill. This legislation is permissive in character. Having regard to the conditions prevailing in this country, I doubt very much whether any improvement in social conditions worth having can be introduced without legislation. Government may make rules for preventing riots if riots are apprehended."

In the last sentence I am afraid he has anticipated the argument of our talented Home Member, Sir Henry Craik. I attach a great deal of importance to the opinion of Justice Madhavan Nair : he comes from a very well-known *tharawad* in Malabar ; he comes from Malabar where untouchability obtains in its worst form ; he is a deeply religious man and he is not one who rushes to conclusions ; he thinks carefully ; he has a perfect judicial temperament, the perfect mind that a judge should have ; and after weighing the *pros* and *cons* of things and examining the conditions in Malabar he has expressed this opinion. There are other opinions. I find the Honourable the Home Member ready to take part in the debate, and, therefore, let me conclude with these words.

The other day I made a rather disappointing remark when the Temple Entry Bill was not reached : I thought that it would not be reached which Session. I expressed my protest in a short observation.

House. Seeing that I was seething, in his great generosity the Honourable the Law Member walked up to me and I met him half-way : my overburdened heart gave way ; at that time I did not understand that behind me was standing on the floor of this House—not even in the lobby—a journalistic eavesdropper belonging to the Associated Press (Laughter) ; and I now find that he has palmed off a remark, a confidential remark, in a crude manner, to one of the Calcutta Congress dailies, using me as a stick to beat Sir Nripendra Sircar. I cannot claim the same enthusiasm for my community which Sir Nripendra has served for a longer period and at greater sacrifice ; and if this ungentlemanly trick of a newspaper eavesdropper has resulted in a misleading statement and if it has done any harm or misled the public, I am here humbly to apologise to Sir Nripendra Sircar : I apologise for the misrepresentation of an eavesdropper—a curious form of apology ; but I cannot help deeply feeling that journalists should be developing a lack of restraint and attacking responsible Members of the Government and mis-reporting or reporting one sentence in a conversation for the benefit of Congress hooligans who ask for our head on a charger.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : You were a journalist once !

Mr. C. S. Ranga Iyer : Mr. Das says I was a journalist once : I am a journalist now : once a journalist always a journalist ; but journalists can be gentlemen.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : But once a Swarajist not always a Swarajist ?

Mr. C. S. Ranga Iyer : Not at all, for Swaraj appears on the horizon ; I cannot be a Swarajist if Swaraj is attained. I consider the White Paper scheme of provincial autonomy gives Swaraj in the provincial sense. (Cries of "No, no.") Opinions may differ, but that is my view. I am not satisfied with the scheme at the Centre, and, therefore, I say that the autonomous provinces of the future must have the right of legislating on the Temple Entry Bill. I do not want that this should be in the Central Legislature at all, I do not want that the Government of India should be a Himalayan obstacle in the way of provincial autonomy and in the way of autonomous Provincial Governments. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Henry Craik, Bhairi Parma Nand, Rao Bahadur M. C. Rajah, Mr. T. N. Ramakrishna Reddi, Rao Bahadur B. L. Patil and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Raja Sir Vasudeva Rajah : Sir, I rise to oppose the motion of my Honourable friend, Mr. Ranga Iyer, for referring this Bill to Select Committee. I am convinced that a more dangerous and obnoxious Bill than this Temple Entry Bill has never before been brought in any Council and that it deserves a summary rejection. Government have given wide publicity to the Bill and invited opinions from interested people and also from those who were in a position to give valuable and disinterested opinion on the matter. The supporters of the Bill, the Congress organization and also Mr. Gandhi with all his influence carried a propaganda from one

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end of the land to the other in favour of the Bill. In spite of all this, the reformers have not been able to make any impression on the people in support of the Bill. On the other hand, it has caused acute resentment in the country and opened the eyes of the peace-loving, loyal and law-abiding Sanatanists and others to the dangers to which they are exposed from these so-called reformers. It has awakened thousands of people from their slumber and has spurred them to organise themselves in such a way as was never done by them before. An indirect good that the introduction of the Bill and the neutral attitude that the Government have taken so far in regard to it has been that a very large section of our people have realised how unsafe and dangerous it is to pin their faith in the justice of these reformers of the congress persuasion to protect their material, social and religious rights and how much we have to rely on ourselves to safeguard them. The opinions received by Government from over a hundred thousand individuals, numerous associations, religious heads and Madhathipathies, and last but not least, Provincial Governments are very clear and emphatic and allow of no doubt as to the course this Assembly and the Government should take in dealing with this Bill. It deserves nothing but summary rejection. I was of opinion that the Governor General should not have given permission even to introduce this Bill, but subsequent events have proved that it was as well that permission was given and opinions were taken from a large number of people from all Provinces which go to show the impracticability and dangerous character of the measure. It is impossible for me, in the short time available, to quote individual opinions of associations or the valuable and learned opinions of the great many Madhathipathies. They are all contained in the voluminous volumes of printed opinions, covering hundreds of pages, that have been supplied to Honourable Members. It would, however, be profitable if I quote a few extracts from the opinions received from various Provincial Governments in India based on their inquiry and information.

The Madras Government says :

"In the opinion of His Excellency the Governor in Council the Bill seeks to make a far-reaching innovation in the matter of Temple worship and is complicated by the fact that law and order are involved as there is every likelihood of breaches of peace and serious faction in villages, or of the temples being abandoned by the caste Hindus. He considers that a matter of this kind should be left to public opinion in the country and that with the growth of the right type of education, the problem will solve itself."

The opinion of the Government of Bombay is put in the following terms :

"It will be seen that the weight of opinion is against the provisions of the Bill. Official opinion is mostly opposed to the Bill, though some officers have advocated an attitude of neutrality on the part of Government. As for non-official opinion, orthodox Hindus who preponderate outside big towns or cities are almost unanimously against the Bill. The reformers and others who claim to speak on behalf of the depressed classes mostly support the Bill, but they are in a very small minority as compared with the orthodox Hindus."

The opinion of the Bengal Government is as follows :

"The Governor in Council is of opinion that the Bill should not be supported by Government for the reason that it aims at no less than the variation, in accordance with popular local choice, of the terms of endowment trusts and in this sense furthers the objects of communism. Moreover, in the opinion of the Governor in Council, it is difficult to justify the settlement of the religious matters by any system of local referendum."

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

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The Government of the United Provinces are of the following opinion :

"Speaking generally it may be said that many educated persons and religious reformers have expressed their opinion in favour of the Bill, whilst the orthodox Hindus who form the majority of that community are opposed to its terms. The association of the Depressed Classes in Kumaon, the Doms or Shilpkars, which has been showing activity in regard to the social uplift of its members for some time, looks upon the whole proposal as a political manoeuvre to be regarded with distrust and suspicion. Official opinion tends to emphasise the following important arguments against the general policy and provisions of the Bill.

(i) If any serious attempt were made to give practical effect to the provisions of this Bill, it would almost certainly cause disturbances and breaches of the peace.

(ii) The Bill is of such far-reaching importance that it is almost undesirable that it should be dealt with by a legislative body in its last Session."

The Government of the Punjab says :

"The Punjab Government are opposed to legislation which interferes with religious and social customs, especially when, as in this case, it cannot fail to cause grave offence to, and discontent amongst, those whose beliefs it offends and is fraught with danger to the public peace, first, owing to the method of determination proposed and secondly, owing to the disputes which are certain to arise if members of the Depressed Classes attempt to enter particular temples."

Then the Government of Bihar and Orissa give their opinion as follows :

"The opinions received indicate that officials, Indians as well as Europeans, are generally against the Bill. Because they consider that legislation is the wrong way of solving the problem. As regards the opinion of the Local Government, I am to say that one member of the Government recommends that Government should remain neutral and leave the Bill to the vote of the Non-Official Members of the Legislative Assembly; the others are opposed to the Bill. So far as the Local Government are aware, the Depressed Classes in Bihar have no desire that the temples should be thrown open to them. The agitation for temple entry is at the bottom of a political move, and is a bid for the support of the Harijan vote at the next elections. If the Bill were passed into law, its application would produce violent discord within the Hindu community which would almost inevitably lead to rioting and bloodshed."

The Government of Assam says :

"Public opinion in its broadest sense appears to be opposed to the Bill on the ground that the subject is not a fit subject for legislation. The Governor in Council is not in favour of forcing the pace through paper legislation whose only result would probably be an exacerbation of feeling between the upper and exterior castes in the Hindu fold."

Coming to the Central Provinces, the Government says :

"The Bill was widely circulated and in all 800 opinions have been received. Of that number, 540 are opposed to and only 260 are in favour of the Bill. Even the Depressed Classes do not appear to be enamoured of it. In these circumstances the Government finds it impossible to lend its support to it."

As for the North-West Frontier Provinces, the Government of that Province says thus :

"As will be seen, the consensus of opinion, received from Hindu individuals and associations, is opposed to the Bill. I am to say that the Governor in Council, beyond observing that it does not appear to be necessary to inflict the proposed legislation on an unwilling majority of Hindus in this Province, feels that he can offer no useful opinion on the merits of the question."

The Agent to the Governor General and the Chief Commissioner of Baluchistan says :

"The bulk of the Panchayats, who represent the large majority of Hindus in Baluchistan are against it. The view of the Honourable Norman Cater and that of such of the Political Agents as have expressed a personal opinion is that the Bill is highly controversial."

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The Chief Commissioner of Delhi says :

"As was to be expected, there is a definite and wide difference of opinion between orthodox leaders and organizations and the reformers. It will create a constant source of friction and future trouble between the supporters of the principle of temple-entry and their opponents. It must not be forgotten that the orthodox are likely to resist what they consider an unwarranted interference in their religious beliefs with the utmost determination."

The Government of Burma, the Chief Commissioner of Ajmer-Merwara and the Chief Commissioner of Coorg also oppose the Bill after taking note of the public opinion in their Provinces.

From these short extracts I have quoted, it will be abundantly clear that there is not a single Provincial Government or responsible officer of Government that supports this piece of mischievous legislation, but, on the other hand, they have emphatically opposed the Bill. We have, however, not yet been able to find out what the opinion of the Government of India is in regard to this burning question. It is very important that the country should know it. The Government cannot afford to be an unconcerned spectator of a mischievous and dangerous game. The people will misunderstand their silence and lose all their confidence in the Government. Already the present uncertainty of the Government of India's attitude has created distrust in Government in the minds of a large number of people and it is undermining their loyalty and goodwill towards them. They think that Government are placating the Congress people who are really at the bottom of this agitation and betraying the trust that the loyalists have placed in them. This will have very far reaching effects and I would earnestly appeal to Government to disclose their attitude towards this Bill in clear and unmistakable terms. I would remind the Government that, if they remain as passive onlookers or adopt a policy of neutrality, they will lose all their adherents in this country.

After the warning that all the Provincial Governments without exception have given, namely, that the Bill, if it were to become an Act, will lead to serious disturbances of peace, law and order, I do not think that the Government of India can possibly adopt any other attitude than one of stern opposition to the Bill which I trust they will do. I further hope that the present Home Member's term of office, which has only just begun, will be characterised at the end of it as one of peace, prosperity and contentment and not one of religious persecution, hatred and murderous attacks all over the country. I would remind him of the Great Indian Mutiny and the causes that led to it, which will all pale into insignificance when you consider what is likely to happen if firm-rooted and greatly valued religious beliefs are rudely attacked and religious susceptibilities are wounded. May I also remind the Home Member and the other Members of the Government of India of the Great Proclamation of Her Majesty Queen Victoria of revered memory, which is still cherished and will ever be cherished with gratitude by the Indian people, and that, as servants of His Majesty, they are bound to carry out the injunctions contained in that document to the very letter and spirit ?

Finally, Sir, let me also say a word to my Honourable friend, the Mover. If he had any doubt in the matter of public opinion regarding his Bill, it must have been thoroughly dispelled by now after seeing

the various opinions now made available to him as well as to us. I admire his solicitude for the uplift of the Harijan or Depressed Classes, with which we have all every sympathy. If he had confined himself to measures leading to their material prosperity or even to their social and religious uplift on right lines without coming into conflict with what we consider sacred we should have supported him in every way. But, unfortunately, he has gone the wrong way about and overshot his mark and has complicated matters by introducing things seriously affecting our religious practices to which we can never agree. Instead of persisting obstinately in this wild-goose chase, it would be creditable if he, at least, now realises the seriousness of the situation, owns his mistake and withdraws his Bill. Admitting one's mistake is in no way to be deprecated but will command the appreciation of all right thinking people. If, however, he does not choose to do so, I hope every Member of this House will vote against his motion to whatever community he may belong. This is not the place to discuss religious matters, nor is it proper for a mixed body, such as we are, belonging to various religions, to discuss questions affecting one religion.

With these words, I oppose the motion before the House. (Cheers.)

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, the substance of the Bill which is now before the House has full sympathy of every Mussalman all over the world. As Mussalmans, we must sympathise with the object which the Bills aims at. Islam does not recognise untouchability. There is no bar for any Mussalman, having any status in his life, entering our mosques, the Houses of God. In fact, God will not be worthy of being worshipped if His House is polluted by the entry of any human being or any creation of that God Himself. Sir, Islam does not recognise priesthood. There is no priesthood in Islam, is the saying of our Holy Prophet. Not only does Islam recognise that all Mussalmans have an equal status in society, but even non-Mussalmans were not forbidden from entering the mosque of the Holy Prophet himself. We know that some non-Mussalmans came as guests of our Holy Prophet at Medina and they were allowed to stay in the mosque of the Holy Prophet as his own guests, and the next morning, when they were leaving the mosque, some of them had polluted the mosque and there was a great resentment among the Mussalmans, but the Holy Prophet said, "No. Don't feel sorry. They were my guests, and I will clean the mosque with my own hands." Such is the toleration of Islam, and this is the way in which Islam believes in giving equal status to every mankind.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Are we going to be governed by Islamic law from today ?

Sir Muhammad Yakub : My Honourable friend need not have been so over-zealous. I do not want anybody to observe any law if he does not believe in it. In fact, if a religion imposes such disabilities upon people of the same persuasion then I shall not wonder if the untouchables themselves enter into the universal fraternity of Islam which would immediately give them equal status with the highest among the Mussalmans. And here I invite all the untouchables, from the floor of this House I extend an invitation to them and I ask them to come into the universal fraternity of Islam in which, without passing any Bill like the one which has been introduced by my Honourable friend over there, they will have no disabilities as regards entering any place of worship or

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mosque. But, Sir, although my sympathy is wholeheartedly with my Honourable friend, Mr. Ranga Iyer, whom I wish to congratulate upon the great speech which he has delivered this morning, whom I wish to congratulate on the toleration which he has shown, the breadth of vision which he has exhibited and the statesmanlike view which he has taken of the matter,—if there were men like Mr. Ranga Iyer, having such breadth of vision, I think the cleavage between the two communities, which is growing wider and wider every day, would have been bridged by this time. Sir, I wish also to congratulate him upon the way in which he has exposed the Congress. While all my sympathy and my moral support is with Mr. Ranga Iyer, I am sorry that my vote in the lobby cannot go with him, because my own idea is, as my Honourable friend, the Raja of Kollengode, has said, that in a mixed House like this it would be a very dangerous thing to pass legislation upon matters touching religion or religious rites of any community in this country. As I said on the occasion when the Sarda Bill was before the House, I want to reiterate the same feelings again on this occasion, and would like to say that it would not be right and it would not be safe for the British Government to support or to make legislation upon any subject touching the religion of any community, whether Hindus, Mussulmans, Christians or Parsis, in this country, without the unanimous consent of the community concerned, and as I find that there is an overwhelming majority of the Hindus who, whether rightly or wrongly, are opposed to this Bill, I do not think it would be right for the Government to be a party for making a legislation in a matter like this. With these remarks, I resume my seat.

Mr. N. R. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member spoke in the vernacular.)

(While Mr. Gunjal was speaking in the vernacular.)

Mr. C. S. Ranga Iyer : I am quite willing to answer my Honourable friend's question as to whether I have ever given a single pice to a temple. Sir, a temple in Chittoor, my village, was built by my great grand-father.

Sir Cowasji Jehangir (Bombay City : Non Muhammadan Urban) : He did not say that. What he said was—have you ever given a torn shirt to an untouchable ? (Laughter.)

Mr. C. S. Ranga Iyer : I may not have given a torn shirt to an untouchable, but when I joined the non-co-operation movement, I did give away foreign suits to untouchables.

Mr. B. Das : You gave untouchable suits to untouchables. (Laughter.)

Mr. C. S. Ranga Iyer : I gave away *swadeshi* suits made in foreign style.

(Mr. Gunjal continues in the vernacular.)

Mr. C. S. Ranga Iyer : On a point of order, Sir. Will I be entitled to answer in Malayalam ?

Mr. President (The Honourable Sir Shanmukham Chetty) : If the Honourable Member declares that he does not know sufficient English.

Mr. C. S. Ranga Iyer : How, Sir, am I to know what is parliamentary or unparliamentary in what my friend has been saying ? I believe the Honourable the President is not able to follow a word of what he has been saying, and I believe the Honourable Member is indulging in statements which, as I understand, are not parliamentary. As we are not in a position to judge, may I suggest that for a moment you, Sir, temporarily vacate the Chair in favour of one who understands the language, like Dr. DeSouza or Sir Cowasji Jehangir. (Laughter.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair expects the Leader of the House will draw the attention of the Chair when there is anything said which is unparliamentary. (Applause.)

(Mr. Gunjal goes on in the vernacular.)

Mr. C. S. Ranga Iyer : May I ask my Honourable friend whether Tilak was not in favour of building temples for untouchables and whether my Honourable friend, Mr. Gunjal, himself is not in favour of building temples for untouchables ?

(Mr. Gunjal goes on in the vernacular.)

Sardar Sant Singh (West Punjab : Sikh) : The Honourable Member declared just now that he could not understand Mahrathi and still he is putting questions to the speaker.

(Mr. Gunjal goes on in the vernacular.)

Mr. C. S. Ranga Iyer : My answer is simply this : Tilak said that Swaraj was his birthright. He believed in adult franchise and he did not believe in excluding the untouchables. If there is adult franchise, Tilak would not have prevented the cause of untouchables being taken up.

(Mr. Gunjal goes on in the vernacular.)

Mr. C. S. Ranga Iyer : But Tilak's Gita Rahasya is a sermon on, and interpretation of, the fact that the temple of God is within you and that God in His Greatness cannot be polluted by the approach of the untouchable.

(Mr. Gunjal goes on in the vernacular.)

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. **Mr. President** (The Honourable Sir Shanmukham Chetty) in the Chair.

The Honourable Sir Henry Craik (Home Member) : Sir, my intervention at this comparatively early stage of this debate is not due to any desire to shorten the discussion or to deprive other Honourable Members of the opportunity of stating their views. It is due to the fact that Government has decided that it is important that its attitude towards this measure should be made public at an early stage in the debate. I may say that I have received many requests from various quarters of the House to this effect, and to those requests I have naturally given the consideration which they deserve. One such request was contained in the very lucid

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and moderate speech delivered this morning by my friend, the Raja of Kollengode. But apart altogether from such requests, I think it is essential to remove any impression that Government is hesitating or uncertain in its attitude or that it is assuming that attitude which is colloquially described as sitting on the fence. On a question of such great importance as that now under consideration, regarding which such keen and indeed such passionate interest has been aroused throughout the length and breadth of the country, it is clearly desirable that there should be no doubt or uncertainty about the position of Government, and I trust that before I sit down, I shall have succeeded in stating that position in completely unambiguous terms. The House will, I hope, bear with me patiently if my exposition of the position of the Government and the reasons for the position takes some little time. I think all Honourable Members will admit that, on an issue which has been so widely discussed in the country, the position of Government must be stated fully and that the reasons for it must be explained in detail even if that explanation occupies some time.

Before I come to my main theme, I must digress for one moment to refer to the statement issued by the Honourable the Mover of this Bill to the newspapers on the 16th August. The Honourable Member has explained that that statement was the result of an indiscretion by a gentleman whom he described as a "journalistic eavesdropper". Nevertheless, I think I am entitled to put in a word of personal explanation.....

Mr. C. S. Ranga Iyer : If I may interrupt the Honourable Member : probably he has not understood me correctly. The statement that I issued through the United Press was a statement issued over my signature ; but as soon as the House rose that day and I was disappointed that my Bill was not reached, I had a private conversation on the floor of the House with Sir Nripendra Sircar, and at that time neither he nor I noticed that there was a journalistic eavesdropper standing close by, and he reported that conversation to the Press unauthorised—and only to the Calcutta newspapers—using me as a stick to beat Sir Nripendra Sircar : it was a heart to heart conversation between two Members of the House and the journalist concerned had no business to palm that thing off or inspire some other man to make that statement as the special correspondent of a Calcutta congress daily.

The Honourable Sir Henry Craik : I quite understand my Honourable friend's position ; but the statement to which I was referring was the one issued over his signature : I have it here : it was published in the *Hindustan Times* of the 19th of this month. It contains a suggestion, possibly nothing stronger than a suggestion, that there had been some arrangement between myself and my Honourable friend, the Leader of the Nationalist Party, to prolong the discussion on the Minor Girls Protection Bill in order that my Honourable friend should not have an opportunity of moving the Bill we are discussing today. I can assure my Honourable friend that he is under a complete misconception, and, I am sure, my Honourable friend, Sir Hari Singh Gour, will support me in saying that there was no arrangement of any kind between himself and me.....

Mr. C. S. Ranga Iyer : In view of the Honourable the Home Member's statement, I express my regret both to the Honourable the Home Member and to the Leader of my Party for the misapprehension.

The Honourable Sir Henry Craik : I am indebted to my Honourable friend. Now, to return to the Bill now under discussion, it will be within the recollection of the House that in a statement issued early in 1933, His Excellency the Governor General made it clear that the grant of sanction to the introduction of this Bill did not in any way commit Government to the acceptance or support of the principles contained in it, and that the Government of India retained a free hand to take, at all later stages, such action in regard to this measure as might, on a full consideration of the circumstances, appear necessary. This position of Government, that they were entirely free to take such attitude in regard to this matter as might appear necessary, was reiterated when the motion for the circulation of the Bill was debated in this House on the 24th of August last year. Since that date, the Bill has been circulated—very widely circulated—and an enormous mass of opinions has been received and reduced to print. These opinions emanate from all Local Governments, from a large body of individual officials, from a large body of private persons and a very large number of bodies and associations interested in this question. As Honourable Members will no doubt have noticed, they cover very nearly 800 pages of print. I have no doubt that many Honourable Members, possibly with more leisure than myself, have been able to make a meticulous and exhaustive study of those opinions. I cannot claim, to be perfectly frank, that my study has been entirely exhaustive, but I have done my best, in the time at my disposal, to make myself acquainted with all the more important opinions on the Bill. After that study, I claim—and, I think, the House will admit the justice of this claim—that no impartial person reading through all these opinions can come to any conclusion except that the overwhelming majority of the interests affected are strongly opposed to this Bill. The Honourable the Mover of this Bill himself admitted that there was considerable cleavage of opinion. That, I think, is a very mild way of putting it. The opposition is not confined to persons who may be described as the representatives of orthodoxy or as the more old-fashioned adherents of the Hindu faith. Far from it. Practically all the major Local Governments, indeed, I think all Local Governments without exception, are unanimous in their condemnation of the measure and of course those Governments are not mainly or entirely composed of orthodox Hindus. Apart from this, in the Province of Bengal alone, I notice that such bodies as the Bar Associations or the Bar Libraries of Alipore, Midnapore and other towns, the British India Association—all condemn the Bill. And those bodies are certainly not composed either entirely or even mainly of orthodox Hindus. Further, Sir, it is clear from the opinions received that the Depressed Classes themselves, in whose interests this measure is ostensibly framed, are by no means enamoured of it. Many of them indeed are definitely, quite definitely, opposed to it, and the best, I think, that can be said of those who are not opposed to it, is that they are lukewarm in their support. I shall revert to this point later. At the moment, I desire to reiterate my point that the great bulk of the opinions received strongly condemn the Bill. Indeed, such support, as it has received, is practically confined to a comparatively small class of what I may call the *intelligentsia* mainly resident in towns, a class which my friend, the Mover, has himself admitted is in the main not a temple-going class at all. And in addition to that section of the *intelligentsia*, the support is confined to a political party which is clearly not unconscious of the possible tactical advantage it may derive from the passage of the Bill, although, I do not of course for the moment desire to throw any doubt on the sincerity of that party's intention towards those people whom this measure is designed to benefit.

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Now, Sir, the conclusion forced on the Government, after a careful study of the opinions received, and after the most anxious consideration of all aspects of the question, is, that it is their clear duty, as indeed it would be the duty of any Government charged with responsibility for the protection of the lives and rights of its citizens, to oppose this Bill.

Before I go in detail into the reasons that have driven Government to this conclusion, I would like to remove two possible sources of misconception as to our attitude. Sir, in the first place, I wish to make it clear beyond all shadow of doubt, that Government are not opposed to any genuine and well-thought-out measure of reform which would have the effect of removing the age-old social or other disabilities from which certain classes suffer, disabilities which, I think, are now universally condemned by the general verdict of civilization and which may indeed be described as a grave reproach on the social or religious system which imposes them. If the decision of Government to oppose this Bill is going to be misrepresented as evidence of Government's indifference to the claims of the Depressed Classes, I need only point to what Government has done in recent years for the betterment of those classes. In Madras, where the problem of social, religious and economic disabilities is, I suppose, more acute than elsewhere, a special department is formed in the Governorship of His Excellency the present Viceroy to protect the interests of those classes, and large sums of money have been spent out of public funds by his Government and by subsequent Governments in improving their economic position by such measures as the acquisition of land for houses and cultivation, by the provision of wells and water supplies, and by the development of a special form of co-operative society. Other Local Governments—I think I can truly say all Local Governments—have paid special attention to the improvement of educational facilities for these classes, partly by supplementing the work done by private societies and agencies, and partly by securing for the children of the Depressed Classes free entry on equal terms with other children into all public institutions. This encouragement is given by way of remission of fees, by the provision of scholarships and so on. In Bombay, for example, a Committee was appointed by Government to examine the position of the Depressed Classes and aboriginal tribes, and the Local Government have publicly announced the action they have taken and the action they propose to take on the Report of that Committee, in order to secure to these people the right of access to all wells, schools, hospitals, dispensaries and other institutions maintained by public funds. In the Central Provinces, an Act has recently been passed laying down that all public places vested in or owned by or maintained by either the Local Government or the local authorities shall not be closed to the use of any person by reason of his caste or creed. Representatives of the Depressed Classes are now, I think, members of all Provincial Legislatures, and both the Government of India and His Majesty's Government have given ample proof of their recognition of the importance of securing adequate representation in the Legislatures of those classes, both in the Provincial Legislatures and in the Central Legislature. It is hardly necessary for me to remind the House of the recent discussions on that point or of the provisions that have been made for the special representation of the Depressed Classes under the Reforms scheme, both in the Central and in Provincial Legislatures. That provision as originally laid down in the Communal

Award has of course been greatly increased as the result of the Poona Pact.

In short, Sir, so far as any action of Government can secure improvement, I think it can fairly be claimed that progress has been rapid during the last few years, and with the increased opportunities that are likely to be given to members of the Depressed Classes themselves in the new constitution, I think I am justified in expressing the hope that progress will be even more rapid in the next few years. That, Sir, is one misconception, but I hope I have been able to remove it.

The second misconception to which I want to refer, and which I am anxious to dissipate, is that the attitude of the opposition to this Bill on the part of the Government which I have announced is dictated by a desire to secure some form of tactical advantage. Critics who are always ready to read into the actions of Government some tortuous motive may argue that we are opposing this Bill because it represents the views of a certain political party, or at any rate of a section of a certain political party, which is generally in opposition to Government, or because the principle of religious and social equality which the Bill enshrines has been for some time past the main pre-occupation of a leader who has been in the past a leader of many forms of opposition to Government. Sir, I should like to say that nothing can be farther from the truth than any such argument. In the first place, as the Honourable the Mover himself has pointed out very forcibly and effectively in his extremely interesting speech, the party to which I have referred has, quite recently, definitely and unambiguously repudiated the suggestion that this Bill should form a plank of its political platform. But even if the Bill were sponsored by the Congress party, I fail to see what tactical advantage Government could possibly secure by explaining at the present time, as I am now doing, that it has decided to oppose the Bill. Indeed, if it were a question of securing a tactical advantage, as I see the position, Government have much more to gain by maintaining silence as to its intentions and views, or by avoiding—it would have been easy for us to avoid—the present opportunity of explaining those views, than by quite frankly declaring them to the House and to the country. In that case, if we had maintained silence, the fate of the Bill might still have been one of uncertainty, and its opponents might still have apprehended that the Congress party, if returned to the Legislature in sufficient numbers, would revive it as one of the main items of their political platform. But, as things are, it seems to me probable that the opposition of Government in today's debate will see the final obsequies of this Bill, at any rate for a considerable time. But that, as I see the situation in the country as a whole, is, from the point of view of Government *vis-a-vis* the Congress party, a tactical disadvantage to Government rather than an advantage.

No, Sir, it is not on any tactical grounds that Government oppose this Bill. Their opposition is founded on deep-seated grounds of principle, because Government have come to the conclusion that the provisions of the Bill are impracticable, that they are essentially inequitable, and that they are likely to lead to serious disorder. Further, we oppose the Bill on the ground that it is contrary to the wishes of the great majority of the people whom it will affect and that it has only the lukewarm support of the people for whose benefit it is ostensibly intended. And lastly, we

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oppose this Bill on the ground that a measure of this magnitude and importance should not be passed, by a legislative body on the verge of its dissolution, at the fag end of its last Session, when even on my Honourable friend's own admission it has no mandate in favour of the Bill from the electorate.

I now propose, Sir, with the permission of the House, to touch briefly on each of these grounds of our opposition. I have said that we regard the Bill as impracticable and as essentially inequitable. Now, what are the actual provisions to which I object? The Bill enacts, to put it quite shortly, that whenever 50 Hindu Voters of the locality in which a temple is situated move a trustee of the temple by a written petition so to do, the trustee is bound to refer to the decision of all Hindu voters of the locality the question whether the temple shall be thrown open to any excluded caste, that is to say, to any caste or class of Hindus which is excluded by reason of a special usage or custom from entering the temple. On such a referendum being made, the decision of the majority of the voters residing in the locality shall be binding on the trustee or trustees of the temple and on all worshippers therein. Now, Sir, to begin with, we all know, that it is a well-known trait in human nature to append one's signature to a piece of paper when asked to do so. Signatures to any kind of petition are very easy to obtain, especially in this country, and indeed, as I think I may say, all over the world. I read only the other day the story of an editor of an undergraduates' journal who circulated a petition to all the professors and students in his university, and secured the signatures of five professors and 150 students to a statement binding the signatories within a period of ten days to commit suicide by decapitation. (Laughter.) That shows how easy it will be to obtain signatures of 50 voters to a petition to the trustee of a temple. Apart from that, the first practical difficulty arises in the definition of the word Hindu. No definition, so far as I recollect, is attempted in the Bill, and I defy even my Honourable and learned friend, Sir Hari Singh Gour, with all his knowledge of transcendental and other law, to produce within half an hour a definition which will satisfy, I will not say all, but the majority of the sections of this House. The Bill seems to be based on a presumption that all Hindus are a single religious sect, all worshipping the same God and in the same form, and that there are no distinct differences in the ritual and services between temple and temple. Such a presumption is, of course, entirely opposed to the facts as we know them. So far as one can see, the right to decide on the question of throwing a temple open or not would rest on a heterogeneous electorate based, mark you, on a property qualification, and professing possibly at least half a dozen different forms of faith, many of them, quite possibly most of them, not being believers in any form of temple worship. Let me quote in this connection from one opinion,—this is the only quotation with which I will weary the House I hope,—received from a gentleman in Madras. I do not know the gentleman, his name does not convey anything to me, but it struck me on reading his opinion that it was concise and to the point. As regards the assumption that all Hindus are one religious sect worshipping the same God, he observes :

"It is well-known even to Europeans and Muhammadans resident in this country that in the conception of God there is a sharp division into Sakti, Siva and Vishnu for purposes of image worship. There is again the philosophical division

into Dwaitins, Advaitins, and Vasishta Dwaitins. These differences which not infrequently result in active hostility between the adherents of the different schools are so great that the one will not even step into the temple of the other even if invited."

Then he goes on to picture the sort of thing that might happen in, say, a large town in which there are several temples of various sects. The House will excuse me if I find some little difficulty in pronouncing some of these names which all belong to South India. He says :

"To illustrate this, let us presume that in a certain municipal area there is one temple dedicated to Vishnu, one to Anjaneya, one to Ramanuja, one to Vedanta Desikar, one to Manavalammuni, one to Siva and one to Gangamma. If the bulk of the voters is Saivite in persuasion, they will in all probability out of spite vote for the entry of the excluded castes into the Vishnu temple, but not into that of Siva. Similarly if the Vadagalais predominate, entry into the Manavalammuni temple will be voted, whereas the Vadagalai temple of Vedanta Desikar will be immune. Where again Brahman and anti-Brahman feelings run high, the temple most held in veneration by the Brahmin sect may be voted and thrown open for entry by the excluded castes."

Then, again, he points out :

"A large number of migratory Harijans with the help of a small minority of small sweetmeat shop-keepers, etc., spring up in an area for just the minimum period to qualify for voting, and after the ward election they are taken over to the next ward where election is to come off."

The morality in Madras elections seems to be very low.

Raja Bahadur G. Krishnamachariar : It is even worse than that.

The Honourable Sir Henry Craik : He adds :

"A large number of migratory Harijans with the help of a small minority of Hindu voters favourable to their cause can manage to secure enough votes to qualify for admission into any temple against the desire of the majority who may not be in favour of the proposal."

I do not want to multiply quotations in this sense, though there are almost innumerable other opinions very much to the same effect. I think I have said enough to show that it is most unlikely that the majority of the Hindu voters in a municipal or other area will be able to arrive at an impartial decision on the merits of the facts of each individual temple. On the contrary, Sir, their decision will almost inevitably, it seems to me, reflect the clash of rival local factions or the play of individual enmity or spite.

This is a most serious and basic difficulty inherent in the Bill, but an even more grave inequity in the Bill seems to me to be the fact that it gives to a purely local congregation the right to decide on the question of access to, and in practice, I have no doubt also, on the question of the form of worship in temples of all-India interest. For example, as the Government of the United Provinces have pointed out, the definition of temple covers such centres of pilgrimage as Ajodhya, Muttra, Benares, Badrinath and Kedarnath. There are, of course, many other temples, and I have in my mind more especially the great shrines in the South of India, to which pilgrims resort from all over the sub-continent. In the case of such temples, it seems to me wholly inequitable, in fact I think it is even ludicrous, that a comparatively small body of local inhabitants should be the persons to decide whether members of the Depressed Classes

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are to be allowed to enter them or not. The United Provinces Government observe :

"It is absurd to suggest that the residents in the District Board area of Garhwal should have the final voice on the question of whether the great temple of Badrinath is to be thrown open to untouchables, and it is equally absurd that the fate of the temples at Muttra, or Ajodhya should lie in the hands of residents of these two municipal areas."

To take another example. I understand that magnificent buildings have been erected and endowed in Calcutta—in places like Kalighat—by Marwaris from Jodhpur, from Bikaner, from Jaipur and other places in the north of India. None of those who have founded or endowed those temples would appear in the voters' lists, and it can hardly be seriously contended that a few hundred voters of the local board of Alipore should be allowed to decide what persons can worship in the Kalighat temple, which is resorted to by pilgrims from the whole of British India and from many Indian States.

Further, Sir, the Bill seems to me inequitable, in that it must constitute in many cases a serious invasion of what is in essence a private right or trust. Many of these temples have been founded and endowed by devout Hindus for the benefit of a particular caste or sub-section of their community. Many owe their continued existence to the generosity of benefactors who have restored them, possibly from a state of decay, and who devote a large proportion of their private means and leisure to their maintenance and embellishment. Among my own circle of friends and acquaintances, I can think of many gentlemen, who, on retirement from active life either in the service of Government or in the practice of some profession, spend a large part of their leisure and have devoted a substantial portion of their savings for such purposes. Men like this look upon the temples to which they have devoted their money and their care as a sacred trust, and I am convinced that they will resist any infringement, any invasion of their trust to the last ditch. They would bitterly resent being compelled to accept radical innovation such as this Bill provides. You may condemn such men as intolerant, as dogmatic, narrow-minded, even if you like selfish, but you must admit the sincerity of their beliefs and you must admit the reality of the sacrifices they have made. And yet you are seriously proposing rudely to disturb the conditions, to the establishment and preservation of which such men have devoted their labour and their wealth. Such ruthless disregard of private rights and sentiments can surely not be justified even under the most democratic principles without an explicit mandate from the majority of those who will be affected by it.

I think, Sir, I have said enough in justification of our position that this Bill is in essence inequitable, but an even more serious objection from the point of view of Government is that we are advised by the practically unanimous reports of Local Governments that it is certain or at any rate likely to give rise to grave disorder. The Bihar and Orissa Government, for example, say that if the Bill were passed into law, its application would produce violent discord within the Hindu community which must almost inevitably lead to rioting and bloodshed.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Mubammadan) : The Bihar Government is putting it too high.

The Honourable Sir Henry Craik : I am only quoting what the Government of Bihar and Orissa say. The Madras Government said that there is every likelihood of breaches of the peace and serious factions in villages or of the temples being abandoned by the caste Hindus altogether. That is to say, the caste Hindus will either surrender without a struggle or he will fight. The Punjab Government characterises the Bill as "fraught with danger to the public peace". I may explain that I was not a member of the Punjab Government when this opinion was framed. The Bombay Government said :

"that this Bill will create dissensions among the Hindu community culminating perhaps in frequent breaches of the public peace."

The Government of the United Provinces say :

"that if any serious attempt were made to give practical effect to the Bill, it would almost certainly cause disturbances and breaches of the peace."

One of the District Magistrates in that Province has drawn a vivid picture of the sort of situation that might be expected to arise. He has pointed out that the police may be engaged in stopping a riot in one temple because low-caste worshippers attempted to assert a right of entry given them by local option ; whilst an adjoining temple might be the scene of a riot because the vote had been adverse to the Depressed Classes. It is difficult to conceive a position more embarrassing or indeed more farcical than that. In the face of these opinions, on the probability of disorders and breaches of the peace, I do not see how any Government could do otherwise than oppose a measure which, it is advised from all quarters, would result in disturbances and bloodshed. Any Government, that did not do all within its power to prevent a measure, certain to have such consequences or likely to have such consequences, from passing into law, would be failing in its primary duty. It is not enough to say, as Mr. Justice Madhavan Nair, who was cited with approval by the Honourable the Mover this morning, said, that :

"Government may make rules for preventing riots if riots are apprehended."

(Laughter.)

Sir, I do not think it necessary to develop the point that the Bill is disliked by the majority of those whose interests it affects, that is, by the majority of the Hindu community as a whole, and certainly by the vast majority of those who believe in temple worship. But I have alluded to the fact that the Bill has been received by the Depressed Classes themselves with a certain amount of opposition and, at the best, with very lukewarm support, and I should like to say a few words in corroboration of that view. In Delhi, for example, twenty-one opinions were received from individuals or bodies representing the Depressed Classes, and all were against the Bill. The Central Provinces Government reports that the Depressed Classes do not appear to be enamoured of it. The Bihar and Orissa Government states that the Depressed Classes have no desire that the temples should be thrown open to them, and that the agitation in favour of their entry is regarded merely as a bait for the support of the Harijans at the next elections. In Assam a somewhat different view is taken, namely, that "though the Depressed Classes naturally support the Bill, it can hardly be said that even among them there is any active public opinion that demands it". No definite opinion is expressed on this point by the Madras or Bengal Governments, but the Government of the Punjab have gone into the question in some detail.

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They report that the Punjab *Ad Dharam* Federation, which, I believe, is the most representative body of opinion in the Province, have pointed out that the Depressed Classes do not worship idols at all, and that, therefore, far from being encouraged to go into caste Hindu temples, they think the caste Hindu temples should be boycotted by them. The Federation went on to point out that the Depressed Classes have no desire to be mistaken for Hindus,—and this is rather a striking opinion,—nor have they any wish to go to Hindu temples until the Hindus are prepared to treat them with equality in all respects. That, Sir, is the opinion of what I understand is a genuinely representative body, but a smaller and perhaps a more insignificant body is that of the Balmiki Sabha of Simla, which I understand represents the sweepers' community. They, likewise, state that they have no desire to enter the temples of the high-caste Hindus as they already have temples of their own. Similarly, the Bombay Government state that the Depressed Classes themselves have not shown any zeal in the matter and some of them are even opposed to the Bill. The United Provinces Government express a similar view:

"The depressed classes",

they say,

"are generally apathetic, though some of them are definitely opposed to the Bill."

The all-India Dhobi Panchayat, for example, is one of those in opposition to the Bill. The Association of the Depressed Classes in Kumaon, the Doms or Shilpkars, which has been showing some activity in regard to the social uplift of its members for some time past, is reported to look upon the proposed legislation as a political manoeuvre to be regarded with distrust and suspicion.

So much for the views of those who would be affected, should this Bill become law. My final argument against the Bill is that it is not the kind of measure that should be passed by a legislative body whose term is drawing to an end, during its final Session, especially when even the supporters of the Bill do not claim that they have any clear mandate from their constituents in its favour. That, Sir, is an argument which hardly seems to me to need developing.

Mr. C. S. Ranga Iyer : I am very reluctant to interrupt the Honourable the Home Member, but as Madras opinion cannot be lightly brushed aside, I would invite him to page 353 giving the opinion of the President of the Madras Depressed Classes Society which wholly supports this Bill.

The Honourable Sir Henry Craik : I never suggested that there was no support at all from Depressed Classes; I suggested that, as a whole, they were either in opposition or lukewarm. I would say this to my Honourable friend, the Mover, and to other eager reformers of his way of thinking, that, much as I respect their ideals and much as I sympathise with the objects for which they are working, I do think that in the case of a change or innovation such as that now under consideration, a change which will so intimately affect the daily lives of millions of our fellow subjects, it is surely better to attempt to attain your end by methods of persuasion, by the gradual education and development of public opinion, both in this country and abroad, in your favour, rather than by endeavouring to force on the country at a single blow a measure

against which the country has recorded so clear and unmistakable a verdict of disapproval. (Hear, hear.) Sir, as a leading article which I read yesterday said:

"It has to be borne in mind that, in a country like India, social legislation is a matter demanding extreme delicacy and great discretion. The zeal animating social reformers is praiseworthy. But if it is permitted to run away with the necessary discretion, it will defeat its own purpose. An irritating law is a bad law; and it can scarcely be denied that this type of legislation does irritate large classes of people."

Finally, Sir, I venture to commend to my friend what seems to me a very wise maxim of a very wise man, Bacon. He observed:

"It were good that men in their innovations should follow the example of TIME itself, which, indeed, innovateth greatly, but quietly, and by degrees scarce to be perceived."

Sir, I appeal to my Honourable friend that, after the expressions of opinion which his Bill has received today, he will think fit to withdraw it. (Applause.)

Mr. B. Das : Sir, I wish to make the position of men like myself inside this Legislature and in the country clear about this Temple Entry Bill. Mahatma Gandhi, during his famous Harijan march in Orissa, made it clear to the world what his attitude was towards the temple entry by the Harijans. He declared that as long as there is one high caste Hindu opposed to the entry of the untouchables to the temples he would himself not enter any of the temples nor will he ask the caste Hindus to admit Harijans in their temples. Sir, that is the view which is held by respectable and reasonable people all over India. I was very sorry to hear my Honourable friend, Mr. Ranga Iyer, a very old Congressman and a very old Congress comrade of mine, both on the Congress platforms and on the floor of this House, to have flung mud at the Congress. Sir, I heard with deep humiliation his speech and I can only say: "Father, forgive him for he knows not what he says". Sir, when we have before us the views of the father of this Harijan movement with regard to temple entry, it is futile for us to discuss the question on the floor of this House. Although my Honourable friend, Mr. Ranga Iyer, is the father of this Bill on the floor of this House, he has only lent half-hearted support to it relying more on his cousin who is a Justice of the Madras High Court. So, whatever we discuss today on the floor of this House is mere academic discussion. The Assembly, as it is constituted, cannot record a verdict, and, besides, Mahatma Gandhi does not want to divide the caste Hindus and the Harijans nor does he want to see that they should fight with each other. When he was asked to visit that great temple of Jagannath in the town of Puri, he did not visit it. I am sure Raja Bahadur Krishnamachariar, before he translates himself to the other world, must visit that temple once so that he may attain his salvation.

Raja Bahadur G. Krishnamachariar : I have already visited it.

Mr. B. Das : Probably Lord Jagannath will guide you to the path of truth and righteousness, if you visit that temple once more. So, Sir, Mahatma Gandhi did not visit the temple of Jagannath. Sir, I will only speak of my own Province of Orissa. Sir, Lord Jagannath is known as the *Patita Pavan*, which means the purifier of all the fallen ones. Before Lord Jagannath there is no caste and no creed. Although the

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high caste Brahmins, the so-called priest-craft, have made the Jagannath temple a *sanctum sanctorum*, yet there are days when, irrespective of caste and creed, any Hindu, any untouchable, can visit and approach the golden throne of Lord Jagannath.

Sir, the Honourable the Home Member quoted the opinion of the Government of Bihar and Orissa in support of his opposition to this Bill. But he forgot to see the implications and he could not see what was agitating the mind of that Government.

Mr. N. R. Gunjal : Did Mahatma Gandhi go to the temple of Jagannath ?

Mr. B. Das : Mahatma Gandhi did not want to go there as long as the heart of the caste Hindus is not purified and as long as they do not recognise the Harijans as their brothers and do not welcome them in the temple of Jagannath. Sir, I was referring to the view of the Government of Bihar and Orissa. Sir, the Government of Bihar and Orissa is known as the Harijan Government—the depressed Government among the Provincial Governments in India because their views are always depressed. This is what they say :

“So far as the Local Government are aware the Depressed Classes in Bihar have no desire that the temples should be thrown open to them. The agitation for temple entry has at the bottom a political move and is a bid for the support of the Harijan vote at the next elections.”

Sir, I belong to this Province and I do not know if there are even a hundred Harijans in the Province of Bihar and Orissa who command votes either for the local Council or for the Assembly. How can the Harijan votes be won over at the next elections is a mystery to me and to say that the Depressed Classes do not want admission to the temples is a myth. Sir, I had the privilege of joining on three or four occasions that great march on foot which Mahatma Gandhi did from the Puri town to the town of Balasore in Orissa. Mahatma Gandhi found out that that was the right way of approaching the hearts of the people and the soul of the millions and millions of masses, whether they are depressed or high caste Brahmins like my Honourable friend, the Raja Bahadur. Mahatma Gandhi found out that the right way to approach the hearts of the people was to identify himself in the mode of living with the people, and, therefore, he gave up motor cars and railway travelling and he walked on the high roads and met there hundreds of thousands of people and had heart-to-heart contact with them.

An Honourable Member : “What about Chaitanya ?”

Mr. B. Das : I know that Orissa lost her freedom and Empire through the religious preaching of a Bengalee Brahmin named Chaitanya, who, I understand, was the son of an Oriya Brahmin. Sir, we are all Harijans in India. The Raja Bahadur may take pride in the fact that he is a Brahmin by birth but he is a Harijan when he visits the abode of the Honourable the Home Member. We are all Harijans before the Government of India, which carry out the white man's burden. So, it is no use our quarrelling here on the floor of this House and thinking that we are high caste Hindus and others are Depressed Classes. Sir, Mr. Ranga Iyer made a mis-statement that the great Brahmin Shankracharya of Malabar tried to imitate the Buddhist religion by multiplying the temples all over

India. It was the other way about. I wish there were no Brahmins in priest-craft not only in India but all over the Universe. It was the Brahmin priests.....

Pandit Satyendra Nath Sen : They will be done.

Mr. B. Das : My Honourable friend, Pandit Sen, is equally a non-Brahmin like myself. (Pandit Satyendra Nath Sen : “No.”) He need not take pride in the fact that Raja Bahadur Krishnamachariar will dine with him at the same table or even in the same room. Raja Bahadur will do nothing of the kind.

Pandit Satyendra Nath Sen : You do not know the implication of the word “non-Brahmin”. There are other twice-born castes than Brahmins.

Mr. B. Das : My Honourable friend has interpreted literally. But what I mean by priest-craft is the Brahmin priest-craft as well as the non-Brahmin priests. It is these priests, in order that they might protect their own emoluments, in order that they might be drones on society, went to build barriers of caste. When the Aryan conquerors came, a few adopted the profession of priest-craft and the Aryans divided themselves into three sacred castes. I belong to the Kshatriya caste, though I have fallen from the true ideals of Kshatriya, having been forced to live by my brain and pen. What is my Honourable friend, Pandit Sen ? He is a Vaidya. When these Aryans came, the Brahmin priests among them found an easy way of eking out their livelihood by living upon other castes. The Aryans tried to differentiate the original inhabitants of India, namely the Dravidians, the great nation that ruled India with their culture and civilisation which goes back to 100,000 years. In this way the Aryans differentiated the original inhabitants, and those who opposed them they called them untouchables. We find that these Brahmin priests combined together and fought against the Buddhists and after they were vanquished they called them the untouchables. A large number of untouchables are known as Namasudras or Chandalas in Bengal, they are nothing but high class Buddhists and it is these Brahmin priests of Bengal that condemned them to the class of Namasudras. My Honourable friend, Mr. Ranga Iyer, who is himself a Brahmin, probably an equally good Brahmin like my Honourable friend, the Raja Bahadur, ought to have admitted the sins of his own community who have brought about the state of Hindu society to this condition that a large multitude of people are today debarred from worshipping God in a common temple. (Hear, hear.)

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : But is God situate in one temple ?

Mr. B. Das : I am not discussing here the oneness of God or the doctrines of the Brahmo religion. I am talking of temple entry. If my Honourable friend, Mr. Sen, is a Hindu, he knows there are thousands of temples built by ordinary common priests, so that they could earn their livelihood out of those temples. What the nation want and what a large number of people who believe in idolatry and idol worship want is that these temples should be thrown open to all the Hindus who believe in idol worship. Now, I wish to draw the attention of the Honourable the Home Member to the view of a Judge of the Patna High Court, Justice Macpherson, and he says at page 181 :

“Temple entry is mainly, if not entirely, a question for Hindus and on the reports of views of the Bar Association, a preponderating opinion of the highly

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English educated would seem to be in favour. The procedure laid down is perhaps open to criticism."

I want the House to note the next sentence,—

"One point, however, I lay stress upon both as a Judge and as a Member of the public,"

I am glad this Englishman identifies himself as a Member of the public,—

"if there is to be legislation, it should not be on the eye-wash lines of the Sarda Act but a serious Statute, not one to bring the whole Statute Book into contempt."

I am not here to say that this House should legislate for temple entry.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. K. C. Neogy, one of the Panel of Chairman.]

I stand by what Mahatma Gandhi has said and what has been accepted by the intelligentsia of the country. Speaking as a Congressman, who has been so from 1919, not as a Congress leader, I do not pose that I am a leader in this House or outside this House.....

The Honourable Sir Henry Craik: Are you a Congressman?

Mr. B. Das: Yes, I am.

The Honourable Sir Henry Craik: Then why are you here?

Mr. B. Das: My Honourable friend, the Home Member, has not understood what a Congressman is. Any man who pays a subscription of four annas and signs and accepts the Congress creed is a Congressman.

The Honourable Sir Henry Craik: But I thought he had also got to wear khaddar habitually.

Mr. B. Das: Sir, I am not here to bandy words with the Honourable the Home Member, but if I ask him, "Are you a good Christian" and if I again interject "Do you always follow Christian virtues and Christian doctrines", he may say, "No". Even so, I may not be a Congressman in the sense that I do not carry out every programme of the Congress, but all the same I am a Congressman.

The Honourable Sir Henry Craik: It comes to this then that the Honourable Member is a Congressman, but not a good Congressman. (Laughter.)

Mr. B. Das: It is for others to judge whether I am a good Congressman, or not. I am not to judge my own action. But I am a Congressman all the same. For us the problem is at rest now. We hope that the caste Hindus will realise the gravity of the position in the country, the untouchable position in which they are placed in the country, politically and socially, by the rule of a foreign Government that rules India. If they are themselves untouchables politically and socially in the eyes of Government, then they ought to have sympathy with those whom they have deliberately kept out of the fold of Hinduism and of the great Hindu community. I am sure my Honourable friend, the Raja Bahadur, will soon speak on this debate. I do want him to

reply to the appeal of Sir Muhammad Yakub, namely when he called upon the Depressed Classes, whom the Hindus do not admit socially and economically to the Hindu fold, to embrace Muslim faith, what is the remedy that the Raja Bahadur has got for that? The only remedy is that we should realise that we are all the sons of one God. We are all Hindus. All the privileges are not meant for the few Brahmins that exploit the caste Hindus and Depressed Classes. It is they who brought down the degradation of Hindu society and brought down the ruin of this sacred Bharatvarsha so that for 2,000 years we are under foreign rule. If my Honourable friend, the Raja Bahadur, speaks, let him talk why India came under foreign grip. It is because of the distinction created by the Brahmins, they tried to differentiate between caste and caste and tried to shut out a very large population—the Dravidian population and other population that were the original inhabitants of India—and condemned them to a state of untouchability.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): Where do you take your history from?

Mr. B. Das: I did not get it from Persia in any case.

Sir, that is my appeal to the Hindus at large, and if my Honourable friend, Mr. Ranga Iyer, divides this House, I will whole-heartedly vote with him, because I am for the emancipation of the Depressed Classes. But if Mr. Ranga Iyer does not want to divide the House, I am not going to challenge a division because I stand by the dictum of Mahatma Gandhi, and, I hope, the hearts of the high caste Hindus will be purified and ennobled so that they will see the Light of God, and, if they see the Light of God, that Light should not be denied to those who today are known as the Depressed Classes.

Mr. C. S. Ranga Iyer: Sir, may I ask one question? Is Mr. Das aware, when he quoted the dictum of Mahatma Gandhi, that Mr. Gandhi had stated that if votes are taken on this motion neither Muslims nor Christians but only Hindus should take part in the voting?

Mr. B. Das: Yes, Sir, I am aware of that.

Raja Bahadur G. Krishnamachariar: Sir, it is my duty, before I proceed to submit to the House the few observations that I intend making, to most heartily congratulate Government on the most sensible view that they have taken upon the question, a view which is founded not upon prejudice, not upon sentiment, not upon any tactical advantage that they wanted to obtain by taking this attitude, but a well considered, a carefully thought out opinion, based upon the mass of opinions that have been submitted to them by every responsible person, commencing from the Local Governments right up to their own officers, both European and Indian. Sir, I was afraid, I can frankly confess, that, after all, the Government of India, in view of the fact that this is the last day of the Session, might somehow or other not be in a position,—I do not say they wanted to shirk it,—but they might not be in a position to give expression to their views and we shall all separate from this place without exactly knowing what, after all, is the attitude of the one Government that counted with reference to this Bill. Fortunately, God has enabled us to have this Bill for discussion on the floor of this House, thanks greatly to the courtesy of my Honourable friend, Mr. Ranga Iyer; because, I have no objection to tell you that if he said that he

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was not going to move the Bill, no power on earth, not even the President in his Chair, could have compelled him to move it.

Sir, the whole of Sanatanist India and in fact the whole population of India with the exception probably of that minor fraction,—and even they should be thankful,—in fact the entire population of India should be thankful to Mr. Ranga Iyer for having given us this opportunity to draw out from the Government of India their attitude regarding this matter; an attitude which, I assure them, would reassure the entire Hindu community, probably with the exception of a few persons, with regard to the real attitude of the Government of India in matters of this sort and thus restore the faith which, I say without fear of contradiction, Government have been fast losing in consequence of the manner in which they have been allowing one irreligious legislation after another to come up before this House. Sir, in their own interest, in the interest of the peace and good Government of India and in the interest of the stability of the British Government, of which I am a great believer, I say they must restore that faith and confidence. I do not believe in that slogan of foreign Government and all that sort of thing. No Government is foreign and no Government is indigenous. Sir, we have had a little foretaste of indigenous Government in Madras which gentlemen here may not know. My friend, Mr. Ranga Iyer, depicted one portion of it and it and my Honourable friend, the Home Member, read an opinion which has come very handy that in the case of a dispute between Vadagalais and Thengalis, the Thengalis would out of spite instigate the voters to vote for the entry of the Depressed Classes,—I do not like the word “Harijan”, I will say presently why,—into the Vadaigalai temple and *vice versa*. Sir, that opinion is not imaginary and I will tell you exactly what happened. In my own native place of Mannargudi in the Tanjore district, there is a very big tank which covers an area of nearly a square mile and a half. It was not built by any of these gentlemen but by the old Rajas of Tanjore. All round the banks of that tank, on the four sides, only Brahmins reside. It is supposed to be the holiest tank in that locality and consequently a large number of people including non-Brahmins go and have baths there on holy and sacred occasions. Now, Sir, this tank is supplied by means of a channel from another tank which is ten miles ahead. As soon as the channel enters the municipal limit it bifurcates. One channel gets into this tank, another channel gets into the other quarters of the town in order to supply the tanks of that place. Now, Sir, what did the people do? Notwithstanding the fact that there was a floating festival connected with the temple which is to take place there, the municipality of Mannargudi, consisting mostly of non-Brahmins, passed a resolution that this tank should not be supplied with water until the entire number of tanks in the locality were supplied. And why? Because it is mostly used by Brahmins. If you want a certified copy of that resolution I will produce it; I have got it in Hyderabad.

Mr. B. Rajaram Pandian (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : How many Brahmins are there in Mannargudi?

Raja Bahadur G. Krishnamachariar : I am sorry I have not got the number at present, but I have noted the question and I will give an answer to my Honourable friend in due course.

Sir, I was talking of the position. Perhaps my friend will understand it before he jumps up again. The reason of the resolution was that the tank is surrounded by Brahmin houses who from morning till evening draw water there, and the Brahmins should not be given that water! That is the reason; and I was making it as a point to show that the prejudice, the feeling and the passion that would be roused, if such a thing is put to vote, is not imaginary. The gentlemen who gave the opinion exactly understood the position; and that is a sort of indigenous Government where your own people have manned the local bodies and your own people have manned all the grades of administration right up to the top. Go to Madras for a little while, say that you are a Brahmin and see what difficulty arises. And, after all, what did Brahmins do? Thousands of years ago a gentleman of the name of Manu, who was not even a Brahmin, instituted the Dharma-Shastra and they have all burnt the Dharma-Shastras and yet the Brahmin lives. That, Sir, is the condition of an indigenous Government. If this is the real condition of the Government that is going to be established in consequence of the White Paper or any other proposal, God save us from that indigenous Government. That, Sir, is my position. I do not say that the British Government is a very good Government; I have my own grievances and if you want me to recite them I will take 48 hours to do that without sleeping. (Laughter.) But you must take the entire position into consideration and say which Government is good, not because it is manned by white people, not because it is manned by black people, or brown or all other shades of colour, but the real achievement of the Government. After all, there is a great deal of draw-back in the British Government. However, I am not discussing that point: I think I have made my position clear.

Mr. S. G. Jog (Berar Representative) : Perhaps you find it awkward!

Raja Bahadur G. Krishnamachariar : I do not know how my friend, Mr. Jog, says that it is awkward: it is absolutely not awkward to me at all. I am under the British Government under their iron heel so far as my land is concerned: I have had administrative experience in the foremost Indian State: I have had experience of many other States where my friends and relations are living. It is absolutely no inconvenience to me at all to refer to it: no Government can be conducted upon the principles of the Sermon on the Mount. There ought to be trouble and of course we have got to take into consideration the comparative trouble; and, consequently, I have no illusions in regard to this matter. But that is not the point just now. I thank the Government of India for having taken this bold and courageous step and announced to the world that they are not going to tolerate this piece of legislation, practically universally condemned. But I have got a little complaint. My friend, Mr. Jog, said, it would be inconvenient for me. But no inconvenience ever affected me, nor, I hope will it affect me hereafter. I carefully followed the various headings under which the Honourable the Home Member said that the Government of India was going to oppose this Bill; but I was waiting for him to declare that this Bill, being opposed to the religious beliefs and considerations of the majority of the Hindus, the Government are bound by the Royal Proclamation, commencing from the Proclamation of Queen Victoria, that they should not put any one to trouble because of

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his belief and "that on pain of our serious displeasure none of those who are in service under us shall interfere with the modes of worship of our Hindu subjects". That was a solemn injunction laid upon these servants of the British Indian Government by Her Most Gracious Majesty Queen Victoria, and it is upon that that we base our opposition and my Honourable friend, the Home Member, did not say that as one of the reasons, whereas I had expected he would do so.....

Mr. C. S. Ranga Iyer : May I just interrupt the Honourable Raja Bahadur : from the Queen's Proclamation a sort of religious neutrality, I think, is expected on the part of the Government and, I thought, he would be grateful to the Honourable the Home Member for violating that neutrality in favour of the Raja Bahadur.

Raja Bahadur G. Krishnamachariar : The Honourable the Home Member did not do anything of the sort. My complaint is, that in addition to the considerations which as a political Government, as a political institution, it cannot take a risk against which its subordinate governments warned it, I say, in addition to that, it ought to have given prominence to the one position which almost all the Local Governments have stated, namely, that it is a question of religion and that it is dangerous for the Government of India to allow this Bill to be proceeded with. They shut out the alternative that the Government should remain neutral ; but, on the contrary, they should actively oppose it : the Punjab Government say : "If, however, the danger occurs"—mark the word—"that this Bill should be proceeded with,"—in their opinion it is a positive danger—why ?—because you must not interfere with religion. That, I submit, is my complaint against the Government of India that they did not say that this being a religious subject, the Government ought not to interfere and allow this mixed Legislature to declare as to what shall be my religion or my faith or whether I am right or wrong in holding that faith.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : The Government have correctly interpreted the Queen's Proclamation.

Raja Bahadur G. Krishnamachariar : That is just what I say : Government have correctly interpreted the Proclamation, but men who have not got the abstruse knowledge of my friend, Mr. Jadhav, probably because I have never been inside a Provincial Cabinet, cannot know that without referring to the Proclamation or to the principles contained in that long speech made by the Honourable the Home Member, it could be deduced : that is my objection. Barring that, I do not want to mar a good situation. I say I voice the indebtedness of the entire community for this bold stand. Another matter is this : I must congratulate His Excellency Lord Willingdon. I share with my friend, Mr. Ranga Iyer, in the congratulations that he humbly offered to that exalted personage for this reason : I have no objection to tell you that, before sanction to introduce this Bill was accorded, I went all the way down to Calcutta and I tried to induce His Excellency not to give sanction to this Bill. He gave me a two hours' interview within a few hours of his arrival there and I was very satisfied : I thought I was entirely successful ; but, early in January, a bomb was thrown at my head and when I saw the Government communiqué at that time, I was very angry, I assure you. I thought,

His Excellency was not going to sanction it and that he made a great mistake in doing so. Later, on further consideration and after the result that we have now seen of this reference for public opinion, far from being angry with him, I am greatly obliged to him ; and I tender my thanks, on behalf of the whole community, because in the course of conversation with him I told him that the great majority of the community was behind me and he said : "Very well, my dear friend, if that is so, why do you not go and prove it ?" Although I was quite ready to prove it, I thought that my *ipse dixit* was quite sufficient ; but it was not. Now, today, standing on the floor of this House, I am thankful to him for having given the country this opportunity of expressing its opinion unmistakably against the wicked principles underlying this Bill—they are not my words, they are the words of judicial officers and executive officers holding the position of Commissioners of Divisions : I think it is a mischievous and wicked Bill which has been brought forward here on the floor of this House, a piece of legislative impertinence as one of the officers said.

I was going to refer to the statement made by Mr. Rajagopalachariar, but as that has been done by my friend, Mr. Ranga Iyer, it has taken the wind out of my sails completely. But I am not sorry for it : there is only one thing I will allude to and that is this : my Honourable friend, Mr. Das, quoted some speech of Mr. Gandhi, and, he said, so long as there is one Hindu against it, so long he will not have this Bill passed or he will not ask any untouchable to enter a temple. Is that true ? Mr. Gandhi has been making experiments with truth. Day after day, week after week, a recital of his experiments with truth we have read in the newspapers. What is the truth ? Mr. Rajagopalachariar, his lieutenant, his close relation, because he has given his daughter in marriage to Mr. Gandhi's son, what does he write to me along with other Hindu members of this Legislature just before we met for this Session ? Mr. Gandhi does not want the Muhammadan votes ; he does not want the Christian votes ; he does not want anybody else's votes, but if the Hindu Members of the Assembly would agree to his principle, he has no objection to this Bill being tightened so far as the conditions are concerned. I shall give my reply. Place in juxtaposition the gentleman who is opposing me in my constituency, who made his first election speech the other day. A question was put to him immediately that I went to my constituency in which, I believe, I have some little influence. Of course, this gentleman came not to create any trouble in the place. I wrote to my constituency asking them not to create any trouble in the meeting, but only to put my rival candidate three questions, namely—"What is your attitude regarding the Temple Entry Bill ; what is your attitude regarding the anti-religious legislation ; what is your attitude regarding the socialistic attitude of the Congress" ? I wanted the meeting to put these three questions to my friend, Dr. Rajan, he is a good friend of mine, he is a good man, he has treated me sometimes, although he became angry with me latterly.....

Mr. B. V. Jadhav : On a point of order, Sir. Is the Honourable Member making an electioneering speech or is he speaking on the Temple Entry Bill ?

An Honourable Member : Kindly speak up.

Raja Bahadur G. Krishnamachariar : Very well, Sir, the fact of the matter is, those questions were put to him. I am now talking of Mr.

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Gandhi who has been praised to the skies. The greatest sin that my friend, Mr. Ranga Iyer, committed was when he talked of a gentleman who is Gandhi's lieutenant. Now, this other gentleman said :

"Even Gandhi had realised that the country was not ripe for allowing Harijans into temples."

He concluded by saying that they would do nothing which was not supported by public opinion. I want to put a direct question to Mr. B. Das who was very angry, because Mr. Gandhi was attacked in this House. Now my question is,—did or did not Mr. Gandhi know at the time when he allowed his lieutenant, his henchman, the man who is behind the temple entry question,—that Mr. Gandhi will be quite satisfied if the Hindu Members were agreeable, or at least a majority of them were agreeable, to vote for the proposition? That shows that though Mr. Gandhi was satisfied that the public was not behind him, why did Mr. Gandhi make this experiment of getting the Hindu Members of this House to get a vote by a trick, shall I say? Why did he attempt to do it? And yet, Mr. B. Das is very angry with us, because we have attacked Mr. Gandhi. Sir, I have got to refer to Mr. Gandhi because of his close connection with the temple entry question. He has got certain qualities which our Shastras lay down as the highest qualities to be possessed by any human being. If he had confined himself to those qualities, if he had exercised his intellect and used his energies in the sphere to which his qualities relate, he would today have been, not what he unfortunately aspired to become and never succeeded, actually the leader of one phase of Indian opinion. Unfortunately, he began to attack our idols, whether they are good or bad. So far as we can work our memory back, we never allowed even the greatest and most cruel invaders to lay their hands upon our idols, and if any one were to attempt to lay his hands upon our temples or idols, that would be the last time when he can have any influence in this world so far as India is concerned. That has been the experience of this country, and the latest example of that is Mr. Gandhi who, out of his great enthusiasm for the Depressed Classes, thought that the only way in which he could improve their condition was to defy our idols. Well, Sir, our idols do not speak, but they have acted in a way that, where three years ago none of us had any chance on public platforms, whenever we might go, today his procession is followed by black flags, shattering of the wind screens of cars, followed by police, because some of his own followers attacked Mr. Gandhi, I believe, an unfortunate man by the name Lal Nath.....

Mr. B. Das : But that attack on Pandit Lal Nath was not made by friends of Harijans, but by his own followers.

[At this stage, the Honourable the Law Member rose to address the House.]

Mr. Chairman (Mr. K. C. Neogy) : The Honourable Sir Nripendra Sircar.

Raja Bahadur G. Krishnamachariar : Sir, I have not finished.

Mr. Chairman (Mr. K. C. Neogy) : The Chair thought the Honourable Member had finished.

Raja Bahadur G. Krishnamachariar : No, Sir. I shall now leave Mr. Gandhi alone, because I do not want to take up the time of the House.

I only wish to remind my friend about the bomb incident in Poona. Now, who was the witness? Mr. Bhopatkar. The bomb fell somewhere near Mr. Gandhi, and Mr. Bhopatkar was hurt.....

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : How is this all relevant?

Raja Bahadur G. Krishnamachariar : I shall show you how it is relevant. At the place where Mr. Gandhi was going to be presented with an address, poor Mr. Bhopatkar had to suffer,—I do not know for whose fault, because the bomb burst in his presence, and all those little things which contained in the bomb entered his system, and he was suffering.....

Mr. S. C. Mitra : How are all these matters relevant to the discussion.

Raja Bahadur G. Krishnamachariar : This matter is relevant in this way, because Mr. Gandhi has been extolled to the skies, and I know that he is the man behind this movement,—there is no question about it at all—and I want to satisfy this House, and, through this House, the public at large, that the man who instigated this Bill, who created all this trouble in the country, is a man with such a record, and, therefore, the public could judge of him upon the acts and facts that have actually occurred.

Sir, my friend, Mr. Ranga Iyer, put me a question whether these things could not be solved by allowing free entry of Depressed Classes into the temples.....

An Honourable Member : They are Harijans, they are not Depressed Classes.

Raja Bahadur G. Krishnamachariar : Yes, I am also a Harijan, my friend Mr. Ghuznavi is a Harijan, the Home Member is a Harijan, every man whom God likes is a Harijan. Does God dislike me? We are all God's children, and I claim that God likes me more than all these gentlemen. Sir, a little learning is a dangerous thing. Soor Das, the great poet of Gujerat, in his various songs, has referred not to the Depressed Classes, but to the entire human creation as Harijans. Unfortunately, I do not remember those verses, somebody gave me a list of them, but there he refers to the entire human race as Harijans in order to exhort them to walk in God's ways. Now, Mr. Gandhi, who is a great believer in these songs and *bhajans*, had, I suppose, at some time or other, got these things by heart and then he thought it was a very nice thing to give a new appellation to his clients, and, thereby, he expected to raise himself in the estimation of the people. Unfortunately, Sir, he did not reckon with a friend over there in Madras of the name of Rao Saheb or Rao Bahadur,—I do not know,—Srinivasan,—who is a member of the Depressed Class. He was a co-adjutor of Mr. Gandhi in South Africa. He wrote an open letter to Mr. Gandhi on the occasion of his visit to Madras, and said that they were all awfully disgusted with Mr. Gandhi's ways :

"Our people do not care for these things. For God's sake, don't call us by this name."

That is what happened, and that is why I do not want to call them Harijans because they themselves do not want it.

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There are two matters upon which I must speak before I go further. So far as economic uplift and other co-ordinated uplift of the Depressed Classes are concerned, I am entirely at one, and will even proceed further than what the Honourable the Home Member has said. I do not speak the language of exaggeration, I am not for winning a dialectical victory, but I shall state, as shortly as possible, what I have been doing in my village, and if anybody has any doubts—well, my Honourable friend, Mr. Rajah, when he was more favourable to me...

Rao Bahadur M. C. Rajah (Nominated Non-Official) : What makes my Honourable friend to think that I am not favourable to him now ?

Raja Bahadur G. Krishnamachariar : I am glad. I thought that he had some spite against me because I was a Brahmin.

Rao Bahadur M. C. Rajah : You are looking through your own glasses !

Mr. B. V. Jadhav : Will you welcome him to your house if he goes over there ?

Raja Bahadur G. Krishnamachariar : I have already answered that question once, and I have been through a lot of fire because of the straight answer I gave, and I decline to answer the question now. I was on the question of the uplift of the Depressed Classes. In the Tanjore district and in the Trichinopoly district I have got lands in four villages, and I challenge any of these gentlemen to come over there to my villages and see whether the Harijans... (*An Honourable Member* : "Hullo, Harijans.") (Laughter.)... Depressed Classes. What can I do ? The environments are such that sometimes you are led into using expressions which you do not actually believe in. That is human nature. I say, I wanted you to see whether we have not done already what Government say they have done to these Depressed Classes. Separate wells have been dug, separate and better residences for them have been given. Where they had been living in bogs and swamps, they are living now in much better residences, they have been provided with practically every convenience that we can supply. Don't think that we are rolling in wealth. Come to the villages and see. We are as much depressed as they are, the landowners are more depressed than the Depressed Classes themselves. Well, to the extent of our resources I have done, and most of my fellow *mirasdars* have done. But, of course, we do not shout, we do not go, nobody presents us with addresses when we come out, no festoons, no garlands, no entertainments, no tea parties, and no music. (*An Honourable Member* : "No purses !") Purses ? Who is going to give us purses ? They are ready to take money from us ; don't you think of purses ; purses are reserved for somebody else. So far as economic uplift is concerned, we have been doing, we have absolutely no objection to do all in our power to help these classes to come up. But, Sir, that is quite different from giving them equality in our religion as we understand it. As the Honourable the Home Member said, call us all sorts of names, there are only two names that can be given, obscurantist and reactionary. Add that to the list that the Honourable the Home Member gave, and call me by any name. I prefer to be called all sorts of names and I prefer to be in the religion with the beliefs that have afforded solace to my ancestors from the

beginning of time and that is affording solace to the teeming millions of this land, and not all the abuses that could be showered on my head, and not all the abuses that could find a place in any dictionary, or even in the New Oxford Dictionary, will induce me to change that faith. And, Sir, what is the result ? Do you understand Hinduism ? Do you understand the real tenet of it ? So far as these Depressed Classes are concerned, they say there is a passage of the Puranas which says that when the sages went to Parasura for knowing what *Dharma* should be followed in this *Yuga*, Parasura understood the whole thing. He took a dip in the sacred river and immediately got up and said, "Sudra Sadhu". One fortunate man in the *Kaliyuga* is the Sudra. A more fortunate man is the Depressed Class, because he has not got to perform any ceremony. He has not got to keep any fasts ; all that he has got to do is to pronounce the name of God and that has as much effect as the most difficult penance that you can ever make. That, Sir, is what is contained in the Shastras, and there is no good saying that you have not been given the *Mantra Diksha*, therefore, you are in any way inferior.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Do the Shastras regard the Sudras as superior to Brahmins ?

Raja Bahadur G. Krishnamachariar : There is no question. That is just like my Honourable friend, Sir Hari Singh Gour, the modern Manu of India. (Laughter.) My Honourable friend does not know a word of Sanskrit. He does not know what is stated in the Shastras. He has read fourth-rate English translations of Hindu law books, and an unsophisticated community has enriched him by buying by thousands his book on Hindu Code. Whoever looked at the Hindu Code to see whether it was the correct Hindu law or not ? Sir Hari Singh Gour, K.C.S.I., L.L.D., Ph.D., etc., etc., (Laughter.)...

Mr. Chairman (Mr. K. C. Neogy) : We have had enough of personalities ; the Honourable Member would do well to come back to the Bill.

Raja Bahadur G. Krishnamachariar : The question was put whether under the Hindu law the Sudras are superior to the Brahmins, and I am first removing the fallacy contained in the major premise, and now I shall proceed to show, in the minor premise, not as stated by me, but as stated by Mr. Gandhi, the modern prophet of Hinduism, in his reply to Dr. Ambedkar, that there is no such thing as inferiority or superiority in the Hindu religion. Each class by itself is superior ; each class by itself is inferior. Each in the Hindu religion has got a specific duty to perform, and as long as he performs that duty, that caste is the highest caste among the Hindus. It is men like Sir Hari Singh Gour who have instilled into the minds of these unsophisticated people that there is a superiority and an inferiority. We have divided it, rightly or wrongly, long before you or most of us were born,—that this is the system that should obtain in the Hindu society. This is their sociological division, and this is a division which has extorted the admiration of impartial philosophers, the latest of whom is Nietzsche, who in describing the division of society laid down by Manu said that the last word regarding sociological division has been stated by Manu and there is nothing to improve upon it. Sir, I was on the question of the uplift of the Depressed Classes. The next point that I want to come to is the challenge made to me about the building of tem-

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ples for the Depressed Classes. I do not know if it is well-known here that the Depressed Classes have got their own forms of worship, their own temples, and they in their temples do not want that they should be interfered with, nor in their worship. I may tell you exactly what happens in the villages. There are various village deities for whom there are temples and everybody is bound to contribute both to the building of the temple when it is under repair and to contribute to the expenses connected with the festival. The way we go about building the temples is that all the labourers contribute their labour by either providing bricks or putting them up and raising a wall, and those of us who cannot do that sort of thing pay money. If Honourable friend, Mr. Ranga Iyer, will go to the villages he will find that each village has got various temples, one for Mariamman, the small-pox deity, Ayanar temple, that is supposed to be the guardian deity of the village, one for Pidari, and for so many other Gods and Goddesses in gradation. Now, Sir, the custom in the South Indian villages at least is this. Before you start cultivation you must perform the annual festival of these Gods and Goddesses, otherwise, it is believed that the wrath of these Gods and Goddesses is visited upon the people. There is cholera, there is small-pox, there is anthrax amongst the cattle or there is some other calamity which is supposed to be brought about by the wrath of these Gods and Goddesses. Then, Sir, I have got to contribute along with the meanest villagers for the expenses of these festivals. I am not aware of the conditions in other parts of the country. Therefore, I submit that the temples exist there already, and, if you want more temples, we shall do all in our power to construct those temples and help them, if that is their idea, but, Sir, I make bold to say that this agitation is mostly engineered by persons who have themselves no faith in the temples, who themselves do not go to the temples and see the idols.

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

Consequently this is the objection which we have got. I had originally intended to deal with the mass of opinions, but I have no time, and, therefore, I shall not trouble the House with them but I will refer to only one thing. On the last occasion when I was speaking on the Untouchability Bill, I referred to the story of Saint Nandanar, regarding whom the Honourable gentleman in charge of that Bill made certain statements. I accepted all those statements and I only added as a rider that he was allowed to come into the temple after passing over a heap of fire. Up jumped my friend. He said that all this is the work of the cunning and wily Brahmin and that there is no such record anywhere at all, and it is you, not me personally, you the Brahmins, who have concocted this story and not all my pathetic appeal to him that this appears in the archaeological records would induce my friend to withdraw that unfortunate expression he used against the Brahmin. Now, Sir, how does retribution work. There is a gentleman who is the District Judge of Cuddalore. He is not a Brahmin. His name is Mr. Ratnavelu Pillai. This is what he says about the specific statement of the Honourable Member :

"As in other countries, there have been religious reformers in India also. That accounts for the 63 Nayanmars, etc. Nandanar, the Panchama Saint who is said to have attained salvation in Chidambaram, is one of such examples. He panted to see Nataraja, the dancing figure of Siva and, by His grace, got the permission of his hard taskmaster and was waiting outside the temple premises. He did not get entrance into the temple of Sri Nataraja as a Panchama as the speech of

Mr. M. C. Rajah would suggest, but on the other hand, according to the Puranam by his prayer to Nataraja, Nataraja appeared in the dreams of the Dikshitar, mentioned to them that his *bhakta* (devotee) was waiting outside the temple in a corner of the town and enjoined them to get him purified and bring him before his presence and that accordingly Nandanar went through an ordeal of fire and emerged as a Brahmin with all the appearance of a Dikshitar and that he was then taken to the presence of Sri Nataraja."

Now, Sir, I may be absolutely wrong in my contentions. So far as this is concerned, here is an authority, a gentleman of the position of a District Judge, a non-Brahmin. This is how he justifies it.

Sir, I have not much time left. There is one thing which I want to say with regard to the judges of the High Court. I have got a complaint against them, those judges of the High Court who had given their opinion. Now, one of them has considered the question from the stand-point of the Honourable the Home Member. As the highest exponents of the law in the land, was it or was it not their duty to find out how the civil rights connected with these temples were disturbed by this Bill, how temples built for the benefit of one community would be allowed to be dissipated and desecrated, if the original object of the founders is not fulfilled. At least the judges of the High Court would be expected to consider that position, whereas they have been led away by the very skilful manner in which the Bill is drafted, especially the provision regarding the alleged disability of the Depressed Classes. Most of them have been led away by it, and, lastly, I have got a complaint against those Muhammadan gentleman from the Judges of the High Court downwards, who say that they are in agreement with the Bill. On the contrary, the European judges of the High Court said that this is a matter for the Hindu community and they are not concerned. In the same way, if they did not want to discuss it, they should have said 'This is a matter which concerns the Hindu community. We are not going to give any opinion'. How will these Muhammadan gentleman like it if I interfere with their precepts and lay down what their Muhammadan religion should be, just as my friend, Sir Muhammad Yakub, did unfortunately. Sir Muhammad Yakub spoke of my religion contemptuously when he said that he did not like untouchability should form part of the religion. Shall I repeat to him the same thing. Now, I would not do it because I have not got the time.

An Honourable Member : Are you afraid of Ghuznavi ?

Raja Bahadur G. Krishnamachariar : No, I am not afraid of Ghuznavi. Sir Muhammad Yakub extended an invitation to all and sundry to embrace Islam in order to have this universal equality. I will give you one instance. In Hyderabad, there is a strong Shia community and a strong Sunni community. The Sunnis have their own mosques and the Shias have got their own mosques. I am addressing Sir Muhammad Yakub. Unfortunately he is not here. Would you believe it that the Shias and the Sunnis recognise the same Prophet, who recognise the same God whose Prophet Muhammad was—the Shias are not allowed to go and enter the Sunni mosques in order to say their prayers and *vice versa*.

An Honourable Member : That is not true.

Raja Bahadur G. Krishnamachariar : I am going to tell you what happened in Hyderabad. There is a Sunni masjid in which three Shias went in. I suppose, in order to create a disturbance. Now, Sir, I believe, the practice of the Shia Muhammadans and the Sunni Muhammadans differ.

Mr. President (The Honourable Sir Shanmukham Chetty): Would the Honourable Member now conclude his speech and give a chance to other speakers?

Raja Bahadur G. Krishnamachariar: That is why I am anxious to finish my speech. I have got here 800 pages and I have got here materials which can engage me for three days. I am very sorry that it is suggested that I was taking up the time of other gentlemen, when I find that a gentleman like Sir Muhammad Yakub attacking my religion and calling all and sundry to become Muhammadans and I think it is my duty to show that this trouble obtains also in the Muhammadan religion, before Sir Muhammad Yakub asks all and sundry to enter the Islamic faith. I have only got a few facts to say upon this matter. Sir, it seems, I do not know, I speak subject to correction from my Honourable friends, it seems, the Sunni Muhammadans in saying their prayers hold their hands like that, and that the Shia people drop down their hands like that, I do not know which, I am not sure, but it is no good saying no, because it was I who practically drafted the *farman* referred to, in order to prevent this sort of thing. Now, whatever it is, there were signs of disturbance, words resulted in blows and blows resulted in bloodshed, that was reported to the late Nizam and he intervened, and, consequently, he issued a *farman*, which I had the honour of helping in drafting under instructions from the most learned Maulvis with long *daris* (Laughter), and, in that I said that no Shia is to enter a Sunni mosque unless he wishes to conform to the practices of that mosque and *vice versa*. That, Sir, is the difficulty, and as I promised that I would not speak much longer, I will not speak about the idolatry of the Muhammadans at the Kaaba. Sir, we, after all, all have got our beliefs, we all have got our different predilections and idiosyncracies. It is no good trying to attack each other. Sir, I think the Government are perfectly well-advised in opposing this Bill, and I do hope that this Bill will never again see the light of the day in this world. (Applause.)

The Honourable Sir Nripendra Sircar (Law Member): Sir, (Loud Applause), at five minutes past four, I got up under the misapprehension that the Raja Bahadur, having taken his seat, had finished. It is now half past four and I should not take up the time of this House for more than a few minutes. Sir, I want to say that, so far as the attitude of the Government and the reasons which have compelled the Government to adopt it are concerned, I have nothing to add to or subtract from what my Honourable colleague, the Home Member, who is in charge of the Bill, has so very clearly explained to this House. Sir, I remember that in speaking on a question like this, I fulfil a rather complex character. I happen to be a caste Hindu by birth, but, I am sure, some of my Sanatanist friends on the other side will say that, by my deeds or probably by my misdeeds, I am qualified to be a *harijan*. Sir, if that is my position, I feel I am in a place of advantage in being able to appreciate the view-point of both. Sir, within the limited time at my disposal, I do not desire to go into this question at any length whatsoever, but I can assure Honourable Members that, so far as the merits of this question are concerned, namely, as to whether something should not be conceded in order to preserve unity in the community, in order to prevent the growing internecine strife which has divided the community into two parts, in that matter the Mover has my sympathy. On the question of legislation, I would remind my Honourable friend,

Mr. B. Das, who, I counted, mentioned the name of Mr. Gandhi 37 times in eleven minutes, that what he has said about the correct position is this; this is a quotation from his book "The Hindu Swaraj", by Mr. Gandhi:

"That the decisions of a majority could never be binding on the minority and that all social legislation was the result of the initiative taken by the minorities to convince and convert the majority and, in the long run, when they succeed, the minority becomes a majority and the social legislation follows."

I say, Sir, every word of this is correct, namely, that this is not a matter to be brought up and disposed of on the floor of this House. This is a matter for the Hindu community. They must have sense in them to come to some kind of arrangement, some adjustment by which this strife can be ended. Surely it is not right that legislation, in a religious matter which is opposed by the majority of the community, should be forced down their throats by the votes of a few persons assembled here. (Hear, hear.) Sir, my Honourable friend, Mr. B. Das, also stated that the caste Hindus' heart has not been touched. I admit that. If their heart had been touched, and I wish it had been touched, then we would not have found this volume of opposition to the proposed measure. But would my Honourable friend look a little deeper and answer the question whether the heart of any community has been touched? What I am referring to is this. As between the untouchables—I am not using the expression in any derogatory sense but just to describe them—in spite of the tremendous campaign which is going on, in spite of the preaching of Mr. Gandhi, has their heart been touched in the matter of untouchability as between the different classes of untouchables? Do they still, between themselves, observe untouchability? Has even the fringe of that matter been touched by Mahatma Gandhi's teachings for the last few years? Sir, I cannot speak of other Provinces, but, in my Province, at the present moment, in spite of all the preaching about untouchability, as between the different sections of the untouchables, they observe untouchability as rigorously, as severely as any high-caste Brahmin; and if I can give this House an instance of what has happened very recently when one of the temples was thrown open to the Harijans in a spectacular manner, only recently at Jorhat in Assam,—when some of the reformist Hindus—Brahmins and Kayasthas—had assembled there to receive the untouchables, the matter went on smoothly for some time, but when the lowest caste arrived, the people who left that temple in disgust were *not* the high-caste Brahmins and Kayasthas, but other sections of untouchables! I am pointing this out only for the purpose of showing that the hearts of many people of many other castes have got to be touched. This is a matter which can only be dealt with when popular opinion has changed: and, when that popular opinion has changed, and the vast, preponderating mass of the Hindus want social legislation, then surely that legislation cannot be retarded or obstructed by a microscopic minority. But that is not the situation here. The sentiments which have grown up amongst our people as the result of age-long customs and practices go down deep and cannot be put out of the flesh easily. A sporadic attempt, a violent attack spread over a few months cannot uproot what has been implanted in the minds of the different castes and different communities as the result of what has been happening for the last few centuries. Therefore, Sir, I say to my Honourable friend, Mr. B. Das,

[Sir Nripendra Sircar.]

that it is necessary that popular opinion should change before any legislation should be effected. I am only trying to point out that the time chosen now for this legislation is premature; there has been no change of heart worth mentioning, and it is no good setting up an attack against caste Hindus as if they alone are adamant, obdurate and bigoted and as if the hearts of all other sections have been changed. Sir, I am not trying to provoke anybody; I am not trying to blame anybody, but I desire to point out that this is a matter which must require patience and skilful handling. In any attempt which is made to ameliorate the condition of the Depressed Classes, I have always supported them with my fullest co-operation and not by mere lip sympathy. Whatever attempt may be made outside this House for coming to any adjustment or causing—if I may use that hackneyed phrase once again—any change in the heart and the mind of our people, it will have my fullest co-operation, but, I do submit that the floor of this House is not suited for deciding this question. I would like to remind both the parties (because I do not want to take up a partizan attitude on this question), that a victory won on the floor of this House is of little consequence. It will increase the acrimony and the bitterness which now exist and the passions which have been aroused will only be augmented and intensified. I do hope, therefore, that the Honourable the Mover of the Bill will realise that he has discharged his duty. He owes a duty to his society, to his constituents and to himself and he has discharged that duty by having this Bill discussed in this Honourable House before all of us, but having done that, I would beg of him to realise that, having regard to the opposition with which it is being met and having regard to the fact that the vast mass of the community which is going to be affected are violently opposed to this measure, I would beg of him to withdraw this Bill. (Applause.)

Rao Bahadur M. C. Rajah : Sir, at the outset, let me assure my Honourable friend, Raja Bahadur Krishnamachariar, that I have great regard for him, not only for his learning, but also for his age. Moreover, he is a Vaishnavait like myself, and let me also tell him that it is stated in Tirumalay that even a Brahmin versed in Vedas and Shastras, if he thinks or speaks low of his devotee, to whatever caste he may belong, instantly becomes a *pulaya*. The punishment meted out to a Brahmin, however learned he may be, for questioning the caste of a Vaishnavait, however low he may be in birth, is the same as the punishment meted out to him for questioning the substance with which the idol in the temple is made of. Raja Bahadur Krishnamachariar has said that God likes everybody. He said that God likes him and Mr. Ghuznavi and I suppose God likes me also.

Raja Bahadur G. Krishnamachariar : I never denied that, but Mahatma Gandhi has said that he likes you alone. Therefore, I named other persons whom He also likes. What I said was that the question put to me was an impertinent question.

Rao Bahadur M. C. Rajah : If God likes us also, then why deny us entrance into His House? Let me answer him from the Vaishnavait sacred books. Shri Ramanuja, nearly 900 years ago, called the Depressed Classes Tirukulathars, men belonging to the Holy caste. Do you deny that also?

Raja Bahadur G. Krishnamachariar : No. But it refers to the Tirukulathar of that particular locality and not to the entire 30 millions. If you read the history of Ramanuja you will know whom he called the Tirukulathar. I am glad the Honourable Member has reminded me of it. I should have gone into that question in greater detail.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would suggest that the Honourable Member, Mr. Rajah, must go on with his speech.

Rao Bahadur M. C. Rajah : I am answering some of the points that he has raised, and that is why I said in connection with Nandanar that the Brahmins give different interpretations to the sacred texts as it suits them. In the interests of the peace and order of the Hindu community and in the interests of the stability of the Hindu society, I want my revered friend, Raja Bahadur Krishnamachariar, to make himself bold and courageous to hug the Depressed Classes.

Sir, this morning, three speakers made three appeals to the House. My friend, Mr. Ranga Iyer, in his speech appealed to the Sanatanists to build separate temples for the Depressed Classes. Sir, let me tell my friend, Mr. Ranga Iyer, that the Depressed Classes do not want separate temples for themselves just as they do not want separate electorates.

Mr. C. S. Ranga Iyer : May I just ask whether the Honourable Member is speaking for the Depressed Classes, especially the community known as *ezhavas* who are the hierarchy among the Depressed Classes in Malabar?

Rao Bahadur M. C. Rajah : No, Sir; I am speaking for the Depressed Classes in general. Moreover, the idea of the Depressed Classes is that they want to enter these temples as an integral part of the Hindu society. I come next to my Honourable friend, the Raja of Kollengode. He appealed to the Government to be neutral in this matter. I welcome that appeal. If only the Government remains neutral, I am sure all the temples will be open to the depressed classes tomorrow. I then come to my friend, Sir Maulvi Muhammad Yakub, who made a welcome appeal to the Depressed Classes to embrace Islam. I am thankful to him for that appeal. We have also considered that question and my friends are of opinion that we should fight to the last to get the entry into the Hindu temples. Next I come to the Honourable the Home Member. Sir, I am very thankful to him for his frank and straightforward reply. I recognise, and my community also recognises, that in the face of voluminous opinion against the Bill, it is not possible for any Government to support a measure of this kind. Moreover, the Honourable the Home Member has mentioned some of the facilities offered to the Depressed Classes in the various Provinces of India. Sir, I have on many occasions, on the floor of this House, thanked the Government for their beneficent activities as regards the Depressed Classes and let me also take this opportunity to say that the elevation of the Depressed Classes in India is due more to His Excellency Lord Willingdon than to any official in India. It was in 1919, when His Excellency was the Governor of Madras, that he inaugurated a Special Department, called the Department of the Protector of the Depressed Classes, which was meant for the amelioration of the condition of the Depressed Classes in that Province. Since that time, that Department had been doing marvellous work. In this

[Rao Bahadur M. C. Rajah.]

connection, I should also like to thank the European Christian Missionaries who have taken up this work. They were the first and the foremost in the field and they were the pioneers in the amelioration work for the Depressed Classes in India. Sir, we are thankful to Government for giving us civic and political privileges and I sincerely hope that the Government will continue to do even greater things for us.

Sir, Mr. Ranga Iyer suggested that there should be a combined car festival in various localities. But, may I inform my friend, Mr. Ranga Iyer, that without the help of the Depressed Classes the car festivals cannot take place.

Mr. C. S. Ranga Iyer : I was referring to the car festival that takes place in Palghat.

Rao Bahadur M. C. Rajah : I am referring to the car festival that takes place throughout India. It is a device, I think, made by the so-called high caste Hindus to allow these Depressed Classes to pull the ropes of the car because they are not strong enough to pull the car themselves. Moreover, it is said that a Brahmin who pulls the rope along with the Depressed Classes should not and ought not to bathe when he goes home because there is no pollution there.

An Honourable Member : Brahmins do not pull the car.

Rao Bahadur M. C. Rajah : They do and they do touch the rope.

Now, Sir, coming to the merits of the Bill, I should like to make a few observations. Sir, all adverse comments are based on the assumption that the Bill threw open the temples to the Depressed Classes. Nothing of the kind is proposed to be adopted in this Bill. The Bill only makes a provision for a machinery to find out the wishes of the people in the matter. The Bill does not interfere with religion at all. If, in any locality, the caste Hindu worshippers come to believe that they could open the temples to the Depressed Classes, then the Bill enables them to do so. It is merely a Temple Entry Local Option Bill. It is argued by my Honourable friend, the Rajah Bahadur, that by admitting the Depressed Classes into temples the purity of the idol will be defiled and polluted.

Raja Bahadur G. Krishnamachariar : That is the opinion from which I quoted.

Rao Bahadur M. C. Rajah : If temples are spiritual power houses and places of purity and sanctity, then they cannot be polluted by the presence of the Depressed Classes. On the other hand by being allowed to come to the presence of God, the Depressed Classes will be purified and spiritualised. (Hear, hear.) If the idea that purity is one which will be affected be correct, then such a powerless purity is not worth anything at all. When Saint Tiruppanalwar was taken to Srirangam temple, the idol was not considered to have been polluted. When the Muhammadan Princess died at the feet of the idol at Malekot, the idol was not considered to have been polluted. As a matter of fact, an image of her was made and installed under the feet of the idol of Ramapriya for daily worship as Tulukka Nachiar (Muhammadan Goddess Consort). A similar idol for this goddess is in the Srirangam temple. Sir, temples are the home of God and in God's home nobody

could be treated as an untouchable, since God is the common Father of all. (Hear, hear.) The Hindu temples play a most important part in the life of the masses. Among the Hindus there is more devotion to God than in any other people, and, in the lower classes especially, the devotion is stronger than in the higher classes. Though this devotion may be blind, yet it is powerful. Temple worship as an institution came into existence for the purpose of providing for the community as a whole a mode of approach to the Supreme, suitable to the understanding of the unintellectual and unphilosophically minded. To men of higher understanding going to a temple is absolutely of no value; as my Honourable friend, Mr. Ranga Iyer, himself had said. When these go to a temple and discharge a function connected with it, they do so for the benefit of the community as a whole. So, I ask, why keep out the real men for whom all this is intended and enacted? Why then rob the lowly among you of what is their due by right of true benefit? Is temple worship not the worship of the Almighty God? Did the God of the Universe disclose His form only for some specified classes to the exclusion of others? Is there no room for real worship on the part of these simple devotees? Are there not innumerable instances where such prohibitions have not been put into practice? Many of the Saints of South India have been originally persons of the Depressed Classes and have been admitted into the temple and the idols of some of them are now being worshipped by the most orthodox Brahmin. I tell you, Sir, to decline wholesale spiritual food to the poor innocent people is a great crime against God and Humanity for which you shall have to answer before the Lord Who makes no distinction between the members of His creation. You say that the campaign should be diverted towards the removal of their economic disabilities. Yes, that is true. The question of temple entry is only one of the many items in the campaign for the eradication of the curse of untouchability. What shall it profit a man if he gains the whole world and loses his soul? Sir, his economic uplift depends solely on the elevation of the social or caste status. The economic part of the problem had to deal with the effects of this evil which are showing themselves solely by reason of the custom of untouchability. If untouchability is corrected, the economic uplift would follow. The opening of temples to the Depressed Classes will give a new life and a new hope to them. You call them unclean. Their unclean habits are entirely due to you, as you keep them away and give them unclean quarters and not give them light, water, enough to drink and bathe. You are the sinners. You have degraded them and then have the audacity to use their very degradation against their rise. Not contented with your past unrighteous actions, you have now the audacity to say that they are not anxious for the reforms. In judging a community and its aspirations you should realise that it speaks through the most enlightened of its members. Sir, in this connection my Honourable friend, the Raja Bahadur, has quoted some opinion from one Mr. Ratnavelu Pillai who, he says, holds the position of a District Judge. Equally eminent men of the same standing have given quite contrary opinions. Does he accept those opinions also?

Raja Bahadur G. Krishnamachariar : I was not speaking of my own opinion. I was only quoting his opinion about Nandanar.

Rao Bahadur M. C. Rajah : I am not giving way.

Raja Bahadur G. Krishnamachariar : Then why do you put questions ?

Rao Bahadur M. C. Rajah : I am not at all asking for answers from my Honourable friend. I am simply meeting the points raised by my Honourable friend. I hope he will not be excited. Another thing I wish to say is that my Honourable friend just now said that the Depressed Classes think that their going into the Hindu temples will upset their whole family life and so on. He also said that the Depressed Classes say that they would be visited by diseases if they enter a Hindu Temple. Sir, this reminds me of a story which I am sure you, Sir, also know. In a village there was a Depressed Class man who was serving under a zamindar. The wife of this Depressed Class man gave birth to a son and his father christened the child as "Perumal", meaning God. Then one day the zamindar went to the village and heard the father of the boy calling his son as "Perumal". The zamindar was taken aback. He asked the Depressed Class man as to what he meant by calling his boy as "Perumal". He said : "You, fellow, give your son some other name. If you call him 'Perumal' the wrath of God will be on you and the boy will die tomorrow. So call him by some other name, such as black or white or mud or clay or anything else". The Depressed Class man was an intelligent fellow and next day he called his son 'Peria Perumal' meaning Great God. Next day when the zamindar went to that village to see his Depressed Class servant, he was non-plussed to find that his son was called 'Peria Perumal'. Similarly, my Honourable friend, the Raja Bahadur, says that if the Depressed Classes go to a temple they will be infested with all sorts of diseases. Sir, I have got very little time now and so I cannot narrate at this late hour all the anecdotes that I have got in my possession. I am very sorry to say that these so-called Sanatanists do not know these people. One who had moved with these untouchables in their cheries, mohallas and slums would have found in them dissatisfaction of their lot ranking in their hearts, a really burning desire and an unquenchable thirst for their amelioration—their education, economic advance and the satisfaction of their spiritual hunger. In this connection, with reference to the quotation which my Honourable friend, the Raja Bahadur, gave from Mr. Ratnavelu Pillai's opinion, let me also tell the Raja Bahadur that a great seer, the Saint Ramanuja, nearly 900 years ago, hugged the Depressed Classes. Sri Ramanuja's heart surged with love and compassion for these unfortunate people. Ramanuja devoted himself entirely to the service of the Lord by serving man, His own Image and has always been a friend of the poor, the needy and the helpless and genuinely interested in the redemption of all the down-trodden. It was he that first worked for the amelioration of their condition and it was he that first wanted to take them into his fold. Sir, these episodes are somewhat worthy of note. Ramanuja specially warned his disciples against pride of caste, pride of wealth and pride of learning as the three great dangers for the unwary to fall into perdition. When Ramanuja was old and weak, he used to lean on somebody's shoulders and walk into the river for his daily ablutions. While going to the bath he used to lean on one of his Brahmin disciples but while returning after his bath he would walk leaning on the shoulder of one of his Depressed Class disciples. The orthodox people were greatly incensed at this practice. They said he may lean on this low caste man before bath but why should he lean on him after bath. Ramanuja said, "I lean on this

low-born person when returning after ablutions because this is the way to wash off my pride of birth which I cannot remove by ablution with water.

Sir, how different from the superstitions of his present day followers ! It is an irony of history that among those who claim to represent Sri Ramanuja's authority and to follow the creed of Ramanuja are some of the stoutest opponents to the movement which he initiated 900 years ago.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not mind sitting a little longer today as this is the last day, but the Chair would advise the Honourable Member to finish his speech as soon as possible.

Rao Bahadur M. C. Rajah : Very good, Sir. This one episode is enough. I have many with me. Raja Bahadur being a Vaishnavite he must know them. We have been witnessing, Sir, during the past few months a tidal wave on the surface of Hindu life, Sanatanists holding meetings throughout the country vehemently opposing this measure, to thwart and defeat the legitimate demands of a vast majority of their fellow caste-men. Sir, I welcome this unrest among the Sanatanists. It is a part of the plan of the world that some kind of unrest should be the precursor of everything that is most useful and beneficent. Just call to mind how the setting in of the rains which are needful for the support of every form of life and of all that makes natural life enjoyable is always preceded by storm or other forms of atmospheric disturbance. I cherish indeed the hope that it may be instrumental in making India what the God of all the nations intends it to become. The fact that a cause is righteous does not guarantee its immediate success. All history testifies to this. The final triumph of good causes is for the most part long delayed. Even should our path immediately before us be marked not only by delay but by disaster for a time, I am quite confident that our cause will conquer in the end. I trust that it will conquer in our own hands, but even if it does not, yet in worthier hands than ours hereafter.

I shall conclude by telling this House the chief ground on which my confidence is based. "Blessed are the meek for they shall inherit the earth." Observe that this promise to the meek is not of some mystical possession in the clouds, it is not even the Kingdom of Heaven. That also may be theirs, but what the saying tells of is the inheritance, the possession, the rule and the guardianship of this familiar earth. Sir, man looketh on the countenance, but God looketh on the heart. Lincoln, when he overheard a woman in the crowd exclaim, "Why, what a common looking fellow he is !", retorted, "God likes common looking fellows or he would not have made so many of them !".

Sir, the greatest religion is the religion of love. That is the be-all and end-all of all Vaishnavism, that is the creed of Shaivites too. Disinterested service to one's fellowmen is the essence of the message of Madhava to mankind. You probably remember, Sir, the story of Abu Ben Adhem. He awoke one night from a deep dream of peace and saw within his room the beautiful vision of an angel writing something in a book of gold. When asked what she was writing, the angel replied, "The names of those who love the Lord". "And is mine one ?" asked

[Rao Bahadur M. C. Rajah.]

Abu. "Nay, not so", said the angel. "Then write me down as one that loves his fellow men" said Abu. The angel wrote and departed. When next night she returned and showed the names of those whom the love of God had blessed, lo! Abu Ben Adhem's name led all the rest.

Sir, in conclusion, let me remind this House that the first efforts of the man who means to build a tower is directed not upward but downward. He digs out deep foundations before he puts a single stone or brick upon brick. If he acted otherwise he could never have a tower to show. That is what we have done now and I hope on a future occasion a measure of this kind will be passed.

Mr. C. S. Ranga Iyer : Sir, I congratulate my Honourable friend, Rao Bahadur M. C. Rajah, on the courageous stand that he has taken for the Depressed Classes. That is the best answer that can be given to the speech of the Honourable the Home Member, who took, in the course of his closely reasoned and highly interesting speech, the trouble of quoting more Governments than one that the Depressed Classes were not enthusiastic about this Bill. It will be very difficult for caste Hindus to fight the battle of the Depressed Classes. The Home Member was perfectly right when he said that there has not been sufficient enthusiasm among the Depressed Classes. I hope Rao Bahadur Rajah who can speak with greater authority than I on the question of the Depressed Classes all over India will devote his attention with greater interest and greater enthusiasm to the cause, so that, if this Bill were to come before this House even for an academic discussion, the Honourable the Home Member may be in a position to say that what he thought was true then has changed now a new situation has arisen. Sir, at present I believe with the Home Member that sufficient fire has not been kindled among the hearths as well as in the hearts of the Depressed Classes, and there is no use standing on the floor of the House for Rao Bahadur Rajah to say to you what happens all over India. I cannot speak except for Malabar and I have no ambition of working outside Malabar after a fairly long all-India career. He talked of the "blessed" who "are the meek". I would rather remind him that blessed are they who have a will and I congratulate Rao Bahadur Rajah on having shown to us that he has a will. I hope his will will become infectious, and if it becomes infectious, they who have a will will also have their way.

Now, coming to my friend, Raja Bahadur Krishnamachariar, I am very glad he took up the cudgels against Sir Muhammad Yakub, not because I agree with him, but because I was very glad to find that the Raja Bahadur was not happy that the proselytising Muslim should snatch away the children of Hinduism. I do not blame Sir Muhammad Yakub at all. If I were a Muslim, I would carry on a tearing, raging, campaign in the country and annex all the children of Hinduism who are called Depressed Classes to Islam. Then a future Muslim leader would say that they must have half the total representation in the services instead of one-third; and it is for the Hindus who say that their rights are not properly recognised, who say that their claims are ignored, who complain that Government are becoming more and more pro-Muslim, to see to it that this aspersions of inferiority that they have cast upon the Depressed Classes in actual practice is removed.

That badge of inferiority to which the Honourable the Law Member referred in his beautiful and impressive speech has got to be removed. I

was pleased to listen to the advice of the Honourable the Law Member. I am quite willing to follow that advice which the Honourable the Home Member and my friend the Raja Sahib of Kollengode had already given and that advice is this: when the Hindu community is ablaze, when the opposition is uncompromising, there is no use forcing a piece of legislation like this through the House, even if there was a chance for it. At present, I am sure the Honourable the Home Member is not going to accept the dictum of the Mahatma that Christians and Muslims should not take part in this discussion, much less when the voting takes place. The Honourable the Home Member will be perfectly entitled, if I press it to a division, to vote against my Bill; he is not going to be guided in this matter by Mahatma Gandhi's dictum as his speech has made clear, and, therefore, the Congress people, instead of issuing mandates to us, will have to take a mandate from the people when their Constituent Assembly comes into existence. Meantime, I think, we Hindus who want to keep the untouchables within the fold will also have to show to them that they are one of us.

Sir, I congratulate Mr. Gunjal on his very strong speech. I cannot accuse Mr. Gunjal of less sincerity than myself: I think probably he said he was more sincere. I am prepared to grant that in the hope, as he believes, that the untouchables should remain within the Hindu fold he will devise some better plan if my plan is bad and keep them within the fold.

Mr. Das quoted Justice Macpherson and that quotation gives a point of contact between the Honourable the Law Member and Mr. Das himself, because what does Justice Macpherson want? He says: "Do not have an eye-wash like the Sarda Act. Have a really good Bill which will do away with untouchability", and this leads us to what the Honourable the Home Member said and what Mr. Rajagopalachariar has written: here the point of contact between the Congress leader and the Home Member is complete: both of them say "To go further bring a mandate from the people". Without a mandate, I am convinced, in view of the terrible opposition that we find in the opinions obtained by circulation, that we have no right to proceed with this Bill. This is the fag end not only of a dying Session, but of a dying Assembly, which is already afflicted with the premonitory lethargy of death (Laughter), and so this will not be the proper time to proceed with this Bill, nor can this Assembly's successor proceed with this Bill. Everyone who happens to be a Member of this House will have to oppose the resurrection of this Bill, because on the Congress people's own finding, they must come with a mandate; and they can only create that mandate—and here I am in complete agreement with the Honourable the Home Member—by propaganda and persuasion, and the Depressed Classes themselves will have to rise from the grave of depression and fight their own battles. Men like myself who believe in the removal of depression will stand by them.

The Honourable the Home Member concluded with a quotation from Bacon: probably he thought this piece of legislation was draconian: he was quoting from Bacon, what has been put in poetry by Tennyson:

"The minds of men are moulded by the process of the sun."

Mr. President (The Honourable Sir Shanmukham Chetty): What happens to the motion?

Mr. C. S. Ranga Iyer : Sir, I withdraw the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : Has the Honourable Member the leave of the Assembly to withdraw his motion ?

Several Honourable Members : Yes, yes.

The motion was, by leave of the Assembly, withdrawn.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : It was agreed, Sir, at a meeting of Party Leaders convened by yourself on Tuesday last that business should be so arranged as to admit of the termination of the Session not later than Friday, the 31st August. To facilitate this object, it was agreed that all stages of the Steel and Iron Duties Bill should be concluded before the House rises on Saturday. If effect is given to this arrangement, the outstanding legislative business for next week will consist of the remaining stages of the Indian Army (Amendment) Bill and of the Indian Navy Discipline Bill, the report of the Select Committee on which will, I hope, be presented on Saturday, and the consideration and passing of the two uncontroversial Bills not yet introduced, the first of which makes a number of amendments in the Indian Statute Book, which are purely consequential on the position which would be created by the enactment of the Navy Discipline Bill and the second of which meets the desire which has been generally and strongly expressed by Members of the Assembly for the consolidation of the Indian Tariff Act. The first of these Bills will, I hope, be introduced on Saturday and the second on Monday next. The Assembly will also be asked, during the course of next week, to vote a few supplementary and excess grants and to take into consideration the Reports of the Public Accounts Committee for the years, 1931-32 and 1932-33. It was agreed at the meeting of Party Leaders, to which I have referred, that the report of the Committee on the working of the Ottawa Agreements will not be discussed during the current Session.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 25th August, 1934.

LEGISLATIVE ASSEMBLY.

Saturday, 25th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

DEATH OF SIR GORDON FRASER.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, death has once again been busy and has taken from us an old Member of this Assembly, Sir Gordon Fraser. I had not the pleasure of knowing Sir Gordon Fraser personally, but he was a Member, I understand, of the first Assembly, and he took a prominent part in the debates of that Assembly putting forward ably and forcibly the business and financial aspects of question which came before the House from the point of view of the Chamber which he represented in the Assembly. Sir Gordon Fraser represented a very old and well-known business house in Madras. He was, as I think old Members of this Assembly know, suffering from a serious malady in recent years, but what stood out above everything else was his great devotion to duty despite the physical disability from which he was labouring. I am sure, this country and the business community generally in India have suffered a great loss by this demise, and I hope, Sir, that you will convey to his relatives the sense of loss which we feel in this Assembly.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, on behalf of the Independent Party and myself, I associate with all that fell from the Honourable the Leader of the House. It is really our misfortune that the list of our old Members is getting thinner and thinner. I had not the pleasure of knowing the late Sir Gordon Fraser, but I had heard a good deal about his interest in public life and work in the old Assembly. His loss is really a great one to the business community in India and specially the European community, and I sympathise with the family of the deceased.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, it is my melancholy duty to associate myself and my friends, who are sitting on this side of the House, with all that has fallen from the Honourable the Leader of the House. It has been rightly pointed out that death has been very busy recently in thinning the ranks of our old Members. I had the pleasure of the acquaintance of this gentleman, and, from all that I have seen and heard of him and his work in the old Assembly, his death is really very regrettable, as he was a very valued Member of this House, I join my friends in requesting you, Sir, to convey to the members of the family of the deceased the expression of our sincere regret and sorrow at his death.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I associate the Centre Party and myself with all that has fallen from the previous speakers about the sad demise of Sir Gordon

[Mr. N. N. Anklesaria.]

Fraser, and I support the proposal to send our sincere sympathies and condolences to the bereaved family.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I had the pleasure of knowing the late Sir Gordon Fraser when he was a Member of the second Assembly in 1924 and 1925 and represented the European business community of the Southern Presidency. As head of the well-known firm of Messrs. Best and Company, Sir Gordon Fraser was a notable commercial magnate of Madras, and when he came to this House, he brought to bear upon all financial and commercial questions his deep knowledge of trade and commerce whenever we had to deal with those questions. Sir Gordon Fraser was a quiet man. He was suffering from a malady against which he fought manfully during all the years that malady haunted him. Sir, it is a melancholy fact that the angel of death has been busy with so many notable Members of this House, and I wish to associate myself and my Party in the vote of condolence that has been proposed by the Honourable the Leader of the House.

Sir Leslie Hudson (Bombay : European) : Sir, I associate myself and my Party with the request of the Honourable the Leader of the House that you should send the sympathies and condolence of this House to the relatives of the late Sir Gordon Fraser. I have known the late Sir Gordon Fraser for a good many years. He was, as has already been said, one of the leaders of commercial activities in Madras. He was President of the Madras Chamber of Commerce, and in every sphere of social and commercial activity he was one of the most prominent personalities and he was respected by Europeans and Indians throughout Southern India. He was looked up to for advice and counsel by all those who knew him personally, not only in Southern India, but also elsewhere. It was a sincere source of pleasure to me to meet him whenever he passed through Bombay, and his unfortunate demise is a great loss to the European community.

Mr. President (The Honourable Sir Shanmukham Chetty) : I associate the Chair with the tribute that has been paid to the memory of the late Sir Gordon Fraser. I had the privilege of knowing the late Sir Gordon Fraser for the last 15 years. He was a very highly respected business magnate of Madras, and he was greatly popular both in the European and Indian commercial community of Madras. Honourable Members who were in the Second Legislative Assembly might remember the quiet and dignified manner in which Sir Gordon Fraser intervened in debates and discharged his duties as a Member of this Assembly. His death removes one who was a connecting link between the Indian and European business community of India, and it will be my duty to convey to the family of the late Sir Gordon Fraser the sympathy of this House.

THE INDIAN NAVY (DISCIPLINE) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the application of the Naval Discipline Act to the Indian Navy.

THE AMENDING BILL.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I beg to move for leave to introduce a Bill to amend certain enactments.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to amend certain enactments.”

The motion was adopted.

Lieut.-Colonel A. F. R. Lumby : Sir, I introduce the Bill :

THE INDIAN IRON AND STEEL DUTIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Indian Iron and Steel Duties Bill.

The question is :

“ That the Schedule stand part of the Bill.”

Mr. Shafee Daoodi has got an amendment in Supplementary List No. 1. Is he going to move it ?

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Yes, Sir.

Sir, I beg to move :

“ That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (i), all the words and figures occurring after the words ‘ British India ’ be omitted.”

According to my amendment the third column of Item No. 148 (a) (2) (i) will read as follows :

“ 1½ times the excise duty leviable for the time being on steel ingots produced in British India ”,

and a full stop after that, and no more. The object of this amendment might have been clear to the Honourable Members of this House. It is nothing more than that there should be no duty whatever on galvanised sheets. We had enough of discussion on this point that these sheets are mostly used by the agriculturists in the villages to shelter themselves against cold and rain. These people, as everybody knows, have been hard hit on account of depression, more especially in Bengal and Assam and Bihar, in Bengal and Assam because of their jute crop going down and in Bihar because all the houses have gone down and the people have got to make their houses mostly with galvanised sheets. The ordinary man cannot do without it. At the present moment, it is rather more necessary that we should have no duty whatever on galvanised sheets. I am supported in my view by the recent report of the Tariff Board. They say at page 62, paragraph 107 :

“ We have based our proposals on the system of differential duties embodied in the Steel Industry (Protection) Act. We have received no complaint in this enquiry that this system has resulted in any hardship either to the steel industry or to users of steel or that its working has presented any difficulties. We see therefore no reason to consider any change in the present system. The duties under our scheme of protection are based generally on the current market prices of British and Continental steel. In the case of galvanised sheets, however, we have estimated the duties on a different basis. Since November, 1932, the price of galvanised sheets

[Maulvi Muhammad Shafee Daoodi.] has been fixed at an artificial level under the Ottawa Agreement. No direct information is therefore available regarding the level of market prices under ordinary competitive conditions and our estimate of market prices has in consequence to be based on somewhat arbitrary considerations."

This is my main point that these arbitrary considerations should not now weigh with this House. Circumstances have changed. Then, they go on to say :

"Two alternative methods have been open to us, first, to take the average price in the earlier half of 1932 and adjust it for the variation in the price of spelter since that period, and secondly, to proceed on the basis of calculation adopted by the Ottawa delegation, namely, to take the United Kingdom price at the lowest figure which the delegation considered would give a reasonable return to the British manufacturer and to take the Continental price at the lowest figure actually reached in recent importations. Under ordinary conditions we should be inclined to adopt the first method in estimating the measure of protection. The United Kingdom prices in that case would be almost the same as Continental prices and there would be no scope for differential duties."

This is the sentence on which I rely very greatly :

"We have however decided to adopt the other method which is calculated to give the British manufacturer a definite advantage consistently with the interests of the Indian industry. Our object in doing so is to maintain as far as is now possible the principle of reciprocity underlying the Ottawa Agreement relating to galvanised sheets."

Here is the Report of the Imperial Economic Conference, Ottawa, 1932. At page 49, at the end, there is a clause No. 4, within brackets. It speaks about the iron and steel industry and it says :

"These arrangements (arrangements under the Ottawa Agreement so far as the iron and steel industry is concerned) to remain in force until action is taken by the Government of India following the next statutory Tariff enquiry in India into the iron and steel industry."

This statutory Tariff enquiry has been made and its report is in our hands, and, therefore, there is no use having that Agreement in view in imposing a duty on galvanised sheets. I have not found anything in the speech of the Honourable the Commerce Member, who has sponsored this Bill, as to why the Tariff Board's report should not be on the lines I have just submitted, that is, because the statutory Tariff Board report is in our hands we should not now take into consideration the Agreement made some time before according to the terms of this report, and we should leave the galvanised sheets manufactured either in the United Kingdom or outside the United Kingdom at the same level and we should not put any import duty on either of them. Leave the galvanised sheets to come to India freely and let the Tatas compete with the foreign galvanised sheets without any protection whatsoever. Sir, we have been hearing from the Honourable the Commerce Member and other Members on the Treasury Benches that the whole scheme is intended to give the consumers the very best advantage that is possible to give them. Here I am putting forth the case of agriculturists who are hard pressed at the moment and who require these necessities of life at the very lowest possible prices, and if the Treasury Benches will take into consideration the needs and necessities of the time, they would not put any duty on any galvanised sheet. Let the manufacturers of galvanised sheets either in the United Kingdom or on the Continent or in India compete among themselves and see which of them can give the commodity to the people at the lowest possible figure. Therefore, I move this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (i), all the words and figures occurring after the words 'British India' be omitted."

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I oppose this amendment. Sir, my Honourable friend has relied upon one passage in the Tariff Board's report on page 62, which he has just read out :

"Under ordinary conditions we should be inclined to adopt the first method in estimating the measure of protection. The United Kingdom prices in that case would be almost the same as Continental prices and there would be no scope for differential duties."

This was the first course which the Tariff Board wanted to adopt. The first is to take into consideration the landed prices in the first half of the year 1932. In that case, they said that the prices of British galvanised sheets would be the same as the price of continental galvanised sheets. Sir, the Tariff Board has found that the prices of continental galvanised sheets imported without duty is about Rs. 130 per ton, and they have calculated the fair selling price of the galvanised sheets produced in India at Rs. 160, and they have added Rs. ten for the freight and other charges to the port and thus they have arrived at Rs. 40 as the proper import duty to be levied on continental goods. If, according to the calculation of the Tariff Board which my Honourable friend approved, the price of British goods is the same as the price of continental goods, then automatically we have to impose Rs. 40 as protective duty as against British goods also. So, the passage which my friend has just quoted is very unhappy to strengthen his contention. He further goes to the extent of suggesting to remove the revenue duties also proposed on these galvanised sheets. The second passage which he seeks to delete is "ten per cent. *ad valorem* whichever is higher". He wants to remove that duty also and this goes beyond what the Tariff Board has estimated as the fair measure of protection to Indian industry, and, if this duty is removed, it will greatly handicap the production of galvanised sheets by the Tata industries who want to open another unit also to produce galvanised sheets necessary for the consumption of the whole of India. For these reasons, I oppose the amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I rise to support the amendment which I am doing in the name of poorer people of Bengal, Burma and the earthquake stricken areas of Bihar and I am speaking in the name of those who are not speaking for themselves. I request and I appeal that at least in this particular article we ought to consider the interests of the consumer and not altogether the interests of the manufacturer. Sir, this is a question on which we have been having a discussion for the last ten years, and in all these actions and reports, we had only one thing in mind and that is the interest of the manufacturer, but since this is an article which is used by the poorer class and it is not used by the richer people, I do appeal that they should remember the interests of the poorer people in this case as well without at the same time giving any loss to the manufacturers. The principle I would lay down is that we should give a reasonable profit and not very high profits. I draw attention to the graph given in the report; the consumption of this particular article moved identically with the price level of jute.

[Dr. Ziauddin Ahmad.]

The more money people get from their jute the greater will be the demand for these corrugated iron sheets to build the houses and if the price of jute falls down the people really could not afford to get these corrugated iron sheets and they will have to live in great discomfort. It is an article which is almost as important as food and on it depends the health of the residents of Eastern Bengal. We know that there is a good deal of malaria. They do not get enough food, and if they do not get enough shelter, they will be in great danger, and, I think, in their interest, it is desirable that we should not charge any exorbitant price for this particular article.

I draw the attention of the House to graph 3 on page 174 of the report, and there we find that for the first two years the consumption of these sheets rise in sympathy with the prices of jute. When the price of jute began to fall, then the consumption of this article began to remain steady and it rose to the figure of 338 thousand and when the prices continued to increase, there was a sudden drop in the consumption. So the drop in the consumption is due to two facts, first the abnormal increase in the price of corrugated iron sheets and the abnormal fall in the prices of agricultural products, particularly cereals and jute. Therefore, looking at this from this point of view, we should see how it can be checked. Now, if we reduce the price, the consumption would increase. The consumption has now fallen to about 115 thousand tons per annum, which is really an enormous fall compared with the maximum of 338 thousand tons every year. Now, I will just give from these figures the cost of production of these sheets, which is Rs. 109 per ton. Then, if we add to it all the overhead charges *plus* depreciation and only allow them ten per cent. profit and not the profit of about eight per cent. on capital, then the fair selling price at Tatanagar would come to Rs. 144 per ton. To this may be added the excise duty of four per cent. Then the price at Tatanagar will be approximately Rs. 148, that is to say Rs. 150. Therefore, they could sell it at Rs. 150 at Tatanagar and get the profit of ten per cent. on the works cost and this is the price at which they can get. Now, again the price at which the British article is imported in Bombay is Rs. 160, without duty. So that we can sell these corrugated iron sheets at Rs. 160, and Tatas will have a decided protection of Rs. 10 per ton, over and above this ten per cent. profit because they will sell it at the price at which the things are landed in Bombay without paying duty. So if we accept the amendment of my friend, Mr. Shafee Daoodi, and sell the articles at Rs. 160 per ton, then the Tatas will get a ten per cent. profit on the work cost *plus* Rs. ten per ton on account of the difference between Rs. 150 and Rs. 160. Therefore, if we remove the duty on British goods, I think it is exceedingly reasonable and nobody would suffer. The loss of the Government would be only say Rs. ten on the imported British goods, which will not be an enormous sum but, corresponding to that, the compensating advantages to the poorer people of India will be enormously great and quite out of proportion to the small advantage which will be gained by Government from this small duty; and remembering, that by putting this small duty of Rs. ten per ton we are raising the price of all the corrugated iron sheets manufactured in this country as well, and looking at the matter from all points of view, I urge that in this

case at least we ought to fix Rs. 160 as the reasonable price of galvanized iron sheets; and by so doing, we can safely omit the duty altogether and reduce the price from Rs. 178 or Rs. 180 or Rs. 215 to the reasonable figure of Rs. 160. There is one thing more which I would like to point out. If we reduce the sale price to Rs. 160, then the demand will go up. At the present moment the demand is 115,000 tons. The lower the price, the higher will the demand go up and we know that the profit, though smaller, will be repeated several times and the total margin of profit will certainly be greater; and, therefore, in this case there will be no loss to the manufacturers, and there is a very slight loss to the Government revenues, but provided that the profit to the poorer people, particularly of these three Provinces which I have just mentioned, will be enormous, I beg to appeal again, in the interests of the poorer people of this country, that the cost of this particular article should be reduced without seriously injuring the manufacturer. Sir, I beg to support the motion.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I want to support this motion moved by my Honourable friend, the Maulana of Daudnagar. (Hear, hear.) The matter is of vital importance particularly to the poorer people of Bihar, who, as my Honourable friends know so well, have suffered so tremendously from the effects of the devastating earthquake, and, in this connection, we must also take due note of the fact that that area has been declared to be liable to earthquakes in the near future also, for which reason the people there are building their houses with these corrugated galvanized sheets. Apart from this, now-a-days the agriculturists are making so many articles of these galvanized iron sheets that it has become a necessity for them. They make "Karengs" and other apparatus for lifting water and they use it for other necessities as well. Some of this requires always to be dipped into water from the wells, and for all these reasons they require a large quantity of galvanized sheets; and, I think, Government must consider this question very seriously, in the interests of the agriculturists, and, more especially, in the interests of the people of the area so badly affected by the earthquake and to whom they themselves have so very generously extended their sympathy. Sir, if, on the other hand, they will reject this amendment, the result will be that the price of galvanized sheets will go up by rupees ten a ton. For all these reasons, I support the amendment moved by my Honourable friend.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I am afraid my Honourable friend, the Mover, has paid little or no attention to the previous debates on this question. This question of galvanized sheets has been most carefully and exhaustively dealt with by my Honourable friend, the Finance Member, and also by myself, and in quoting the Tariff Board's remarks on this particular point, I am afraid my friend has entirely ignored the explanation which we gave and the facts that we adduced in support of our contention that those remarks should not be taken as conclusive in coming to a conclusion. (Maulvi Muhammad Shafee Daoodi : "Where" ?) My Honourable friend will, if he will only refer to the debates of the past few days, realize that what I have said is the fact. I must remind my Honourable friend that after all this is a protective

[Sir Joseph Bhore.]

measure, and the effect of his proposal will be entirely to remove the protection on galvanized sheets. I cannot for one moment, Sir, accept the alternative fair selling price worked out by my Honourable friend, Dr. Ziauddin Ahmad, in preference to the fair selling price found by the Tariff Board : and, if we adhere to the fair selling price found by the Tariff Board, viz., Rs. 170 a ton, we have no option but to accept the rates of duty which are embodied in this Bill. I fully sympathize with my Honourable friend, Maulvi Shafee Daoodi, in his desire to see us do all we can for the agriculturist, and, I am sure that the effect of his speech has been to bring to the notice of my Honourable friend, Mr. Reddi, a fact of which he seemed to be ignorant, that galvanized sheets are very largely used by the agricultural population in certain parts of India. But with reference to what my Honourable friend opposite said in regard to Bihar, I would point out that while we all sympathize greatly with Bihar and the agriculturist of Bihar, the proper method of helping him is not by reducing this duty ; there is another and more effective way of coming to his assistance without entirely destroying the whole scheme of protection embodied in this Bill. I would like to bring to the notice of my Honourable friend, Maulvi Shafee Daoodi, that what we are doing is we are reducing the duty on galvanized sheets by something like Rs. 43 a ton. As I pointed out in my speech the other day, this would have the effect, assuming the consumption to be the same as it was last year, of reducing the burden upon the consumer to the extent of something like Rs. 48 lakhs a year. Sir, I oppose the motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (i), all the words and figures occurring after the words 'British India' be omitted."

The motion was negatived.

Maulvi Muhammad Shafee Daoodi : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (ii), all the words and figures occurring after the words 'British India' be omitted."

Sir, I feel very strongly that this is a case in which the Honourable the Commerce Member is not paying due attention to the needs of the situation, and what he has said just now does not convince me at all as to the necessity of imposing a protective duty on this commodity as well. He says that he has justified it on previous occasions. I am very sorry I have not been able to find out anywhere how he has justified the imposition of a protective duty on galvanized sheets. What he says about the Tariff Board's fixing a fair selling price is certainly to be understood in the sense in which my friend, Dr. Ziauddin Ahmad, has just now pointed it out. They have in their report, which I have just now read, definitely said that, had there been no Ottawa Agreement on this question, they would have dealt with this commodity in a different way. Now on that question I do not find that the Honourable the Leader of the House, who is in charge of the Bill, has given any explanation whatsoever. I know that I am not an expert in dealing with the figures of which there are a great mass here, and the Honourable the

Commerce Member might take advantage of it and he might not try to convince us as to what justification he has in regard to this point ; further, because we have not got in this House Members representing the great mass of consumers in this country, therefore he may also think that he need not bother about what I have been saying on behalf of the poor consumer. I realize that I am in a hopeless minority in this House, and, therefore, all my submissions may be thrown to the winds. But that is a different matter. I do feel very strongly that on this question the Honourable the Commerce Member should have shown great consideration to the interests of the great mass of the people who are at present under the necessity of greater protection than the Tatas who will neither starve nor die if no protection is given to them.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (ii), all the words and figures occurring after the words 'British India' be omitted."

Mr. M. Maswood Ahmad : Sir, I rise to oppose this amendment. (Laughter.) My reasons for doing so are very simple. The degree to which the previous amendment was reasonable, I think, to the same degree this amendment is unreasonable and absurd. I am one of those who think that we should use our own goods, manufactured by our men in our motherland made of our raw materials. Further, I am a believer in free trade without giving preference to some countries. Our country should be able to carry on its trade without giving preference to any country. My Honourable colleague has suggested that the words after the words "British India" be omitted. May I ask, has he realised the result ? Has he understood the amendment ? Has he imagined its consequence ? The result will be that the words "plus Rs. 40 per ton" will be omitted if this amendment is accepted, and the result of this amendment will be that preference will be given to those foreign articles which are not of British manufacture, because for all articles of British manufacture, there will be 1½ times excise duty plus Rs. ten per ton extra, and, for those articles which are not of British manufacture, there will be only 1½ times excise duty which is leviable for the time being on steel imports in British India. I want to know from my Honourable friend, Maulvi Shafee Daoodi, what is the reward he is taking for India from those countries to whom he wants to give preference ? What is the reason to prefer continental goods and to kill Indian industry ? I am not in favour of giving preference to Great Britain, and I cannot prefer continental goods as well. We have given preference to the United Kingdom, because they have also, under the Ottawa Agreement and other agreements, agreed to give certain preferences to us. Sir, I am not for giving preference to those countries which are not within the United Kingdom and which have not given any preference to India. When these countries have not given us any preference, why should we give them any preference ? So, I think, this is not a reasonable amendment, and the whole House will agree with me on this point and will unanimously oppose it.

Further, Sir, I want to know one point from my Honourable friend, the Commerce Member, who has just spoken and who said that that was not the way to help the Province of Bihar, but that there

[Mr. M. Maswood Ahmad.]

were other ways for helping that part of the country. I want to know what does he mean by that and how does he want to help my Province?

The Honourable Sir Joseph Bhore : If my Honourable friend will contribute to His Excellency the Viceroy's Earthquake Fund!

Mr. M. Maswood Ahmad : All the receipts of the Government are contributions from us, I think the Viceroy's Fund or the Congress Fund are insufficient help for that part of the country, and I appeal to Government in this connection that they should make use of the power which they have to reduce the duty by their executive order. Sir, Government must consider their position again and they must find out some other means to help the agriculturists and the earthquake sufferers. If they decide this question, i.e., to reduce the duty on iron sheets, galvanised and ungalvanised, by executive order, they will at least be able to give some relief to the agriculturist. Sir, I oppose the amendment moved by Maulvi Muhammad Shafee Daoodi, which is bad in principle and injurious in merits.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Sir, Mr. Maswood Ahmad has certainly made a point by showing some inaccuracies in the wordings of this amendment of Maulvi Muhammad Shafee Daoodi. It is certainly logically correct that if we accept *in toto* the Maulana's amendment, then the continental producers will get a greater advantage and will dump their goods, and, thus, they will not only compete against the British manufacturers but will kill the Indian industry as well. But the main point that he wanted to make in this House and in connection with which he made a special appeal to the Honourable the Commerce Member was to explain that the figures that were adopted by the Tariff Board and the figures that we are asked to accept as sacrosanct without any question, were the figures that were obtained 18 months before, at the time of the Ottawa Agreement or perhaps even earlier. What the Maulana wants to be assured of is that these figures were not arrived at recently and therefore they are practically of no use to us now. My friend, Mr. Reddi, the other day quoted extensively and he was quoting from some publication of the Tatas to show that the figures that were accepted by the Tariff Board were not to be relied on for our present purposes. Sir, the Maulana, quoting from the Report of the Tariff Board, showed that at present there is not the same difference nor the same cost of production in the manufacture of galvanised sheets in the continent or in the British Isles. The main argument on this side of the House is that we want the consumers to get the best advantage out of it. We certainly realise that that the Tatas must be protected. Our purpose is that the protection of Tatas will ultimately mean cheaper goods for the consumers. So, on principle, we are not against giving protection to the Tatas; but this part of the House wants to be satisfied by relevant figures to be given by the Honourable the Commerce Member that we are not giving a rupee more in protection than is absolutely necessary for the protection of the Tatas. We should in no case rely on the old and antiquated figures which, even according to the Government are at least 18 months old. Sir, it has been said that the corrugated iron sheets are used by the middle classes. That is not at all correct. In my part of the country even the poorest people have to use these corrugated iron sheets for

housing purposes. Sir, it is a well-known fact that the poor people have their huts covered with straw thatches, but during the summer, due to fire, the whole village might be burned down. Therefore, for the last 15 or 20 years, the villagers are trying to get the roofs of their houses made of corrugated iron sheets. So, it has become almost a necessity of life. I also appeal to the Honourable the Finance Member to see that it is also in the interests of the British manufacturers that the ordinary villager in India should be able to make use of these corrugated iron sheets. It is no use putting a high price which will be beyond the reach of the poorer people. So, if Government can see their way to reduce the price by accepting any lowering of this duty, then, following the principles of increasing returns, there will be greater consumption, and not only the Tatas will have their full quota, but the British manufacturers also will be able to do better business. It is no use calculating on figures that there will be so much of consumption and the Tatas having satisfied their 48,000 tons for the first year or even 90,000 tons for the second year, there will be so much left for Great Britain. Now, Sir, it is admitted that the consumers are in the worst economic condition and they cannot afford to buy these things unless they are cheap. So, in the ultimate interests, not only of the Tatas, but also of British manufacturers or, for the matter of that any foreign manufacturers, it should be the view-point of all to make these corrugated iron sheets as cheap as possible. Though there is some real difficulty in the acceptance of this amendment, I hope, the Honourable the Commerce Member will satisfy this part of the House that the cost of production accepted by Dr. Meek, on which these calculations are made, is correct, and that there is no necessity for revising those figures in the face of the Tatas statement contained in their publication and that all attempts have been made to make the corrugated iron sheets at the lowest possible price available.

The Honourable Sir Joseph Bhore : Sir, I have very little to add to what I have already said. My Honourable friends opposite are labouring under a great mistake if they think that the fair selling price which has been arrived at by the Tariff Board has been fixed on any but the normal considerations and that the Board was influenced by any extraneous factors in arriving at a fair selling price. The price of Rs. 170 per ton arrived at by the Tariff Board is a definite fair selling price reached by the process of calculation which they adopt in calculating the fair selling price of every other item. The portions of the report quoted by my Honourable friends are totally irrelevant so far as the fair selling price is concerned. I will only add that as I have said before the power which we have asked to be invested with under clause 2 of the Bill will give us the right, not merely to raise, but also to lower the duties if circumstances should arise which make the existing duties insufficient or too high. As regards the purely technical point, that has been sufficiently dealt with by my Honourable friend, Mr. Maswood Ahmad, and it is unnecessary for me to labour that matter. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (ii), all the words and figures occurring after the words 'British India' be omitted."

The motion was negatived.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (ii), for the figures '40' the figures '26' be substituted."

Sir, I may first of all point out that in this as well as in the other amendments of the same nature I have not put down the figures simply by drawing a lottery. My Honourable friend, the Commerce Member, had a very ingenious arithmetical explanation when I said that 32 should be changed into 23. He said that the digits are reversed, but he forgot to add another arithmetical humour which, I think, was rather necessary that I hated composite numbers and I was very fond of prime numbers because 32 is a composite number and 23 is a prime number. But unfortunately, there is no arithmetical jugglery. There is neither arithmetical humour in it nor have these figures been drawn by lot. I have calculated these figures on certain principles. The principle is that the Tariff Board in addition to giving them a fair selling price at Tatanagar have added additional protection which they call fair selling price at port. On page 154, the Tariff Board report says :

"To this price,"

—meaning the fair selling price at Tatanagar—

"we add allowances for freight disadvantage, selling expenses and the lag between import and realised prices and thus arrive at a fair selling price which is comparable with the landed prices of imported goods."

On page 54, we find two selling prices ; one at Tatanagar and the other at the port. I object to this manipulation that is the fair selling price at the port, and, in support of my argument, I would quote the Fiscal Commission report. It says on page 58 :

"It would not in our opinion be right to endeavour to secure an industry such protection as will enable it to compete in every possible market in India. If this involves giving protection, appreciably higher is required for the access of the industry in the greater part of the country."

These are the recommendations of the Fiscal Commission, and here, I say, that it is not necessary that we should calculate the fair selling price at the port. Supposing a person orders any goods from Nagpur. Certainly the articles will not first be taken to the port either at Calcutta or Bombay and then brought back to Nagpur. Therefore, wherever a selling station is located, whether at Tatanagar, or at Bombay, or at Calcutta or anywhere, then for certain stations they will be in a position of advantage and certain other stations will be in a position of disadvantage. Therefore, the addition of another margin of profit in the name of freight disadvantage, in order that all the articles from Tatanagar may first be taken to a port and then the fair selling price to be calculated, is neither fair nor it is according to the recommendations of the Tariff Board report. We should fix the fair selling price at Tatanagar and compare it with the landed price at any port, whether Bombay or Calcutta or whatever it is. Therefore, according to the fair selling price now calculated, we have first to take all the articles from Tatanagar to a certain port and then make it the distributing centre from the port, and, I submit, this is against the recommendations of the Fiscal Commission report. You must calculate the fair selling price at Tatanagar and remove the margin of profit for the supposed disadvantage is not distributing them from the port.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Does my Honourable friend seriously believe that the Tariff Board have calculated the fair selling price by calculating it from Tatanagar to a port in each case and then from the port to other parts of India ?

Dr. Ziauddin Ahmad : They have calculated first the transfer of articles from Tatanagar to a port and thus the freight from the port to the place of destination will fall upon the consumer.

Sir Cowasji Jehangir : But does he seriously believe it ?

Dr. Ziauddin Ahmad : It is not a question of belief, it is a question of fact. This is the recommendation in the Tariff Board report which I seriously object to. I find on page 154 the passage which I quoted above. On page 51, in table XXI, the Tariff Board report gives one fair selling price *f. o. r.* Tatanagar and another fair selling price *f. o. r.* port, the fair selling price for rails for Tatanagar is Rs. 95 per ton and for a port it is Rs. 103. For the purpose of calculation they have not taken the fair selling price at Tatanagar but they have taken the fair selling price at the port. Not only this but they have said very clearly in their recommendation as follows :

"In Chapter V we deal with the amount of protection required. Having added to the costs of production the overhead and capital charges we determine the fair selling price *f. o. r.* Tatanagar. To this price we add allowances for freight disadvantage selling expenses and the lag between import and realised prices and thus arrive at a fair selling price which is comparable with the landed prices of imported goods."

I do not mean to say that they have added the full freight from the port. I say, if you take the whole of India and you place your distributing centre anywhere in India, whether Allahabad or Tatanagar or Bombay or Calcutta, you will find that it may be cheaper to get the requirements from one place than from another place because of its proximity to the distributing centre. I, therefore, submit that it is unreasonable to calculate the cost of transfer of goods from Tatanagar to a port and then from the port to the distributing centre. They have made two other allowances, they have made calculation for sale commission or sale allowance but this is common to all articles imported from outside. The second is what they call the lag between import and realised prices. This is also common to all. Therefore, this additional allowance which they have made for these freight charges and for the sale price is, to my mind, not justified, and whenever I have calculated these figures, I have simply removed these additional charges which they have already made on these imported articles. That is all that I have done in this case ; and the other allowance I have made is that I have equalised the excise duty and the import duty, which is a point on which I fought in the case of kerosene and it is a point on which I fight at this stage also. Therefore, making allowances to these two principles, I have calculated these figures which I have given here. These figures I have given here are not drawn by lottery but they are based on these calculations. With these words, Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (ii), for the figures '40' the figures '26' be substituted."

The Honourable Sir Joseph Bhore : Sir, I find that my Honourable friend has discarded the system of drawing lots and has now adopted a more scientific method of arriving at the figures which he wishes to substitute for those embodied in the Bill. I admit at once that my Honourable friend's point of view is a possible point of view, but I would point out to him that this method of making allowances is no novel method introduced for the first time in this Tariff Board report. This question of freight disadvantage or advantage has been dealt with by previous Tariff Boards on exactly similar lines. And, what I would point out is that the method of the Tariff Board is to average out both advantages and disadvantages and arrive at a figure which can be conveniently added to the price to get the fair selling price. In these circumstances, Sir, I am sure that nobody in this House will complain of our giving an unnecessary advantage to Tatas. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (ii), for the figures '40' the figures '26' be substituted."

The motion was negatived.

Dr. Ziauddin Ahmad : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 13, in the third column of Item No. 150 (b) (ii), for the figures '39' the figures '24' be substituted."

I will move it with the arguments I have just delivered and my speech may be supposed to be repeated.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 13, in the third column of Item No. 150 (b) (ii), for the figures '39' the figures '24' be substituted."

The Honourable Sir Joseph Bhore : Sir, I may be supposed to repeat the same arguments as I have already advanced.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 13, in the third column of Item No. 150 (b) (ii), for the figures '39' the figures '24' be substituted."

The motion was negatived.

Dr. Ziauddin Ahmad : Sir, the next amendment is :

"That in the Schedule to the Bill, in the proposed Amendment No. 17, in the second column of Item No. 235, the words 'Iron, pig' be omitted."

The Honourable Sir Joseph Bhore : Sir, I have to take an objection to this amendment. I would point out that if the words "Iron, pig" are omitted, the effect will be to bring pig iron under the class of "manufactures not otherwise specified", in which case the duty will be at once raised to 20 and 30 per cent. The effect of my Honourable friend's amendment, therefore, would be to increase the duty.

Dr. Ziauddin Ahmad : I thought that if we carry this and say that no duty will be charged the effect would be that it would be included as a consequential amendment in Part I of the Schedule of the Tariff Act, under which no duty is charged.

Mr. A. J. Raisman (Government of India : Nominated Official) : Sir, the position is that all iron and steel is either liable to duties at protective rates under Part VII of the tariff or at revenue rates under the preferential items in Part VIII of the tariff. Any iron and steel or manufacture of iron and steel, which has not been specifically mentioned, falls automatically under No. 195 of the Statutory Schedule which is "all sorts of iron and steel and manufactures thereof not otherwise specified"; and the effect of Dr. Ziauddin's amendment by excluding it from Item No. 235 would be automatically to put it under this general 'limbo' item of iron and steel on which the rates of duty are 30 per cent. standard and 20 per cent. preferential.

Dr. Ziauddin Ahmad : My intention was to remove the duty on pig iron, and if the motion is carried, then as a consequential amendment this particular item will be included in Part I, Schedule II, whereunder no duty is chargeable and it will not be subject to the high duty as is urged on the other side.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair quite admits that the Honourable Member's intention was to take away the duty on pig iron altogether, but unfortunately the Chair can only construe the amendment as it is put down in the paper. It is rather difficult to find out the exact intention that lies behind it. As pointed out by Mr. Raisman, in Schedule II, Part VIII of the Indian Tariff Act, there is item No. 195, which runs as follows : "All sorts of iron and steel and manufactures thereof not otherwise specified... 30 per cent. standard rate and 20 per cent. preferential rate". Therefore, if pig iron is removed from the protective duty, it will automatically fall under item 195. The result would be to increase the existing duty.

Dr. Ziauddin Ahmad : But if it is included in Schedule II, Part I ?

Mr. President (The Honourable Sir Shanmukham Chetty) : But it is not included. The Chair can take the amendment as it is in the order paper and find out what the consequence of that would be. The amendment is out of order.

Dr. Ziauddin Ahmad : Sir, I move :

"That in the Schedule to the Bill, in the proposed Amendment No. 20, in the fourth column of Item No. 237, the words and figures 'or 20 per cent. ad valorem, whichever is higher' be omitted."

The object of my amendment is that we should not put unnecessary burden on the consumers by putting this duty on the British goods. As I mentioned before, Tatas can, on the figures given in the report, compete on equal terms with the British goods but not with non-British goods; therefore, protection is needed in the case of non-British goods and not on British goods. We have had ten years of protection, and, during these ten years, Tatas have reached a stage when it can stand on its own legs, as far as British goods are concerned; but, as far as continental goods are concerned, it is not yet in a position to stand on its own legs and that is the reason that we have allowed additional time for their protection. At the end of even this period of

[Dr. Ziauddin Ahmad.] protection, they will be able to stand on their own legs. I find that their fair selling price is less than the price at which the British goods can be imported, and, therefore, protection is not needed. We may levy a duty for revenue purposes, but you cannot call it a protection duty, because a protection duty is needed only if the fair selling price of Tatas is more than the price at which the article is imported from foreign countries; but if the article is imported at a price higher than the fair selling price of Tatas, then I see no reason why the protection duty is levied. As I have said repeatedly, a revenue duty should not be used for protection purposes. Whenever you levy a revenue duty, you will have to equalise it by levying a special excise duty. We have done this in the case of sugar and our memories are not so short. We gave a certain amount of protection to the sugar industry: we raised it for revenue purposes by 25 per cent. in 1931, and, then, afterwards, when the Government came forward and said that the additional duty was only for revenue and not for protection, an equivalent excise duty was levied. I want to remind the House and the Honourable the Commerce and the Finance Members that we levied in 1930 a protection duty on sugar of Rs. 7-4-0 a cwt., and by the Act of 1931, we suddenly raised—by that foolish mistake of ours—the duty by 25 per cent. then, when we realised that we had committed a mistake, we came forward this last Session and said that the mistake ought to be rectified either by removing the additional protection or by imposing an excise duty equivalent to the amount of the revenue duty which had been put up. We decided the later course in the interest of revenue. We adopted this principle in the case of sugar. I see no reason why we should not do the same in the case of steel. If, after giving requisite protection, we put revenue duty, then let us follow the example of sugar and impose a corresponding excise duty, and we should not use the revenue duty for the sake of protection. We ought to be consistent: we cannot treat one particular industry, because it is weak in one way and treat another industry, because it is strong in another way: we are not a government of capitalists: we are a government of the people of India, which includes more non-capitalists than capitalists; and, therefore, in the interests of the consumers, we ought to have a uniform principle, and that, after fixing a minimum amount of protection, we cannot increase the protection simply by putting on a revenue duty on it; and, if we ever put a revenue duty, we must put a corresponding excise duty, just as we did in the case of sugar. I say, therefore—abolish this revenue duty altogether: but if you disagree, then there is no other alternative but to impose a corresponding excise duty on similar articles in this country. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

“That in the Schedule to the Bill, in the proposed Amendment No. 20, in the fourth column of Item No. 237, the words and figures ‘or 20 per cent. *ad valorem*, whichever is higher’ be omitted.”

The Honourable Sir Joseph Bore: Sir, my objection will apply equally to the next two amendments which stand in the name of my Honourable friend. I would point out that all these three items deal with unprotected items, and the result will be, if my Honourable

friend's amendment is carried, to remove the difference between the differential and the standard rate.....

Dr. Ziauddin Ahmad: On a point of order: the Honourable gentleman says that these items do not refer to any measure of protective duty: if that is so, may I ask whether these things can come under this Steel Protection Bill?

The Honourable Sir Joseph Bore: These are consequential changes. As a matter of fact, I was pointing out that these are not protected items, and, therefore, under the Ottawa Agreement, we are bound to give them preference if of British origin. The effect of my Honourable friend's amendment would be to eliminate the difference between the standard and the differential rates: and, on that account alone, I would be justified in opposing all the amendments. I would point out to him that if he is really actuated by the feeling that some thing must be done for the re-rolling industry, I have already given the assurance that we will do what we can within the limits open to us to assist that industry.

Sir, I oppose.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That in the Schedule to the Bill, in the proposed Amendment No. 20, in the fourth column of Item No. 237, the words and figures ‘or 20 per cent. *ad valorem*, whichever is higher’ be omitted.”

The motion was negatived.

Dr. Ziauddin Ahmad: Sir, I move:

“(1) That in the Schedule to the Bill, in the proposed Amendment No. 20, in the fourth column of Item No. 237, for the figures and words ‘20 per cent.’ the figures and words ‘10 per cent.’ be substituted.”

and:

“(2) That in the Schedule to the Bill in the proposed Amendment No. 20, in the fifth column of Item No. 237, the words and figures ‘or 10 per cent. *ad valorem*, which is higher’ be omitted.”

The Honourable the Commerce Member has already replied to these amendments, and, therefore, I wish to take it for granted that my speech may be the same.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“(1) That in the Schedule to the Bill, in the proposed Amendment No. 20, in the fourth column of Item No. 237, for the figures and words ‘20 per cent.’ the figures and words ‘10 per cent.’ be substituted.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That in the Schedule to the Bill, in the proposed Amendment No. 20, in the fifth column of Item No. 237, the words and figures ‘or 10 per cent. *ad valorem*, which is higher’ be omitted.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That the Schedule stand part of the Bill.”

The motion was adopted.

The Schedule was added to the Bill.

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Mr. President (The Honourable Sir Shanmukham Chetty) : We now go back to clause 9. The question is :

“ That clause 9 stand part of the Bill.”

Dr. Ziauddin Ahmad : May I just say that this particular clause was left over and it was agreed that it should be taken after we had finished clause 3 of the Bill ? We may take it after perhaps clauses 3 and 2 and 1 and the title are finished.

Mr. President (The Honourable Sir Shanmukham Chetty) : We can finish clause 3 and then go on to clause 9. The question is :

“ That clause 3 stand part of the Bill.”

Dr. Ziauddin Ahmad : Sir, I beg to move :

“ That in sub-clause (1) of clause 3 of the Bill, for the figures ‘ 1941 ’, the figures ‘ 1939 ’ be substituted.”

Sir, when we first gave protection to the steel industry, it was given for a period of three years, and, at that time, it was clearly pointed out in the Report that this period of three years was fixed because the conditions of world prices in 1924 were very uncertain, and it was thought that in three years' time the general conditions would settle down. When the Bill came up again in 1927 for discussion, we extended the period for seven years, because in 1927 we felt that the conditions were not so uncertain as in 1924 on account of the fixation of exchange. Now, Sir, today we are practically in the same position as in 1924, because, we do not know what the monetary condition of the world is going to be ; nor can we say what the level of prices would be after five years. No doubt, from 1929 onwards up to the present year, we have been having an enormous period of depression, with the result that prices of almost all articles have fallen, but I must say that we are just on the verge of revival again. We cannot say what the general conditions in three years' time are going to be. It is likely that the European countries will have to raise the prices of their articles. They will probably have to stabilise their currencies in terms of the dollar and sterling, and they will have to find out new price levels for all their agricultural products and manufactured goods. At the same time, we see that there is likely to be a great improvement in the manufacture of goods, and, consequently, the cost of manufacture will considerably change. Therefore, we expect that during the next five years, changes of a momentous character are likely to occur, and this change will probably be over after five years. Therefore, if we draw our conclusions from the facts of the last five years, we are justified in saying that the present conditions will continue for another five years. But to say that conditions will not change for another seven years is really more than the general conditions of the world can justify. We all know that we are moving nowadays very fast, and in two years' time we will have to find out some solution for the low monetary condition into which the world has fallen, and this monetary condition leads to great disturbances in the price levels of the manufactured articles. Therefore, we have given the protection on the price level at a very unfortunate time. I am nearly certain that the price level of these articles will not remain the same after the world

conditions have settled down. In view of the fact that the world conditions in 1934 are practically the same as they were in 1924, I think it is only reasonable that we should give protection for a period of five years, and then if necessary extend the period for another two years, if conditions do not improve. In India we see visible signs of improvement, and there are visible signs elsewhere also. The world, however, is waiting to know the results of the huge experiment which America is making about the managed currency, and, as soon as the results of the American experiment are known, then the world conditions will get settled down, and probably the currency of every country will be stabilised, the prices will be fixed, and the prices then will be quite different from those that have been ruling during the last two or three years. I consider that three years will be quite sufficient for conditions to settle down, both monetary and price level conditions of the world. After five years we will be in a position to judge whether protection is really needed or not. I am certain that we are just on the eve of momentous changes both in respect of the price level of articles and of the value of currencies in different countries, and it is somewhat unsafe for us to predict that the present world conditions will continue for another period of seven years. To my mind, five years are quite sufficient. With these words, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in sub-clause (1) of clause 3 of the Bill, for the figures ‘ 1941 ’, the figures ‘ 1939 ’ be substituted.”

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I support this amendment. I was urging that no protection should be given at all to this industry, but on the principle that half a loaf is better than none, I say that protection for five years would be quite sufficient instead of for seven years.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, it was stated in this House that consistency is not one of the virtues of my Honourable friend, Dr. Ziauddin Ahmad, and by moving this amendment, I think he has confirmed that opinion, which is generally held in this House. My Honourable friend has been for so long railing at the monopolistic position which the Tatas have come to occupy in the steel industry, and now he wants to curtail the period which is absolutely necessary for any other concern to start and enter into competition with the Tatas. How does my friend expect any other investor to invest his money in the steel industry against a well-developed concern like the Tatas without being assured of a reasonable period of protection ? Sir, for this reason, I oppose the motion.

The Honourable Sir Joseph Bhoré : Sir, I do submit to the House that nothing is to be gained by such a petty change in the period of protection as that suggested by the Mover. I think I can do no better than read to the House the reasons recorded by the Board for their recommendations in this regard. What they say is :

“ The capital replacements and improvements on the basis of which we have estimated the reductions in works costs will necessitate a total expenditure approximating to the aggregate depreciation likely to be earned by the Company over a period of seven years. We think it unlikely that during the next few years it will be possible for the Company to raise the funds required for this expenditure in the market. For this reason alone it is necessary that the protection recommended

[Sir Joseph Bhore.]

should continue for seven years. While in the present conditions of industry and trade we cannot for obvious reasons estimate with precision how long protection will be required, we believe, considering the progress made by the Indian industry during the past seven years and assuming a revival of Continental prices to a more economical level that the Indian industry will, within the next seven years, substantially approach the stage of being able to dispense with protection."

My friend, Dr. Ziauddin's point, in regard to variations in prices, is probably a good one. Nobody knows what the course of prices is likely to be in the next few years, but we have guarded against that by the powers which we propose to assume under clause 2. The whole object of that clause is to balance any large variations of prices that may result from unforeseen contingencies or circumstances over which we have no control. So far, therefore, as his argument is based on variations of prices which we are unable to anticipate at the present moment, I think that is met by the power which we are asking the House to invest us with under clause 2. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (1) of clause 3 of the Bill, for the figures '1941' the figures '1939' be substituted."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 2 stand part of the Bill."

Dr. Ziauddin Ahmad : In view of the amendment that is to be moved under No. 4, I do not want to move my amendment No. 2*.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : I beg to move the amendment† which stands in my name (No. 3).

"That for part (a) of clause 2 of the Bill, the following be substituted :
'(a) sub-sections (4) and (5) shall be omitted.'"

"That in part (a) of clause 2 of the Bill, for the word 'sub-section' the word 'sub-sections' be substituted and after the proposed sub-section (1) the following sub-section be inserted :

'(5) If the Governor General in Council is satisfied, after such inquiry as he may think necessary, that steel or steel products or steel articles, made in India, are sold by the manufacturers or their agents at higher than the fair selling prices fixed by the Indian Tariff Board, in their report, dated the 19th April, 1934, in respect of such steel, steel products or steel articles and it is not convenient or possible to regulate or control them (either generally or in respect of any specific articles) by reducing the duty as provided in sub-section (4) above, he may, by notification in the Gazette of India, direct the manufacturers of steel or such products or articles not to sell or cause to be sold by their agents at above the fair selling prices in respect thereof so fixed by the Indian Tariff Board, and in case of any default impose such penalties as he may consider necessary including withdrawal of protection (partly or wholly) or confiscation of such quantities as may be sold in breach of such direction.'"

The Honourable Sir Joseph Bhore : A point of order, Sir. I would like your ruling as to whether this amendment is in order. I submit that it introduces an entirely new principle into the Bill. It proposes to invest the Governor General in Council with powers to regulate prices. This, I submit, is outside the scope of the Bill as framed and I ask your ruling as to whether this amendment is in order.

Mr. Vidya Sagar Pandya : As regards the point of order, I wish that my Honourable friend, the Commerce Member, had sought the help of the Honourable the Law Member before he raised this objection. The object of the amendment is simply to give a shape to the same object which the Government themselves have in the matter, i.e., controlling the prices. It was explained and confirmed by the Honourable the Commerce Member last Monday in winding up the debate on the motion that the Bill be taken into consideration, and I shall read an extract from his speech. He said :

"I can assure the House that we will give to the re-rolling industry, assistance on the general lines laid down in the Tariff Board's report. To be specific we will do what we possibly can to ensure that the prices of the raw materials will not exceed Rs. 64 at port plus the countervailing excise duties. That I think completes the case for the subsidiary industries."

Now, the whole burden of the Bill is that under clause 2 of the Bill they will regulate prices in such a way that sufficient protection is given to the iron and steel industry. The objection that has been raised by the Honourable the Commerce Member can be disposed of by the ruling given by your predecessor in a similar case. I would draw your attention to this book called "A Selection from the Decisions from the Chair, 1921-30", and it begins at page 395, and with your permission I will read it :

"To Sir Charles Innes' Resolution regarding the grant of protection to the Paper Industry, Mr. N. M. Joshi wished to move an amendment which sought, among other things, to provide for satisfactory labour conditions in the industry. Government objected on the ground that the amendment raised an entirely separate issue and that it also concerned a provincial subject and was therefore out of order.

The President ruled : 'I understand the objection of the Honourable the Commerce Member refers only to Part I and that he does not object to the admissibility of Parts 2 and 3 of Mr. Joshi's amendment. I will confine myself, therefore, to the determination of the question whether Part I of Mr. Joshi's amendment is in order. In doing so, I have to take into consideration and pay due respect to the ruling of my Honourable predecessor of the 26th January, 1925, on the discussion of the amendment of the Honourable Member from Bombay (Mr. Joshi) to the steel bounty Resolution. (Now comes the more important part of it). The Honourable Sir Frederick Whyte ruled that, as the original Resolution proposed a bounty to the steel industry as at that time constituted any further measures for nationalising, Indianisation or treating in any other way the steel industry would have to be done under some other Resolution.

I take the effect of this ruling to be that the restrictions of this nature are impositions on the working of the industry itself and not properly restrictions on the grant of the bounty and that consequently, the proposal to impose such restrictions is outside the scope of the Resolution. With due respect to my distinguished predecessor I must confess I find the point difficult to appreciate. It appears to me that any amendment which operates as a restriction on the grant of the benefit proposed by the Resolution is a restriction on the Resolution and is therefore within the scope of the Resolution. This is a proposal to impose a duty on certain classes of paper coming from abroad and thereby to raise the cost to consumers in this country.

The Members of this House, as representatives of the people, are entrusted with the care and the interests of the consumers, and I cannot agree that they should be

[Mr. Vidya Sagar Pandya.]

debarred from attaching conditions to the grant of assistance to industries in this country by the imposition of a tariff.

There is only one other ruling to which I think fit to refer at this stage and that is a ruling in the case of Steel Protection Bill which was given on the 4th of June, 1924, by the Acting President, Sir Chimanlal Setalvad....."

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member need not read the whole of that ruling. He has drawn the attention of the Chair to that.

Mr. Vidya Sagar Pandya : Similarly, when the last Steel Protection Bill was under discussion, Mr. Chaman Lal moved an amendment which read as follows. It occurs in the Legislative Assembly Debates of the 21st February, 1927, page 1095. The new clause which he moved was as follows :

"After clause 3 of the Bill the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

'The Governor General in Council shall have power to frame rules under the Act in respect of such steel companies operating in India as may from time to time be notified by the Governor General in Council, prescribing the amounts out of the profits of such companies :

(a) which would be set aside from time to time to form a depreciation fund to be used only for providing against the depreciation of existing plant ;

(b) which should be set aside for the provision of housing, sickness, benefits and maternity benefits for workers employed by notified steel companies, whose salaries amount to one hundred rupees or less per mensem."

This is one of the items which was quite outside the scope of the Bill, but no objection was raised to it, and it was allowed to be moved in the House. No doubt the amendment was negatived in voting but that is another matter. When such wide latitude was allowed in the past, I do not see how this thing can be barred, which practically wants to confirm what the Government themselves have in mind. I do not see that any objection should be raised to an amendment which practically comes within the four corners of the Bill and as such I submit I am quite in order in moving this amendment.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I wish just to say a word on this point of order. The objection is taken on the ground that it is outside the scope of the Bill—that is the amendment sought to be moved by Mr. Pandya. The whole object of the Bill is, it is said, to give protection to the iron and steel industry, but the way to give protection according to the Bill is to fix a certain price as the fair selling price at which the company is expected to sell their goods, and it is on that that the duties are regulated. If that is so, it seems to me that it cannot be denied that the Bill itself seeks to regulate the prices of these iron and steel goods in this country, both imported and manufactured here. I am not speaking on the merits of this amendment, but only on the question of order. It is impossible to say that the amendment in any way infringes or goes beyond the scope of this Bill. Again, clause 2 of the Bill says : The Governor General in Council will have power to increase the import duty or to reduce it. The purpose of the Bill is certainly to regulate prices and it is only by regulating prices that protection can be given to the Tatas and also to the consumers and the subsidiary industries. Therefore, by clause 2

Government are taking power, I take it, for increasing or reducing the duties to regulate the prices. You cannot get out of it. I do not know if the Government on general grounds object to any legislation fixing the prices of commodities produced in India. That is not the ground which is mentioned by the Honourable the Leader of the House. If that were so, I should say that even there they are out of court.

An Honourable Member : Government have fixed prices in the case of sugar-cane.

Sir Abdur Rahim : In the case of sugar-cane, they have fixed prices, and I can quite see that this very Government will be driven, if they go on with their policy at present, to fix the prices of many other commodities, I say, that is the natural outcome of their policy, and I do not know that there is any sort of limitation on the power of this Legislature to fix the prices. I do not think there are any such limitations as were suggested by the Honourable the Commerce Member, and, so far as this Bill is concerned, the whole object of the Bill, with a view to giving effect to protection, is to regulate the prices.

The Honourable Sir Joseph Bhore : I just want to say one word with reference to what fell from the Leader of the Opposition. In the case of sugar-cane, I would point out that the power to fix prices was embodied in a separate Bill and to that extent, my objection is all the stronger.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : I do not understand the real purport of the opposition of Government to this clause. Is it contended that when you want to give protection to a particular industry, you cannot lay the condition upon which such industry will get that protection ? The natural consequence of this opposition will be that you cannot impose any condition to the protection to be given in whatever form that may be ; that result will follow if the point raised by the Honourable the Commerce Member is strictly applied, but look at clause 2. That clause enumerates the condition upon which the protection has been given. That raises the condition that, under certain circumstances, the protection can be reduced and can be increased, and, when this point was referred to in the Select Committee by me, I was assured that the point about fixing the fair selling price comes practically within the purview of clause 2 of the Bill. If that be so, why cannot we put in a clause specifying the condition and the mode by which the condition should be exercised. As a matter of fact as has been pointed out by Pandit Vidya Sagar Pandya, the Honourable the Commerce Member gave an assurance to the re-rolling industry as to fixing the fair selling price. He stated, in so many words, when he gave the assurance in this House that he would see that the subsidiary industries get their raw materials at a particular figure. What is the meaning of this assurance and how is that assurance to be enforced ? This amendment has been put for the purpose of enabling the Government to enforce the assurance given by the Honourable the Commerce Member, and, if the assurance given to the subsidiary companies is intended to be enforced, I do not understand why the Government should raise this point of order.

Mr. N. N. Anklesaria : To what paragraph of the report are you referring to ?

Mr. S. C. Sen : I am not referring to any paragraph, but to the assurance contained in the speech of the Honourable the Commerce Member. In these circumstances, I do not think there is any question of order. The amendment merely specifies the scope of clause 2 of the Bill, and moreover, the precedents given by my Honourable friend, Mr. Pandya, show very well that you can impose a condition when you are giving protection.

Mr. President (The Honourable Sir Shanmukham Chetty) : The admissibility of amendments of this nature has formed the subject matter of discussion on the floor of this House on more than one occasion in the past. Unfortunately, the rulings that have been given are conflicting. Even as early as 1924, when the first Steel Industry (Protection) Bill was before the House, this point was brought to the notice of the House and the Chair. In connection with that Bill, an Honourable Member wished to move an amendment with the object of protecting labour, and the President ruled :

" I have no doubt that the amendment is out of order, because it deals with a different and foreign subject altogether."

Again, in 1925, when there was a Resolution regarding the grant of a bounty to the steel manufacturing companies, Mr. Joshi sought to move an amendment to nationalize the steel industry, and the President again ruled :

" Mr. Joshi proposes to nationalize the steel industry by way of an amendment. That clearly is out of order. He also proposes to bring in the question of labour conditions and the Indianization of the superior staff. Those are out of order as they are not within the scope of the original Resolution."

That is how the position stood in 1925. It is true, as the Honourable Member, Mr. Vidya Sagar Pandya, has observed, that, at a later stage, the Chair ruled that an amendment to regulate the labour conditions would be in order in a Bill which seeks to give protection to an industry. That ruling was given in 1925 ; and, last year, in the case of the Indian Textile (Protection) Bill, the Honourable Member, Mr. Thampan, wanted to move an amendment seeking to impose certain conditions on companies and factories to whom protection was granted under the Bill, and the Chair then held that that amendment was in order, because it really restricted the scope of the Bill and did not seek to enlarge it. That is how the position stands so far as rulings are concerned. The Chair has no doubt that the point raised in Mr. Vidya Sagar Pandya's amendment is a very important one, but what the Chair has to decide is, not whether the House has got the power of regulating prices or not—because the Chair understood that the Leader of the Opposition wanted to hold that the House has got the power of regulating prices (*Sir Abdur Rahim* : " Yes ")—but that is not the issue. If the House wanted, by means of a Resolution or by means of a special Bill, to regulate the prices of certain commodities in this country, it would be perfectly open to the House to do so. The point to be considered now is, whether, in a Bill designed to give protection to an industry, the House can incorporate a clause dealing with the regulation or restriction of prices. It has been contended by those who have pointed out that the amendment is in order that when this House is called upon to give protection to an industry, it would be open to the House to impose conditions under which alone such protection can

be enjoyed by the industry. It cannot be contended that, in the case of any protection Bill, the House would be entitled to move amendments imposing conditions of all kinds and nature. The Chair has to decide whether the restriction sought to be imposed upon the industry can itself be construed to come within the scope of the Bill. It is clear that in a Bill which seeks to give protection to an industry any scheme of price control is clearly outside the scope of the Bill, and the Chair must, therefore, hold that Mr. Vidya Sagar Pandya's amendment is not in order.

Mr. Vidya Sagar Pandya : Sir, when I sent in my amendment, I did feel afraid that the amendment might not be quite in order on account of its draftsmanship, and I, therefore, addressed a letter to the Secretary requesting him that " before it is tabled, its draft should be revised by the Official Draftsman so that there may be no objection to its draft, the only objection remaining being the substance ", and the Secretary told me that such advice is not at all given to Members. Now, if it is only on account of the form and the wording of the amendment that objection might be taken, well, I was quite prepared to pay for the Official Draftsman's fee for putting it in order (Laughter), but I was told, both by the Secretary and by another gentlemen in that office, that no such help is given here. I may point it out here that in the Mother of Parliaments in the case of private Bills, if a Member is not able to draft, the Government Draftsman, on receiving a certain fee, drafts them. Well, I was quite prepared for it, but I got no help in that direction, and I am really sorry that, on account probably of the wording of the draft, I have not been able to bring it within the four corners of the Bill though it is quite within the spirit of the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair can assure the Honourable Member that the Chair has not ruled it out of order because of any defect in draftsmanship. The very substance of the amendment is out of order. All schemes for restriction or control of prices are out of order in this Bill.

Sir Abdur Rahim : Sir, I move :

" That to the Proviso in part (a) of clause 2 of the Bill, the following be added at the end :

' and provided further that every notification issued under this sub-section shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made and shall cease to have effect on the expiry of two months from the date on which it has been laid before either Chamber unless in the meantime it has been approved by a resolution of each Chamber '."

Sir, this amendment raises a question of considerable constitutional importance, and, as the House will have noticed, I have practically copied the amendment from an Act of this Legislature, viz., Act XIII of 1933, known as the Indian Industries Safeguarding Act. That Act was passed a year ago, and the House then accepted the principle that the Government, which are not responsible to the Legislature, may be given power to meet certain emergent cases in which Indian industries may have to meet unfair competition from outside. At that time I believe the danger of such competition was apprehended from Japan and some other countries, but mainly from Japan : and as it would be difficult in cases of such nature for the Legislature to take prompt and effective action, the Legislature

[Sir Abdur Rahim.]

thought it feasible and prudent, in the interests of safeguarding the industries of this country, to delegate its power to the Governor General in Council though the Government of India are not responsible to the Legislature. Sir, that is a principle which has been recognized by the Legislature, and I am not going now to say one word against it. But I do contend and emphatically contend that this House should not go beyond the principle accepted in that Act, that is to say, that the Governor General in Council should be empowered under the Act to meet emergencies with which certain industries in this country may be faced and on account of which they may be prejudicially affected by unfair competition from outside and that such action by the Governor General in Council must be subject to the approval of the Legislature in the sense that it will have operation only for two months from the date on which the notification of the Governor General in Council is placed on the table of this House and of the other House. The Act provides that when such action is taken by the Government, the notification issued in pursuance of that action should be placed before both Chambers as soon as possible. That is, supposing at the time the Legislature is not sitting, in that case the Notification of the Government will have operation until the Legislature meets. Then, from the date the Notification is laid before both the Chambers, it will have operation for two months and no more unless a Resolution of each Chamber confirms the Notification and extends it for a further period. That is a principle which one can approve and the House has approved it already. But what is now proposed goes far beyond that, and I really see no justification for this extension of the power which the Legislature has given to the Government rather the principle underlying the power. I see no justification for it unless it be that the Legislature thinks that having passed an Act of this nature, it is *functus officio*, they no longer care what happens and wish to leave it to the Government to decide afterwards for a period of seven years whether to increase the duties further or to reduce them. Is this House prepared to accept the principle that once this Act is passed, it will be left entirely to the Executive Government, a Government which up to now has not been responsible to us, to alter the tariff in any way they like? I see my Honourable friend, the Finance Member, is laughing. I do say "in any way they like".

The Honourable Sir James Grigg (Finance Member) : I was not laughing at anything said by the Honourable Member.

Sir Abdur Rahim : What I do say is that the Government can alter the tariff in any way they like by increasing or lowering the duty. I know that that is not the intention of the Legislature in giving such power to the Government. But they will act according to their own judgment and according to their own discretion. They may make such inquiries as they like or they may not. There is no duty laid upon them to make an inquiry. Anyway, whether the Government is wiser than the Legislature is certainly a moot point, though not with the Government. But that is not the point I am making. The question is that the Legislature has got certain powers. We have got what is called a Fiscal Convention to which this House attaches the greatest importance. In other spheres of legislation, we fully know that we can be overruled by the Government of India acting under instructions of the Secretary of State, but in fiscal matters, as a result of long agitation in the country, we have acquired this Con-

vention to which we attach the greatest value. That Convention is that if the Legislature and the Government of India agree, then the Secretary of State will not interfere with any decision arrived at in such a matter. Now, Sir, if the Legislature ties up its hands and makes over whatever powers it has at present to the Governor General in Council, then what happens? Then there is no Convention which the Secretary of State will be bound to accept. The Secretary of State can interfere with the Government of India's decision and give them the lead. In moving this amendment, I am not in any way seeking to minimise the benefits which the Tatas are getting from the protection. As a matter of fact, on the merits of the Bill, I have given every support to the Government. I have not questioned their decision in that respect, and I have so acted, because I believe that the iron and steel industry at Jamshedpur has proved worthy of our support. That is the reason why I have given support to that industry and to the proposals of the Government. Sir, it would not have been necessary for me to move this amendment but for the fact that the Government in this case has gone beyond the scope of the Act (Act XIII) of 1933 and also because that Act will cease to have effect after the 31st March of 1935. Government have taken power by this clause, and I do not quarrel with them so far as that is concerned, that is, not only to increase the protective duty, but also to reduce it in the interests of the consumer. Therefore, it would not have suited my purpose to ask the Government to rely entirely on Act XIII of 1933. So far as the industry is concerned, clause 2 of the Bill may operate for their benefit or it may operate to their disadvantage. I have not the slightest doubt that so long as the present protectionist policy of the Government of India continues under the control and guidance of my Honourable friend, the Commerce Member, there will be very little risk to the Jamshedpur industry under clause 2 of the Bill. But, Sir, the Government of India, taken as a whole, are not completely masters of the situation, nor are the Government of India in their personnel always the same Government. Their personnel does not continue to be the same and the same is the case with this House. Therefore, in moving this amendment, I am not in any way actuated by any apprehension either that the interests of Tatas will inevitably suffer or the interests of the consumer. I am raising this question as one of great constitutional importance especially having regard to the future Constitution which is now under consideration. The House will know that the British people and the British Government insist that their trade in this country must undergo no risk, and there has been considerable discussion in the Joint Select Committee as to what should be the definition and scope of the proposals regarding commercial discrimination. That involves the question of Fiscal Autonomy of India. Naturally every Indian, who was a delegate to the Round Table Conference or the Joint Select Committee, took up a strong position, and I submit to the House that if we now concede this clause 2, as it is, without the modification that I have suggested, then we shall be very seriously and radically weakening our own position so far as Fiscal Autonomy is concerned.

Mr. F. E. James (Madras : European) : How?

Sir Abdur Rahim : How, because the British will say, this House itself in its wisdom deliberately considered that an irresponsible executive is a better guardian of our fiscal policy than we ourselves. I should have thought that this was so obvious that it would have appealed at once to

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Mr. James. But the question raised is one of paramount importance, and I would ask the House, depleted as it is on our side, to take a firm and unanimous stand, and I would specially appeal to the representatives of industries that it is not in their interest to support the clause, as it is, but that it is in their interest as well to support the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That to the Proviso in part (a) of clause 2 of the Bill, the following be added at the end :

'and provided further that every notification issued under this sub-section shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made and shall cease to have effect on the expiry of two months from the date on which it has been laid before either Chamber unless in the meantime it has been approved by a resolution of each Chamber.'"

In the afternoon, the Chair proposes that the House should sit till about six o'clock.

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

The Assembly re-assembled after Lunch at Three of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. N. N. Anklesaria : Sir, my Honourable and esteemed friend, Sir Abdur Rahim, the Leader of the Opposition, has acquired a status and position in this House which entitles every proposal coming from him to respectful consideration from every Member of this House. When I first read his amendment I thought there was a good deal in it and I can quite understand his anxiety, as a great constitutional lawyer, for the powers and privileges of this House. I could understand very well, Sir, that protective duties, being part of taxation, could not be lightly entrusted to an irresponsible executive. Sir, the power of the purse has been earned by other countries of the world after a good deal of fight and bloodshed ; and I can very well understand my Honourable friend, Sir Abdur Rahim, standing up for it when it was threatened by a piece of legislation like the present, according to his conception of this measure. But, Sir, after I looked into the debates concerning the Safeguarding of Industries Bill of 1933, I felt absolutely convinced of the validity of the stand which the Government propose to take up with regard to this particular clause, and I came to realise very vividly how very inopportune was the amendment proposed by my Honourable and esteemed friend. Sir, my belief in the inopportune of this amendment was considerably strengthened by the speech of my Honourable friend, Mr. Das, whom I do not see just now in his place, on that Safeguarding of Industries Bill. I propose to deal with that speech later on, and, therefore, I shall say nothing about it at present. Sir, so far as I can see, my Honourable and esteemed friend, Sir Abdur Rahim, has totally misconceived and misapprehended the cogency of the principle embodied in the Safeguarding of Industries Act in connection with the present discussion. The Safeguarding of Industries Act contains a serious inroad on a deliberate decision of this House which we know as the fiscal policy of discriminating protection. And, it

is only reasonable and it is only common sense that when we allow the executive to violate that deliberate decision of this House by granting indiscriminate protection, the executive must consult this House and ascertain how far this House is with them in the particular measure of indiscriminate protection involved. On the other hand, Sir, what is the principle of this clause ? The principle of this clause is not to provide against the violation of a deliberate decision of this House but the *implementing* of a decision of this House. This House has decided that the steel industry requires protection.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Not yet.

Mr. N. N. Anklesaria : I mean this Bill seeks to do so ; and, if anything renders that decision nugatory, it is up to this House to provide against that contingency. And this is exactly what the clause sought to be amended by my Honourable and esteemed friend seeks to do. Sir, the principle of entrusting the executive with the task of carrying out and implementing the fiscal policy laid down by this House deliberately is not a new thing at all. That principle is embodied definitely and most unmistakably in the Indian Tariff Act of 1894, and, when we last protected this very industry, the Steel Protection Bill of 1927 provided for exactly a similar power to be given to the executive without requiring the executive to come for confirmation of the exercise of their powers to this House. I refer to section 3, (4) and (5) of the Tariff Act of 1894 which was incorporated in that Act by Act 3 of 1927. Act 3 of 1927 which provided for almost exactly similar power to be given to the executive also laid it down that those sub-clauses (4) and (5) were to be effective only till the 31st March, 1934 ; and, if you look to those sub-clauses in the Act of 1927, and if you compare them with the present clause 2 of the Bill, you find that the present clause is an improvement in the interests of the consumer on clauses 4 and 5 of the Act of 1927. Clause 4 of the Act of 1927 provides for articles of British manufacture and articles not of British manufacture, and, as regards the former, it gives the Governor General power to *increase* existing duties in case of emergencies such as provided for in this Bill, but it does not give the Governor General power to *reduce* those duties as regards the British manufactures ; and I say this Bill, providing as it does for reduction of duties in connection with British manufactures, is an advance in the interests of the consumer. I, therefore, cannot understand the opposition of my Honourable and esteemed friend, Sir Abdur Rahim, to this clause. It is also noteworthy, that the Act of 1927 was passed by a House in which the so-called popular Members—I mean the Swarajists—were a very dominating element, and, still, none of those Swarajist Members thought of putting in a proviso like the one proposed by my Honourable and esteemed friend, the Leader of the Opposition. The Tariff Board has stated and stated correctly, following the recommendation of the Ottawa Report, that if a provision like this is to exist in our law, celerity and promptness of putting that provision into operation is of the very essence ; and if you look at the whole question from that point of view, namely, celerity and promptness of action on the part of the Government, how could that celerity and promptness be more efficiently provided for except by a clause like the present one unqualified by a proviso like the one proposed ?

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : But how does the proviso frustrate that object ?

Mr. N. N. Anklesaria : I will just come to it. The difficulties of giving effect to anti-dumping laws like that provided for in this clause are numerous, and they have been very elaborately enumerated by Professor Jacob Viner. I am not going to read from his work, but any man with common sense could see the difficulties existing in the administration of anti-dumping laws as found even by experience of countries such as England, United States, Australia, South Africa, etc., when they tried to administer such laws. My point is that by providing a proviso like this, you will not be in any way lessening those difficulties. On the contrary you would be accentuating them.

Then, what weighs with me most and induces me to oppose this amendment is the effect which a discussion in an open House on the matter provided for in this clause would entail on our relations with foreign countries. I was very forcibly reminded of this difficulty when I read my Honourable friend, Mr. Das's speech on the occasion of the Safeguarding of Industries Bill. My Honourable friend said that he was not going "to mince" matters, that he was not addicted to talking "in diplomatic language" and that he advocated that war should be declared on Japan. Language like this will not, I say, in any way improve our relations with foreign countries, and could not be allowed in this House even under the existing law. But how can you prevent such language being indulged in if you pass the amendment proposed by my Honourable and esteemed friend, the Leader of the Opposition?

Mr. B. Das : But you find this already in legislation in other countries?

Mr. N. N. Anklesaria : My Honourable friend says that clauses like this are found in anti-dumping legislations in other countries. I quite agree. (Interruption.) My Honourable friend was not here when I distinguished between the principle of the Safeguarding of Industries Acts and the principle of the present clause and I am not going to repeat that distinction. But, as regards other countries, I know the Fiscal Commission has recommended that we should follow the model of Australia in this connection. But had the Fiscal Commission realised the difficulties which the Australian Government is even now contending against in giving effect to their anti-dumping laws, I believe they would have revised their opinion. Professor Jacob Viner points out that the model which would lead to beneficial results in the present connection is the model provided for by the Canadian Act of 1904 and this clause is modelled on the Canadian Act of 1904.

Then, Sir, what about political corruption? Anybody who has listened and taken part in the debates and discussions on the various protective measures which have come before the House will be forcibly reminded of the inconveniences of discussions taking place in open House on matters like the protection duties. No doubt, Sir, every question has two sides, and every side will have its advocates, and, Sir, the cost of that advocacy will have to be borne by the industry concerned. Sir, it is very easy to see that if this amendment is passed, we shall be encouraging and inviting agitation in this House every time the Government elects to exercise its powers.

The other day, my friend, Mr. Amar Nath Dutt, brought a Resolution against the alleged mismanagement of the Tatas, and we know

Sir, that after a good deal of mud-slinging, after a good deal of scandalous talk, that Resolution was withdrawn, but, I am quite sure, the feelings which it left behind will not redound to the credit of any Honourable Member in this House. Performances like these, Sir, if this amendment is given effect to, would be by no means infrequent in this House.

Sir, then it was said—what is your safeguard against this irresponsible executive abusing the powers with which you are entrusted? The only ground on which my Honourable and esteemed friend supported his amendment was that that great fiscal convention was jeopardised. Sir, I have thought over the matter very deeply during the luncheon interval, and I have not been able to find any cogency or even any relevancy in my Honourable and esteemed friend's arguments based on the fiscal convention.

Sir, I submit that in our power of questioning, in our power of interpellation, in our power to moving Resolutions and in our power of bringing an adjournment motion, there is sufficient safeguard against the abuse of the powers entrusted by this clause to the executive, and, if this amendment is passed, the effect would be to render our decision to protect the steel industry nugatory, and it would work mischief in more discretions than one. I, therefore, Sir, strongly oppose this amendment.

Raja Bahadur G. Krishnamachariar : Sir, it seems to me that a lot of unnecessary complication has been introduced into the discussion of this very simple amendment which, I understand, is intended to compel the Government of India when the circumstances mentioned in this sub-clause (4) come into existence that they should before finally giving effect to their Resolution or their conclusion to which they might come in exercise of the powers under clause 4, before they give final effect, I say they should come before this House and justify their position, not in the cause of urgency, because they have been given a *locus penitentia* of two months within which to come here and justify their position, and then to make their conclusion final. Sir, the clause runs thus :

"If the Governor General in Council is satisfied, after such inquiry as he thinks necessary, that any duty imposed on any article by Part VII of the Second Schedule has become ineffective or excessive for the purpose of securing the protection intended to be afforded by such duty to a similar article manufactured in India, he may, by notification in the Gazette of India, increase or reduce such duty to such extent as he thinks necessary either generally or in respect of such article when imported from or manufactured in any country or countries specified in the notification", etc., etc.

The fact is that when the lessening or the excessive nature of the duty would make ineffective the protection that this Bill wants to give, when that state of circumstances comes into existence, the Governor General has got the power by a notification to reduce or to increase the duty in order to secure the protection that this Legislature may eventually decide to give by means of this Bill. All that the amendment says is,—that is all right, we have no objection to give you this power, but for the same reason that you have to come to us to enable you to impose this duty upon these articles, for that very same reason and upon that same ground when you decide after the inquiry contemplated by this sub-section that the duty laid down here should

[Raja Bahadur G. Krishnamachariar.]

be increased or reduced, come to us again, we shall consider the position as we are asked to consider the present position and agree to the duty that you want to impose at present. Exactly in the same manner, I say, we shall consider your premises and allow you either to increase or decrease the duty if we find that the premises stated by you are reasonable and deserve support. That is the idea which underlies this amendment, because, Sir, the amendment says :

"And provided further that every notification issued under this sub-section shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made and shall cease to have any effect on the expiry of two months from the date on which it has been laid before either Chamber unless in the meantime it has been approved by a Resolution of each Chamber."

I do not know where is the opportunity for my friend, Mr. B. Das, to speak plainly such language as would antagonise the whole world against us. I do not understand what is that dangerous effect that a discussion would have dangerous effects, how on earth is it possible to see that a gentleman living somewhere would be so much antagonised against us that probably the skies would fall before this Assembly passed a Resolution. All that tall talk would, instead of supporting the Government cause, I am afraid, greatly weaken it. Do you or do you not rely upon this Assembly, do you or do you not think that this Assembly has got a right to say what it has got to say on the proposal? I know, of course, it is not binding on you, I know you have got your votes with which you can get through whatever you want. But all that you want is *Zubberdust mare magar bolne to de*. That is the thing that we want. Objection is taken, do not even cry. Then what else is left to me? This is a great constitutional position, and, if I had thought that there was going to be any objection, at least from this side, I should have found several Acts of Parliament where this sort of safeguard has been introduced. There is a book, I have quoted that very often on the floor of the House, which is called "The New Despotism". It is written by no less a person than the present Lord Chief Justice of England, Lord Hewart. He says that the new despotism consists in Parliament delegating its real powers to the executive which, of course, as in India, so in England, consists of infallible civil servants, experts in their own way,—it does not matter if they have not had any previous training in the branch—the fact is they are there and *ex hypothesi* they are experts. What Lord Hewart says is that these gentlemen, once they are entrusted with these powers, frame rules which Parliament has absolutely no chance of reviewing except by means of a private Bill—I am not sure that they have got even that power in every case. It is against that procedure that the Lord Chief Justice of England protests very strongly, and against that tendency, and quite recently, the same protest has come from America as well,—that popular assemblies who have not got the necessary leisure to go into details find it convenient to transfer their responsibility to an executive. If an objection to this process is raised even in countries like England where the Government is responsible to the people, where the Government, if it does anything which is not to the people's liking, would be immediately thrown out—I say, if such objection could be considered in England valid by such an eminent authority as the Lord Chief Justice of England, we do not want any argument here in this

House to show that at least a chance to decide or to say whether your action is correct or not should be given to this Assembly in order that they may come to some conclusion. Brush it aside if you like, I am not sure that much of what we say is even considered. Probably the fault is with us, probably we do not say anything quite useful or sensible or reasonable, but the fact is there that very much of what we say is either ineffective or for some reason or other is not considered as worth anything at all. But, even so, as we have been given the statutory right to partake in your fiscal administration, so the amendment is in itself an important matter. When we are giving you powers, please come to us and tell us what you want to do. Very probably we shall agree, and if we do not, what does it matter? It is only a matter of a few hours' discussion and you are bound to get through your own ideas. I do not know why such a simple amendment as this should require such a big haranguing in order to protect the Government from malicious and vilifying attacks which might endanger the very existence of Government. A very curious argument was put forward that in the Canadian Act, which is said to be a model, there is no such provision. In our own Act of 1927, there is no such provision, *ergo*, why do you want it now? If that is so, why, when you were a child you were quite satisfied with milk, and you want solid food now! Circumstances change. We have all been promised a sort of democratic Government and popular control over that Government, and if this is the way by which you are going to allow us to discuss the actions of Government, how are we going to have any powers which could be usefully exercised in connection with these matters? The fact that you did not put in a thing, at a certain time, is rather an extraordinary argument to state that you ought not to do it subsequently when you want to have it done. I, therefore, submit that, both as a matter of precedent, and as a matter of policy, and again, as a matter of convenience and upholding, the very privileges which you yourself have conferred upon us, I say that this amendment is the most reasonable amendment which deserves the approval of the House, not excluding the Members on the Treasury Benches. Sir, I support this amendment.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, in supporting this amendment I propose to be as brief as possible. I do not know whether we should take my Honourable friend, Mr. Ankle-saria's speech as representing the Government's view in the matter. In any case, I could not quite follow him when he was seeking to draw a distinction between this Bill and the Safeguarding of Industries Act, and when he said that a restriction like the one we contemplate in this amendment was necessary in that case, because the Safeguarding of Industries Act constituted a violation of the principle of discriminating protection which had been adopted by this country. As far as I have been able to judge, the distinction which may be legitimately pointed out between this measure and the Safeguarding of Industries Act is this. In the case of the Safeguarding of Industries Act, action had to be taken by Government in a state of emergency, when the assent of this House in regard to details of protection or "temporary shelter",—that was the expression that was used on that occasion—could not possibly be obtained without unnecessary waste of time, which might prove even fatal to the cause which the Government and the Legislature had at heart, namely, the safeguarding of Indian industries. It is no doubt true that the Safe-

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guarding of Industries Act conferred wide powers on Government for the purpose of not merely protecting different industries, but also for the purpose of choosing the different industries that should be granted that kind of protection. In the first place, the Government was given the discretion to choose the industries that were to be safeguarded, and in the next place, Government had the discretion to fix the quantum of protection that was to be granted to each industry. Perhaps, my Honourable friend when he replies to the debate will point out that, therefore, there is a good deal of difference between that case and this. It was altogether a blank cheque that we were giving to Government in that instance in regard both to the choice of industries and to the determination of the amount of protection. I am at once prepared to concede that there is something in this point. But let us examine the position a little more carefully. It is no doubt true that in this particular Bill we are determining a particular industry as being qualified under the various canons laid down by the Fiscal Commission for protection, and we are, moreover, laying down the quantity of protection which, according to our judgment, this particular industry is entitled to. Now, so far as the choice of industry is concerned, I quite agree that we are not conferring the same amount of indefinite powers on Government as the Safeguarding of Industries Act, and so far as the amount of protection goes, it is no doubt true that we are laying down the different rates at which different items of steel manufacture will have to be assessed to taxation. But, if we look into the terms of the particular clause, to which this present proviso is sought to be added, it will appear that the schedule to this Bill, which we have just adopted, is, from all practical points of view, no better than a mere model schedule of rates of taxation. The Government under the very wide powers which are being granted under this clause have the perfect liberty and the right to chop and change this particular schedule even beyond recognition if they choose to do so. The life that we are giving to this Bill is more than the normal life of two Legislative Assemblies, and, as was pointed out the other day by the Honourable the Home Member in connection with a piece of social legislation, that it is not right that a dying House should tie down the hands of its successor in regard to such an important matter. We are certainly going to place it on the Statute-book but what we plead for is that, when the Government come to exercise their very wide powers under this particular clause, they will at least give a chance to our successors to have their say.

My Honourable friend, Mr. Anklesaria, has pointed out that such a provision is to be found in the two older Acts of 1924 and 1927, and my Honourable friend, the Raja Bahadur, has replied to that point. I should like to say that in such matters no plea of prescription can possibly be allowed to be raised by Government. We are entitled to examine every clause of a Bill which is before us and it is quite open to us to take a particular course of action which may not have been taken by our predecessors either through mistake or oversight or as an act of deliberate choice. I thought that my Honourable friend, Mr. Anklesaria, would start with an amount of prejudice against a particular measure which had been passed with the help, as he pointed out, of the Swarajist element in the previous Assembly. I do not know why my Honourable friend, in this particular instance, is going to cite the authority of the Swarajists as a complete answer to the arguments adduced by my Honourable friend,

Sir Abdur Rahim. My Honourable friend referred to a particular Resolution which was discussed in this House, and, he said, there was a good deal of mud-slinging on that occasion and he said that if the facilities which this particular amendment would give to the Legislative Assembly to have discussions on these matters were granted, then more of mud-slinging would take place.

Mr. N. N. Anklesaria : Without any corresponding advantage.

Mr. K. C. Neogy : But, at the same time, my Honourable friend pointed out that it was quite open to us to raise all these points by way of questions, by way of Resolutions, by way of adjournment motions ; why then seek this particular procedure for the purpose of having a discussion, asked he. So I take it, that my Honourable friend's objection is not so much to discussions, not even so much to mud-slinging because, I may remind him that the mud-slinging, as he was pleased to call it, which took place according to him on a previous occasion, took place on a Resolution, and even according to him, it will be perfectly open to this House to have any amount of mud-slinging on Resolutions of that character. Therefore, I do not think that my Honourable friend is entitled to be taken seriously when he adduced that particular argument. My Honourable friend referred to his apprehension that discussions in this House under this particular amendment might lead to international complications. That is what I understood him to say. I do not remember—I have been here for the last 14 years—any discussion in this House which has led to serious consequences of that character. If my Honourable friend were right, then, I think, some of the reports of the Tariff Board should have involved us in wars in the past. No, Sir. No such contingency can be visualised by us and I do not think my Honourable friend can expect us to take him very seriously even in this argument. The difference between Mr. Anklesaria and us is very fundamental. While we seek the enlargement of the rights and privileges of this House, he is always eager to circumscribe even the little rights and privileges that we at present enjoy. Reference has been made to the difference between the character of Government which we have here and the popular Government of a democratically governed country. My Honourable friend, the Commerce Member, might say that when they exercise their rights under this particular clause and put on off-setting duties, as they are called, they will always remember the opinion that has been expressed in this House, and they are not likely to go against the principles which have been laid down for their guidance by the House itself. I am rather chary of accepting such an argument on the present occasion, because it was not very many days ago when an Honourable Member of the Government stated that although his predecessor in office had taken the responsibility of making a statement in this House that in his opinion, which I take it, at that moment represented the opinion of Government as a whole, a particular Local Government had not carried out the wishes of this House, the Honourable Member did not agree with that view ; and, I dare say, he took action contrary to what was expected to be taken by his predecessor in office in that matter. My Honourable friend, to whom I am referring, had not even taken the trouble of explaining to the House the reasons as to why he thinks that his predecessor in office was wrong in coming to the conclusion that a particular Local Government had not carried out the wishes of this House. As the Government Members are not responsible to this House, how can we feel safe in entrust-

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ing such large powers to the Government, when, as a result of change in the personnel, such wide and fundamental differences of opinion can take place and influence the policy of Government. For all these reasons, I think, this amendment should be adopted by this House.

The Honourable Sir Joseph Bhole : Sir, I regret that Government must oppose this amendment. The Leader of the Opposition has raised what in his opinion is a point of some constitutional importance and he has appealed to our procedure under the Safeguarding of Industries Act in support of his point of view. My Honourable friend, Mr. Neogy, has to some extent anticipated the line that I propose to take. I would point out to my Honourable friend opposite that the two cases are entirely and utterly different. They are as the poles apart. In this particular case we are coming with our proposals for the levy of duties for the specific approval and sanction of the Legislature. All that clause 2 of the Bill proposes to do is to give the executive power to see that unforeseen contingencies are not allowed to upset the intentions of the Legislature in this matter. What we are doing now is we are laying down a level of duties which the Legislature considers are essential to secure the measure of protection which it desires to give. If this clause is passed by the Assembly, what, in effect, this House will be saying is this : "We desire this level of duties to be maintained in the interests of the industry and of the consumer. If circumstances arise, which it is not possible for us at the present moment to anticipate, we give you power to see that the duties do not become excessive or insufficient to carry out our expressed intentions." Now what is the case under the Safeguarding Act? In that case the executive, on its own initiative, imposes such duties as it thinks necessary, in respect of such industries as it thinks appropriate, after such summary inquiry as it may deem fit.

Sir Abdur Rahim : Including protected industries, I take it?

The Honourable Sir Joseph Bhole : Including all industries, but in such circumstances, it seems to me to be only appropriate that these duties should come before the Legislature for an expression of its views and for its ultimate sanction. Now I do submit, that this clause as it stands raises no constitutional question of any real importance. My Honourable friend, the Leader of the Opposition, spoke as if now, for the first time, this clause were being introduced into the Bill in order to equip us with wide and extensive powers. That, Sir, is not the case. Of course, I know my Honourable friend did not mean to insinuate this, but the fact remains that that is not so. These powers have been in existence for many years. There has never been any suggestion that the executive Government has used those powers either arbitrarily or contrary to the intentions of the Legislature. On the contrary, Sir, if there has been any criticism, the criticism has rather been that the Government has not used the powers with which it was equipped by the Legislature as rapidly and as effectively as it could have done. Now, Sir, I would like to say that there are strong reasons against the alteration in procedure recommended by my Honourable friend, the Leader of the Opposition. I would point out that the requirement, that action under clause 2 should be subject to ultimate endorsement and confirmation by the Legislature, introduces a very serious element of uncertainty which may dislocate trade and business. It may lead to speculation, it may lead to

gambling, and, where it does not lead to speculation and gambling, it may lead to temporary stagnation in trade. Such interference may perhaps be inevitable in the case of the Safeguarding of Industries Act, where the duties have never yet come up before the Legislature. This interference, I submit is wholly unnecessary and wholly inadvisable in cases where all the action that is to be taken is in the direction merely of modifying duties with the idea of carrying out the expressed intentions of the Legislature. That Sir, in short, is the case against the amendment and I oppose it (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That to the Proviso in part (a) of clause 2 of the Bill, the following be added at the end :

"and provided further that every notification issued under this sub-section shall be laid before both Chambers of the Indian Legislature as soon as may be after it is made and shall cease to have effect on the expiry of two months from the date on which it has been laid before either Chamber unless in the meantime it has been approved by a resolution of each Chamber."

The Assembly divided :

AYES—30.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Ba Maung, U
Badi-uz-Zaman, Maulvi.
Das, Mr. B.
Jadhav, Mr. B. V.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Mahapatra, Mr. Sitakanta.
Maswood Ahmad, Mr. M.
Mitra, Mr. S. C.
Muazzam Sahib Bahadur, Mr. Muham-
mad.
Murtuza Saheb Bahadur, Maulvi Sayyid.

Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Patil, Rao Bahadur B. L.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhray.
Sant Singh, Sardar.
Sen, Mr. S. C.
Shafie Doodi, Maulvi Muhammad.
Singh, Mr. Gava Prasad.
Sitaramaraju, Mr. B.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Yakub, Sir Muhammad.
Ziauddin Ahmad, Dr.

NOES—52.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Baha-
dur Malik.
Anklesaria, Mr. N. N.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi
B.
Bhole, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Craig, The Honourable Sir Henry.
Dalal, Dr. R. D.
Duguid, Mr. A.
Graham, Mr. S. G.
Grigg, The Honourable Sir James.

Hockenhall, Mr. F. W.
Hudson, Sir Leslie.
Ibrahim Ali Khan, Lieut. Nawab
Muhammad.
James, Mr. F. E.
Kamaluddin Ahmad, Shaus-ul-Ulama
Mr.
Lal Chand, Hony. Captain Rao Baha-
dur Chaudhri.
Lumby, Lieut.-Colonel A. F. R.
Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Munimdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Nihal Singh, Sardar.
Noyce, The Honourable Sir Frank.
Pandit, Rao Bahadur S. R.

Perry, Mr. E. W.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Raghubir Singh, Rai Bahadur Kunwar.
 Raisman, Mr. A. J.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Ranga Iyer, Mr. C. S.
 Rastogi, Rai Sahib Badri Lal.
 Rau, Mr. P. R.
 Richards, Mr. W. J. C.
 Row, Mr. K. Sanjiva.

Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Sher Muhammad Khan Gakhar, Captain.
 Singh, Mr. Pradyumna Prashad.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Studd, Mr. E.
 Suhrawardy, Sir Abdulla-al-Mamun.
 Trivedi, Mr. C. M.
 Zakaullah Khan, Khan Bahadur Abu
 Abdullah Muhammad.
 Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

Mr. K. C. Neogy : Sir, I beg to move :

“ That in clause 2 (a) of the Bill, the proviso to the proposed sub-section (f) be omitted.”

The proviso reads as follows :

“ Provided that the duty leviable on any such article shall in no case be less than the duty leviable on a like article of British manufacture.”

The sub-section to which this proviso is proposed to be added confers wide powers on the Government, as we have just seen, for the purpose either of increasing the duties in the interests, I take it, of the industry or reducing the duties in the interests of the consumer. I was very glad to note that my Honourable friend, the Leader of the House, is speaking the other day said that no political prejudices should influence our decisions in this connection. I should, therefore, very much like to know from him the reasons why this proviso is sought to be added. I take it that if the proviso means anything, it means this that even if the circumstances justify it, and even if the Executive Government is otherwise satisfied that the British duties should be reduced to a level below that of the non-British duties, even then this House should fetter the discretion of the Executive so as to secure that the duties to be fixed on non-British articles may not be less than the duties to be paid on the British imports. Now, Sir, I know that a similar provision finds place in the Act of 1927. But if my Honourable friend will look up the debates of that year, he will find that Mr. Jamnadas Mehta moved an amendment seeking to substitute a particular clause for the entire clause along with this proviso. And if that amendment had been carried, the effect of it would have been that this proviso could not have found a place in the Act at all. That division was unfortunately lost, not by a very large margin. However, I do hope that the Government would not plead prescription in this matter. I should like my Honourable friend to tell this House as to whether this proviso is being added as a part of this clause entirely on economic grounds. We have experienced great difficulties arising from the fact that a large number of foreign countries enjoy what is known as the most-favoured-nation treatment, and during the last two or three years the Government have come up against enormous difficulties in seeking to protect Indian industries by virtue of that privilege being enjoyed by those foreign nations. I do not know whether my Honourable friend will say that this particular proviso is in the nature of a most-favoured-nation treatment clause for the benefit of Great Britain. If my Honourable friend defends it on that or any similar ground, I should like to know from him as to what *quid pro quo* we have obtained for granting this particular concession. I should very much like to know whether it is a one-sided concession or whether we have got a very good consideration for making

this concession by way of legislation in this House. In any event, however, I should like to know from my Honourable friend if this particular proviso has not been adopted by any political consideration or any political prejudice in favour of Great Britain.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 2 (a) of the Bill, the proviso to the proposed sub-section (f) be omitted.”

Mr. B. Das : Sir,

Sir Cowasji Jehangir : A non-Congress man spoke just now and a Congressman has got up to support him.

Mr. B. Das : No, my Leader has proposed the amendment, and I am supporting it as a follower. Sir, I am not a lover of Imperial Preference, or have I supported at any time on any occasion any measure of Imperial Preference. I have made it clear in my Minute of Dissent and in the various speeches on the floor of the House. I should like to see all industries wiped out of existence than to place national humiliation on the nation. (Hear, hear.) I have made this charge before, and, I say again, that I should like to see the Bombay city under the sea. Bombay has caused us more humiliation than any other city in India.

Sir Cowasji Jehangir : That might happen when you are there one day.

Mr. B. Das : If I were there I would make them more patriotic.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan) : How would you do it ?

Mr. B. Das : Last time when I used to live there I controlled the Bombay Presidency Association and criticised the action of Liberal Ministers like my friend, Mr. Jadhav.

Mr. B. V. Jadhav : I was not a Liberal Party Minister then.

Mr. B. Das : As I was saying I do hope that some Queen of England will claim again Bombay as part of her dowry and separate Bombay from India. If Aden could be separated from Bombay and if Burma could be separated from India, it is better that Bombay is separated so that we may not be subject to such national humiliation as we are now subject to by reason of Bombay being a part of India. (Laughter.) My Leader, Mr. Neogy, asked a question as to why I did not particularly raise this issue in the Select Committee. I explained that I am opposed to Imperial Preference and I do oppose it now. But I did not raise this particular issue knowing the mentality of the Government which carries majority here and knowing also the mentality of the House on various questions, particularly the whole-hearted spirit of reciprocity that my Honourable friend, Mr. Mody, has exhibited from time to time, it was very difficult for me to raise questions like this, namely, the deletion of the proviso in the Select Committee. I did make it clear after the spirit of reciprocity that my Honourable friend, Mr. Mody, exhibited towards the Government in his negotiations on the cotton textile question. If here is to be today the question of preference, as some Honourable Member on the Treasury Benches, I do not know who, perhaps it was the Honourable the Finance Member, as some Honourable Member said Imperial Preference is dead I believe the question should be solved by

[Mr. B. Das.]

a spirit of reciprocity but that reciprocity should be on the basis of exchange of commodities. If India is allowed to sell one million worth of commodities to England, then India would be prepared to purchase commodities of the same value from England. But what do we find? England sells India one million worth of commodities but India is allowed to sell to England commodities only worth half a million. That is the spirit of reciprocity that can be understood in the Bombay city but not in other parts of the Country. I did make it clear in the last Session of the Assembly that I was quite prepared to consider any well-considered programme of reciprocity between England and India. The other day my Honourable friend, Mr. Thampan, put a question on the floor of the House on the Indo-British Agreement and he asked whether protective measures should be brought under the Ottawa preference clause. I have referred to it twice and I do not want to raise it again by reading out what you, Sir, as a delegate—although at the time I did not agree with you entirely—what you brought for us from Ottawa. At least the Ottawa delegation laid down that any industry and any article that is protected, should not come within the purview of the Ottawa Agreement. But the Government of India, bit by bit, are bringing everything under the Ottawa pact. The other day when that question was asked on the floor of the House, my Honourable friend, the Leader of the House, said that negotiations were going on. In reply to a question he said :

“I am afraid I do not quite follow my Honourable friend. This is undoubtedly an agreement between this Government and the Government of the United Kingdom.”

Then the question was further asked whether it will deal only with the cotton textile industry with which my Honourable friend, Mr. Mody, was in great love, though now he is in love with steel. The question was asked whether the negotiations were going to cover the whole ground of protected industries. The Honourable the Commerce Member replied :

“It will refer, I think, to certain general principles which will be equally applicable to the cotton textile industry as to other industries.”

Sir, a vicious and mischievous principle is going to be developed and applied against the continued prosperity of the Indian industries, and yet the Indian mercantile community in India has no voice in the matter nor any knowledge of such negotiations. The negotiations may be only back-stair negotiations between Mr. Mody, the President of the All-India Employers' Association and the Honourable the Commerce Member, but when my Honourable friend, Mr. Mudaliar, asked the question :

“Are any Indian commercial bodies being consulted during this stage of the negotiations?”

The Honourable the Commerce Member replied :

“No commercial interest have, as yet, been consulted.”

A question was further asked whether they will be consulted and the reply was :

“I am not in a position to bind myself in regard to that but I have no doubt that the Government will have an opportunity of knowing what the views of commercial interests in this country will be about the various questions that are under discussion.”

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The question of Imperial Preference is not at present under discussion and should not be discussed at length now. As Mr. Neogy pointed out, the clause under discussion is in the nature of a most-favoured-nation clause and it is not a preference clause. The Chair hopes the Honourable Member will confine himself to the issue before the House.

Mr. B. Das : Sir, I will subject the Indo-British Trade Agreement to a critical examination at a later stage, either today or on Monday, when the opportunity arises. Probably I am a little bit dull. I do not interpret that this proviso gives England the most-favoured-nation clause treatment, rather it is a distinct provision for Imperial Preference which came through the back-door or through the front-door, because Bombay insisted that the Tata steel industry at Jamshedpur should be protected in 1927. We had to swallow it although the nationalist element in this House, as my Honourable Leader, Mr. Neogy, pointed out, opposed it and lost it by a small margin. I was going to say we have travelled much further than we were in 1927. Not that we love the principle, not that we love to give any country any preference simply to add to our own humiliation but because those who control the industries in India have lost their spirit of patriotism and nationalism and they tie us down to this clause of humiliation. If Government is fair—the Government is not fair to the people of India because the Government have to receive their mandate from the Secretary of State, they have no alternative but to do so, the Government introduced preference in 1927 and another in 1930 in the cotton textile Bill of which my Honourable friend, Mr. Mody, was an advocate on the floor of the House and he was helpless and he had to swallow Imperial Preference again in the Textile Bill. So I would oppose any measure of Imperial Preference, but knowing the negotiations that have gone, I would agree to any Indo-British trade agreement provided it is done fairly and squarely and provided the representatives of the mercantile community in India are taken into confidence. But that the Government are not willing to do. So, if Government, with the order of Whitehall, introduce this kind of preference for Britain, then they and those capitalists, either in this House or outside it who support such measures, are guilty of treachery to India. Therefore, I whole-heartedly support the omission of this proviso from the Bill.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muham-madan) : Sir, Mr. Das discussed the history of this clause at great length, and, therefore, he was half apologetic and half explanatory as to the presence of this clause, because it appears it escaped his notice in the Select Committee and perhaps on the previous occasion when it came before the House.

Mr. B. Das : No ; Imperial Preference is an accepted fact. And did I not write my Minute of Dissent ?

Mr. Jagan Nath Aggarwal : His explanations perhaps have not solved my difficulty. I approach this question in a spirit of inquiry because this thing has remained in the Statute-book even before the Ottawa Agreement was concluded. I now put the proposition like this. This sub-section (4) in clause 2 is the reserve of power of the Governor General. He has the right to manipulate these duties, to increase

[Mr. Jagan Nath Aggarwal.]

them or to decrease them, if he finds that the protection is not sufficient to the industry or if it is too much. And from the very nature of the case it is a very elastic clause; and, to the advisers of the Governor General, my friend, the Commerce Member or the Finance Member, this is a great store-house of power. On the advice of the Ministers, the Governor General will proceed to act and they have the whole reserve of power in their hands to manipulate these duties, as and when they think proper, to raise or lower them. Now, Sir, I wish to know this. Is it in a spirit of absent-mindedness or is it in a spirit of abdication that they are giving away these powers and placing a restriction on their own future conduct? Why is it that they say, "We shall use this power but we shall not use it in such a way as to conflict with the duty levied on goods of British manufacture?" I say, Sir, that from the very nature of the case the power is vested in the Governor General to remedy a situation which may arise in spite of all calculations, to remedy a contingency which was not provided for. Well, Sir, if that is so, why is it that we are tied to the anchor of duties on British goods? I think, from the very nature of the case, it is improper to put such a restraint on the exercise of this power in the hands of the executive Government. In fact, Sir, if I may say so, Government should have been the first to come forward and say, "Yes, thank you for this suggestion and we are prepared to take it". It is very seldom that we on this side are out to enlarge the powers of the executive, but this is one such occasion when we say that you are putting fetters on your powers. Why do you do that? The answer to that may be that you have entered into a bargain with the British Government. That is not so. That only happened in the Ottawa Agreement. This, if I may say so, may be a remnant of those political considerations of which we have heard so much. But the Honourable the Commerce Member disclaimed all ideas of political considerations underlying this measure. Therefore, I say, that it is either a remnant of those political considerations or it may be in a spirit of absent-mindedness. My Honourable friend, Mr. Neogy, when moving his amendment, reminded the House that this provision was there in the Act of 1927, but may I remind this House that in the debate which took place on this clause in 1927, there is no mention of the proviso? Well, Sir, human beings are apt to nod and the Swarajist Assembly of those days may have nodded. Perhaps they were fighting for the deletion of the whole of this clause.

Mr. K. C. Neogy : Yes, they were fighting for a bigger principle.

Mr. Jagan Nath Aggarwal : I have not read the whole of the debate, but, from my recollection of what I have read of it, it appears that they put forward a substantive amendment to replace the whole of this clause, and, therefore, they did not bother about the proviso. Perhaps weak and effete as we are, we think it just as well to fight about the proviso, and, therefore, I would like to put it like this that when you are providing for a contingency which has not been foreseen and in which you are keeping a huge reserve of power in the hands of the Governor General, you should not tie your hands with considerations like this. We have not entered into any bargain. There is nothing to justify this restriction on the exercise of this power and all those ideas in which we always thought first of English commerce and then of anything else are not there as guiding principles of our policy at the present day. Therefore, I

submit that this proviso, the deletion of which has been moved by my Honourable friend, Mr. Neogy, should not find a place in this Bill.

The Honourable Sir Joseph Bhole : Sir, once again my Honourable friend, Mr. Neogy, seems to have been gifted with a spirit of prophecy, because he has anticipated the case which I am going to make. As a matter of fact I really have very little to say on this matter. I would only point out that we are not introducing a new principle. We are merely repeating a provision which has been embodied in the existing Act, which has been in existence for many years and which has received in the past the assent of an extremely critical Assembly. The point, Sir, that I wish to make is this. I do not really see why we should give any worse treatment to the United Kingdom than we give to all other foreign countries. I wish to emphasise one point which I have emphasised all along, and it is this. If at any time British goods in this country are imported at a price which competes unfairly with goods produced in this country, then Government will not hesitate to use the powers under this clause 2 in order to enable the industry to secure its reasonable fair selling price.

Mr. K. C. Neogy : And ignore the proviso? How can you go behind the proviso?

The Honourable Sir Joseph Bhole : In those circumstances, Sir, I do not think the existence of the proviso is necessarily a bar to the view which I have taken up.

Mr. K. C. Neogy : My Honourable friend has not answered my question. What is the *quid pro quo* for this particular concession? My Honourable friend has not given any reply to that point.

The Honourable Sir Joseph Bhole : My reply to that is that it has been in existence for seven years.

Mr. K. C. Neogy : But why was it adopted in 1927?

The Honourable Sir Joseph Bhole : I was not here in 1927.

Mr. K. C. Neogy : But he has access to all papers! I think the less my Honourable friend talks about political consideration the better.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 2 (a) of the Bill, the proviso to the proposed sub-section (4) be omitted."

The Assembly divided :

AYES—27.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Ba Maung, U
Badi-uz-Zaman, Maulvi.
Das, Mr. B.
Jadhav, Mr. B. V.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Mahapatra, Mr. Sitakanta.
Maswood Ahmad, Mr. M.
Mittra, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Neogy, Mr. K. C.

Pandya, Mr. Vidya Sagar.
Patil, Rao Bahadur B. J.
Reddi, Mr. T. N. Ramakrishna
Roy, Rai Bahadur Sukhraj.
Sant Singh, Sardar.
Sen, Mr. S. C.
Shafee Daoodi, Maulvi Muhammad
Singh, Mr. Gava Prasad.
Sitaramaraju, Mr. B.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Ziauddin Ahmad, Dr.

NOES—51.

Abdul Aziz, Khan Bahadur Mian.
 Ahmad Nawaz Khan, Major Nawab.
 Ali, Mr. Hamid A.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Anklesaria, Mr. N. N.
 Bajpai, Mr. G. S.
 Bhadrapur, Rao Bahadur Krishna Raddi B.
 Bhore, The Honourable Sir Joseph.
 Brij Kishore, Rai Bahadur Lala.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Ghuznavi, Mr. A. H.
 Grantham, Mr. S. G.
 Grigg, The Honourable Sir James.
 Hockenhull, Mr. F. W.
 Hudson, Sir Leslie.
 Ibrahim Ali Khan, Lieut. Nawab Muhammad.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmad, Shavas-ul-Ulema Mr.
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
 Lumby, Lieut.-Colonel A. F. R.
 Metcalfe, Mr. H. A. F.

Morgan, Mr. G.
 Muazzam Sahib Bahadur, Mr. Muhammad.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Noyce, The Honourable Sir Frank.
 Pandit, Rao Bahadur S. R.
 Perry, Mr. E. W.
 Rafiuddin Ahmad, Khan Bahadur Maulvi.
 Raghubir Singh, Rai Bahadur Kunwar.
 Raisman, Mr. A. J.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Ranga Iyer, Mr. C. S.
 Rastogi, Rai Sahib Badri Lal.
 Rau, Mr. P. R.
 Richards, Mr. W. J. C.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Sher Muhammad Khan Gakhar, Captain.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Studd, Mr. E.
 Suhrawardy, Sir Abdulla-al-Māmūn.
 Trivedi, Mr. C. M.
 Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
 Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : No. 6 of Mr. Vidya Sagar Pandya is a consequential one—and is out of order.

Mr. Vidya Sagar Pandya : Yes, Sir : it is consequential.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 9 stand part of the Bill.”

Amendment No. 18 of Dr. Ziauddin Ahmad is out of order. As regards amendment No. 19 of Raja Bahadur Krishnamachariar, the Chair is inclined to hold it out of order for the same reasons for which the Chair held the amendment of Mr. Vidya Sagar Pandya out of order, because this provides for arbitration in the case of disputes which is entirely beyond the scope of this Bill. The Chair would like to hear Raja Bahadur Krishnamachariar if he has got anything to say.

Raja Bahadur G. Krishnamachariar : My submission, Sir, is this : it has been said in the report of the Tariff Board in dealing with complaints made against the way in which the Iron and Steel Company deal with these

subsidiary companies—they say that they have not been treated fairly, and, I believe to a certain extent the Honourable the Commerce Member also accepted the position and they said they were going to give a remedy. What I say is that I want to give effect to this in this Bill : only, the difference between Mr. Pandya's amendment and mine is that whereas his related to the fixing of a price which you held is not properly within the scope of this Bill, my contention as embodied in this amendment is that you either do or do not want to give protection to subsidiary companies : you do : very well, then, when there is a dispute, how are you going to deal with it ? That is the point. Therefore the two cases do not stand on the same level. That is my submission.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member seeks to provide for reference to arbitration in case of disputes between the Tata Company and subsidiary companies. It is, the Chair thinks, entirely beyond the scope of the Bill. The Government may take such executive action as they may think necessary to meet any such difficulties, but, in a protection Bill, the Chair thinks, it is clearly out of order.

Raja Bahadur G. Krishnamachariar : My submission is that my amendment does not make it obligatory on the Government to take any action at all. Where, for instance, a subsidiary company makes a complaint, then I tell the Government my case. They may or may not act. It is only giving power which, I submit, it will be agreed.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Whether the power sought to be conferred is mandatory or enabling, that does not alter the character of the amendment.

Raja Bahadur G. Krishnamachariar : According to that, I understand the position to mean that while we are entitled to say we will give protection or not, we cannot attach any condition. That is the position.

Mr. President (The Honourable Sir Shanmukham Chetty) : The conditions must be such as can be brought within the scope of the Bill. That is what the Chair made clear.

Raja Bahadur G. Krishnamachariar : But the scope of the Bill....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Mr. Sitakanta Mahapatra.

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : Sir, the amendment that stands.....

Raja Bahadur G. Krishnamachariar : I have got another amendment. Is that also *ultra vires* ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Which one is that ? The Chair thought the Honourable Member had only one ?

Raja Bahadur G. Krishnamachariar : There is after (f) another amendment (g), there are two clauses.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair was talking of amendment No. 19 as one amendment.

Raja Bahadur G. Krishnamachariar : May I make a submission, Sir. Whereas clause (f) of my amendment requires a reference to arbitration

[Raja Bahadur G. Krishnamachariar.]
which you have held as outside the scope of the Bill, clause (g) refers to the reduction of the excise duty if conditions so exist that the duties could be reduced. I would invite your attention to clause (g).

Mr. President (The Honourable Sir Shanmukham Chetty) : The second part seems to be in order. The Chair is prepared to allow the Honourable Member to split it up. He ought to have given two amendments, but the Chair is prepared to allow him to split it up, but in the meantime does the Honourable Member want to move no. 17 ?

Raja Bahadur G. Krishnamachariar : I have already said that No. 17 was only a consequential amendment to my amendment regarding clause (f).

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair will allow the Honourable Member to move the second part of amendment No. 19.

Raja Bahadur G. Krishnamachariar : Sir, I beg to move :

“That after part (e) of sub-clause (2) of clause 9 of the Bill, the following new part be inserted, and it shall be (f).”

The amendment reads thus :

“provide for the revision and reduction of the excise duty imposed by this Act according as the loss of revenue is made up for by duties being imposed on other steel products or by increase in the production of steel ingots either by the Tata Iron and Steel Company or by any other Company which may be established in the country.”

My amendment shortly amounts to this.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The present duty of Rs. four has been calculated upon the basis of the necessity to make up for a loss of revenue which would range something between 25 and 30 lakhs. Now, in the conditions stated by me in my statement, supposing there is a windfall which would bring in more revenue upon the very basis of this Act, I think the excise duty ought to be reduced to that level. Once you leave the excise duty as provided for in clause 4, you cannot touch it until the end of this protection period, unless it be to completely cancel it. But if you want to reduce it by any amount up to one rupee or eight annas, you have no power to do so, and this is what I want to secure by this amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

“That after part (e) of sub-clause (2) of clause 9 of the Bill, the following new part be inserted :

“(f) provide for the revision and reduction of the excise duty imposed by this Act according as the loss of revenue is made up for by duties being imposed on other steel products or by increase in the production of steel ingots either by the Tata Iron and Steel Company or by any other Company which may be established in the country.”

The Honourable Sir James Grigg : Sir, my Honourable friend seems to me to have shown a certain inconsistency within the last hour. The only unfortunate thing about it is, in answering his amendment, I shall

also display an exactly complementary inconsistency. On clause 2 he was extremely anxious that the power of imposing or reducing off-setting duties should not be exercised except with the specific consent on each occasion of the Legislature. Here he proposes to give the Governor General the power to make regulations to reduce the excise duty in accordance with his desire, from time to time, without any consent of the Legislature at all. I admit that I am inconsistent too. But I would plead that it does make a difference that in the former case it was merely a question of continuing to carry out a general object which is the whole foundation of the Bill and that the retention of this power in the hands of the executive is quite allowable. Be that as it may, Sir, I disclaim any desire for this further power, not because we have not the fullest intention of carrying out the pledge given both by myself and my Honourable friend, the Commerce Member, not to maintain the excise any longer than we actually need, but because I think that reductions of excise duties, which are purely questions of revenue, can much better be dealt with on revenue considerations as a whole, and not in accordance with the revenue yield of a particular item of taxation. In any case, are we not making ourselves slightly ridiculous if we enact this ? The clause is a permissive clause, and to give the Governor General permissive power to revise or reduce excise duties, without any definition of the period as to when he should reduce them, will, I think, make us rather ridiculous, for, in point of fact, the Governor General will not in any case consider the excise duty except in relation to the revenue needs of a particular year at the time when those needs normally come under review. Sir, the amendment is, therefore, unnecessary, and I would ask the House not to pass it.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“That after part (e) of sub-clause (2) of clause 9 of the Bill, the following new part be inserted :

“(f) provide for the revision and reduction of the excise duty imposed by this Act according as the loss of revenue is made up for by duties being imposed on other steel products or by increase in the production of steel ingots either by the Tata Iron and Steel Company or by any other Company which may be established in the country.”

The motion was negatived.

Mr. Sitakanta Mahapatra : I beg to move :

“That sub-clause (3) of clause 9 of the Bill be omitted.”

I object to this clause as I do not like the executive to be armed with powers to create new offences by means of rules. Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

“That sub-clause (3) of clause 9 of the Bill be omitted.”

Mr. S. C. Sen : Sir, I support this amendment. I want to delete this sub-clause, not that I think that it ought not to be placed here, but on the general principle that no power should be given to a Local Government or the Government of India by rules to create offences. That is the principle against which I am fighting. Under this sub-clause the Government have a right to make rules and to say that any breach of those rules will be punished with a fine of Rs. 2,000. This point was raised by me in the Select Committee and I was told that this is not a

[Mr. S. C. Sen.]

matter of recent origin, but that it has been in existence for over half a century.....

Mr. K. C. Neogy : Prescription ! Prescriptive foolishness !

Mr. S. C. Sen : Certain Acts were shown to me which contained this clause, but that does not preclude me from raising the question. If the principle is wrong, the mere fact that it has been in existence for over 50 years does not make it a good one. Under these circumstances, I think that from now we ought not to put in a clause in the Statute whereby power will be given to the Local Governments or the Government of India to make rules and to create new offences. In Bengal we know to what extent this has been done. In an Act passed by this Legislature in 1932, that is, the Criminal Law Amendment Act, a provision is made that if any person publishes any seditious literature in public or any objectionable literature in public, he will be punished. The Bengal Act of 1932 contained a provision that the Bengal Government could make rules with the consent of the Government of India for the purposes of that Act. One of the rules made was one, which, to my mind, goes much beyond the operation of that Act, saying that any person having in his possession any seditious literature or any objectionable literature shall be sentenced to imprisonment for six months. Recently, I objected to that clause in a letter which I wrote to the Government of Bengal. Although I did not get any specific reply to that letter, I find that the next issue of the Calcutta Gazette contained new rules which deleted that particular rule complained of. But that may be by reason of the new Act which has been enacted in Bengal, namely, the Act of 1934, which contains several sections regarding similar matter. This is the point which I want to emphasise. About 500 or 600 boys have been sent to jail under a rule which is wrong in principle, which goes beyond the operation of the Act, and which made the mere possession of seditious literature an offence merely by rules. Under these circumstances, especially having regard to the fact that in clause 8 of the Bill you have specifically mentioned certain matters, the breach of which you specifically mention should be punished, why cannot you enlarge that clause and include therein whatever you want to make punishable ? That is my objection. I want the Legislature to set its foot down on this procedure, namely, of making penal laws by means of rules. Sir, I support the amendment.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I propose to deal with the objection on its merits apart from any question of what has been called "prescription", because I find the attitude of mind of some of my Honourable friends is that if a thing has lasted for some time or for a long time, that is a point against it. (Laughter.)

Mr. S. C. Mitra : Not necessarily.

The Honourable Sir Nripendra Sircar : If this amendment is accepted, the position will be that sub-clause (3) will go, and, therefore, under clause 9 (1) (2), the Governor General in Council will have power to make rules for many things—for assessment and collection of the duty, for imposing the duty of furnishing information, and so on, and so forth. As the result of the disappearance of sub-clause (3), the position will be that if any of these rules are broken, there will be no punishment for it. My Honourable friend, Mr. S. C. Sen, said, well, you can, by suitable

amendment in clause 8, provide the offences for which punishment would have to be inflicted. But I have not found any amendments as regards clause 8. My Honourable friend, Mr. S. C. Sen, contented himself with this short destructive criticism and did not apply his constructive mind to tell us how clause 8 should be amended, so that people may be punished for breach of the rules. The position at the present moment is this, if you omit sub-clause (3), then you may go on framing rules, but if the rules are broken, there will be no punishment. You will find that clause 9 covers more ground than clause 8. Clause 8 provides for :

"Whoever evades or attempts to evade the payment of any duty of excise payable by him under this Act",

—No. 1 is payment of duty—and then,

"or fails to supply any information....or knowingly supplies false information...."

The three matters which are dealt with are the evasion of duty, failing to give information, or giving wrong information. When we come to clause 9, there is no objection by this House to the Governor General in Council making rules for collection of the duty or assessment of the duty, for furnishing information, for keeping records, for making returns, and the various other things which are dealt with in clause 9. But, if the amendment is accepted, you cannot punish for any of these offences. Take, for instance, the making of returns. If a manufacturer says, "I am not going to keep any books, records or registers or returns, or to file any returns," well, you can frame your rules and hang them up in your drawing room, but they will be of no assistance to anybody. I submit in this particular case, on the merits it will make nonsense if you omit sub-clause (3), and, as I said, there is no attempt to amend clause 8 by putting into it matters which are not covered by clause 8. Then, another thing will strike Honourable Members at once. If, as a matter of fact, rules are framed under clause 9, and surely if it is intended that for breach of these rules there must be punishment, because the rules relate to very important matters, the Legislature cannot now sit down and exhaustively enumerate what those offences are going to be, because *ex hypothesi* clause 9 contemplates infringement of rules and those rules have not yet come into existence. It is impossible to meet the situation by amending clause 8. The Governor General in Council has got power for making some rules. When those rules are broken, under sub-clause (3), the manufacturer can be punished. I submit, if we take out sub-clause (3), the result will be, you can go on framing any number of rules, but that is only for pleasing yourself, and nobody else will be hurt by it. Although, as I said, in some minds the fact that a thing has been in existence for some time is a point against it, I will just mention to the House how long the thing has lasted. And it has lasted for very good reasons. It is impossible for any Legislature to go into details and to specifically enumerate exhaustively that these are the offences which are going to be punished. That is impossible. Rules may have to be changed owing to varying circumstances and all flexibility will be lost if any attempt is now made to indicate exhaustively what are the offences liable to be punished. Sir, before I resume my seat, I would like to tell my Honourable friends here that Mr. Sen took this point and he said that allowing the executive to have power like this has come in as an innovation during the last two or three years.

Mr. S. C. Sen : Over 50 years.

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The Honourable Sir Nripendra Sircar : I am talking of the Select Committee. Mr. Sen is very much better advised now.

Mr. S. C. Mitra : The Honourable the Law Member referred to what happened in the Select Committee of which there is no record and other Members cannot contradict it. I want a ruling on this point whether any Member can refer to what happened in the Select Committee.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member has refrained from referring to the proceedings in the Select Committee.

The Honourable Sir Nripendra Sircar : I shall not refer to it if there is any objection.

Mr. S. C. Mitra : It is not allowed.

The Honourable Sir Nripendra Sircar : My Honourable friend, Mr. Sen, was apparently under the impression that this is an innovation two years old. I asked my Department to go into the matter, and I did inform him that our researches do not go beyond 50 years, and we found that from 1882 onwards, in the Electricity Act, in the Municipal Acts, in the Tramways Acts and Acts of all kinds whatsoever, this section has been introduced. I submit that this section should stand, as similar sections on various Acts have worked satisfactorily.

Mr. M. Maswood Ahmad : Sir, I rise to support the motion moved by my friend, Mr. Mahapatra, just now. The Honourable the Law Member, has just now said that this portion can be omitted only if there was such an amendment to clause 8, and he has suggested to my Honourable friend who has supported the amendment of Mr. Mahapatra—why did you not bring in an amendment to clause 8? I say, it was the Government's duty to bring in a concrete Bill. If they had omitted anything, it is their fault. If they had not provided the list of crimes in clause 8, it is not the fault of my Honourable friend, Mr. Mahapatra, or of any one else. Apart from this, you will see that the rules are not before us. We are not aware what rules are going to be made by the Government, and I suggest that such a vast power should not be given to one man, the Governor General, or to a small body like the Council of the Governor General to make new punitive provisions. To fix that such and such a thing should be punished with fine amounting to Rs. 2,000 is a very vast power to give. If these powers had been given to the Governor General, then, I say, it was a wrong procedure, and if it is wrong in principle, it should not be followed even if there be a century old precedent. In this case, I wholeheartedly support the amendment moved by my friend, Mr. Mahapatra.

Mr. S. C. Mitra : The Honourable the Law Member has been pleased to take Mr. S. C. Sen to task for not bringing forward constructive amendments to clause 8, and he has said that it is now too late in the day to suggest an amendment to this clause. Sir, what Mr. Sen contended, as I understood him, is that by rule-making power the executive should not be allowed to take away the power of the Legislature to make punitive provisions. That is his ground, and it is well-known that this Steel Protection Bill is now subsisting from the year 1924. Government made their own rules for the Act of 1924 and the Act of 1927. They know

that both in the Act of 1924 and in the Act of 1927, there were provisions for rule-making, and they did make rules, and had they any anxiety, they could provide specific provisions for any infringement of those rules, and it is no argument now to say that because the Opposition did not table an amendment to clause 8, therefore they should not argue against the wide powers sought to be given under clause 9, for punishment of a breach of those rules. Sir, we maintain that this sort of wide powers given to the executive is wrong in principle, and the fact that it was introduced in several older legislations is not a valid argument. We contend that because it is an old rule, it should necessarily not be a good rule, nor do we really contend that necessarily there should be new innovations, but what we hold is that there has been an abuse of this power of rule-making in the different Acts that have been passed recently, and on those grounds we contend that the rule-making power should not be so wide.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“ That sub-clause (3) of clause 9 of the Bill be omitted.”

The motion was negatived.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“ That clause 9 stand part of the Bill.”

The motion was adopted.

Clause 9 was added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“ That clause 1 stand part of the Bill.”

Dr. Ziauddin Ahmad : I beg to move :

“ That in sub-clause (3) of clause 1 of the Bill, for the word ‘ November ’ the word ‘ September ’ be substituted.”

Sir, memories in politics are very short. The Commerce Member would probably remember that when he moved his first Bill on the 22nd of December, 1933, and he suddenly imposed enormous duties on all kinds of articles, then, from this side, we requested that at least those articles which already left the shore of the foreign countries on the day the Bill came into operation should be exempted from duty. Our ground was that we usually have this taxation Bill on the 28th of February every year and the merchants are now accustomed to gamble and take this fact into consideration the consequences that may arise, but contrary to all the practices a new rule was framed in December, and, without any notice whatsoever, taxation was levied in the middle of the year. We argued that it was reasonable and just that this special concession should be given. The Honourable the Commerce Member refused on the ground firstly, that it will affect the revenue of the Government and, secondly, that it will create a bad precedent. These were the two grounds on account of which he stuck to his position and he did not accept our request. Again, the Sugar Bill came before us for consideration, and it was to operate on the 1st of April, 1934. Then as the sugar season usually ends on the 15th April, we made a request that it should come into operation from August, 1934. On the same grounds, this request

[Dr. Ziauddin Ahmad.]

was also refused and the Government stuck to their guns and they insisted that it should come into operation immediately, from the 1st April, 1934. But when they came into conflict with an industry which is too powerful, they have to yield to their dictations, lay down their arms and not dictate to them. All those principles to which they have been sticking all these years disappeared, and in the Select Committee, instead of making the Bill come into force on the day the Government of India may determine, the Government changed it to 1st November, 1934. This is contrary to their practice and contrary to what they have been saying all the time. We, on this side, can only draw the inference that they stick to their principles only so long as they are strong enough, but as soon as there are strong industries like steel which are concerned, then all their principles disappear and all the arguments quietly vanish. They changed the principle and changed the original Bill and instead of it coming into operation on the date the Governor General in Council may determine, it shall come into force on the first day of November. Therefore, this is a thing which I would very much like the Governor General in Council to consider. They presented a Bill before us in which it was clearly provided that this Bill would come into operation on a date which the Governor General in Council may determine, and, suddenly, we find that in the Select Committee this principle has been changed and they agreed to forego the excise duty. Of course the Government are sure of their votes in the House. Is it not our experience that whenever they found that the thing was decided against them in the Select Committee, they came forward before the open House and moved a motion to upset the recommendations of the Select Committee? We have seen it time after time. We have seen it in Reserve Bank Bill, we have seen it in the protection Bill on the 22nd of December last and we have seen a repetition of that. Whenever the Select Committee said a particular thing and the Government were in disagreement, the latter always came forward and reversed it in the open House, but in this particular case I do not know what the considerations were. As my Honourable friend, Mr. Gaya Prasad Singh, said, you may move any motion in this particular Assembly, and Government is sure to carry it whatever it may be,—even if it may be.....well, I will not repeat those words. (Laughter.) Sir, I cannot possibly understand what the reason was for changing this principle; and, Sir, they also set aside the previous precedent and create a fresh precedent which I wonder how they will in future justify. Sir, before I sit down, I should like to say one word to my Honourable friend, Sir Cowasji Jehangir, as I shall have no other opportunity of replying to what he said about the shareholders. He said, I “damned” the shareholders. Well, I may just tell him that the word “damn” does not exist in my vocabulary. When I was an under-graduate in Cambridge, one of the other under-graduates with whom I lived—and he now holds a very important position in the Home Secretariat—said that he once said to his father, “damn him” and the father gave him a very good rebuke and told him that that word was never spoken by a gentleman, and that from that time I never damned anybody including myself. (Laughter.) I did not say “damned”, but my friend misunderstood me. Sir, I never damn, I never curse, but with regard to facts, I stand firm, and I can only change my opinion on the basis of facts and arguments. Sentiments cannot change facts. With these words, I beg to move my motion.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

“That in sub-clause (3) of clause 1 of the Bill, for the word ‘November’ the word ‘September’ be substituted.”

The Honourable Sir Joseph Bhore : Sir, I would only draw my Honourable friend's attention to the fact that there is a very fundamental difference between this particular Bill and the previous legislation to which he has referred. In this particular case, practically all the duties have been lowered, with the exception of two; I think in respect of only two specific items will there be any rise of duties. All other duties are being lowered. (*An Honourable Member* : “What about the excise duties?”) The only other point I have to make is that it is within the knowledge of this House that in this case, we followed our usual practice. In view, however, of the strongly expressed views of practically every Party in the House (this was not forthcoming in the case of the other two Bills to which my Honourable friend referred), we felt that we should not be justified in maintaining the position we had originally taken. For these reasons, Sir, I must oppose my Honourable friend's amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“That in sub-clause (3) of clause 1 of the Bill, for the word ‘November’ the word ‘September’ be substituted.”

The motion was negatived.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

“That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Joseph Bhore : Sir, I beg to move :

“That the Bill, as amended by the Select Committee, be passed.”

(Applause.)

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

“That the Bill, as amended by the Select Committee, be passed.”

Mr. Vidya Sagar Pandya : Sir, the whole body of the white elephant of this Indian Iron and Steel Duties Bill has passed through with its tusks and trunk, but the tail remains, and this is the ceremony of passing the tail of that elephant—the “third reading” of the Bill. I do not wish to take any more time than what is necessary, for, in the case of some of us who are now thinking of standing again for the next Assembly, our bodies are here but our minds are in our constituencies (Laughter); and, as such, I shall be as brief as possible. Then, Sir, when the Bill came out from the Select Committee, I had a talk with some of the Members and one or two of them told me that there was no use sending in any amendments, for the Government had made up their mind not to allow even a full stop or a comma to be altered from this Bill. In that respect, I congratulate my Honourable friends the Finance and the

[Mr. Vidya Sagar Pandya.]

Commerce Members that they have been more lucky than Sir George Schuster in the matter of the Reserve Bank of India Bill. There, at least some punctuations were altered here and there, some few words were omitted, but this Bill has passed absolutely without any alteration; neither the several Minutes of Dissents nor even all these fifty amendments, of which my Honourable friend, Dr. Ziauddin Ahmad, had the largest number to his credit, had any effect on the Government. It would have been better if the Government had saved us from all this discussion and said—"here is the Bill. Do you wish to accept it or reject it", just as they had said in the beginning that if you insist on the excise duty being removed, we are going to withdraw the Bill. Thus, they could have saved us from all this botheration of a discussion. Sir, what is the use of this House making any proposals or any suggestions when not a single comma or a full stop can be altered?

Mr. Gaya Prasad Singh : Is it not due to the Official Nominated and some Non-Official Members who vote on the other side?

Mr. Vidya Sagar Pandya : Now, Sir, the Bill, as my friend, Mr. Gaya Prasad Singh, says, has been passed by the votes of the Government and of the Nominated and some of the Non-Official Members. I do agree, but in this matter my friend, Mr. Mody, and the Government had an "agreement" between them, and what is the use of the Legislature interfering? Sir, we have got a vernacular proverb :

"*Jab mian bibi razi, To kya karega Qazi?*" (Laughter.)
"Where husband and wife agree, what can Qazi do?"

Here, the Honourable Sir Joseph Bore and Mr. Mody "agree", and what is the use of "Qazi" Dr. Ziauddin Ahmad and what is the use of this Legislature? Sir, the Government could have spared us all this trouble, if they had already settled all these matters amongst themselves!

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Who is Mian and who is Qazi?

Mr. Vidya Sagar Pandya : There is the "Mian", there is the "Bibi" and there is the "Qazi". (Laughter.) Sir, the Bill has been passed by the protective votes of the officials and the nominated voting automatons and the votes of those, who are more superprotective loyal courtiers than patriots, on our own side. (Laughter.) I won't go to the extent of saying that they voted under the hypnotism of their own unpatriotic selfish interests, but the position is this that at this fag end of the Assembly Session, such an important Bill has been put before us, and, Sir, it has been passed by the protective votes of all those gentlemen.

Now, the Honourable Dr. Ziauddin Ahmad took all this trouble of sending 20 amendments out of the 30 amendments that appeared on the first list and he sent more afterwards. He was the first in the field to send them and he took so much trouble. We are extremely obliged to him for all the facts and figures that he collected. He did not benefit by his past experience of the Reserve Bank of India Bill and he sent so many amendments and he had the misfortune of losing all his amendments again. But let me congratulate him on the learned speech which he delivered full of facts and figures. As he is a Senior Wrangler, he is always out with his figures which are correct, though sometimes some of

his facts might be disputed by some. My Honourable friend, the Raja Bahadur, said : "*Maré to sahi, par roné to dé?*" That is to say, "you may beat us, but let us 'cry' at least"? But I may tell him : "*Andhé age roé, apné nain khoe*". That is to say, "what is the use of crying before a Government which is so blind to the public opinion. They do not care for us". All our amendments and all our suggestions are thrown into the waste-paper basket. Anyhow, we must feel thankful both to the Honourable Dr. Ziauddin Ahmad and to the Honourable Mr. B. Das. Mr. Das put in a very good and strong Note of Dissent, but it has not received that attention which it deserved. Now, Sir, the Chair has ruled out of order my amendment about the so-called "fair selling-prices". From the point of view of the consumer, the Tariff Board prices are the most "unfair selling-prices". The Indian Tariff Board report is something like the "Gita" to the Government. (A Voice : "It is a Christian Government.") Then, you may call it their "Bible". Here also, I may say, that wherever it has suited them, they have accepted the recommendations of the Tariff Board and wherever it did not suit them, they have thrown them to the winds. Chapters III, IV and V of their report are the chapters which concern mostly the present Bill. The Tariff Board have been very liberal in granting concessions to the Tata Company. In fact, whatever Tatas have asked, has practically been granted. They have calculated the cost of materials, labour, supervision, power required for the manufacture of steel, etc., and in every item they have been very liberal in allowing the figures.

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

Their overhead charges have been most extraordinarily high, and here I may be allowed to point out that the past experience of Tata's has not helped them in this matter. They have been always very extravagant in their overhead expenses. So much so that some years ago, when they started the Bank called the Tata Industrial Bank, Limited, its failure was entirely due to the extraordinary overhead expenses. They entered into such absurd terms with their European officers that the overhead expenses went up so high that they had to close the Bank entirely. It was due to the employment of too many European or British officers that the bank came into trouble and had to be closed and amalgamated with another bank. Similarly, this overhead expenditure of Tata's in several directions, I am afraid, is the cause of all our troubles with the result that all these high duties and other things have to be put. I do not wish to go into details regarding the valuation of plant and machinery. The Board has dealt with the matter and the result is that as they have put too much value for the capital expenditure, the depreciation amount is so heavy that nearly 78 lakhs of rupees have to be put every year for the sake of this depreciation. If the value of the machinery and plant and other things are written down to the proper and reasonable value, depreciation charges will go down, and I ask the Government, in the working of this Act, to see that these expenses are kept within reasonable limits, so that the consumer has not to pay such heavy charges for his articles. Similarly, the interest on the working capital, as has been pointed out by our learned friend, Dr. Ziauddin Ahmad, is very high, and it has been drawn practically from foreign investors. The Managing Agent's commission, about which I do not wish to say much now, should also be taken into consideration and the head office charges should also be looked into.

An Honourable Member : These are Mr. Mody's charges.

Mr. Vidya Sagar Pandya : The charges come to about 4½ lakhs a year, because that is the charge for the head office and he is in the head office. I do not wish to go into other adjustments which the Tariff Board has put in their report. They have allowed for every real and imaginary adjustments for freight disadvantages, selling expenses for lag between import and realised prices, etc. On pages 45 and 55 there are two Tables. Table XV gives the estimated average works cost, etc., and Table XXV gives the so-called "fair selling-price", etc. In this connection I do not wish to tire the House as my Honourable friend, Dr. Ziauddin Ahmad, has already given a number of figures to show how excessively the profits have been added. I will quote only two or three items. Take, for instance, the first item, "rails". The estimated cost is really about Rs. 51, but the incidence of profits and overhead charges come to another Rs. 42; that means that about 80 per cent. is allowed for that purpose. Then we have got the next item, "fishplates". There also the overhead and profits are allowed at the rate of 67 per cent. The only item about which probably they have made a mistake is the "tin bars and billets". There they have allowed only ten per cent. But in the case of the "galvanized sheets" the profits and overhead charges come to 52 per cent. and similarly 52 per cent. on "sleepers". Added to that, there are special profits due to contracts with the Government for sale of rails at a much higher figures than the fair selling-price. The Tariff Board has not allowed this margin of special profits in calculating the overhead charges and the profits. The overhead charges, as I have said before, include the largest item on account of the writing off of depreciation on the present value of plant and machinery. If the value is reduced, it will mean much lower expense for the depreciation. Then, the profit of eight per cent. to the shareholders is high, the charges or interest on foreign borrowed capital is also high. The report has admitted that owing to obsolete designs and construction, there have been frequent cost of repairs and renewals and a lot of wastage and the bye-products are not utilised to profit, and so the Government, in making their calculations, should bear all these in mind. There has been a remarkable fall in the price of coal and splinters and the ore cost and raw materials are the cheapest in the world and the highest contents of iron in the world, but the charges for the manufacture are very high. The profits of ten per cent. duty on British sections have to be carefully considered and the higher profits on account of special charges made to Government in their contracts, all require to be carefully considered before Government think of making any changes under section 2 for protecting the industry against any fluctuation of steel and steel products or articles. At present, the profits that the Tatas have got are practically from 26 per cent. to 40 per cent. over the cost, while ordinarily such high profits are not allowed. In spite of all these extraordinary concessions, which have been given, I am quite prepared to accept the fair selling price which has been fixed by the Tariff Board. Though my amendment has been ruled out on account of a technical defect, I would request the Government to take care that they regulate the prices in such a way that the burden on the consumer is reduced as much as possible. The consumers should not be penalised for the sins of omissions and commissions of the Tatas. I have already read extracts from the speech of the Honourable the Commerce Member and he has promised that he will see that the steel rolling industry gets their requirements at a fixed price. It is not enough if they get at a fixed

price, they should get enough material for them to go on. The Tatas have got practically 250 thousand tons extra besides their ordinary requirements and they should not look upon these other smaller industries as their rivals and cut short their requirements, nor should they reduce the rates on manufactured articles in such a way which will kill some of these smaller industries. For instance, on a particular occasion, the Tatas had begun to sell articles in the Punjab at such a rate as to kill a minor industry. The Tariff Board report on page 14, paragraph 21, says :

"Class (i) comprises all the up-country mills to which we have referred. The extension of the Tata Company's markets into remote parts, has brought the Company into sharp competition with these small works, and we have received numerous complaints against the methods employed by the Company in pushing the sale of its own bars at the expense of these local rivals. We have no doubt that within their small compass these re-rolling mills have been able to make their competition felt; and in the effort to find new markets the Tata Company has followed the practice of big industry in other parts of the world and has reduced prices below the true commercial level."

As such, I would request the Government to see that these mills get their materials at a fair selling price, specially as they have got on the billet an extra ten per cent. which the Tatas never contemplated and, as this is a monopoly of the Tatas, they should take greater care against any combination by the manufacturers just as they had certain contracts and certain special terms. They should see that these smaller industries are properly protected, and I hope the Honourable the Commerce Member will give us an assurance that it will not be merely a pious hope, but that it will be actually put into practice. Similarly, there may be occasions when owing to special causes, such as currency fluctuations, the internal economic considerations of other countries, the Continental and British steel cartels may come to any special agreement with the Tatas and they may be inclined to increase the rates. Special occasions such as the war—no doubt emergency measure—and other conditions, such as strikes and lockouts, may cut off the supplies in future and when the consumer has paid such large sums nearly amounting to 18 crores for protecting the Tatas, they should be grateful to the consumer and should regulate the prices in such a way that they do not have any profiteering. For instance, in paragraphs 102 to 104 on page 58 it has been said that some of the overhead charges and other items the other foreign companies have not been calculating, because they were established on what they call the war compensations. But, in view of their having to work under different conditions now, they will be compelled to make heavier charges, and it is just possible the foreign articles may still further rise in price. The Honourable the Finance Member in his speech the other day, while explaining and criticising the attempt to equalise the duties on British and Continental sheets, gave the example that the Continental galvanised sheets arrived at the Indian port at the rate of about Rs. 130 a ton, while British sheets come at the rate of Rs. 160. The Tata's figure is about 170. I hope I am not misrepresenting what the Honourable the Finance Member has said. If a 40 per cent. item is added to the continental article, then the result would be that the continental price will go up to about Rs. 200 and the foreign article will be sold at the rate of about Rs. 195. The result will be, said the Finance Member, that "Tata's also will raise their price from Rs. 170 to Rs. 195". Those were his words. I noted them down carefully at the time. If that is the attitude of Tata's that whenever there is any rise in prices of foreign articles, they are also going to take advantage of it, that they ask for help to protect them and

[Mr. Vidya Sagar Pandya.]
also wish to exploit and profiteer when the occasion arises, then that is a very unfair arrangement, and, I hope, Government will take care that they do not allow any such profiteering.

Now, Sir, we have been asking for the balance sheet of the company. My Honourable friend, Mr. Mody, was kind enough to promise that he would give us, but we have not got it. Even the shareholders have not got it after five months. The last balance-sheet issued was for March 1933, I am told, but I was not even able to get a copy of it in Simla. Thus it is not possible for me to speak about the items of bloated assets and other expenses, nor have we got any idea of any secret reserve funds which are being utilised the income of which I do not know how they are spending. I am sure they are being dealt with properly, but it would have been better if the balance-sheets were made available to this House. No doubt the balance-sheets do not give much information. Just as language is meant to hide one's thoughts, so also some balance-sheets are meant not to disclose the real position.

Mr. K. C. Neogy : Is that a confession ?

An Honourable Member : Does that apply to banks also ?

Mr. Vidya Sagar Pandya : As for banks, Government have prescribed special forms and they have to give all the information which similar foreign concerns do not give in India. And there also, I may say, that the foreign banks and, companies are exempt from giving all information, while the Indian concerns have to disclose certain information which is of advantage to their rivals, while we do not get similar information about foreign banking concerns in India. I hope, when the Indian Companies Act is next amended, Government will see that the foreign companies are not given any better advantage over the Indian concerns in that respect.

Then one of the questions I had asked in the beginning was, whether there were any secret arrangements between Tata's and other concerns, both inside and outside India ; and no statement has been made about it. We do not know what will be the effect of such arrangements in the future. In the past, I gave you some instances, in which Tatas had entered into some agreements with some local companies, with the result that the prices were kept high. Therefore, we want an assurance that there are no secret arrangements with any foreign manufacturers or local competitors ; and, I hope, my Honourable friend, Mr. Mody, when he gives his reply, will oblige us by giving us some information which will allay our fears. For, I have found that during the discussion of this Bill, he has always kept a "golden silence" and has left the Honourable the Commerce Member to do everything for him. (Laughter.) And if there are any future agreements to be made, I would request that they must be made with the approval of Government and no private arrangements should be made in such matters.

Then, Sir, I would once more appeal to Government to help the re-rolling mill industry in India and see that Tata's or other big manufacturing companies do not look upon them as formidable rivals, and they should give the mills sufficient billets in India. I hope, under the new arrangement, it will not so happen that the billets are given away to the foreigners and the Indian re-rolling mills are starved. It has been

calculated, as I have stated before, that even taking into consideration the present position of the company and taking into consideration the future working as stated in the Tariff Board report, they will have at least 250,000 tons of billets available, and Government should see that they are not sold to the foreigners and that the local concerns are not starved. They should make Tata's understand it clearly and they should provide penalties in case of any breach, and, as I said before, in the case of some other concerns they should not enter into any competition or try to do any harm to the subsidiary companies, and the protection is given definitely on the understanding that they will treat the subsidiary industries properly and help to establish those industries and not do them any harm.

I do not wish to take up any more of your time, Sir ; let me congratulate finally Messrs. Tatas and Mr. Mody for the good luck in getting such undreamt of concessions : the Select Committee have added a further ten per cent. in the case of British articles. Though my amendment has been over-ruled, I hope the principle on which the Bill has been brought forward will be kept in view and that the Government will see that the prices are properly regulated in the interests of the consumers and also in the interests of the minor industries.

Mr. President (The Honourable Sir Shanmukham Chetty) : We shall have to carry on the third reading to Monday. According to the arrangement, it was to have finished this evening ; but the Chair hopes it will be possible to finish it on Monday by lunch time.

The Assembly then adjourned till Eleven of the Clock on Monday, the 27th August, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 27th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

SHORT NOTICE QUESTION AND ANSWER.

APPOINTMENT OF THE CHIEF INSPECTOR OF EXPLOSIVES.

Mr. S. C. Mitra : (a) With reference to the reply to part (h) of starred question No. 812, regarding the appointment of the Chief Inspector of Explosives that for the present the recommendation of the Retrenchment Committee had not been accepted by the Government, will Government be pleased to state the reasons for non-acceptance of the said recommendation and whether in future they propose to act according to that recommendation ?

(b) Do Government propose to assure the House that in future no recruitment would be made from outside India without sufficient steps being taken after due advertisement for recruitment in India to ascertain that suitable candidates are not available ?

The Honourable Sir Frank Noyce : (a) I have informed the House how matters stand in my reply to the supplementary questions asked on the 22nd August by my Honourable friend, Sir Cowasjee Jehangir. It would perhaps have been more correct to say that the recommendation of the Retrenchment Committee had been accepted in principle but that the Government of India had not yet found it possible to give effect to it. I can assure the House that the possibility of giving effect to it was very carefully considered before the present appointment was made, and I am sure that it will be as carefully considered when the post next falls vacant. But since, in the opinion of the Government of India, there is no one now in the Department who could have been fitted by training abroad to fill the post of Chief Inspector at the present moment, it would not in these circumstances have been worth while to send an Inspector abroad for training.

(b) I am prepared to give the House the assurance for which the Honourable Member asks in respect of all posts within my Department. This is as far as I can go in reply to a short notice question, but I will ask my Honourable colleague, the Home Member, who is principally concerned, to consider the possibility of similar orders

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being passed in respect of appointments made by the Government of India for which recruitment is made through the Public Service Commission. If he agrees to do this, he will, I have no doubt, wish to consult all Departments of the Government of India.

Mr. Vidya Sagar Pandya : I should like to know whether the appointments made in the India Office in London will also be advertised in India. I do not see why Indians should not occupy those posts there.

Mr. President (The Honourable Sir Shanmukham Chetty) : That does not arise out of this short notice question.

Mr. S. C. Mitra : Is it a fact that in the Public Service Commission, when they came to the conclusion that there was nobody suitable for this post, there was no expert there, and the statement of the Honourable Member that there was a police official in the Commission who was an expert in explosives does not appear to be correct as he was not a member of the Committee at that time ?

The Honourable Sir Frank Noyce : Who was not a member of the Committee at that time ?

Mr. S. C. Mitra : Sir David Petrie, the Chairman of the Commission, was on leave and he was not even present to decide this question at the time.

The Honourable Sir Frank Noyce : I speak subject to correction, but my impression is very firmly that the conclusion of the Public Service Commission was arrived at before the permanent Chairman of the Commission, Sir David Petrie, went on leave.

Mr. B. Das : May I enquire if the Honourable the Home Member is going to issue the necessary orders which the Honourable Member for Industries and Labour has asked him to consider ? Is it going to be the policy of the Home Department to issue instructions that advertisements should in future be made in Indian papers ?

The Honourable Sir Frank Noyce : I think the Honourable the Home Member will require notice of that question. (Laughter.)

Mr. S. C. Sen : But he does not ask for notice. (Laughter.)

STATEMENT LAID ON THE TABLE.

CASES IN WHICH THE LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY THE HIGH COMMISSIONER FOR INDIA IN PURCHASING STORES FOR THE GOVERNMENT OF INDIA.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table a statement, furnished by the High Commissioner for India, showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India, during the half year ending the 30th June, 1934.

STATEMENT LAID ON THE TABLE.

HIGH COMMISSIONER FOR INDIA.

INDIA STORE DEPARTMENT.

ABSTRACT OF CASES in which tenders for stores demanded by the Central Government, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc.

HALF YEAR ENDING 30TH JUNE, 1934.

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
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PART A.—Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders.

			£ s. d.	£ s. d.	
Paraffinum liquidum 9,100 lbs.	P. 2239/3792/18-1-34.	Stemco. Ltd.	278 13 9 (British).	278 0 0 (Foreign).	The accepted tender was the better offer having regard to the cost of inspection abroad.

PART B.—Cases in which the discrimination is between British firms only.

Tape, rubber, for respirators, 43,000 yards.	R. 177/54/1-5-34.	Dunlop Rubber Co., Ltd.	170 18 2 (British).	170 0 0 (British).	The tape was urgently required. The lowest tenderer required from 10 to 12 weeks for delivery. The order was therefore placed with the next lowest tenderer who offered delivery in 4 weeks.
Cable, electric, rubber insulated, 1,000 yards.	R. 535/829/20-6-34.	British Insulated Cables, Ltd.	46 10 0 (British).	46 0 0 (British).	The lowest tenderer required from 4 to 5 weeks for delivery. As the cable was urgently required the order was placed with the next lowest tenderer who offered delivery in from 7 to 10 days.

PART C.—Cases in which the discrimination is between foreign firms only.

Nil.

Nil.

PART D.—Cases in which lower British tenders have been set aside in favour of foreign tenders.

Nil.

Nil.

THE INDIAN IRON AND STEEL DUTIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume discussion on the third reading on the Indian Iron and Steel Duties Bill.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, the Tata Iron and Steel Company is about to acquire another seven years' lease of protection and one is struck by the fact that the attitude, both of the Government of India and of the Tariff

[Mr. Muhammad Muazzam Sahib Bahadur.]

Board in regard to this particular industry, has always been singularly magnanimous. It is an admitted fact that the natural advantage possessed by the Tata Steel Company as against the continental producers of steel, who, it is alleged, are dumping their products into this country, is, to start with, no less than Rs. eight per ton of pig iron, so that initially, the Indian works, on account of the high iron content of the ore and the low cost of both iron ore and coal, place the continental producers at a decided disadvantage. But it is said that the process employed on the continent (the Basic Bessemer process) gives the continental producers a slight advantage not only over the Indian industry but over the British manufacturer as well. As between England and Germany, for instance, the employment of this process, combined with the lower costs of labour and the additional advantages accruing to Germany in the shape of bye-products such as dyes and by the sale of the basic slag for agricultural purposes, places the English manufacturer in a position which does not allow him to compete with his continental rival. The depressing effect of this unequal competition is being felt both by British manufacturer and by the Indian industry, but it is, I submit, by no means correct to say that the continental countries have been dumping their products into this country. For instance, England today is purchasing its billets from the continental companies, because she finds that, not being able to produce them at anything approaching the figure at which billets are quoted by continental producers, the wisest thing to do is to buy them from abroad and to make of them the best use she can. Barring the occasional practices of the continental cartel, Germany has always in the past offered her steel at prices which have defied competition, and, I am sure, this state of things will continue in the future, not because her lower quotations are a peculiar feature of the existing world-wide depression in trade, but because she is enabled economically to do so with the most up-to-date process and the great advantage which the bye-products of the steel industry afford to her over her rivals. It seems to me, Sir, that the Tariff Board have erred in assuming that the continental producers of steel have been dumping their goods in the Indian markets.

Now, coming to the magnitude of the protection enjoyed by the Tata Steel Company, the prize boy of the Government, though I am afraid he is going ere long to be its spoilt child—(Hear, hear)—my Honourable friend, Dr. Ziauddin Ahmad, has calculated the benefits which the country has conceded to Tatas in the shape of bounties, protective duties, etc., at the appalling figure of Rs. 18 crores, and one may very well ask, "Are the shareholders of the Tata industry who claim a vested interest in the works to the extent of Rs. 12½ crores, are they to be deemed the real proprietors of the concern, or is it in the nature of a life interest of the shareholders with a reversionary right to the country at large?" Is there any industry in the world, I ask, which cannot hold its own against the most formidable foreign competition if only it had at its back the magnanimity of the Government of India and the remarkably patient endurance of the people of this country? With the enormous support which has been vouchsafed to the Tata Iron and Steel Company it would not matter in the least if she imported her coal from the Welsh counties or her iron from the Pittsburgh mines.

I shall now take up the extent of the protection which the Indian industry has enjoyed and is now out to enjoy for another period of seven years. In the first place, the Tariff Board at page 63, while continuing the protection for another seven years, do not, in any part of their report, lay down that the protection shall cease to operate from the end of that period. Indeed, at page 63, they are unable to do better than most cautiously pre-sage that the industry will, within the next seven years, substantially approach the stage of being able to dispense with protection. Now, Sir, mark these words 'substantially approach'. In the first place it will merely be *an approach*, but they think that that approach will be substantial. The only interpretation that I can place on these words is that, if at the end of the seven years, that is in 1941, it is found as the result of another Tariff Board inquiry that world conditions demand a further continuance of protection, the Government and the country would be called upon to merit the further gratitude of the Tata Iron and Steel Company for another fixed term. It appears to me, Sir, that the game is being played far too long, and, as I shall show presently, the sacrifices which the country has willingly made will ultimately redound to its own increased distress. Now, Sir, I shall take up, one after another, the land-marks in the history of the protection which the Government of India has afforded to the Indian steel industry. As I have already pointed out, the Tata Industry, to begin with, possesses an initial advantage of Rs. eight on every ton of its pig iron. Then, they have the further advantage that unless something untoward happens, a definite volume of business is assured to them by the Railways of the country for a definite period of time. During the next seven years for instance, the Railways are required to place orders with them annually for 50,000 tons of rails and 3,000 tons of fishplates at Rs. 95 and Rs. 133 per ton *f.o.r.* Tatas, these being the fair selling prices arrived at by the Tariff Board.

Thirdly, one cannot fail to notice that every plausible ground for adding to the margin of the Company's profit has been exploited by the Tariff Board, for instance, the incidence of overhead charges has been distributed not at a flat rate over the various steel products but in unequal proportions on the basis of different works costs and the different capital values of the plants in use, a most novel method indeed.

Fourthly, the steel industry, instead of suffering for the inferior quality of part of its output, is being fully compensated for at the expense of the general tax-payer.

Fifthly, considerable adjustments have been made by the Tariff Board by adding to or subtracting from the so-called fair selling price of each product according to its freight advantage or disadvantage relatively to the imports in the several parts of the home markets. Adjustments such as the last two, it need hardly be pointed out, perpetuate inefficiency and reward mistakes.

Sixthly, while the Tariff Board have recommended the raising of import duties, in case the level of foreign import prices at ports goes below the fair selling prices fixed by them for Tatas products, no attempt has been made to relieve the consumer in the event of Tatas selling their products over and above the so-called fair selling prices.

[Mr. Muhammad Muazzam Sahib Bahadur.]

Two concrete instances, where they have actually exceeded in a material degree their fair selling prices, are furnished by their contracts for supply of billets, on the one hand to the Tin Plate Company at an average profit of Rs. 21 per ton, and on the other, to the Indian Wire and Wire Nails Company at a profit of Rs. 11 per ton. The volume of business involved in these two contracts is said to be about 126,000 tons.

Another note-worthy feature of the sales policy of the steel industry is that while they are selling their pig iron to companies associated with them at Rs. 30 a ton, they are actually charging Rs. 50 a ton to the Indian foundries. Such differentiation on the part of an industry, designed above all to nourish the Indian foundries, is, to say the least, highly reprehensible. But the Tariff Board would not suggest any machinery for controlling such practices nor is there one in the Bill before us. Clause 2 of the Bill, on which reliance is placed for adjustment of tariff duties in case they are found to be excessive, while in itself a most ineffective weapon for speedy action, is entirely inapplicable to cases where the steel company chooses to sell its products at prices considerably higher than the fair selling prices. In other words, the consumer in return for the large sacrifices he makes in agreeing further to protect the industry is asked to bear the additional burden of unrestricted and uncontrolled selling prices. It would, therefore, appear that unless the executive is armed with the power of controlling the fair selling prices so that no additional burden may be imposed on the consumer, the steel company will prove a veritable leach nourished and protected by the general tax-payer and consumer. Lastly, a word on the fair selling prices fixed by the Tariff Board. The fair selling price is made up of the works costs, overhead charges and manufacturer's profits. These are the factors which determine the fair selling prices in the case of normal industries, but, for an abnormal industry like the Tata Iron Steel Company, which has enjoyed and is to enjoy the unrestricted generosity of the Government of India in the shape of bounties, protective duties and sundry other advantages, two more factors have been found to be necessary in the determination of the Company's fair selling prices and these are (1) freight disadvantage, and (2) selling expenses. In respect of the latter, the Tariff Board has allowed a uniform rate of 2½ per cent. of the fair selling price *ex-works*. How far this allowance is justifiable, Honourable Members may judge for themselves. This allowance amounts to ten lakhs every year.

In so far as the Company's claim relates to relief against freight disadvantage in the very face of the decided advantage it possesses of lower freight rates for its wagon loads of huge consignments, the Tariff Board in paragraph 21 of their report while fully conceding that the relief afforded to the steel industry against freight disadvantage has been responsible for sharp competition with the up-country mills and for their cutting down their prices below the true commercial level, a circumstance which brings into bold relief a sum of Rs. 178 lakhs, that is to say, Rs. 29 lakhs per annum unaccounted for during the last protection period in their profit and loss statement, the Tariff Board have in Table XVIII suggested freight allowances varying from rupee one to

rupees nine per ton on different classes of their products. How far, if at all, such an allowance can enter into the determination of fair selling prices is a matter which I once again leave to this House to judge. In the calculation of the works costs, the Tariff Board have ignored the fact that in the coming years, there is a strong likelihood of further reduction in works costs on account of the improved plant, larger output and the substitution of foreign by Indian labour. I venture to submit that these factors will entail a reasonable deduction of at least 15 per cent. from the labour costs, but strangely enough, this has been altogether lost sight of by the Tariff Board.

While speaking on the labour employed in the steel works, it is perhaps necessary that I should acquaint the House with what I may call grossly inefficient management on the part of those responsible in employing 6,350 labourers in excess of the number required to produce a particular output, a fact which the Tariff Board strongly condemned in their 1926 report but of which they again, strangely enough, took no account whatever in arriving at the labour costs, though the steel company at once realised its grand mistake and reduced the number of labourers by that figure. But it must, in this connection, be remembered that, but for the fact that other iron and steel industries in the country had found it possible to produce results far more economically than the Tatas, this circumstance may have escaped entirely unnoticed. The Tariff Board, therefore, is to be pitied that, beyond the figures furnished to it by the Iron and Steel Company it has no other competitive data to go upon to arrive at a correct estimate of the works costs, nor has it at its disposal any such data from foreign producers of steel as may enable it to do so. With regard to overhead charges, which consist of depreciation, interest on working capital and expenses of Head Office and Managing Agents' commission, I am afraid the Tariff Board has wrongly calculated the annual allowance for depreciation and the replacement value of the plant. It is obvious that the value of the plant goes down from year to year, and if, as has been calculated by the Tariff Board, the depreciation in the current year is 78 lakhs, the replacement value of the plant will, to that extent, decrease in the next year and so on in each succeeding year, and, at the same time, the allowance for depreciation will be a figure which will go on varying from year to year. The Tariff Board however have estimated the replacement value of the plant at a constant figure, *viz.*, 10½ crores and the allowance for depreciation at the perpetual flat rate of 6½ per cent. In this connection, it may be remarked that several Companies, such as the Tata Construction Company and the Indian Standard Wagon Company, owing to the fall in prices, have considerably reduced the nominal value of their capital. Mr. President, I have often heard it said that the Tatas financial condition is such that for a long number of years they have been unable to distribute any dividend to their shareholders. May I, in answer, point out that during the ten years from 1912-13 to 1921-22, the dividends actually distributed in particular years, if evenly distributed over that period, offer a percentage of no less than 11.2 to the holder of ordinary shares and about 12 per cent. on deferred shares.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I hope they will consult you how to distribute the dividends.

Mr. Muhammad Muazzam Sahib Bahadur : Further, in their Report of 1926, the Tariff Board say, on page 16 :

"The Tata Iron and Steel Company has received during the last three years assistance sufficient to enable it to meet the works costs and interest on debenture and loan charges, to pay full dividends on its first preference shares and a partial dividend on its second preference shares and to set aside a substantial sum for depreciation. That the protection actually received by the Company has enabled it to survive a most difficult transitional period, not merely without losses, but in a state of improved and growing efficiency cannot, we think, be questioned."

In 1925-26, the total amount paid by way of dividends was 35.1 lakhs. In 1926-27, it was 63.4 lakhs. Again, during the six years from 1927-28 to 1932-33, the Company raised no fresh capital, but was able to distribute 138 lakhs in dividends and to set aside as depreciation sums amounting to no less than four crores. Of this sum, three crores and two lakhs were spent on capital improvements or replacements of plant and the Tariff Board at page 12 of their latest report remark :

"So far as we have been able to ascertain from a study of balance sheets from France, America and England, the Company has been peculiarly fortunate in being able to set aside so large a sum for depreciation."

In a word, Sir, the embarrassment complained of seems to me to be the result of their own inefficiencies, such as *ill-judged rail contracts* which cost to the Tata industry a loss of no less than Rs. 57 on every ton and which assumed the appalling figure of 142 lakhs. This was in the two years 1921 and 1922. Then, during the last period of protection, the strike occasioned by their mis-management caused the Company a loss of about two crores—a circumstance for which it can blame no one but itself. And lastly, as pointed out by me, the employment of extravagant labour for successive years meant to the Company a loss of several lakhs of rupees which might well have been saved and distributed by way of dividends to the shareholders. Then, Sir, I would briefly refer to my Minute of Dissent in which I have raised the broad question that it is the primary duty of the Tata Iron Industry, as the mother industry, to act as a feeder to the re-rolling mills by supplying their requirements of billets. Sir, my Honourable friend, the Commerce Member, in his speech on the 31st July, 1934, said :

"If the Tata Iron and Steel Company desire to be regarded as a great national industry and as a great national asset, if they desire this country to make substantial sacrifices over a substantial period of time to set them securely on their feet, then, I say, it is up to them to realize and to implement their obligations to the smaller ancillary industries of the country."

Sir, if protection is to be granted to this industry for another period of seven years—and protection to the extent to which it is sought to be granted—then, I say, there must be some machinery which will compel this mother industry to supply the requirements of the re-rolling mills. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would like to ask Honourable Members to be as brief as possible, because it is necessary that the debate on the Steel Bill should be concluded before Lunch.

Mr. B. Das : Sir, I rise to read the funeral oration over the steel industry and all industries in India. Sir, with regard to the fiscal convention policy which was adopted so far, the Grand Moghul of Whitehall has willed that there should be no more any fiscal convention in

India. There should be merely some amount of protection to certain Indian industries, and the Government of India, being mere servants of the Secretary of State, have carried out that command of Whitehall, and even at times, as we experienced in the matter of the 1930 Cotton Textile Bill, they also went a little further than what the Secretary of State commanded them to do. Sir, to the point that was raised by my Leader, Mr. K. C. Neogy, as to whether the proviso to sub-clause (4) of clause 2 of the Bill will not work against the interests of the consumers, the Honourable the Commerce Member made a halting reply and he said something to the effect that—"why should we give a worse treatment to the United Kingdom than we give to other foreign countries?" But the point is that when the United Kingdom dumps steel goods at uneconomic prices on India, where is the scheme of protection? The Honourable the Leader of the House has vouchsafed no reply to that point. Of course one can understand the difficulties of the Honourable the Commerce Member : he had to bow to the Whitehall Moghul and there is no other alternative ! Then, Sir, with regard to this idea which is so much trotted out—the consumers' interests—the Honourable the Leader of the Opposition moved an amendment, but there we were defeated, and we could not provide a clause safeguarding the point ; we have come to know how the Government change the basis of their tariff system because we know that they, at the command of the Great Moghul of Whitehall, are going behind us, and any criticism or control from this side of the House is of no avail, and is, therefore, resented. (Applause.)

Sir, this Bill is a Bill for Imperial Preference or for giving preference to the United Kingdom. The other day I spoke about the principle of Imperial Preference that has found place throughout this Bill. To add to the trouble there is that vicious excise duty which will further undermine the progress of the steel industry in India. I would like to draw the attention of the House and of the Treasury Benches to a Reuter's telegram about India's trade with Belgium. The *Hindustan Times* made the following head-lines : "How India will pay for preference to Britain. Sequel to New Steel Duties. Belgian markets may be lost to this country." The Reuter's statement says :

"It is pointed out that the special Steel Agreement concluded after the Ottawa Agreement practically excluded Belgium from the market for galvanised sheets. The new tariffs increase the preference enjoyed by Great Britain as regards certain steel products, for example, girders and sheets over one-eighth inch in thickness, while maintaining the existing preference for galvanised and corrugated sheets."

It is further pointed out that Belgium has an adverse balance of trade with India amounting to over Rs. 14 million according to trade returns for 1931-32, Belgian imports from India amounting to Rs. 44½ million, while exports were only Rs. 30 millions. Industrial circles are reported to be considering the desirability of purchasing supplies of raw cotton, oil seeds, hemp oil-cakes, jute, rice, zinc ore, etc., which have hitherto been obtained from India from countries treating Belgium more equitably."

This is a Reuter's message and as Reuter is known to be the official news-vendor of the British Government, it must be more than true. Therefore, though I am not discussing here the results of the Ottawa Report, this bit of news has not only alarmed me, but the whole country and the commercial community throughout India that India would lose trade with Belgium worth 44½ millions of rupees simply because Britain has forced Imperial Preference through this Steel Bill. This Imperial

[Mr. B. Das.]

Preference idea has not worked at all. I was rather pleasantly surprised because I hold similar views as contained in the State telegram from Australia. It is a telegram from London about Australia. It says :

"Commenting on the dispute between Lancashire and Australia in regard to the new Australian cotton duties, the *Melbourne Age*, the chief Australian Protectionist organ, says that Australians are entitled to feel amazement at the resentment roused in other countries by their efforts to stabilize their country's industry, which is vital to their industrial life and their national defence."

I wish my Honourable friend, Mr. Mody, when he rises to speak, uses similar words. Further the paper observes :

"Britain has not allowed the Ottawa Agreement to hamper her in her trade bargains with foreigners, while suggesting serious readjustments to the Dominions. Both in Britain and in the Dominions the Ottawa Agreement has been acting as a constant irritant and the Agreement is increasingly being recognised as an egregious blunder."

Sir, I am also of the opinion that the Ottawa Agreement with India has worked as an egregious blunder with the result that it has perverted the principle of this Steel Protection Bill. Only the other day I was speaking, and I wish to make it clear again, that I do recognise that to-day the world has come to a position when nations throughout the world must control their trade and commerce by means of trade agreements. Unfortunately, India's trade being overshadowed by the idea of Imperial Preference is being controlled by the United Kingdom. I do make a suggestion that if England wants quota of trade in all schemes of protection and if she wants an Indo-British Trade Agreement with India, let it be examined in all its aspects. The Honourable the Commerce Member said the other day that he was not going to consult directly the commercial bodies about this Indo-British trade agreement, but he had no doubt that he would be in a position to know the views of the commercial community in this matter. Probably, my Honourable friend, the Commerce Member, wants the back-door negotiations through my Honourable friend, Mr. Mody, or through the representatives of the European Group here, or through some other invisible channel. But I would ask him to be fair to the country at large. Let the Government of India issue a communique to the country saying that they are negotiating such and such trade conventions basing the same under the principles of the Ottawa Agreement. Let them also say that they do desire to bring in the protected industries under that Agreement as already conceded through Indo-Japanese Agreement. And let the Government after issuing that communique ask commercial bodies to let them know their views in the matter. Sir, I would be very reluctant to support such Agreements, but when the protected industries are forcibly brought under the Ottawa preferential system, then it is better to let the whole India know what the results of all these negotiations are going to be. If we are going to lose our trade with European countries, as we will lose trade worth Rs. 44 millions with Belgium and we may also lose greater sums with Germany and other countries, then let us face the whole thing. Then, if the Government of India cannot have the courage to speak out to the British Government, there is the League of Nations. Let us get an economic expert from the League of Nations. Let him arbitrate and find out what will be the trade facilities that India will give to England and what England will give to India. Sir, it is

better to face it fairly and squarely than to face it through the back-door.

Probably my Honourable friend, Mr. Mody, and the owners of the Tata Steel Company are jubilant that they have got something, but five years hence they will sing their own funeral dirge and then they will say : "We wish there was no protection". I do not wish to criticise certain remarks that were made against me by Mr. Anklesaria or the astounding remarks that we heard today from Mr. Muazzam Sahib that the Tatas ordinary shareholders would get or would have got eleven per cent. Sir, Mr. Anklesaria told us the other day that they would have got 46 per cent. I am always very much frightened about the fate of Dr. Dalal's widows at Bombay. I know how the widows of the Parsee community have invested all their savings in the Tatas Steel concern as they had great faith in Jamshedji Tata. I know that the fate of these widows are hanging on the descendants of Jamshedji. These widows, who invested their mite in the Tata Steel Industry, have got no dividend on their ordinary shares for the last five or six years. My surmise is that they will not get any dividend for years to come. They could have got a dividend had there been a real scheme of protection but this is no scheme of protection.

I have written in my Minute of Dissent that there is every possibility of Great Britain dumping steel into India. They will have simply to change their bill of lading, they will bring steel from Belgium and Germany and they will dump it on India and it will pass as British steel and India will have to pay through its nose while the Indian steel concern will continue its chequered career. I do not know what will be my last word on this Bill. On principle I am opposed to it. I would be no party to the excise duty on a protected industry so viciously brought out under the disguise of a protection Bill. The Government ought to have waited till the next Budget Session to consider whether such an excise duty is necessary and is equitable on the steel industry. As this excise duty has been levied, and, further, as no safeguard in the interest of the consumer has been permitted by Government to be introduced by us in the body of the Bill, and, further, as the Bill savours of protection to British steel, my own view is that my vote will be against it if anybody challenges a division.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, when I spoke on the motion for reference to a Select Committee I pointed out the various unsatisfactory features of the Bill, some of which I regarded as in the nature of a violation of fundamental principles. I am very glad to be able today to strike a less controversial note. Governments, as we all know, like ordinary mortals suffer from many frailties. They become obstinate at times and arrogate to themselves an omniscience and wisdom which really only belong to the Gods. But when the error of their ways is pointed out to them gently and persistently, they become tolerably reasonable, and that is what has happened in the present case. I congratulate my Honourable friends on the Opposite Benches on the spirit of accommodation they have shown, and on the attitude they have adopted towards the Opposition's criticisms on the original Bill. Sir, we all know of twins—accidents will happen in the best of regulated families—but the Bill before us has the unique distinction of having twin fathers. One of them, Sir, was new to the business and had to be shown how to rear up the infant in the

[Mr. H. P. Mody.]

first critical stages of its existence. (Laughter.) I must say that he has shown himself as very adaptable, and, when I congratulate my Honourable friends opposite, I specially congratulate my Honourable friend, the Finance Member, on the wisdom he has shown in respect of several of our most important contentions. I am sure that his first real 'debut' before the House has been very greatly improved by the consideration he has extended to the Opposition.

Sir, the only fly in the ointment is the excise duty. My Honourable friend, Mr. Gaya Prasad Singh, the other day charged the industry with not having objected to the excise. He charged us with surrender of our objections, because we were getting some concessions. That is not so. I always try and take severely practical views. I do not dash my head against a brick wall (Hear, hear); it may be heroic to do so but I would rather preserve my head. The Irishman put it in his own inimitable way when he said, it was better to be a coward for five minutes than to be a dead man all your life. (Laughter.) Sir, I am not a coward. I am not running away from the fight, I am beating a strategic retreat with all my weapons of offence and defence intact and I promise my Honourable friend opposite that I shall return again and again to the attack, but at my own time and when I find the opportunity more favourable.

I recognise that at this stage of the discussion there is very little to be said, and I am not going to detain the House with any lengthy disquisition on the need for protection for the steel industry, and on the gains which such protection would bring to the country and the industry. I want very briefly to refer to some of the points which have been raised in the course of the discussion. My Honourable friend, Dr. Zia-uddin Ahmad, talked of invisible profits. My Honourable friend lives in a mathematical world of his own, and whether it is a Tariff Bill or a Navy Discipline Bill, he can always be depended upon to produce a balance sheet. His balance sheet is altogether wrong. I am afraid he has not understood the scheme outlined in the report. It is just possible that as he had read all the previous seven reports he had forgotten to read the present one. (Laughter.) My Honourable friend, Mr. Muazzam Sahib, raised the question of the dividends paid by the Tatas. I do not know where he got his figures from. The other day, my Honourable friend, Mr. Anklesaria, talked of 1,200 per cent. That sounds somewhat improbable! However, the actual facts are that in the last six years no dividend has been paid on the ordinary and deferred shares, and for the whole period of six years which are covered by the protection which is now to be supplanted by this measure, the return made by the Steel Company to its shareholders on the capital invested in the industry is just 1.83 per cent. on the average. I do not know where the 12 per cent. and 1,200 per cent. come from. My Honourable friend, Mr. Pandya, has been very inquisitive about our next balance sheet. I do not know why he should be so curious about this matter. I can say without revealing any secret that we may be able to pay a dividend this year as my friends will see when in its own good time the balance sheet will come out!

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : It is already five months.

An Honourable Member : What about ordinary shares ?

Mr. H. P. Mody : I might say that there is little possibility of our being able to pay the ordinary shareholders for some time to come.

An Honourable Member : What are they putting in the depreciation fund ?

Mr. H. P. Mody : The amount that should be properly debited to the depreciation fund in any well-managed concern, and which Government have always insisted upon. I remember, some years ago, when the Company wanted to pay a dividend,—I was not connected with it and so I cannot speak from my own personal knowledge,—Government insisted upon a proper provision for depreciation.

Mr. Vidya Sagar Pandya : Any arrears of interest on preference shares ?

Mr. H. P. Mody : Yes, there are arrears of as much as Rs. 63 per share on the second preference shares. I advise my Honourable friends to live in hope.

There was another point raised, Sir, and that was by the Leader of the European Group. He wanted to know from me what our attitude was towards the coke industry. Well, Sir, greatly as I sympathise with the point of view of those who have asked my Honourable friend to raise the point, and much, as I appreciate the attitude which he and his friends on the European Benches have adopted towards this Bill, I am afraid I am not in a position to give an answer which they will regard as satisfactory. Sir, scientific developments must take place, and they must displace old methods; the Tariff Board themselves have commented upon the fact that we are going to have more coke ovens of an improved type, and they have taken that into their calculation of the fair selling prices. In those circumstances it is quite impossible for the Company to continue to buy coke, when it will be in a position, more economically and more efficiently, to manufacture the product on its own, and also to utilise the gases which would be released from such manufacture.

Now, Sir, another point which has been raised and which demands notice is with reference to the question of differential and preferential duties. So far as differential duties are concerned, the case is very simple. Differential duties are essentially based on the interests of the consumer, and, so long as they are genuinely based on that consideration no one can possibly object to them, even though in the result a particular country may stand to benefit considerably. It is when we come to the question of preferential duties that we enter the region of controversy, where it is possible for various points of view to be taken. During the last few weeks, since this Bill was published, I have been sarcastically asked in various quarters how I have liked this latest development of the Ottawa spirit and the spirit of the Indo-Lancashire Pact. Sir, my answer is very plain. I stand exactly where I have stood for the last few years. I feel that in view of the fact that Great Britain and India are the largest customers of each other, and in view of the intimate connection which exists between the two countries, a closer Indo-British co-operation is essential in the interests of both. But there are certain fundamental conditions which have to be satisfied. The parties must be

[Mr. H. P. Mody.]

at arms' length, they must be absolutely in a position of independence ; the parties must be in a position to safeguard their own interests ; and they must be prepared to show a spirit of accommodation. It is when these conditions are satisfied that I stand for preferential arrangements, whether you call them Imperial Preference or anything else you like. My Honourable friend, Mr. Gaya Prasad Singh, the other day took up an absolutely correct position. He said it was not a question of sentiment with him, it was a question of hard business. I take up the same position. It may be that from my predilections I import a little sentiment into the matter, but if I have anything to do with such an arrangement, I will look first and foremost to the interests of our country, just as my Honourable friend, Mr. Gaya Prasad Singh, and others would be expected to do. It is precisely because I take up this stand that I protested vehemently against the proposal of the Tariff Board, which was embodied in the Bill, to do away with the revenue duties on certain types of British manufacture. I held that that was going far beyond not only the requirements of the case, but the spirit of the arrangements which have prevailed in the last few years ; and it is a matter of peculiar satisfaction to me today to be able to strike a different note altogether, and to recognise that with the removal of our objections, the Bill has become much more acceptable.

Sir, before I conclude, I plead for a more whole-hearted recognition of the needs of national industries like steel, cotton and others ; I plead for a more informed interest and for a changed outlook. What is the scheme of discriminating protection which the Legislature and the country have adopted ? The scheme is based upon several conditions, the foremost of which is that the industry which is to be protected must have certain natural advantages, and must be conducted with a certain measure of efficiency. When that happens, naturally the burden on the consumer, which in the first few years may be considerable, is gradually being lightened and ultimately done away with ; in other words, the industry must be in a position in normal circumstances and faced with normal competition to be able to manufacture just as efficiently and perhaps just as cheaply as any other country. When that happens, Sir, there can be no question of the interests of the consumer. A great deal of loose talk has been heard in the last few years about these interests, generally on the part of people who move about in Rolls-Royces and look very prosperous. Well, Sir, the poor consumer has not got a square deal, because most of the arguments which I have heard about him have been wholly irrelevant. And, Sir, to those who talk of the consumer's interests and of the necessity of modifying or doing away with all protection, I would point out the example of Great Britain, the stronghold of free trade up to within the last few years. What did Great Britain do only very recently with regard to one of its basic industries which was the pioneer of heavy industries throughout the world, namely, the United Kingdom steel industry ? Here is an order issued in 1932 :

"We are satisfied that the maintenance of a prosperous iron and steel industry, in the highest degree of efficiency, is essential to the economic progress of this country, whilst from the point of view of national security it must still be regarded as vital. . . . We accept, therefore, the preliminary proposition that this industry must be adequately protected and protected at once."

That, Sir, is what Great Britain has been doing. We in India, who are still in the infancy of our industrial development, need to do a great deal more, at least in the first few years ; and it is only in proportion as we show our determination to help industrial development in this country that we shall be able to hold our position in the world. Sir, I do not want to harp upon this point. I have had various opportunities of expounding it and probably I shall have a few more. All that I wish to say in conclusion is that it has been a most gratifying experience to me that for the first time there has been a Tariff Bill which has not evoked any adverse criticism, that there has been so much sympathy shown towards a national industry, and so much good will exhibited by every section of the House. Sir, it is very gratifying, I am sure, to the steel company that it should have earned so much sympathy at the hands of every Member of this House ; I can only say that I hope it will continue to serve, more and more efficiently and more and more zealously, if possible, the true interests of the country. (Applause.)

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan

12 NOON.

Rural) : Mr. President, the Tata Iron and Steel Company is the embodiment of Indian business foresight and business enterprise. It is a living memorial to one of India's greatest sons. I am, therefore, very glad that this great national asset is to be fostered by granting protection for a further period of seven years. But I must say that I shall be false to my honest convictions if I did not mention certain difficulties and misgivings which I feel on this occasion.

In the course of my speech during the discussion on the motion to refer to the Select Committee the Textile Protection Bill, I stated in March last that no scheme of tariffs should, in my humble opinion, involve any relaxation of the policy of protection introduced for the purpose of fostering that industry. It should not also provoke international ill-will ; but, on the other hand, it should promote friendly economic understandings. I feel that this Bill is unsatisfactory in both these respects. When protection was originally granted, we felt that Tatas would prosper and new Iron and Steel Works would come into existence and that India would be more or less self-contained as regards her iron and steel requirements. We did not want either the British or the continental steel to come to our rescue and that Tatas would supply only a portion of the Indian requirements. We, therefore, feel that the relaxation of protection in favour of England as embodied in this Bill was unequalled for at this present juncture. Coal is another national asset and is of vital concern and interest in the manufacture of steel and pig iron in India : we are, therefore, concerned with their manufacture in India and not in their import from abroad inasmuch as Tatas alone consume 1½ million tons of coal annually. Belgium is already feeling alarmed at the new preferential duties embodied in this Bill. It is pointed out that the special steel agreement concluded after the Ottawa Agreement practically excluded Belgium from the Indian market for galvanised sheets. Now, it is contended that this new tariff will increase the preference already enjoyed by Great Britain as regards steel products, while maintaining the existing preference for the sheets. Industrial circles in Belgium are reported to be considering the desirability of purchasing

[Mr. A. H. Ghuznavi.]

from other countries their supplies of raw cotton, oil seeds, hemp, oil-cakes, rice, zinc ore, etc., which have hitherto been obtained from India. It is also pointed out that Belgium has an adverse balance of trade with India, amounting to over 14 millions of rupees for which the British preference is said to be responsible. The Fiscal Commission report pronounced definitely against disturbances of commercial conditions of this character. It is stated on page 50 :

"Our conclusions therefore are that in the interests of the consumers generally and particularly the masses of the people, in the interests of agriculture, in the interests of steady industrial progress and for the maintenance of a favourable balance of trade, the policy of protection which we recommend should be applied with discrimination so as to make the inevitable burden on the community as light as is consistent with the due development of industries and to avoid an abrupt disturbance of industrial and commercial conditions."

Give by all means preference to the British steel. Give it preference in accordance with the Ottawa Agreement and for the benefit of India ; but do not engender commercial hostilities by the exclusion of all other steel. Our foreign trade should not be allowed to be restricted by retaliation and boycott from other countries, as England cannot possibly take all that India will be in a position to export. Some of us have supported the excise duty. We had to support it, because we were told that, unless we supported this excise duty, Government would not be prepared to give this protection which was necessary in the interests of this national industry. We had, therefore, to support it as the lesser of the two evils ; but it has unduly burdened the consumers. What is the use of a promise that it will be taken away at the earliest possible moment ? We have these promises year in and year out ; what was the promise made when the jute tax was imposed during the war ? Has that been taken away even now ? It is still in the budget : we find it going on ; even after the war was over in 1918, we find it still in the budget of 1934. Therefore, instead of the Government saying : "We shall take it off as soon as possible, a definite promise should have been made that in the course of two or three years or one year—just as it suits the Government—this excise duty will be taken away, and we shall find means to balance our budget by finding revenue from other sources. That has not been said. But here is a promise that they will, at the earliest opportunity, take it away ! I also appeal to the Tatas about the galvanised sheets. I appeal to them to reduce their price as far as possible, because it is a thing which is required by the poor masses for making their huts, not only in Bengal, but in Bihar and other Provinces as well. Another unfortunate omission which I find is about the curtailment of the period of the burden of this protection. The Fiscal Commission at page 49 of their Report definitely lay down :

"The duration of the burden will also be extended if protection operates to prolong inefficient methods of production."

I think that they should be given a fixed period in which they should stand on their legs in order that they will no longer require any more protection. That has not been done in this Bill.

Mr. President, there is another danger, the danger of a combination of manufacturers. By combining with other Indian manufacturers,

prices of steel have been raised to the detriment of the consumers, and the Fiscal Commission say on this point at page 47 of their Report :

"Another undesirable feature which the history of protectionist countries discloses is the tendency towards combinations of manufacturers for the purpose of exploiting the domestic consumer."

There is, again, the danger of political corruption. May I refer, with your permission, once more to the Report of the Fiscal Commission where they say :

"Moreover, we think that the system which we propose, whereby the enquiry into the conditions of each industry will be conducted by an impartial body with the utmost publicity, and the conclusions arrived at and the reasons for them will be known to the public when the case of the industry comes before the Legislature, will reduce the opportunities for political corruption to a minimum."

What is the position that we find ? The Tariff Board reports to the Government and the Report is kept by the Government for months and months and years. It does not see the light of day, and what we see is that the Government consider the Report and come before the House with a Bill and then present us with the Tariff Board's Report. That was not the intention, that was not what the Fiscal Commission desired. The Fiscal Commission wanted that the Tariff Board's Report should be published much before the Bill is introduced in this House for public criticism. The Government should take note of the public criticism of the Tariff Board's report, and sufficient time should be given to the public to go into the Report and point out the defects of the Report and place them before the Government before they come in with a Bill on the Report of the Tariff Board. What did we see during the last Delhi Session ? The Tariff Board's Report on cotton textiles was in the hands of the Government for more than 18 months, and it was presented to the House with the Textile (Protection) Bill. Even then the evidence was not forthcoming. We did not know whether the conclusions of the Tariff Board were justified or not as the evidence was neither published nor given to us for our consideration to enable us to judge whether the Tariff Board's Report was well-founded or not.

Sir, I, along with my Honourable friends, again offer the firm of Tata's our heartiest good wishes and may the great industry which they have established in India prosper and may it also be the forerunner in India of similar industries to come, so that India may be free from all foreign importations of steel. Sir, I support the Bill.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, we are just on the eve of closing this drama. Mr. Vidya Sagar Pandya pointed out the other day, *miyan bibi hon jab razi, to phir kya karsake Qazi*, and he called me the Qazi. He knows that the object of the Qazi is only to write the protocol, and I am simply just to certify what actually happens in this particular drama.

Yesterday, when I moved my last amendment, the Honourable the Leader of the House pointed out that, out of respect to the unanimous demand of the Leaders of all the Parties, he extended the operation of this Act from September to November. I thank him for the great respect he has shown to the Leaders, but, unfortunately, this is the only occasion during the last four years that such respect was shown. May I ask him, as the Leader of the House, whether he will show the same respect in connection with the amendment of Sir Abdur Rahim on the Army Bill, or will

[Dr. Ziauddin Ahmad.]

he not? I am sure that he will not. I am not going to take up much of the time of the House in arguments as I should like to finish my speech within 20 minutes. I would just like to enumerate my objections without giving reasons, for the reasons have already been given during the second reading of the Bill. The first is that the Government have not placed before us the balance sheet of the Tatas, the evidence before the Tariff Board, or the representations that had been made to the Government, and I doubt very much whether the balance sheet was examined either by the Government or by the Tariff Board. The second is that the Government is rushing through the Bill with precipitous haste. No publicity was given to the Tariff Board's Report and the Provincial Governments were not asked to collect opinions as to the effect of the protection on consumers and small industries, and this is contrary to the recommendations of the Fiscal Commission at page 56. My third complaint is that the six per cent. interest allowed on working capital is rather too high. The Tariff Board in 1930, when the Government was floating their loans at $6\frac{1}{2}$ per cent. recommended only five per cent., but now, in the year of grace 1934, when the Government is floating their loans at three per cent., the rate has been raised from five to six by the Tariff Board. We have thus given them $4\frac{1}{2}$ lakhs extra. My fourth complaint is, and in this case the commercial world will be shocked to hear, that the Government and the Tariff Board have recommended a new form of incidence of profit for the Tatas. The profit is not calculated on the working cost, as usually is the case, but on the capital value of the concern, and they have allowed profit at eight per cent. I thought that a profit of ten per cent. on working cost should have been ample. The profit of eight per cent. capital works out over 40 per cent. on the working cost, and I want to know whether it is justice or it is loot?

Fifthly, depreciation is calculated at too high a figure.

Again, it is mentioned on page 12 of the Report, that during the last six years, out of 400 lakhs given for the depreciation fund, 302 were spent on capital improvement. Now, this capital expenditure and capital improvement will add to the capitalized value of the concern and on the occasion of the next protection we will have to give eight per cent. profit on this new investment. It will be a profit on the profit, which is really a confirmed profit. Then, in calculating the fair selling price, the Tariff Board has also added the freight from Tatanagar to the port which I have objected, as it is contrary to the recommendation of the Fiscal Commission on page 58, paragraph 105.

The Tariff Board has also added beside this an allowance under the name of sale commission at $2\frac{1}{2}$ per cent. Sir, I have repeatedly said that the sale policy of Tata Steel Company is exceedingly objectionable, not only from the point of view of the consumers but from the point of view of smaller industries and no attempt has been made to control the selling price and the selling system. Here, I just enter slightly into communalism. A Pathan was talking to a Parsi dissuading him from joining the Army. He said: "It involved great risk of life. Leave the Army to us and we will defend India, and we are really the fittest persons to do it". The Parsi agreed, but he retorted immediately: "In the case of steel, leave the manufacture and distribution to us and you act the part of con-

sumers only. Let us have a division of labour, you do the consuming part and we will do the manufacturing and distributing part".

We accepted the recommendation of the Tariff Board *in toto* except in so far that wherever it was demanded we increased the quantum of protection, as a matter of compromise or as a matter of expediency I have simply to write the 'protocol'. This is a point I do not like to discuss but the fact remains that the quantum of protection was increased by the Select Committee and Government too readily accepted it.

The Tariff Board failed to understand and the Government have followed them—wherever the revenue duty is levied, it increases the quantum of protection and on page 54 they say clearly that no protection was needed, but when they came to the appendix they actually recommended that revenue duty should be added to it. Both the Tariff Board and the Government have failed to understand this particular question. We have seen it in the case of sugar that we did not put down the additional revenue duty but we counterbalanced by levying an excise duty. My friend, Seth Abdoola Haroon, though he may be heavier than Mr. Mody in weight, but has not got the same influence in protecting his sugar as Mr. Mody has got in protecting his steel.

The fair selling price which the Tariff Board has recommended was fixed by a number of considerations but the fair selling price will not in practice be the *de facto* price. This is a point which we emphasized. Mr. Pandya moved an amendment but it was ruled out of order, on the ground that this Bill was not the proper place to fix the price, but I hope that the Government would take the matter up and bring forward, either by executive or by legislative action, measures to enforce that the fair selling price should be the *de facto* price and there should not be a difference between the *de facto* price and the selling price. I appeal once more. This is the last occasion and we are finishing the drama quickly. Steel and all these things will be sold at the price at which the foreign articles will be imported in Bombay after paying the duty, and if you take the difference between the fair selling price, as calculated by the Tariff Board and the price at which the foreign article will be imported in Bombay, then take the difference between the two and multiply by the quantity which the Tata is going to sell, and then you will obtain additional profit of 91 lakhs 60 thousand, and this profit I call the invisible profit, because Government have not taken any action to compel Tata to sell the things at the fair selling price. They will sell at the higher price and difference between the higher price and the fair selling price multiplied by the quantity will be an invisible profit which works out to 91,60,000. In addition to this, there are two other profits which I call the latent profits, and the fourth is, what is called *lubhaw*, that is the extra that we get when we buy any article, something more for grinding the teeth or something over and above. This *lubhaw* is another 18 lakhs. That is in connection with pig iron. The profit of Tatas on pig iron alone will be 18 lakhs. This is a profit which has not been put down anywhere. This is what I call *lubhaw* or fee for grinding the teeth.

As the pig iron was not discussed in detail in the second reading, I just take a few minutes to mention it. I shall be within my time. In 1929 and 1930, we exported 568,000 tons of pig iron and in 1933-34, we exported 377,000. Our capacity to produce pig iron is 15 lakhs a year.

[Dr. Ziauddin Ahmad.]

and the total consumption in India is 650 lakhs, that is less than half. We will have to export the rest. We are, in fact, the dumping country. We dump pig iron on other countries according to the definition of dumping mentioned by the Fiscal Commission on page 77, and dumping means selling at a cheaper rate outside India than the rate at which we sell in the Indian market. The amount of dumping is measured by the difference between export and home prices. And here we find that the manufacturers sell pig iron to outside countries by Rs. 11 per ton cheaper than their sale price in India. The manufacturing cost of the pig iron, according to the report published by Tata themselves, is Rs. 18 per ton and they are selling it to foreign countries at Rs. 38-4-0 per ton and the internal price is Rs. 49-4-0 per ton. The Tariff Board report on pig iron recommended, four years ago, that the duty on pig iron ought to be removed and they very clearly said that if that duty is removed, then the price of pig iron in the market will come down by Rs. five per ton (page 7, Tariff Report on Pig Iron). The Report says :

“We have been informed that if the duty on pig iron is removed the price of pig iron sold in the bazaar will be reduced by Rs. 5.”

Now, the amount of revenue from import duty derived from pig iron is very very small. Taking the figures of the last three years, the revenue is only Rs. 35,000 per annum. That is the whole of the revenue from pig iron, but the cost of the consumers in India will amount to Rs. 32,50,000 which I obtain by multiplying the quantity consumed in India by Rs. 5. I call this “bad economy”. If the Government, for the sake of their Rs. 35,000, are prepared to put a burden on the consumer to the extent of 32½ lakhs, then I call it really bad economy and the time has really now come when we ought to remove this particular duty.

Now, I come to the profit of Tatas. They export 145,000 tons, and their Indian sale is 30 lakhs, which, when worked out, comes to over 18 lakhs, and this I call the *lubhaw*. The overhead charges and profits have already been calculated on other articles. Then with regard to the price of galvanized sheets, I said the last time that we can easily afford to sell it at Rs. 150 a ton, but I think a price of Rs. 160 per ton is plenty enough and, I think, we ought to take some steps so that the galvanized sheets ought not to be sold at a price higher than Rs. 160 per ton.

Now, I come to the two points of my Honourable friend, Mr. Mody. I entirely agree with him that there should be some kind of co-operation between India and England, but unfortunately, though he advocated co-operation, he did not show any kind of co-operation when we came to the discussion of this particular Bill and he insisted that there should be a duty of ten per cent. *ad valorem* on British goods, when this duty was not needed for protective purposes. I ask—is it co-operation or non-co-operation?

I do not object to discriminating protection. But what I do insist upon is—have differential protection but not to such an extent as to stop all trade with foreign countries. The quantum of discrimination is expressed in astronomical figures which are given in this Bill. The protection is exorbitant, and, I am afraid, it would result in the derangement of our trade with foreign countries.

The next thing is that the period of protection is too long. Instead of seven years, it ought to have been five years. I have given my reasons in the second reading of the Bill. Sir, we have been requesting all the time that whenever any protective measure is passed, the Government should set up a machinery to examine the accounts and the balance sheets of all the Companies to whom protection was given. Now this thing has not been done. There is an additional disadvantage in this case that in other articles there may be internal competition which would keep the price down but in this case there is no internal competition and the Tatas can dictate their prices. Therefore, in the interests of the consumer, Government, I hope, will take some action, so that this particular thing will be attended to.

Sir, now I come to their profit account. I don't say profit, and also accounts, because the column for loss does not exist.

PROFITS.

Visible.

Rs. in Lakhs.

1. Saving from interest on working capital estimated at 11 lakhs at 6 p. c. Real rate at 4 p. c. (page 43, Report)	4
2. Manufacture profits (page 43)	100

Invisible.

3. Multiply quantities (page 45) by difference between fair selling <i>f. o. r.</i> Tatanagar (page 45) and duty paid price landed at port (page 54) quantum and duty is given in the Bill	91
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Lubhaw.

4. Pig iron	18
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Latent.

5. Profits which no outsider can find out. It includes profit from a number of smaller things manufactured by Company, differential prices when foreign stock may not be available, etc.	12
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Total .. 225

I expected a speech from Mr. Mody in the earlier stages, it might have solved some of the difficulties, but he preferred to have his earlier speeches behind the curtain and preferred to have his last speech at a time when we cannot derive any benefit from his speeches. He leaves the world to draw their own inferences. Sir, the last thing I should say is that I am afraid the drama that we have played this week will be re-played again in 1941 and the protection that we are giving now, I am afraid, will remain perpetual. The same factors with greater force will operate again.

Sir, before I sit down, I will only say that the Tata Company would put a tablet in gold engraving—“to commemorate the generous gift of sixteen crores from the Honourable Sir Joseph Bore, K.C.S.I., K.C.I.E., the greatest patron of the Tata Company” (Hear, hear.) Sir, in another small village, which is known as Murdanagar, there will be small tablet: “Here lies buried the hopes of Indian consumers and of the small industries in iron and steel as the result of the action of our own countrymen. God save us from our friends!” (Loud Applause.)

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : Sir, it is extremely regrettable that Government could not see their way to reduce the rate of excise duty per ton of steel even by eight annas. It seems, the whole idea, Sir, is not only to recoup the loss of revenue due to the lowering of the duties, but also to make as much money as possible in order to do away with the five per cent. salary reduction. Spokesmen on behalf of the Tatas have boasted time and again that the Jamshedpur Institute has been thoroughly indianised. The Tariff Board also agreed with this contention. I admit, Sir, that a large number of foreign employces have been replaced by Indians. But that is not Indianisation in full. As I once stated in this House, a great Japanese commercial magnate once said :

"The secret of success in Japan's industrial regeneration lies in the fact that in a concern in Japan the highest-paid employee never receives more than four times the lowest-paid worker."

But what do we find in Tatas ? While one Indian gets Rs. 8,000 a month, another gets eight annas a day ! This is not Indianization in its true sense. The real spirit of Indianization should take account of pay, pension and other conditions of living adaptable to Indian life and Indian environments.

Sir, I will now come to the grievances of Oriyas in Jamshedpur. The condition of Oriyas in Jamshedpur is worse than that of Indians in the Army in India. They are treated like helots and bondsmen in their own soil.

Mr. Vidya Sagar Pandya : On a point of order, Sir. Since my amendment was ruled out of order, could this subject about the Oriyas be brought in ?

Mr. Sitakanta Mahapatra : In spite of the fact that the house of Tatas have enriched themselves with the hidden wealth of our country, our men are only hewers of wood and drawers of water in Jamshedpur ! I shall read a small passage from a pamphlet recently distributed by a Muhammadan gentleman from Lahore as to what non-Oriyas feel about us :

"It is now to be seen that this Singhbhum district which in reality is an Oriya tract, and the mines of the Steel Company are also located within different Oriya States, but no or few Oriyas are there in the services of the Steel Company. Their absence is a glaring instance of injustice done to the sons of the soil."

Mr. M. Maswood Ahmad (Patna and Chota Nagpur cum Orissa : Muhammadan) : Tatanagar is not in Orissa—it is in Chota Nagpur.

Mr. Sitakanta Mahapatra :

"It is true that the present generation of Oriyas is not enlightened enough to work the gift of God that nature has given to them, by themselves. But the cold fact that the mineral wealth of a Province, when once taken out from it, is gone for ever, has also to be faced. So, why not leave it where it is, till the Oriyas will be able to work it themselves. In every nationalistic book it is pointed out with great eclat that foreigners should not be allowed to exploit the mineral wealth of India, but should leave it where the nature has put it till the sons of the soil will be able to develop it for themselves, and this is economically very true as well. But why not begin charity at home ? Why not let the Oriyas have a hand in the working of the Steel Company ? It may or may not be true that 'the developers of yesterday are the exploiters of today', but the Tata Company at least can encourage the Oriyas to learn how to do the developing, before only blaming the foreigners and the Europeans for doing what they themselves are doing."

Sir, this is what the non-Oriyas speak about us. But I had a talk with the authorities of the Tatas, and I have acquainted them with the grievances of Oriyas at Jamshedpur. I fervently hope that they will henceforth have a soft corner for the sons of the soil in their hearts and our grievances will be removed.

Sir, I take this opportunity to offer my sincere congratulations to the Honourable Sir Joseph Blore on the eve of the passage of a Bill that will give much relief to consumers. Sir, I have done.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I cannot join with Mr. Mody in congratulating the Honourable the Commerce Member for getting through this Bill in this House without any amendments whatsoever. My Honourable friend, Mr. Mody, could find only a fly in the ointment, that fly being the excise duty. My Honourable friend is doing more than injustice to himself by comparing the protection given to an ointment. It would have been more appropriate if he had said that he has been given honey with only one fly in it. Sir, it is quite natural that he should feel elated, because he has got a substantial measure of protection for the Tatas iron and steel products in this country as against the continent. On the other hand, we on this side discern a number of flies in the honey, that honey being the protection duty that is given to the Tatas with preferences to British articles. Sir, we find that substantial preferences are given to the British goods as against the Continental goods and also a large measure of protection has been granted to the Tatas as against the Continental goods. It has been repeatedly said by the Honourable the Commerce Member that they have been guided by the fair selling price arrived at by the Tariff Board. I agree with my Honourable friends, Mr. Ghuznavi and Dr. Ziauddin, when they say that the evidence tendered before the Tariff Board has not been placed before us to judge how the Tariff Board were able to arrive at fair selling prices. On the other hand, we have been told by Dr. Ziauddin Ahmad and Muazzam Sahib that the Tariff Board, in arriving at this fair selling price, has given liberal allowances to the Tatas in the matter of giving 2½ per cent. as sale's commission and allowing large margin for freight disadvantages. Thus, they have raised the fair selling price with the result that the margin of protection against the Continental goods has been much higher. It would thus be impossible for the Continental goods to come into this country after paying high protective duties. Sir, if we had not to depend upon other countries for the disposal of our agricultural products, it would have been a different matter. We cannot sever our connection with other countries because India is an agricultural country and she has to depend upon various countries for getting good prices for her agricultural products. By reason of these protective duties against continental imports we are estranging their sympathies and their feelings against us and it is but natural that they would try to retaliate against us and would try to purchase agricultural products, if it is possible, from other countries which are dealing with them on more favourable terms. Sir, our connections with other countries are not insignificant and we cannot depend upon one country, namely, the United Kingdom, for the disposal of our products. I find that the average percentage of our exports up to 1930-31 to various countries was as follows : United Kingdom 22.7 per cent., United States of America 11.5 per cent., Japan 9.7 per cent., Germany 9.3 per cent., France 5.1 per

[Mr. T. N. Ramakrishna Reddi.]

cent. and so on. Thus, it will be seen that we are sending to United States and Japan as much of our products as we are sending to the United Kingdom, and, therefore, it will be disastrous for India if we estranged the sympathies of these foreign countries. Sir, we have already seen how the high tariff duties on textiles have affected Japan and how Japan had retaliated by boycotting Indian cotton; so much so, that we had to enter into trade agreements with Japan in order to sell a fair quota of our raw cotton to that country. It is true that under the Ottawa Agreement we have entered into preferential agreements with the United Kingdom in the case of a number of goods. But there is the justification that India has got as a *quid pro quo* preferences with regard to some of her agricultural products. But how these Ottawa Agreements have worked are still a matter for consideration by this House. We have got the report of Dr. Meek on the working of these Agreements. We find from that report that there has not been any great development in our agricultural production as a result of these Agreements. I can here quote the opinion of the Bombay Chamber of Commerce which we received here only today saying that it is not beneficial in the interests of India. This is what they say :

"In entering into this agreement India has risked a good deal of her foreign custom and it is apprehended that by the continuance of this Agreement a great deal of harm may be done to India's trade with foreign countries."

The Honourable Sir Frank Noyce (Member for Industries and Labour) : May I ask if that is the opinion of the Bombay Chamber of Commerce ?

Sir Cowasji Jehangir (Bombay City : Non-Muhammadian Urban) : It is the opinion of the Indian Merchants' Chamber.

Mr. T. N. Ramakrishna Reddi : I am sorry for the mistake. It is the opinion of the Indian Merchants' Chamber. In addition to preferences given to British goods under the Ottawa Agreement, if we give preference with regard to steel goods to the United Kingdom, then it will certainly tell upon our foreign trade. I do not want to quote how the Belgian Chamber of Commerce have viewed it as my Honourable friend, Mr. Das, has already quoted it *in extenso*. The Belgian Government are trying to get their requirements of raw goods from other countries which have been treating them with better consideration. From the Tariff Board report we find that the National Federation of Iron and Steel Manufacturers are desirous of entering into an agreement with the Indian Government so that they might divide the Indian market between the United Kingdom and India. This is what they say :

"While the Federation recognise that the Indian industry should have the first claim on the Indian market to the extent of the whole of its output, they propose that the balance of the Indian market for both tested and untested steel should be supplied by the steel industry in the United Kingdom at prices corresponding to the fair selling prices fixed for the Indian industry."

Sir, I feel a grave suspicion that the Government of India might enter into such relationship with the United Kingdom because the Tariff Board have stated on page 70 :

"The stability of British steel prices in India during the past few years as compared with Continental prices strengthens the suggestion that there is greater certainty of stability of prices being maintained by agreement with the steel industry in the United Kingdom than with that of other countries."

On the assurance of the Tariff Board, the Indian Government might enter into a preferential agreement with the United Kingdom. Sir, I give the Government a note of warning that if such a contingency occurs, if we exclude the foreign countries' trade with India, then it will spell great disaster to the interests of India. The Tariff Board has also suggested that we should enter into trade agreement with other countries. We have already frittered away our bargaining power on almost all the articles and no more bargaining power is left to us. The foreign countries are also not very anxious to enter into trade agreement with India, because, at any moment India might give notice of termination of such agreements if they do not work favourably, not to India, but to the United Kingdom, that is, if, as a result of such agreements, the United Kingdom goods are excluded from the Indian market. Hence I warn that Government should not enter into any more trade relations with the United Kingdom and give more preferences than we have already given. Sufficient unto the day is the evil thereof.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I am conscious of many shortcomings and one of which I am most conscious, is my incapacity to repeat over and over again what I have once said, in spite of the fact that I have been a humble disciple sitting at the feet of my Honourable friend, Dr. Ziauddin Ahmad, for so many years. Debates on the third reading are, as a rule, merely a repetition and a rehash of what has gone before, and I venture to submit that the present debate is no exception to the general rule. I venture to suggest that nothing has emerged during this last stage of the Bill to call for any special comment from me, nothing indeed which is new in itself or which involves a new outlook upon matters which may not in themselves be new. My Honourable friend, Mr. Vidya Sagar Pandya, at the commencement of a somewhat lengthy speech, made it quite clear that while his body was here, his mind was in his constituency.

Mr. Vidya Sagar Pandya : I am not standing for election.

The Honourable Sir Joseph Bhore : That, Sir, explains the speech which my Honourable friend made.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : He says he is not standing at all.

The Honourable Sir Joseph Bhore : Having regard to this very honest, if somewhat pathetic, confession, I do not think it will be fair for me to be hard upon him, but I would draw the attention of the House to something very significant in what he said. After spending something like half an hour in eulogising my Honourable friend, Mr. Das, on his Minute of Dissent and then commending to the House the abstruse calculations of my Honourable friend, Dr. Ziauddin Ahmad, he suddenly said : "I am prepared to accept the fair selling prices found by the Tariff Board."

Mr. Vidya Sagar Pandya : But not more.

The Honourable Sir Joseph Bhore : When you accept that, you remove all possibility of any serious criticism. I say serious criticism and by serious criticism I mean criticism which is a challenge of the facts and figures upon which the whole scheme of protection has been built. I say that that scheme, speaking generally, is almost inevitable with the data

[Sir Joseph Bhore.]

before us and it is proof against anything but the wildest generalisations and the most vacuous charges, generalisations such as my Honourable friend, Mr. Das, has indulged in. These generalisations may be all very well when you are fighting an election campaign on political grounds. They ill befit those who profess to be considering a serious tariff problem connected with protection to a great industry in this country.

Mr. B. Das : The Indo-British Trade Agreement is vital to us. It is not an electioneering stunt.

The Honourable Sir Joseph Bhore : One of my Honourable friends opposite made a statement, the other day, which interested me very greatly. It came, if I remember rightly, from the front bench of the Opposition. The gentleman who was responsible for the expression of this view said that he would prefer to see the same duty imposed on all imports from outside and a special additional duty to counteract any attempt at dumping by Continental competitors. Personally, I do not see any great difference between this procedure and the line adopted by the Tariff Board, so far as the ultimate results are concerned. They both depend upon a recognition of the fact that there must be a special rate of duty against uneconomical competitors, and, secondly, that a dead level of duties is, in existing circumstances, impracticable. Now, Sir, I have nothing further to add to what I have already said in regard to the proviso to which my Honourable friends, Mr. Neogy and Mr. B. Das, took exception, but let me repeat my arguments. I said that this proviso has been in existence for seven years. It was accepted by an extremely critical Assembly and it is extremely unlikely that there will be any necessity to invoke its provisions in actual practice while its elimination at this stage would be interpreted as a totally unnecessary and uncalled for attack upon the United Kingdom. Then, Sir, a certain amount of perturbation has been expressed at the possible consequences of the effect of the duties embodied in this Bill upon our Continental trade. In connection with that let me make two points. The first and the outstanding point is this that with the exception of one or two individual items, we are at the present moment suggesting an all round reduction of duties. I have referred on a previous occasion to that reduction, but lest Honourable Members have not realised the full extent of those reductions, let me give to them a few typical instances. On Continental untested bars the reduction will approximately be from Rs. 46½ to Rs. 39, on Continental plates from Rs. 45 to 25, on Continental black sheets from Rs. 73½ to Rs. 32 and on Continental galvanized sheets from Rs. 83 to Rs. 40. This is a very important point to bear in mind. The other point on which I would like to lay emphasis is one on which I have already laid some stress in one of the speeches that I have made in connection with the Iron and Steel Bill. As it is a subject which does arouse a certain amount of apprehension in the minds of certain Honourable Members in this House, let me repeat what I have said. I said that I frankly admit the necessity for seeing that the Continental importer is not unduly or improperly penalised. I am not one with those who point out the danger inherent in an unfair handicap on Continental products, but I would draw attention to the pregnant observations of the Tariff Board on the question of Continental competition. When Continental

price becomes stable and economic there is nothing to prevent us utilising our powers under clause 2 to bring the duties into line with such modifications of prices.

Sir, we have now come to the end of our labours. There is, I

1 P.M. venture to think, little difference of opinion here in regard to the necessity for protection; I venture to think there is no serious difference in regard to the amount of protection. There may be small divergences among some of us in regard to certain individual items, but I venture to think that it is the view of the House as a whole that the scheme of protection embodied in this measure is a fair compromise and holds the balance fairly, as I have said, between the industry and the consumer. I trust, Sir, that the House will join with me in the hope that on the expiry of the period for which we are now granting protection, the Tata Iron and Steel Company will have established itself firmly on the only foundation upon which it can establish itself firmly, namely, the foundation of efficiency. And I do venture to express the further hope that it will look to its duty and not so much to its dividends and that it will treat national claims and national interests in a spirit of fairness and not in a spirit of personal and selfish gain. Sir, I ask the House to pass this Bill without division. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as amended by the Select Committee, be passed.”

The motion was adopted.

THE INDIAN TARIFF BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move for leave to introduce a Bill to consolidate the law relating to customs duties. In one sentence I may inform the House that it really puts together the different duties which have now got to be found in various amending Acts, as for extension, and so on.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to consolidate the law relating to customs duties.”

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

DEMANDS FOR SUPPLEMENTARY GRANTS.

RAILWAYS.

NEW CONSTRUCTION.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will take up the supplementary demands in respect of Railways first.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 15,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'New Construction'."

It is somewhat unusual for us to place supplementary demand for new railway construction in the autumn Session of this House. The reasons for it were explained, however, in the Honourable the Railway Member's Budget speech. At the time the Budget was prepared, none of the projects, which we had under consideration, had been fully examined. The Honourable the Railway Member said in his Budget speech :

"If we find that these projects are likely to be remunerative under present conditions of cheap money and low prices of material and desire to start construction during the next working season, we shall take steps to place our proposals before the Standing Finance Committee for Railways and ask the Assembly for the requisite additional grant."

The demand that I am now placing before the House is for the construction of a line in Sind in the area opened up by the Lloyd Barrage. It has been found after examination that on a conservative estimate the line will bring us a return of six per cent. on the capital outlay. The Standing Finance Committee for Railways has approved of these proposals and as it is desired that this line should be constructed and opened before the crops are ready next season, the matter is of urgency, and, therefore, we have considered it necessary to ask the House to vote the requisite funds to enable us to start construction at once. I move that this supplementary sum be granted.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That a supplementary sum not exceeding Rs. 15,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'New Construction'."

There are two amendments, one of Mr. Maswood Ahmad and the other of Seth Haji Abdoola Haroon, to reduce it by Rs. 100. The Chair would say that token cuts for discussion of policy cannot be permitted on Supplementary Demands for Grants.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : I wish, Sir, to say that I do not want to move my motion. I want to oppose the whole demand.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can speak on it.

Mr. M. Maswood Ahmad : First of all, Sir, I wish to draw your attention to the fact that the papers were supplied to us very late :

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only yesterday we got the papers in connection with these supplementary grants, and, I think, we on this side of the House have a legitimate grievance in this connection that papers are supplied to us so late. If you will see the press marks and other records, you will find that these papers were ready long before ; but I cannot understand why Government decided to supply these papers to us so late.

Now, to come to the merits of the case : in the very beginning, I want to make it clear that I am opposed to this demand totally. In my opinion, this demand is not justified at present. The expenditure which Government intend incurring for this project is entirely unnecessary. You will see, Sir, that this is a project to connect Jhudo and Pithoro—I am sorry if I do not pronounce these words correctly, because I am not well acquainted with Sindhi words. They say in the memorandum :

"The construction of the Jhudo-Pithoro Railway is, therefore, proposed. This line will pass through the Talukas of Samaro, Umarkot and Digri in the district of Thar Parkar in Sind."

If you will see the map and time table, you will find that there is already a metre gauge line from Mirpur Khas to Jhudo ; so that area has already got a line on the map. Further, you will find that this proposed metre gauge line is to open up the area between Umarkot and Digri also. I find on the map a station called Digri already existing. So there is absolutely no necessity for having this new line and for spending such a large amount. The area of Digri has already got a station and a railway line passes through it. Further, if we see what the distance is between Mirpur Khas and Pithoro, we find that the distance between these two places is only 22 miles. So the proposed line will make the system there a triangular one ; Jhudo will be the apex of the triangle ; Mirpur Khas will be one corner and Pithoro will be another corner, and the distance between these two corners or of the base will be only 22 miles. The distance between these lines will diminish gradually till it will become zero at Jhudo. So, spending such a large amount of money on this project, I do not understand how Government can be justified. Further, you will see that the arguments are totally inadequate. They say :

"The gross-earnings of the new branch five years after opening are estimated at 2.76 lakhs ; and additional earnings to the Jodhpur-Hyderabad Railway (British section), after allowing for loss to existing lines by short circuiting and reductions in the rate structure on the Mirpur Khas-Jhudo Branch necessitated by this construction, are expected to amount to 46 lakhs...."

Mr. P. R. Rau : 46 lakhs.

Mr. M. Maswood Ahmad : Yes, 46 lakhs or Rs. 46,000.

"The total additional working expenses to the Jodhpur-Hyderabad Railway, calculated according to the present contract with the Jodhpur Durbar, are likely to amount to 2.31 lakhs. The net earnings will thus be .91 lakhs."

Sir, if you will calculate this Rs. 46,000 and Rs. 91,000 ; and Rs. 2,31,000, I cannot understand how any mathematician can work it out to Rs. 2,76,000. I ask my Honourable friend, the Financial Commissioner, to add these three sums and make it Rs. 2,76,000.....

Mr. P. R. Rau : Why should I add those sums ?

Mr. M. Maswood Ahmad : 46,000, 2,31,000 and 91,000—when added up, these come to 3,68,000.

[Mr. M. Maswood Ahmad.]

Then, Sir, they expect some more income on the section between Mirpur Khas and Hyderabad, and that it will be a gain to the North Western Railway. The general rule is that the goods go by the shortest route. I do not know as to why the goods will go to Pithoro first, and then from Pithoro to Mirpur Khas, and then from Mirpur Khas to Karachi, because there is already a line between Judho and Mirpur Khas, and there is no necessity for sending goods from Judho to Pithoro. Further, there is a discrepancy in the figures on pages 2 and 3, and I warn the Government that they will not make this amount of profit which they have calculated. Six per cent. profit will never be earned. You always find that the estimates are found to be incorrect and in some cases the actual cost has been three, four or ten times more than the original estimate. I am not going to quote instances, but they are well known to the Honourable Member in charge of the Railways and the Honourable the Financial Commissioner. They cannot show even one or two cases in which they have spent less than the estimates and they have got the estimated profit. In 99 cases out of 100, they have always spent more money than their estimates, and they are losing. So many lines have been opened in this country. They gave us certain figures that there would be so much profit, but the result was that where they estimated six per cent. return, they have not got even two per cent. The reason is, they open lines in those areas where they do not require to be opened up, and neglect those areas which require to be opened up. It all depends upon the whims of the engineers. Whenever we suggest any project, they always say it is unworkable, there is this trouble, that trouble, and so on. But whenever any projects are brought up by the engineers themselves, the Government always accept them without question. When, on previous occasions, the engineers had estimated a return of seven per cent. and the actual yield was only two per cent. and in some cases there was a loss, did the Government ask the engineers as to why this result had been produced?

On page 3 of the report of the Standing Finance Committee for Railways, ten items are mentioned, but they have not provided for electric and telegraphic charges on this line. May I ask, are you going to open this line without having any telegraphic poles or without any telegraphic connection on this line? Certainly not. (Laughter.) Is it in your brain, or is it in confidential files, or what? (Laughter.) We only go by the memorandum supplied to us, and in this memorandum there is no provision for telegraphic and electric charges. (Hear, hear.) Again, you have not provided a single pie for rolling stock. You may say that you will use the rolling stock which you have already got, but you do not provide for the depreciation of the rolling stock which you will use on this line. This is the way in which the whole estimate is prepared.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non Muhammadan) : The Honourable Member, Mr. Rau, has not explained it even in his speech.

Mr. M. Maswood Ahmad : Now, you will see that this line is running not even parallel, but rather it goes from Judho to Pithoro.

Seth Haji Abdoola Haroon (Sind : Muhammadan Rural) : What about Umarkot?

Mr. M. Maswood Ahmad : I do not find any station, called Umarkot, on this map, nor is it in the time table. If there is a private station of that name for my Honourable friend, Mr. Abdoola Haroon, I am not aware of that. (Laughter.)

Seth Haji Abdoola Haroon : I may tell my Honourable friend that Umarkot is a great city where the great Akbar was born.

Mr. M. Maswood Ahmad : There are many such places where many big people were born. Instead of having a line from Judho to Pithoro, if we had one connecting Judho with Badin or some such place, there may be some sense, but the opening of this line is absolutely absurd. They are in need of a line connecting Karachi and Hyderabad with Bombay southwards, but it has not been done. There are many important projects in Bihar, like the Taregna-Bihar Line which will connect two light railways and the Patna-Gaya Branch on the East Indian Railway, but they are not being taken on hand. There is no straight route from Patna to Ranchi, the headquarters of the Local Government, and they are not making it possible for the people to go by the shorter route. Even the timing is not connected so that the Patna-Gaya-Gomoh-Barka-Khana-Muri route may be convenient to the public. An express train between Patna and Gaya is urgently required. There are many such schemes pending, but instead of spending the money in a right way, they want to waste the tax-payer's money in this way by starting these unremunerative projects. So, I oppose this supplementary grant, and I recommend that it should be rejected by the House. (Applause.)

Seth Haji Abdoola Haroon : Sir, I have heard the speech of my Honourable friend, Mr. Maswood Ahmad. I have supported him on many occasions, but I regret to say I am unable to support him now.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : When he is wholly in the dark, how can you support him?

Seth Haji Abdoola Haroon : I may tell my Honourable friend, Mr. Maswood Ahmad, that this project has been demanded by the people of Sind for a long time. Besides, my Honourable friend is mistaken about the Judho-Pithoro Railway. He thinks that a railway connection is already there, and, therefore, he asks, why they are building this new railway? My friend has seen the map, but then I ask him whether he has considered Umarkot also. Then he will revise his opinion. I cannot give a proper explanation of this thing, but, taking for instance, that Judho is where the Honourable the Railway Member is sitting and Pithoro is where I am, then Umarkot is there (pointing at some distance). I hope my friend will understand it properly now. Unfortunately there is no plan here, but I trust my friend has read the memorandum by the Railway Board. There it is said :

"It had become apparent, as far back as 1925, that on completion of the Lloyd Barrage Project, the existing railway communications in Sind would be found inadequate to handle the increased volume of agricultural produce and that the provision of further railway communications in this part of the country would become a necessity."

My friend, Mr. Maswood Ahmad, does not know what has happened in Sind. Of course he can suggest Ranchi to Patna and many other lines, but at present the Government of India have made a loan to the Provincial Government of 25 crores of rupees to build the Sukkar Barrage and that Barrage has already been completed, and, in this tract

[Seth Haji Abdoola Haroon.]
of land, the produce such as wheat and cotton and many other things cannot be marketed. The Sind Administration Committee, which was appointed by the Government of India, strongly urge that this railway should be built and also other roads. These places are far away from the marketing centres. They are bringing their produce on camel backs at a cost of four to six annas per maund, from the field to the market. The wheat price is nearly Rs. 2 and it will be impossible to market them if four to six annas a maund is also to be paid. This suggestion is a good one from the financial point of view, and besides that the Bombay Government have spent large sums of money on the barrage and they can get it back immediately. If this railway is not built, then the barrage cannot do any sort of good to this area.

Mr. M. Maswood Ahmad : Are you aware what would be the distance between the two lines ? In some places it is less than two miles and in some places it is less than ten miles.

Seth Haji Abdoola Haroon : My Honourable friend does not know that after the barrage was built, all these lands are under cultivation, and unless there is a communication between Judho and Pithoro, it will be impossible to bring the produce. There is not a single road. Unless my friend comes there and sees with his own eyes, he will not be convinced. If my friend will come to all these places, I can show him those places and then he will be convinced.

Mr. M. Maswood Ahmad : Will you pay my expenses ?

Seth Haji Abdoola Haroon : If my friend will agree to come, I will gladly pay all the expenses.

Mr. M. Maswood Ahmad : Then many Members will oppose this construction.

Seth Haji Abdoola Haroon : I agree with my friend on the question of the Sind-Bombay connection.

Mr. M. Maswood Ahmad : Spend this money for this purpose.

Seth Haji Abdoola Haroon : Sir, there is a difference of opinion about the Sind-Bombay connection. The Indian side wants it badly and the European side do not consider that this will give any benefit. With these words, I support the motion, and I hope that my friend, after hearing what I have said, will withdraw his opposition.

Mr. Lalchand Navalrai : I do not propose to vex my friend, Mr. Maswood Ahmad, on this question, but I must tell him that he has spoken without his cards. If he will excuse my saying so, he has shown great ignorance of the part of the country in question. When he was in the enthusiasm for asking for railways in Bihar and other places, he was forgetting himself. I thought he had absolutely no justification for his remarks without having visited the spot or acquainting himself with the plans and estimates that have been prepared.

Mr. M. Maswood Ahmad : I have got a plan here.

Mr. Lalchand Navalrai : I understand that is not complete. If you had seen the plan that has been actually prepared for this purpose, you would not have spoken a word. With the establishment of a barrage in Sind, it cannot possibly be pleaded that

the barrage will be successful without roads and communications. Before the barrage was constructed, we had certain railways, but they were not intended for the purpose of helping the easy conveyance of agricultural produce. With the coming into existence of this barrage, barren tracts have also come under cultivation. To say now that no roads and communications are necessary is an absurd proposition. With regard to this Jhudo-Pithoro Railway which they are going to build, is it my friend's contention that the Railway Board are groping in the dark and they build any railway that is asked for ? That is not so. A regular scheme has been laid down, and by that not only will there be this railway, but there will be a lot of other feeder railways ; these have to be built if the barrage scheme is to be fructified ; and so far as this proposed railway is concerned, the proposal has not only been put before this House by merely assuming that this railway is necessary, and, therefore, sanction should be given, but plans and estimates were prepared, and it was, I think, the wish of the people of the locality who wanted it ; they were not blind, they know the locality, they knew how far the existing railways were helping them, and it was not that the local authorities, who joined hands with the public in having this railway created were not competent to express a considered opinion on that point. Then, when the question came up, a Committee was appointed in Sind under the Chairmanship of the Commissioner of Sind to consider these projects and they considered them as well as many others and they came to the conclusion that this railway should be constructed. Now, I ask—is it the case that all these considerations should be washed out ? Well, Sir, my friend should know that we on this side personally know these places and we are of opinion that this railway is a very necessary one.

Now, the first point he took was that there is already a line from Mirpur Khas. Samaro is actually on the other side, completely on the other side, and Jhudo is in the other direction and Mirpur Khas on the third side. Now, I may tell my Honourable friend that the main railway is the Jodhpur-Bikaner Railway which starts from Hyderabad, passes Mirpur Khas and goes, I believe, from east to west in a direct line. Now, that line does not serve the purposes of the barrage system at all. There is another branch line from Mirpur Khas to Jhudo, I believe on the southern side which is working, but not to support the barrage, and it does not pass through the barrage area. The barrage area is on this opposite side. It is, therefore, very necessary that a railway should be constructed through the barrage area, so that there should be conveniences afforded to the people for taking their produce within easy distance to the railway stations. My friend said the distance between the two lines is 22 miles. May I tell him that at places it may be even little less ; the answer of the railway is, as I know, that they can ordinarily build the line at a distance of fifteen miles, but, on account of this barrage, it becomes necessary even to construct the railway at a shorter distance, because the purpose now is a peculiar one. Now, I may inform the House that the people of Samaro Taluka do want this railway and they have been consulted with regard to this, though I would say they have one grievance, and I may draw the attention of the Honourable the Financial Commissioner to this question. It is that, the railway that is now going to be built does not pass from the town of Samaro, does not touch the town of Samaro, and also two other towns

[Mr. Lalchand Navalrai.]

beyond Samaro, whereas it is at present proposed to pass at about four or five miles away and the people of Samaro—because Samaro is a taluq station where there is a Magistrate, Government offices and there are commercial people—do want that there should be a station at Samaro itself, not four or five miles away, and they say that if the railway is going to be made at four or five miles away, then it will not be popular, because it is necessary that there should be ginning factories and other conveniences for the people of the barrage. If you are going to have a station in a barren place, these ginning factories will not be established there. Therefore, I am informing the House that this railway, if it does not touch Samaro, or the other village, will not be popular and profitable.

Mr. P. R. Rau : May I know what that other village is ?

Mr. Lalchand Navalrai : I forget what it is.

Mr. P. R. Rau : Is it Nabisar ?

Mr. Lalchand Navalrai : Yes. (Laughter.) I know I put this matter before the Chief Commissioner of Railways, and, therefore, my Honourable friend has been posted with all these facts and names. Sir, the people of Samaro and Nabisar are very anxious. They went on a deputation, but I am sorry that that deputation was not received by the Commissioner in Sind. I represented this matter to the Railway Board and the people of Samaro are even now ready to go on a deputation to the Railway Board, but I am giving some consolation in this way. I am told that this question is still under consideration and that the papers have been sent to the Bombay Government to consider this point, and I was also advised to send the memorial of these people to the Bombay Government and that point is being considered. Therefore, I hope the Railway Board will stick to their own policy. That policy is to make the railways touch the towns as much as possible, and if this town of Samaro is not touched, then there will be a great difficulty. With regard to this, I will also say that this line actually passes through the barrage area. The Railway Board has laid down the rule that an important town must be touched. So I submit that this point should be considered carefully by the railway authorities as well as by local authorities. I do not like to forget to say one thing, viz., that Mr. Stubbs was specially appointed to go into this question, and he was also of the opinion that this railway should be made, but I have a feeling that the Agent of the Jodhpur-Bikaner Railway, who has been given the contract, or rather the Jodhpur Durbar which has been given the contract to build this railway, is inclined to stick to the point of not making a station at Samaro. I have explained personally to him that public opinion is very strong on that point, and I hope the Railway Board will consider this point and thus have stations at these places. Beyond that, I have nothing to say, and, with this reservation, I give my wholehearted support to this demand.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, two Members from Sind have given their votes ; they are entirely in favour of the construction of the railway. My Honourable friend, Mr. Maswood Ahmad, has opposed it. It is well known that my friend devotes a good deal of his time to the study of railway questions,

and his opposition need not be thoughtlessly brushed aside. He has pleaded for a railway in Bihar also while my friend, who just sat down, is pleading for more railways in Sind. As a matter of fact, Sind does require railways. The road material there is not plentiful and the construction of ordinary roads is very costly and it is more costly to keep those roads in repair. Therefore a railway line there is a necessity. There is no doubt about that. But the point raised by my Honourable friend Mr. Maswood Ahmad was that there is already a railway line between Mirpurkhas and Jhudo and this new branch is intended to connect Jhudo with Pithoro, which is nearly 22 miles from Mirpurkhas. So, Sir, if the new line is constructed, it will complete a triangle which will be very very narrow. At its base it will be about 22 miles and the distance between the two lines will gradually diminish until it becomes zero at Jhudo. So, on the face of it, the scheme requires more examination. There are other tracts within the Barrage area where railways are more urgently needed.

I would place another point of view before the House. There is at present a line between Jhudo and Mirpurkhas. That line is in the map and is known as Jodhpur-Bikaner railway. I am under the impression that it was constructed by the Jodhpur Darbar, but I am not quite certain about this.

Mr. M. Maswood Ahmad : It is a British section.

Mr. B. V. Jadhav : May I ask the Financial Commissioner, Railways, to correct me ?

Mr. P. R. Rau : The line between Mirpurkhas and Jhudo was originally constructed by a private company and was bought by Government two or three years ago.

Mr. B. V. Jadhav : So, now it is a British line, but was not first constructed by the Government.

Mr. P. R. Rau : No, it was not constructed by Government.

Mr. B. V. Jadhav : I want to know, if this line is so very paying and is likely to bring in about six per cent. within five years, why has not any company come forward to construct it and the Government have to put their hands in their pockets to find the money to construct it ? This sum of 15 lakhs is a thin end of the wedge. When the line is constructed, it will be found that the cost was much more, and when the line is worked, it will earn much less. That has been the experience all over the country. I know that a line near Bombay was constructed which was about five or six miles long at a cost of over a crore of rupees and the line ultimately had to be dismantled. I know, Sir, that the Sukkur-Barrage is going to give water to more acres of land in Sind than that Province obtained before, but that does not mean that lines will be required at such short distances as 20 or 22 miles from one another. There are so many other places where railway lines are more urgently needed than in this area.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : What is the dividend earned by the present railway line ?

Mr. B. V. Jadhav : I do not know what dividend Government are getting on the Mirpurkhas-Jhudo line, and it is certain that the construction of this new line will divert some of the traffic from the existing

[Mr. B. V. Jadhav.]

branch, and, therefore, its earnings are likely to fall down. My impression is that this line is not making more than three or four per cent.

Mr. M. Maswood Ahmad : Rather less.

Mr. P. R. Rau : Has my Honourable friend any reasons for holding that impression ?

Mr. B. V. Jadhav : I am asking for facts from the Financial Commissioner for Railways.

Mr. P. R. Rau : When my Honourable friend says that it is not likely to earn more than three or four per cent., I assume that he has read the history of Indian Railways and has made himself familiar with the returns of the Railways.

Mr. B. V. Jadhav : I would be much obliged if the Financial Commissioner for Railways will give me the accurate figure.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. He will refer to it in the course of his speech.

Mr. B. V. Jadhav : At present the Financial Commissioner for Railways is not in a position to supply the figures. Then all I can say is that if he thinks that my impression is not well-founded, I am ready to withdraw it. But at present I do not know what the earnings of the Mirpurkhas-Jhudo line are and it is certain that when the new line is constructed, those earnings are likely to fall down.

Seth Haji Abdoola Haroon : I am a shareholder of that line, and last year we got 4½ per cent. I may inform my Honourable friend that since the completion of the Barrage, the income is going up every year.

Mr. B. V. Jadhav : I am very glad to hear that. I do want Sind to prosper, and, along with that, my Honourable friend, Seth Haji Abdoola Haroon.

Mr. S. C. Mitra : Seth Haji Abdoola Haroon says that it is a private company and the Government Member says that it is a Government line.

Mr. B. V. Jadhav : Government themselves will have to explain that. Sir, I do not know whether I should oppose or support this measure, but as I am not sure about the earnings, therefore, I cannot support it. It is quite useless to oppose, because the Government are bent upon making this line.

Mr. Gaya Prasad Singh : Sir, I do not want to make a speech, nor do I want to oppose this motion. I should like to have some information on one or two points which arise out of the proceedings of the Standing Finance Committee for Railways. I understand that this railway line is going to be constructed in order to facilitate the movement of agricultural produce which is likely to increase as a result of the completion of the Sukkur-Barrage scheme. This is all right, and I do not want to say anything about it. But there are one or two other points on which I should like to have some information. It is proposed under the present system to construct the line on metre gauge system and later on to convert it into a standard gauge. I read the following in the

proceedings of the Standing Finance Committee for Railways, dated the 13th August, 1934 :

“The line is proposed to be built in the first instance on the metre gauge as the present traffic conditions will not justify its construction on the broad gauge. As, however, the volume of traffic is likely to increase very considerably in the future due to anticipated development of the country resulting from the intensive irrigation of Sind, the line is proposed to be so designed and constructed as to be capable of easy and cheap conversion to broad gauge when that becomes necessary.”

I should like to know whether my Honourable friend, the Financial Commissioner for Railways, has got any idea in his mind as to the cost which will be involved in converting this metre gauge line into a broad gauge line, as I find that there may be some difficulty, and the additional expenditure which will then be needed for the conversion of this line into a broad gauge line may stand at a very high figure. Therefore, I want to know whether it is not possible, if this project is at all necessary, to construct it on a broad gauge system. I want to know the cost of the whole scheme, so that, afterwards, it may not be necessary to scrape the whole line which is at present being built on metre gauge system, and to undertake further expenditure which might exceed any reasonable figure. The other point on which I would like to have some information is that this line is going to be constructed by the Jodhpur Darbar and to be worked also by that Darbar. I should like to know whether the other lines in that part of the country are worked by the Jodhpur Darbar or not, and then see whether those lines were originally constructed by the Jodhpur Darbar and are worked also by that Darbar or whether they were Government lines and were made over for working to the Jodhpur Darbar. I find that after all we have got a lot of railways being worked by States in Kathiawar. I do not want to make any invidious comparison between the lines worked in British India and the lines worked in those Indian States, but I should like to know what is the special point underlying this proposed railway to be constructed by and to be worked by the Jodhpur Darbar or whether it is possible to evolve any scheme by which this railway as well as other sections of railways which are being worked in that part of the country could be taken over by the State. As I am not familiar with that part of the country I want to have information on this point.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Sir, I shall not delay the House for more than a few minutes, because I feel that really these supplementary grants are becoming an order of the day which is not desirable. The reason why I stand in my seat is to protest, and that very emphatically, against the way in which the Government of India in the Railway Department have been treating the representations of people of the various parts of the country with scant courtesy. From a perusal of the proceedings of the Standing Finance Committee on Railways, you will find that the quorum was only obtained by the presence of four Members, and we here in this House, consisting of over 100 Members, are asked to give our verdict over this expenditure initially started with fifteen lakhs and later on which might go up to crores. I have personally no grouse on the points raised by my Honourable friend, Mr. Maswood Ahmad, but I should like very much to address the Railway Department on this very pertinent question of their railway building policy. As a matter of fact, if this was available in the beginning of February when the Railway

[Mr. Muhammad Anwar-ul-Azim.]

Budget was presented for the consideration of the Assembly, I am certain that Members of this House would have been in a better frame of mind and apply more time than they are able to do now. Some of my Honourable friends have taken objection to the points raised by my Honourable friend, Mr. Maswood Ahmad, but I think his objections are very pertinent, because if the Railway Board feels that a particular area has got to be covered by railway lines I am certain they ought to think of this proposition quietly and considerately and they must be able to allow some time to mature after their decision is shaped. What is the result of hasty railway legislation in this House. You have seen, Mr. President, in the course of last year that we had to pass some measures to help the railways to compete with people who run motor bus service along railway lines. That is not all. Sir, if you scan the other portions, you will find that the railways have come to this Assembly, more often than others, seeking our help and that help has been ungrudgingly given. But it seems to me that there ought to be some limit to this, because I feel that those parts of the country and those tracts of India which are closer to Delhi and Simla are better looked after than other hinterlands in distant places where equally the railways and the Government of India are receiving a large amount of revenue. For example, the part of the country I come from, namely South Eastern Bengal, which is passing through troublesome times. As a matter of fact, as a member of the Local Advisory Committee of the Assam Bengal Railway, I have represented to them whether it will not be a paying concern for them to extend the proposed line up to the borders of Burma, and the only reply that they gave was that the Railway Board was so adamant and that they were not paying any heed to their requests. May I not very pertinently ask the Government of India, when they are spending lakhs of rupees for the defence of Chittagong and the adjacent parts, whether they could not extend the Assam Bengal Railway to the borders of Burma and thus do away with the huge expenditure in the defence of those parts. I can assure you, Mr. President, from my personal experience of that part that once you build the railway line up to the borders of Burma to the Southern part of Chittagong, you will find that the disturbed conditions of those parts will be a thing of the past.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Will it put an end to terrorism ?

Mr. Muhammad Anwar-ul-Azim : My Honourable friend, Mr. Ghuznavi, has asked me whether, if the railway line is extended to the borders of Burma, terrorism would disappear.

Mr. President (The Honourable Sir Shanmukham Chetty) : We are not discussing that subject now.

Mr. Muhammad Anwar-ul-Azim : Sir, my personal experience is this that if Government had the wisdom to follow that policy, I can assure my Honourable friend, Mr. Ghuznavi, and the House that we would have lived in much quieter atmosphere. Certain Honourable friends have taken objection as to why Mr. Maswood Ahmad raised all those objections. I am certain that the objections of Mr. Maswood Ahmad are justified on this ground, because as you know, Mr. President,

the Government went to the length of spending several lakhs of rupees in sending special officers for reconnoitring the country where the railway lines could be properly built. I am certain that if they followed the recommendations of Kirkness-Mitchell Committee properly they would not find themselves in this position of bringing this matter for the consideration of this House. At least we know this that the Government of India in consultation with the Punjab Government have been more or less, to put it mildly, gambling with certain Government revenues. What is the story of their loan to the Bahawalpur Darbar ? One would feel very shy to come to a decision as to be able to help in this matter because here who will be the agency, who will be the agency that would work for the Railway Board. It is the Jodhpur Darbar. We are not informed as to the position of that particular State and if their position is different from that of Bahawalpur. All these points are left to be surmised by the Members of the Assembly who are called upon to pass this sum and, I am certain, they can legitimately make these enquiries. They are responsible to the tax-payers. The Railway Board should have proper methods of opening their Railway lines, and not come to the Assembly for help at all times of the year.

Mr. P. R. Rau : Sir I was at a loss to understand the fury with which my Honourable friend Mr. Maswood Ahmad attacked this motion of mine till I remembered that unfortunately he failed to catch your eye, Sir, this morning when he wanted to speak on the Steel Protection Bill which was moved by the Honourable the Commerce Member. He suddenly remembered that the Honourable the Commerce Member, who is also the Member in charge of the Railways, was responsible for this motion also, and so he took this opportunity of exercising all his vengeance on him by opposing this motion. (Laughter.) Sir, my Honourable friend has raised various objections to this motion. The first is that he is very doubtful whether any line of railway is really required at all in that part of the country. I am afraid that he has taken this motion of mine to imply an unholy pact between me and my Honourable friend, Mr. Lalchand Navalrai, from Sind, and intended to give a sop to him or a bribe to prevent him from asking supplementary questions and he thought that I am proposing this railway line in his part of the country for this purpose.

Mr. Lalchand Navalrai : Bombay and Karachi railway lines should then be built very soon.

Mr. P. R. Rau : That was the only explanation I could give for his bringing in the question of railways in Bihar into the discussion because he is the only competitor to Mr. Lalchand Navalrai with regard to supplementary questions. (Laughter.) I need not, I think, labour the point that communications for the purpose of transporting the agricultural products that will come into existence by means of the Lloyd Barrage are essential and necessary. We carefully considered the question whether these communications could be more fitly provided by railways or by roads. As an Honourable Member has already pointed out, roads are a most expensive proposition in that part of the country on account of scarcity of road metal. It was, therefore, considered, and in this we had the unanimous recommendation of not only the railway authorities, but the authorities responsible for the civil government of Sind that a railway line in this area was absolutely essential.

[Mr. P. R. Rau.]

The next point which my Honourable friend raised was as regards the estimates of receipts and of the capital expenditure. In the first place he wanted me to add up all the figures given in a certain paragraph of the memorandum placed before the Standing Finance Committee. I do not know why he wanted me to add up all those figures. He must surely be aware that there are other arithmetical processes than that of addition. If he will not take my word for it, my Honourable friend sitting next to him will tell him that there is such a process as that of subtraction; and instead of adding all the figures if he adds the figure of gross earnings of the new line which is 2.76 lakhs to the additional earnings to existing lines of .46 lakhs, he will get a total of 3.22 lakhs. Deducting from that the working expenses of 2.31 lakhs, he will get the net earnings of .91 lakhs. Secondly, he pointed out that there were certain discrepancies in the figures of the capital expenditure which we propose to incur on this line and, in particular, he referred to the heading "Electric Telegraphs" against which no amount was shown. Now, Sir, as regards this point, the position is that the Electric Telegraphs will be supplied by the Government Telegraph Department who will charge us rent for it. So it does not have any place in the capital cost of the line. Similarly, with regard to the rolling stock. The rolling stock is provided by the Jodhpur Darbar and the additional expenditure on that account is included in the working expenses of the line and not in the capital cost of construction. Similarly, my Honourable friend talked of depreciation. That also is an item of working expenses and is not included in the capital cost of the line.

Sir, I do not think I need take more time in dealing with the criticisms levelled by my Honourable friend from Bihar on this point. Mr. Lalchand Navalrai raised, I think, certain objections to the alignment of this line. His chief point was that the railway did not pass through the town of Samaro. As regards that, he had, I believe, an interview with the Chief Commissioner of Railways and Major Gordon, the Manager of the Jodhpur Railways; and I understand from Major Gordon that the alignment proposed is so located as to give the greatest benefit to the agriculturists as a whole. The two villages Nabisar and Naokot lie on the fringe of the desert area, and it would be anything but economic to align the line so as to pass in close proximity to those villages. As regards Samaro, the point apparently is that if the line goes very near Samaro it will be within nine miles from the existing railway line. The alignment, I understand, has been approved by the civil authorities.

Mr. Lalchand Navalrai : It is yet with the Bombay Government. The civil authorities have not approved of it.

Mr. P. R. Rau : I understand it was discussed by Major Gordon with the Chief Engineer and the Commissioner of Sind, and, to the best of their knowledge, it was approved by the civil authorities. And Major Gordon has also informed the Railway Board—I am quoting from his letter :

"The question of the relative position of the proposed line with the Samaro village was discussed by me for hours with a deputation from Samaro headed by a Sindi pleader. The pleader finally admitted to me that the proposal to align the proposed line so as to pass within close proximity to Samaro was economically unsound and unjustifiable."

Sir, my Honourable friend, Mr. Jadhav, thought that there are other tracts in the Barrage area where railways are more urgently needed, but he did not tell us where those tracts were. On that point I think the House will agree with me that we should be better advised to take the opinion of the two Members from Sind. He also asked the question that if the line is going to be profitable, why does not a private company construct it and why should Government take the trouble of constructing the line? Now, Sir, as the House is aware, the present policy of the Government of India is to discourage private enterprise in the matter of construction of railways, and, I believe, public opinion in the country is in favour even of the State taking over all those lines which are at present managed by private agency.

My Honourable friend from Bihar, Mr. Gaya Prasad Singh, asked me questions about the cost of conversion to broad gauge. I am sorry I have not the exact figures about the cost, but it cannot be very much, because it is only a question of widening the existing line and the bridges are to be so constructed as to allow of the widening of the line without much extra expenditure. In any case the question of conversion to broad gauge will not be considered unless it is financially justified. The other question he asked me was why it was worked by the Jodhpur Darbar. The answer to that is that the British section of this railway is only about 250 miles in length and it is most convenient for it to be managed by the Jodhpur Darbar which has a mileage of about 800 miles in close proximity to it. The only other agency by which this line can be worked is the North-Western Railway. That is a broad gauge line for the greater part of its length and has not enough facilities for dealing with a short stretch of metre gauge line.

Mr. Gaya Prasad Singh : But does not the Eastern Bengal Railway consist of metre gauge as well as broad gauge and both of those systems are worked by the same agency?

Mr. P. R. Rau : The metre gauge system of the Eastern Bengal Railway is a bigger proposition. It is not a small line of 250 miles.

The only other point that I wish to take is with regard to the complaint made by Mr. Anwar-ul-Azim that this was not presented at the February Session. I have already explained why it was considered desirable to postpone consideration of any of these new lines till later in the year. In any case it has had this advantage that it has enabled the proposal for the construction of this line to be fully discussed in this House, whereas, if this had been taken up in February, it would not have had this full discussion.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : May I ask a question? Will the Financial Commissioner be pleased to tell me if the lines, which this proposed line is sought to connect, are broad gauge lines or metre gauge lines?

Mr. P. R. Rau : They are metre gauge lines.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That a supplementary sum not exceeding Rs. 15,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'New Construction'."

The motion was adopted.

CIVIL.

SALARIES AND OTHER EXPENSES IN CONNECTION WITH AGRICULTURE.

The Honourable Sir James Grigg (Finance Member) : Sir, I move :

“ That a supplementary sum not exceeding Rs. 1,52,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of the ‘ salaries and other expenses in connection with Agriculture ’.”

The supplementary demand is in respect of two schemes : the development of agricultural engineering and the agricultural propaganda in the Lloyd Barrage area in Sind. They have been explained in detail in the proceedings of the meeting of the Standing Finance Committee which was held on the 13th July, 1934. The rapid development of the Lloyd Barrage Area is a matter of considerable importance to the Government of India, since it is only through the success of that barrage scheme that Sind, after its separation from the Bombay Presidency, can become a financially self-supporting unit ; and until this occurs, its deficits will have, in one way or another, to be met either from Central or Federal revenues. The Government of India have, therefore, decided that all possible steps should be taken to accelerate the development of the barrage area as a revenue producing area during the period before the separate Province is created, in order that it may be able to repay, at the earliest possible moment, the advances from the Government of India from which the barrage and its canals have been constructed. I may just remind the House that the total amount borrowed from the Provincial Loans Fund is about Rs. 23 crores. The present budgetary position of the Government of Bombay does not permit them to provide the necessary money for accelerating the development of Sind ; and, I dare say, a good many of the Bombay Members would also take the view that they do not see why Bombay should spend money on developing Sind in view of the future events which have already cast their shadows before. In these circumstances, the Government of India have accepted in principle the proposal of the Government of Bombay that Central revenues should come to the assistance of Provincial revenues in financing schemes which are likely to hasten the development of Sind, but which are beyond the present resources of the Government of Bombay. The Government of Bombay, however, have undertaken to contribute to the cost of these schemes the amounts which they are actually spending at the present time. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That a supplementary sum not exceeding Rs. 1,52,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of the ‘ salaries and other expenses in connection with Agriculture ’.”

Mr. B. Das (Orissa Division : Non-Muhammadan) : I do not want to make a speech : I merely want to ask a question.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is requested to wait a minute : there appears to be a motion standing in the name of Mr. Maswood Ahmad.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Yes, Sir. I beg to move :

“ That the supplementary demand for a sum of Rs. 1,52,000 in respect of the ‘ salaries and other expenses in connection with Agriculture ’ be reduced by Rs. 50,000.”

I want to say in this connection that I am very sorry that I have to move this cut on a demand which is to develop Sind, as has been said by the Honourable the Finance Member. I also want to say in the beginning that I whole-heartedly support the separation of Sind, and I whole-heartedly support the idea of developing Sind. But, at the same time, I think it is my duty to inform the House as to how Government want to waste money in the name of development of any area or in the name of agricultural engineering in Sind. I am one of those who always vote for the agriculturists : I myself am an agriculturist, and I want that Government should show real sympathy with the agriculturists. But I do not want that the Government should, in the name of agriculturists, or in the name of the separation of Sind, be allowed to waste money like this, as they propose to do.

I thought that Mr. P. R. Rau would, when replying to my first amendment, give an answer to my question as to why papers were supplied so late. He did not reply to that question. I again put to my Honourable friend, the Finance Member, the same question. The Standing Finance Committee sat on the 13th July and they decided all these questions : all these papers were before the Government on the 13th July : then all these papers were sent to the press and the press gave them the copies on the 13th August in the shape of this book.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

May I ask him why these copies have been supplied to us after a lapse of 12 days ? We got these papers only yesterday. How is it then possible for us to read about 76 pages of this Standing Finance Committee's proceedings and then about more than 100 pages of the report of the Public Accounts Committee ? If you will see the job number, etc., on page 76, you will find that these papers were printed and were in the hands of Government officials on the 13th August, 1934. But for 12 days these papers were kept in the safe, so that we may not see them and we may not be able to study all the figures and the facts. Further, if I wanted to consult certain books in the Library, how was it possible for me to consult those books in the Library as yesterday was a Sunday ? We got these papers on Sunday, and we could not consult any books in the Library ; we could not do anything in this connection ; and today we are asked to discuss these questions on the floor of the House.....

Mr. K. Sanjiva Row (Government of India : Nominated Official) : May I interrupt the Honourable Member ? The pages which he should read in connection with this supplementary demand are only six and not seventy-six.

Mr. M. Maswood Ahmad : I said that all these things were supplied to us only yesterday and the total volume of these books in connection with the Standing Finance Committee and the Public Accounts Committee comes to about 200 pages ; and we have to go through them and discuss the Public Accounts Committee as well. How is it possible for

[Mr. M. Maswood Ahmad.] any one in this world to go and read so many pages in 24 hours. Further, we could not consult any papers or books to see if the figures submitted to us are correct or incorrect. We have got no other alternative, therefore, but to rely upon what they have said, and so I will quote what they have said in these books.

This item which they demand is for Rs. 1,52,000. There are three projects: one project is for agricultural engineering; the other item is to open a factory at Mirpurkhas; and the third item is to have propaganda work in Sind. These are the three items for which Government demand this sum of Rs. 1,52,000.

If you will see, about Rs. 48,020 is demanded as non-recurring expenditure. The annual expenditure is Rs. 1,07,807 per annum, this is for agricultural engineering work. For the factory they want Rs. 4,189 for non-recurring and Rs. 7,558 for recurring expenditure. I shall deal with these two items first, and then I shall pass on to the third item. As regards the first item, they have given us a list of works, and I want to read that for the information of the House. For machinery and plant they want Rs. 20,655, for machinery tools Rs. 5,135, for workshop stores and building Rs. 13,385, office furniture and scientific instruments Rs. 2,449, tractor and implements Rs. 6,396. All these relate to non-recurring expenditure. Then the recurring expenditure items are given; manufacturing workshop Rs. 58,832, working expenses of tractor Rs. 4,803, office contingencies Rs. 6,000, travelling allowance Rs. 5,700, pay of establishment Rs. 9,672, and pay of officers Rs. 22,800. What does this last item of Rs. 22,800 consist of? It is for a European Agricultural Engineer. Though they have not mentioned it in the book, it is for a European Agricultural Engineer, and, I am sure, my Honourable friend cannot contradict me there. What is strange, Sir, is that Indian Agricultural Engineers were not available to the Government and they want a European Agricultural Engineer. They propose to spend Rs. 18,600, while the manufacturing workshop will entail a recurring expense of only Rs. 58,832. This is a clear example of top-heavy administration. The pay of the Agricultural Engineer is Rs. 1,250—20 annual—Rs. 1,500 per mensem, with an overseas allowance of Rs. 300 per mensem. Then you will find that though the initial pay of the Divisional Accountant is Rs. 100, he will get Rs. 200, and will not get the starting salary. The draftsman's pay will be the initial pay of Rs. 200. The storekeeper and establishment clerk will get Rs. 80 though his initial pay is Rs. 75, that is, he will be put in the middle grade. The typist will get Rs. 55 though his starting pay is Rs. 30. Similarly, inward, outward and record clerk will get Rs. 35 though the initial pay is Rs. 30. Again, the workshop accounts and general clerk and the Assistant Agricultural Engineer's clerk will be placed in the middle grade. These men will not begin with the initial salary, but they are being put in the middle grade. In this way, in my opinion, they are wasting Rs. 18,600 on the Agricultural Engineer. Why should they spend such a large amount on him when they are spending such a small amount on the workshop? Is it not possible for the Agricultural Engineer in Bombay to supervise the work of the Assistant Agricultural Engineer in Sind? Even if you want to waste your money, why not waste it on Indians (Hear, hear), and what is the use of having a European Agricultural Engineer? Indians are poor and deserve some help from the Government, and so

an Indian can be appointed as Agricultural Engineer. So, Rs. 18,600 can be saved very easily. May I know from the Honourable Member if there is not an Agricultural Engineer for the Bombay Presidency, and is it not possible for him to supervise the work in Sind? If so, that amount is saved and also the expenditure on clerks, etc., for the Agricultural Engineer will be saved. In this way Rs. 26,000 can be saved.

Let me now come to the Mirpurkhas factory. It is said that if the purity of the seed is to be maintained, this factory is essential. Is this factory working in that area, or do they want to open a new factory?

An Honourable Member: It is already there.

Mr. M. Maswood Ahmad: I am coming to that. If they want to open a new factory, there is no provision for that. If they want to have the same factory which is working at present, then why do they require Rs. 4,189 for repairs and replacements and to bring it into a working condition? They want to develop the barrage area by having this staff, and what is the use of spending this amount on a factory as well? There is absolutely no necessity for working this factory by the Government and spending such an amount on this. This makes a sum of Rs. 30,000 a year. Let me come to the third item, which is, propaganda work. The total cost of this comes to Rs. 1,60,804. It is to be found at page 17 of the Standing Finance Committee's report. Instead of saying that the total cost will be Rs. 1,60,800, they themselves say the total cost is expected to be between Rs. 1,60,000 and Rs. 1,70,000. There they can easily save Rs. 10,000 according to their own figures. If you want to know what posts they propose to have, you will find details on page 17. They require two Deputy Agricultural Officers for propaganda work in a small province like Sind! What will be the duty of these men? Only propaganda work in the barrage area. (Laughter.) It is mentioned here, "Memorandum regarding the development and re-organisation of agricultural propaganda in Sind". The pay of the officers is Rs. 300 with an annual increment of Rs. 25, rising to Rs. 1,000 per month. The number of officers will not be one, but they require two, because there is a river which you cannot cross, and on the eastern side you must have one officer and on the western side another officer. (Laughter.) I am not saying these things from my imagination. It is said here that they require two officers, one on the eastern side and one on the western side. Perhaps there is no conveyance across the river in order that one officer may supervise the whole work in Sind. What is the area and the population of this place that you require such heavily paid officers? Why should they be satisfied with one Divisional Superintendent? I think they have forgotten. They require two, one for east and one for west. So, Sir, they are wasting money in this way. There are so many important things to be done and when there is a question of improvement of agriculture, they employ two or three European officers and this is their idea of improving agriculture. When we require some money for medical relief, they say "well, we will give you relief" and they appoint half a dozen I. M. S. European officers and this is the medical relief for India. What they mean is the employment of European officers only. I appeal to Members of the House who are the custodians of public money that they should not allow this wastage. The House is unanimous on this point. We want that agriculture in Sind should be developed, but in its true sense. I want to tell my friends, Mr. Haroon and Mr. Lalchand Navalrai, that this is not a gift to them. They have to pay this amount

[Mr. M. Maswood Ahmad.]

again—the money that will be wasted in these areas, and the burden of the taxes will be on their shoulders and on the shoulders of their constituency. (Hear, hear.) I am not telling this out of my own imagination. Government have also told you that this will be your fate. On page 12, you will find that special accounting arrangements will be made for maintaining a separate record of the receipts and expenditure, so that the exact sums involved will be known when the financial settlement with Sind is made. When you have to pay this money back to the Government, you must be cautious in accepting this wastage of money like this. You must be cautious when you are going to allow Rs. 18,000 for a European Officer and another sum for other officers. I have done my duty. I have placed my facts before you, and it is for you to decide this question on its merits. I am not against Sind, I am against the wastage of money which has been proposed by the Government. It is certain that we cannot win in this House, but certainly we are entitled to do our duty and to place the correct facts before the House and warn it of the consequences. Sir, I move that Rs. 50,000 should be reduced from this demand and I have explained my reasons.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Cut motion moved :

“ That the supplementary demand for a sum of Rs. 1,52,000 in respect of the salaries and other expenses in connection with Agriculture be reduced by Rs. 50,000.”

Raja Bahadur G. Krishnamachariar (Tanjore cum Trichinopoly :

4 P.M.

Non-Muhammadan Rural) : I rise to support this amendment. I believe, at an earlier portion of the day, Mr. Mody referred to my defence of the consumers and he said “ what do people who drive in Rolls-Royce cars know anything about the consumer ? ”. I believe that is what he said. That is the information that was conveyed to me since I entered this House this afternoon. Unfortunately I was not here at the time.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Order, order. The motion we are discussing just now is that a sum of Rs. 50,000 be reduced from the supplementary demand.

Raja Bahadur G. Krishnamachariar : I am coming to that. I am developing it in a way in which you will find that I am speaking perfectly relevantly, although the objection to my defending the cause of the agriculturist is raised upon an absolutely irrelevant basis. I stand today to support this amendment because I am an agriculturist. I live on agriculture. From time immemorial, we have lived on agriculture, and were it not for the chance that I have been able to enter a profession, I would have been an agriculturist today.

An Honourable Member : And not in this House ?

Raja Bahadur G. Krishnamachariar : I do not know. A good many persons, who are not professional men, are still in the House. Only I wish that I should not have been made the butt of an attack from my friend, Mr. Mody. I do not want to repeat the arguments that have been brought forward by my friend, Mr. Maswood Ahmad, so forcibly. There is one point on which he did not lay stress, unless I did not hear him properly. That is this. What is this propaganda you are going to make ? May I know what it is ? Nobody knows anything about it. My

Honourable friend who made this motion did not tell us anything about the details of this supplementary demand. Consequently we are in the dark. On page 6, it is stated that the completion of the Sukkur Barrage is going to produce lots of agricultural produce and it is absolutely necessary that provision should be made for it. That is to say, they either produce these agricultural products or they don't. If they produce these products, then why do you want to make any propaganda ? Are you going to tell them that they should plough in a certain manner ? Are you going to tell them to use steel ploughs instead of the old fashioned wooden ploughs with a small piece of iron fixed to them ? Are you going to tell that they must use chemical manures and fertilisers instead of farmyard manure ? Are you going to tell them how they should prepare their seed-bed and how they should transplant ? Are you going to tell them about the monsoon and the state of the weather at the time when they come to harvest ? The fact of the matter is that there are lots of gentlemen prepared here who are drawing a salary of Rs. 600 and upwards with a host of officers and subordinates under them. I do not know what they are going to do. When these officials come to the villages, it is a job to give supplies to them. Of course the Government say that the officials who take supplies have got to pay, but, Sir, I will be taking too much of the time of the House if I were to explain these little troubles that are endured by the villagers in respect of the visits, or shall I say, visitations of these officers who come for their propaganda.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Special provision is made for the entertainment of officers in Sind by the exactions of *rasai* and *lappo*.

Raja Bahadur G. Krishnamachariar : “ Exaction ”—yes. I understand the word “ exaction ” to mean compelling a man to pay something against his will ; that is, as I say, what happens and what will happen, unless my friend was thinking of something else—and he was a Government official, he knows it, I do not know anything about it. I was in the unfortunate position of a man who was under the heels of these people and my friend was in the position of one who took advantage of such things, and, therefore, he knows better.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : *Rasai* and *lappo* constitute bribery.

Raja Bahadur G. Krishnamachariar : Yes. I will come back to that question. There are so many things that have got to be done in connection with agriculture. Are you going to instruct them that they should deal in agriculture rather than in other professions ? What is it that you are going to tell them ? And why do you want an officer on Rs. 600 and another officer on Rs. 300 ? Sir, whatever these Agricultural Department people say that they are going to improve our agriculture, the last word on Indian agriculture has been said thousands of years ago. I say this without absolutely any fear of contradiction and my authority is the Report of the Royal Commission on Agriculture. If anybody had the patience to follow the examination of witnesses during the peregrinations of that Commission, especially important witnesses, and the cross-examination of Sir Ganga Ram, you will find ample material to justify the position I am taking that nearly everything that the Agricultural Department say that they have done for the purpose of improving agriculture was known to us, but why then did we not follow them ?

[Raja Bahadur G. Krishnamachariar.]

Because, Sir, we have not got the money : and here we have Rs. 45,000 spent chiefly for the pay of officers who are going to tell me, "you should do this, and do that, in agriculture", and thus carrying coals to Newcastle ! That clearly is not the proper thing to do, and, I think, in the Government placing this motion before us, this House has not been treated properly, because we are not given the full details, nor does this supplementary demand contain any information. Sir, I endorse the objections raised. It is impossible for any of us to master these and to address useful criticisms, but what we have been able to understand so far as that this item is certainly very objectionable, and while, I am not sure that Rs. 50,000 alone need be deducted and not more, I submit that at least Rs. 50,000 should be deducted and whatever you may say, I respectfully appeal to this House that that item of propaganda should be completely wiped out. That is my objection.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Mr. Deputy President, to the best of my recollection there was an occasion when the predecessor of my Honourable friend, the Finance Member, mentioned in this House the separation of Sind, and I think he more or less took it for granted that it was an accomplished fact. The result of this was that within a very short time questions were asked in the House of Commons as to why mere Member of the Government of India should dare to take for granted something which was being discussed by the Joint Select Committee and has to be decided by Parliament. That was an actual occurrence. Today we find that in a note, put up by the Finance Department and discussed by the Standing Finance Committee, the separation of Sind is taken to be an accomplished fact, and to such an extent, Mr. Deputy President, that we are having a debate in this Honourable House which, under ordinary circumstances, would have taken place in the Bombay Legislative Council ; and we are doing so in anticipation of the Legislative Council of Sind coming into existence. Sir, I hope, my Honourable friend, the Finance Member, will be a little luckier than his predecessor and will not be pulled up in the House of Commons for having dared to allude to something which we know is *going* to be an accomplished fact. Now, Sir, if this had been, as it ought to have been, discussed in the Bombay Legislative Council, there would have been at least twelve to fifteen representatives of Sind to express an authoritative opinion upon the merits of the question, but today we find one Honourable Member from Bihar and another Honourable Member from Madras criticizing a scheme intended for Sind, which ought to be discussed, accepted or rejected by Sindhis. I am not a Sindhi, but I am more connected with Sind. Sir, than either of my Honourable friends who have addressed this House ; and, when my Honourable friend behind me talks about the little Province of Sind, perhaps he has not realized the amount of land that has come under the plough due to the Sukkur Barrage, which had been virgin soil for as long as man can remember. Therefore, Sir, I do not think this House is in a position to criticize this scheme. It is merely the force of circumstances that has driven the Government of India to bring this matter before us. It ought never to have been here ; it ought to have been discussed in Bombay or by the future Legislative Council of Sind. and, therefore, to go on criticizing a scheme which we do not understand or are not capable of understanding in this House seems to be a mere waste of time. Sir, I can remember schemes put forward

years ago, when I had something to do with these schemes for the development of Sind, and I can remember criticisms levelled at those schemes by Honourable Members who knew something about them, by Honourable Members who lived on the soil, by Honourable Members who were vitally interested in those schemes—either interested in having them accepted or having them rejected. Now, Sir, I am not here to express any opinion on the merits of this scheme as it stands, and what I would suggest to this House today is to leave it entirely to the responsibility of the Government of India, who have fathered this responsibility and this scheme and let them do what they like. If there is anything fundamentally wrong about it, my Honourable friend, Seth Haji Abdoola Haroon, and my Honourable friend, Mr. Lalchand Navalrai, will have, as some one has reminded us, to pay the piper,—not this Honourable House ; it is they who are going to pay the piper. Sir, it is only the force of circumstances which compels us to read even these six pages ; we have no business to do it ; it ought never to have come up before us, and therefore let the responsibility be taken by the Government of Bombay and the Government of India who are vitally interested ; we are not paying for it. Sind will pay for this money. Let them decide. And this, after all, is a loan by the Government of India, is not this so ?

The Honourable Sir James Grigg : To be taken into account in the final financial settlement.

Mr. Lalchand Navalrai : Sir, this grant of Rs. 1,52,000 is required for developing the Sukkur Barrage. Now it cannot be denied that the barrage is a settled fact now, so far as it has been completed. It also cannot be denied that a loan of Rs. 23 crores has been taken by the Government of Bombay and they now want, as the memorandum shows, some more money as a loan for the development of this barrage. Now, Sir, the unfortunate thing that I see is this that certain reasons have been given in this memorandum which ought not to have been given and, if my Honourable friend, the Finance Member, excuses me, I submit that it is only because he is new to this subject and the whole question of the separation of Sind, which is a vexed question, has not been thoroughly mastered by him. Sir, I do join hands with the Honourable Sir Cowasji Jehangir that the question of the separation of Sind cannot possibly be raised at this stage in this House. The question of the separation of Sind.....

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : We are not discussing the question of the separation of Sind. The question before the House is that the amount of Rs. 1,52,000 be voted by this House.

Mr. Lalchand Navalrai : May I ask the Chair that on the demand itself another opportunity will be given to us to speak, and we should restrict to the amendment to reduce the demand by 50,000 ?

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : May I rise on a point of order ? Was not Mr. Maswood Ahmad allowed to say that he is quite in favour of separation of Sind. This question is also mentioned in the proposal placed before the Standing Finance Committee in this connection.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Mr. Maswood Ahmad referred to it in a general way. But the question of the separation of Sind is not an issue before the House.

Mr. Lalchand Navalrai : I would only ask for a ruling from the Chair whether, on the demand itself, we are not in a position to speak on the question of the separation of Sind, because in the memorandum it is said that this money is being given by Government as a loan because Sind may be separated and it is in the interests of the welfare of that separated Sind that this loan is going to be given. I, therefore, submit that, although the question may not be touched in all its bearings and gone into at length, it can certainly be touched upon. I want to have the ruling from the Chair whether I am right or not ?

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question about the separation of Sind is absolutely out of order on this discussion.

Mr. Lalchand Navalrai : Then, I would submit that the reasons which have been given for this loan should be absolutely deleted. Sir, if the question of the separation of Sind is not going to be allowed at this time to be discussed because of the giving of this loan, then I must say that this demand should be considered by the House only as a question of loan being given to the Bombay Government. It should not be considered that it is necessary to give this loan on the ground of the anticipated separation of Sind. After the ruling of the Chair, the question before the House is whether this amount of Rs. 1,52,000 should be given as a loan to the Bombay Government for improving the barrage. The question whether Sind is to be separated or not does not arise at this moment. I submit that I myself was of that opinion, namely, that the consideration of the question of the separation of Sind does not lie with this House. It has been said several times that the question of the separation of Sind has not yet been decided and it is the Parliament alone that can decide it. If the question of the Sind separation is going to be decided by Parliament, then the Finance Department has no right to say that in anticipation of the Sind separation this loan should be given. I, therefore, protest against the Finance Department having brought in the question of the separation of Sind. They might as well have said that the Government of India have loaned a sum of 23 crores of rupees to the Bombay Government and the question before the House is whether any more money should be given to that Government or not. If Sind had been separated, then the Government of India could have given the loan to Sind. But as long as Sind is in Bombay, the Government of India can give a loan only to the Bombay Government. No question arises at this moment.....

Sir Cowasji Jehangir : I rise to a point of order and a point of principle. Here is a demand made for a specific object. It is clearly stated and we know it is a fact that that object is within the purview of the Provincial Government. On account of certain circumstances explained in this note, the demand is made before this House. Are we, as a House, responsible for the merits of this scheme ?

Mr. Gaya Prasad Singh : Why not ?

Sir Cowasji Jehangir : If something goes wrong with the scheme—say, it turns out to be a failure,—will the Government Benchers hold this House responsible for it ?

Mr. Gaya Prasad Singh : Certainly.

Sir Cowasji Jehangir : I want to raise this as a point of principle and also as a point of order, because, after all, in ordinary circumstances

this question would have been discussed by the Bombay Legislative Council. It is only in anticipation of the separation of Sind that it has come before this House. If Sind had been separated, it would have come before the Legislative Council of Sind. I contend, Sir, as a point of order, that we, as a House, are not responsible for the merits of this scheme. We are not seized of this scheme and we are not in a position to discuss it on its merits because there are only two representatives of Sind in this House. Under ordinary circumstances, if this question had been discussed where it ought to have been discussed, namely, the Bombay Legislative Council, there would have been at least 60 representatives of Sind to express their opinion on it. Under these circumstances, I contend that we, as a House, are not responsible for the merits of this scheme. We are merely responsible for allowing the Finance Department to finance this scheme in the place of the Bombay Government.

Mr. M. Maswood Ahmad : Can I also speak, Sir, on this point of order. My point is that this question has been brought before us and it has not been placed before the Bombay Council and there is no Legislative Council in Sind at present. Had there been a Council in Sind, the case would have been quite different. At present it is we who are discussing this question, and, therefore, we are responsible for it.

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

If we pass this motion, we are responsible for it. This is my submission in this connection.

Sir Cowasji Jehangir : Mr. President, in your absence I raised a point of order. As it is an important point of order, may I, with your permission, repeat it ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Yes, please.

Sir Cowasji Jehangir : The point of order is this. The Finance Department has asked for a grant of Rs. 1,52,000 to finance an agricultural scheme in Sind and the reasons were given not only in the Finance Member's speech but are also given in the note. The reason is that since Sind is going to be separated from the Presidency of Bombay, the Government of Bombay do not desire to take the responsibility of financing this scheme and have invited the Government of India to finance it in view of the future prospects of the separation of Sind. The Government of India have come before this House with a demand for this purpose. Under ordinary circumstances, this scheme and this demand would have been placed before the Bombay Legislative Council as dozens of such demands have been so placed in the past. It would have been discussed in the Legislative Council of Bombay and would have been either accepted or rejected there. But on account of the circumstances I have just explained, the demand is made before this House. I contend, Sir, that this House not having a sufficient number of Members of Sind here, as in Bombay, is not responsible for the merits of this scheme. Under the Government of India Act this demand ought to have been made before the Legislative Council of Bombay, where Sind is properly represented. It is merely due to an understanding between the two Governments that this demand is made here, and, therefore, I contend that we are not responsible for the success or failure of this scheme. I, therefore, want a ruling and

[Sir Cowasji Jehangir.]

an assurance both from the Government of India and from you, Sir, that we are not responsible for it.

Mr. President (The Honourable Sir Shanmukham Chetty) : How does it form a subject matter of ruling by the Chair ?

Sir Cowasji Jehangir : Under the Government of India Act all matters pertaining to the Presidency of Bombay have to be decided by the Legislative Council of Bombay and cannot come before this House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member must point out some section of the Government of India Act or of the Devolution Rules by which this House is not competent to discuss a motion of this nature.

Sir Cowasji Jehangir : I do not say it is not competent. The Government of India having the power of direction and control can take upon itself any responsibility and finance anything that concerns the Presidency of Bombay, but I contend that in ordinary circumstances this demand would have been made before the Bombay Legislative Council where Sind is adequately represented. Due to an arrangement come to between the Government of Bombay and the Government of India in anticipation of the separation of Sind, they make the demand before us. I contend that, in these circumstances, this House is not responsible for the scheme on its merits. I submit that we are not capable of discussing the scheme on its merits and I want an assurance from the Government or a ruling from the Chair that we shall not be responsible for this scheme.

Mr. M. Maswood Ahmad : In reply to that point of order I will say that this scheme has not been placed before the Bombay Legislative Council. This scheme has not been discussed anywhere. This scheme which could have been prepared by the Bombay Government or by any Government is before us and placed by the Government of India before us and we could have sanctioned this sum for the particular scheme. So, I submit, we are entitled to discuss this scheme on its merits as well and we are responsible for that. This is my point that this scheme not having been discussed anywhere, we can discuss it.

Mr. Lalchand Navalrai : Sir, I want to place a fact before this House. When I was speaking on this motion a point of order was raised by me and that has connection with the present point of order. I want to place that before you before you may give your ruling on this point. I said that the motive for giving this loan to the Bombay Government is the anticipation of separation of Sind and I began speaking that the question of separation of Sind is not a settled fact.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Chair understand the Honourable Member to raise the point of order on which a ruling has already been given ?

Mr. Lalchand Navalrai : The ruling has been given and I accepted the same. But this point of order arises from that and so I am placing that fact before you. By the previous ruling I was not allowed to speak on the question of separation of Sind. Then this point of order has been raised that the separation question is before the Parliament

and so the Bombay Government should consider this scheme of development.

The Honourable Sir James Grigg : Sir, perhaps it might have been better in order to present this proposal in an accurate light if the question of the separation of Sind had been referred to merely as a possibility. What is quite clear is this. A large sum of money has been spent on the Lloyd Barrage in Sind. That scheme will not become remunerative until agriculture in Sind has been developed a great deal more than it has been at present, and, therefore, the scheme will not pay interest on the capital it has cost. This is a project for making the scheme more remunerative by the development of agriculture in that area. The Bombay Government think that they may very well in a short time have no interest in Sind at all, and, therefore, they are not going to spend any more money than they are spending at present. Therefore the choice before the Government of India was to let agriculture not be developed or themselves to pay or to ask the House to approve the payment through the machinery of the Imperial Council of Agricultural Research money for the development of agriculture in that area. For all this discussion about the separation of Sind, I admit, we may have some responsibility owing to a certain vagueness of expression. It is the mere possibility of separation of Sind that has led the Bombay Government to refuse to spend any more money on it and the question of the actual separation of Sind is not in issue at all.

Bhai Parma Nand (Ambala Division : Non-Muhammadian) : Sir, Government want this grant on the clear assumption that Sind is going to be separated.

The Honourable Sir James Grigg : I have just explained that it is not on that clear assumption. It is on the assumption that there is a possibility of Sind being separated. I have already explained away those words.

Mr. Lalchand Navalrai : Then why don't you delete those words from the memorandum ?

The Honourable Sir James Grigg : Certainly not. They have been explained.

Bhai Parma Nand : I want to say, Sir, that the question of separation of Sind is not a settled point at all. The Secretary of State has no doubt said that it was a settled fact, but, after that, the Joint Parliamentary Committee appointed a special sub-committee for the purpose of examining Sind witnesses whether Sind should be separated or not. When the main question of the Communal Award was brought before the Joint Parliamentary Committee, the Lord Chairman decided that this question was still open and it would be settled by an Act of Parliament. Therefore, I submit that at this time it is not for this Government to assume that Sind is going to be separated but it is on this account that they want this grant from this House. If the Government want this grant in the anticipation of separation of Sind, we should not sanction this grant at all. We have no authority to settle that question, and we are not in any way authorised to sanction this grant as the reason on which the Government have demanded this grant is absolutely wrong and if they want for any other reason, then the Government should delete this portion in the memorandum, namely, that it is wanted in anticipation of the separation of Sind.

Mr. President (The Honourable Sir Shanmukham Chetty) : No question connected with the separation of Sind would be in order. It is one thing to say whether Government would be competent to bring before this House a proposal for expenditure, and it is quite another thing to say whether it is proper for them to bring such a proposal. It may be improper under certain circumstances for the Government of India to bring proposals for expenditure of a certain nature, but it may be quite competent for them to do so under the power vested in this Legislature by the Government of India Act. What the Chair has to consider is, not whether Government were well advised in undertaking this responsibility and not pass it on to the Bombay Government. What the Chair has to consider is, whether, under the provisions of the Government of India Act, this demand for a supplementary grant can be sanctioned by this House. So far as the Chair can see, nobody has pointed out to it any provision of the Government of India Act which precludes the incurring of such expenditure by the Government of India.

Sir Cowasji Jehangir : May I submit, Mr. President, that there is a section of the Act which says that any expenditure on a matter which is within the purview of a Provincial Government should be borne by the Provincial Government.

Mr. President (The Honourable Sir Shanmukham Chetty) : Where is it ?

Sir Cowasji Jehangir : I cannot lay my hand on it now. There is a section between 72-A and 73 which precludes the Government of India from sanctioning expenditure which falls within the purview of Provincial Governments. But I am not able to place my hands on the section immediately.

Mr. G. H. Spence (Secretary, Legislative Department) : There is no such section.

Sir Cowasji Jehangir : Does the Honourable Member contend that any expenditure, which it is legally incumbent upon a Provincial Government to incur, can be incurred by the Central Government and a demand for it can be brought forward before this House ?

Mr. G. H. Spence : I expressed no opinion on that point. I merely stated for the Honourable Member's information that the section which he was trying to find does not exist.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair will give an analogy. The earthquake in Bihar was the concern of the Bihar Government, but this Assembly sanctioned expenditure for the relief of the Bihar earthquake. The Chair is not able to lay its finger on any section of the Government of India Act which precludes the Government of India from incurring an expenditure of this nature or which precludes this Legislature from sanctioning this proposal. I am certain that there is no section of the Government of India Act which precludes it, and this demand is in order. But the passing of this demand will not in any way commit this House either to the separation of Sind or otherwise. That question is entirely separate. Mr. Lalchand Navalrai may continue his speech.

Mr. Lalchand Navalrai : Sir, to continue the debate, now I find that the question is simpler. The issue before the House now, after

this discussion and your ruling, is whether the Government of India should give a loan of Rs. 1,52,000 to the Bombay Government.

Seth Haji Abdoola Haroon (Sind : Muhammadan Rural) : Is this a question of loan ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It is put down here as expenditure.

Mr. Lalchand Navalrai : There is already a loan of 23 crores of rupees which the Bombay Government have got from the Government of India. So far as the barrage is concerned it has been completed and it is really necessary that the barrage should not be left alone at this stage without any further improvement or development being made. I am, therefore, of opinion that money should be given as a loan to the Bombay Government for this purpose, but how much the amount should be is the question.

The Honourable Sir James Grigg : Sir, may I remind the Honourable Member that you can bring a horse to the water but you cannot make him drink ? The Bombay Government will not take a loan.

Mr. Lalchand Navalrai : Then to whom is this loan being given ? Is this loan being given to me ? The memorandum does not say that it is a grant. On the other hand it states.....

The Honourable Sir James Grigg : May I again point out that the question of loan or gift is left purposely vague :

"It is proposed to finance the balance.....out of Central funds. Special accounting arrangements will be made for maintaining a separate record of the receipts and expenditure, so that the exact sums involved will be known when the financial settlement with Sind is made."

I take it that that leaves it open to the Government of India to treat it finally as a gift or as a loan in accordance with the actual conditions at the time of the final settlement, if and when it is made.

Mr. Lalchand Navalrai : Sir, then the point is this that, because the accounts are being kept separately, therefore it should be considered that those 23 crores of rupees that have been given as a loan are also a free grant. I shall be very happy to see that the Government of India makes that free grant to Sind. If that is a loan then there is no other question but to give other loans. Then it would amount to this, that this House is going a step further than even the question whether Sind is going to be separated or not. They are giving a subvention, because it has been said here, in the memorandum, that until Sind is separated, its deficits shall have, in one way or another, to be made good by subvention from Central or Federal revenues. Then, this Government is running too fast. The question of separation is not decided, and it is yet before Parliament, but the question of subvention is going to be decided here. Subvention is a vicious subject. I do not know why we are going to make a free grant of this money to Sind ? Therefore, I submit that the only way in which it can be given is by way of a loan. It cannot be a free grant. Under what head will it come as a free grant ?

Captain Sher Muhammad Khan Gakhar (Nominated Non-official) : You are very ungrateful. You are given a grant and you do not want it.

Mr. Lalchand Navalrai : I do not want these paltry sums. If it is a gift let all the 23 crores go as a gift and we shall be quite happy. So far as my position at present is concerned, I should like the House to consider this point that this is a loan and cannot be a free grant. Even in the demand it is not shown as a free grant. There is no ambiguity at all. The Barrage has been built on loans given by this Government, and the Bombay Government are unwilling to do it because they have no money with them. That is what the memorandum says. The Bombay Government have nowhere said, nor does this memorandum say, that they are not going to incur this expenditure because Sind is going to be separated. On the contrary, so far as I know, the Bombay Government, from beginning to end, have been in favour of non-separation of Sind and they have got this loan from Government and built the Barrage. It is they that want to reap the fruits. Therefore, I submit that this cannot be considered in any other light but as a loan. From that point of view my position with regard to this demand is this. I do recognise that the Sind Barrage does require money for furthering the ends and objects of that Barrage, and money is needed; but how much is the question. Now, if the Bombay Government have not got funds, then only a loan can be taken. The Central Government can give this money only after considering the estimates. It is like this: the Bombay Government having got no money say that this big project might suffer for want of some development; and for that purpose they want to have workshops, propaganda, etc.....

Raja Bahadur G. Krishnamachariar : Did the Bombay Government want this money?

Mr. Lalchand Navalrai : We do not know, but the point is that it has been conceded in this memorandum that that Government is not able to incur this expenditure.

Raja Bahadur G. Krishnamachariar : Then, who wants it?

Mr. Lalchand Navalrai : We do not know who wants it; but certainly the Barrage wants it. If it is said that the Bombay Government has not asked for this loan, then no question arises of giving it. Then who makes this demand? Is this a demand by the Finance Member here for money to be spent on the Barrage? Who will spend the money? Will it be spent through the Bombay Government or not? (*Cries of "No."*) Then, how? "No" cannot be accepted: it is through the Bombay Government that the money.....

The Honourable Sir James Grigg : The Honourable Member comes from Sind and surely he is not unaware that Sind has a separate Agricultural Department.

Mr. Lalchand Navalrai : Sind has a separate agricultural department under the Bombay Government. My Honourable friend should know that in Sind we simply have a Commissioner and we have not got a separate government there; we do not have a separate agricultural department and everything is being done through the Bombay Government; we are not yet separated; and even the appointment of a single person will be subjected to the budgetary provision of the Bombay Government. Therefore, I agree with my Honourable friend in his amendment for reduction of the demand. If this is not a loan to be given to the Bombay Government and it is simply going to be

given without any rhyme or reason, then I say that the House should reject this demand totally. But if it is going to be a loan, then I agree with the amendment to reduce it by Rs. 50,000; and my reasons are these. My Honourable friend has shown in detail that the proposed expenditure can be economised, and I agree there. I see there are to be two European officers on very high pay. Is there a dearth of Indian engineers for this purpose? There are many in the Bombay Presidency—and there are some even now engaged on agricultural works in Sind who can occupy these posts. Therefore, I agree that the demand should be reduced by Rs. 50,000. But, I must say, I request the House to reject this demand wholly if the Government is not in a definite position to say anything and if it says this demand should be granted in that vague manner.

Seth Haji Abdoola Haroon : Sir, I had no intention to take part in this debate; but, unfortunately, question after question has been raised and I consider it my duty to my Province to say something. Misunderstanding has been created in one way or another. In my opinion the question is very simple. The Government of India have come forward with this proposal to spend Rs. 1,52,000 on propaganda work, engineering works and so on. My Honourable friend, Sir Cowasji, pointed out that this question must be put before the Bombay Council where Sind members might discuss the matter. He is quite right. Nobody can deny that. But what is the present position? It is this: the Government of India have lent the Bombay Government 20 crores, which, with interest up-to-date, comes to 26 crores. On account of political disturbances as to whether Sind should be separated or not, the Bombay Government have washed their hands of the thing. Nobody is saying clearly whether Sind should be separated.....

Mr. Gaya Prasad Singh : Why should they wash their hands of Sind?

Seth Haji Abdoola Haroon : Because of political disturbances: there are arguments from one side and another and nobody knows what will happen: the Parliamentary Committee have to decide; and when they will decide nobody knows: the Secretary of State has announced, that Sind would be separated, at the Third Round Table Conference. Today the Government of India is in the position of a moneylender, or Marwari. As my Honourable friend, Mr. Lalchand Navalrai, knows very well, in Sind, when the moneylender advances some money to the cultivator and one or two crops fail, he always tries to help the cultivator by giving something more, so that he might re-establish himself and bring in his crops and repay the debt.....

Mr. Lalchand Navalrai : It is the co-operative banks who do it now.

Seth Haji Abdoola Haroon : The Government of India is in the same position. They have advanced 20 crores and with interest it comes to 26 crores. The memorandum says that the Government of Bombay do not want to spend a pie. Not only that, but I want to draw attention of the House to para. 79 of the Sind Administration Report from which the House can understand how the Bombay Government is treating Sind. They say:

"We are surprised, however, to find that in 1932-33, the very first year of the working of the Barrage canals, although there was, contrary to anticipation,

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a net surplus of Rs. 19,86,000 over working expenses, the surplus is allowed to merge in the general revenues of the Government of Bombay instead of being utilised towards part payment of the unpaid interest, on capital. Here, again, we see a charge made against the Capital (Loan) Account of the Barrage by utilising in relief of general revenues a sum to which those revenues have no claim, whilst a liability of the Capital Accounts awaits to be honoured."

Then, in 1933-34 the income from the barrage was included by the Bombay Government in the general revenues, that is, an amount of Rs. 27.27 lakhs which was the revised estimate. Again, the budget estimate of Rs. 21.87 lakhs for 1934-35 they have included in their general revenues.

Sir Cowasji Jehangir : May I ask the Honourable Member who paid the interest on the Rs. 26 crores? The Government of Bombay paid.

5 P.M.

Seth Haji Abdoola Haroon : The Government of Bombay had paid only Rs. 10 lakhs.

Mr. B. V. Jadhav : Rs. 10 lakhs are a free grant.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Seth Haji Abdoola Haroon : The report says :

"The revenue accounts of the Government of Bombay for 1932-33 closed with a surplus balance of Rs. 26.21 lakhs and the revenue surpluses estimated for 1933-34 and 1934-35 amount respectively to Rs. 70,000 and Rs. 3.9 lakhs only. It is obvious, therefore, that the Barrage revenue are playing a great part in avoiding the revenue deficits of the Government of Bombay and in balancing its budget. We cannot, however, see how the audit authorities and the Public Accounts Committee will accept this book-keeping, involving as it does the utilisation, for avoidance of fresh non-productive debt, of earnings derived from earlier productive debt, without first meeting the legitimate accruing liability of the latter debt."

From this report you can see the attitude of the Bombay Government towards Sind. Today the Government of India also see that if they do not spend this money and improve the Barrage area, it will be difficult for them to get back their debts. I agree with my Honourable friend, Sir Cowasji Jehangir, that this question ought to have been discussed by the Bombay Council, but, unfortunately, the Bombay Government are not taking any interest in Sind. Therefore, I support this demand, but will at the same time make a suggestion to the Government that after this demand is passed they should send it to the Commissioner of Sind and ask him to take the opinion of either the Members of Council or those in whom they have confidence and put before them the scheme. If they agree, let this money be spent.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Can the Government of India deal directly with the Commissioner of Sind?

Seth Haji Abdoola Haroon : Through the Bombay Government.

Mr. B. V. Jadhav : May I ask the Honourable Member.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. In view of the great confusion caused, I think it is the duty of the Chair to explain to the House the issue involved in this vote. In considering this demand for a supplementary grant, the House should take into consideration the existence of the Bombay Government, and

not of Sind as a separate province. The Government of India have advanced over Rs. 23 crores to the Bombay Government for the construction of the Lloyd Barrage. In so far as the Government of India have made this advance, it is the case of the Government that it is in their interest to see that the agricultural development of the Barrage area is hastened (Hear, hear), so that the huge advance which has been made by them may thereby be protected. The Government of Bombay, under whose jurisdiction the Barrage is situated, feel that on account of the stringency of the provincial finances they are not in a position to undertake any schemes of agricultural development in the Barrage area, and, therefore, the Government of India want to come to the rescue of the Bombay Government, and they themselves offer to take the responsibility of spending this Rs. 1,52,000 on the agricultural development of the Barrage area so that that development might be hastened. The Government desire to provide a sort of insurance premium to prevent any serious loss that might accrue. That is the case of the Government of India. But the Government of India at the same time hope that they would keep this Rs. 1,52,000 in a separate account, so that, if and when Sind is separated into a separate Province and the relative financial liabilities of the Government of India, the Bombay Government and the new Sind Government come to be determined, the question will ultimately be decided as to whether the responsibility for this Rs. 1,52,000 will be borne by the Government of India, or by the Government of Bombay, or by the new Government of Sind. So far as the House is at present concerned, this item of Rs. 1,52,000 is an item of expenditure and not an item of loan. If it is the intention of the Government that this House should treat this as an item of loan they should have provided it, not under the item of agricultural expenditure, but under the item of loans and advances to Provincial Governments. What the House has to make up its mind about is this, whether in the interests of protecting the advance which the Government of India have made to the Provincial Government it will be justifiable and wise on the part of this House to undertake the responsibility for the expenditure of this Rs. 1,52,000 so that the advance of Rs. 23 crores may be protected. (Applause.)

Seth Haji Abdoola Haroon : The Chair has very clearly explained the position. I want to tell my friend, Mr. Lalchand Navalrai, that he should not think that this amount of Rs. 1,52,000 will be debited to Sind account, because we know that the works are still going on, and I think this year also we have to borrow about Rs. 75 lakhs through the Bombay Government for Barrage capital expenditure. If the Government of India think they are giving this amount as a loan, then they must ask the Bombay Government that they should spend from the loan account and it is not necessary to spend from the revenue account. But, of course, we are keeping an account. If we are prosperous, if we are rich, then we can with folded hands give that money back to the Government of India, but otherwise, you must consider this as a gift just as Bihar got Rs. 129 lakhs. With these remarks I support this demand, and, at the same time, suggest to the Government that through the Bombay Government or by some other means they should get the opinions of Members of the Council and the public on the scheme, whether it should be spent as it is or whether it should be curtailed here and

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there as my Honourable friend, Mr. Lalchand Navalrai, suggested. With these remarks, I support the demand.

Mr. B. V. Jadhav : As certain aspersions have been made about the conduct of the Bombay Government I shall have to take up some time of this House. In the beginning I have to say I am neither for nor against the separation of Sind. In the Committee of the Round Table Conference that was appointed and where this question was discussed, I did not take any partisan attitude there, but I confined myself to justifying the conduct of the Bombay Government which was challenged by some of the Sind members. I am very sorry to say that certain aspersions are made against the conduct of the Bombay Government towards Sind. Allow me to state before this House that since the conquest of Sind in the early.....

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the Honourable Member driving at ?

Mr. B. V. Jadhav : That the Bombay Government has not been treating Sind very badly. If the accounts of the last 10 years or 20 years are examined, it will be found that Sind has always been a deficit Province and the Bombay Presidency proper has been spending lakhs of rupees over the administration of Sind from the revenues collected elsewhere. So, as a matter of fact, this question of separation of Sind has, I may say, come as a great relief to the revenues of Bombay and the people of the Bombay Presidency proper are rather glad about its separation. During this time of financial stringency the Bombay Government cannot afford to spend any big amounts for the agricultural development of Sind, as Sind is going to be separated and Bombay itself is very short of funds themselves. It has been pointed out by the Honourable the Finance Member that Sind has got a separate Agricultural Department. Yes, it has ; because it was thought necessary that agriculture of Sind should properly develop, and, therefore, the Government of Bombay, even in their hard times of financial stringency, provided large amounts of money for the development of agriculture in Sind and when this was done the question of the separation of Sind had never occurred, and, therefore, the Bombay Government thought it their duty to provide funds for the normal development of agriculture in that Province. But when Sind demanded separation and the Round Table Conference recommended separation, the position was entirely changed. The Bombay Government now cannot afford to spend huge amounts of money for the agricultural development of Sind, and, therefore, as you have pointed out just now, it is now to the interest of the Government of India to provide additional funds. Now, I may point out that although about 23 crores of rupees have been lent to the Government of Bombay for the construction of the barrage, when Sind will become a separate Province, whether it is a possibility or a probability or anything of that sort, then this debt of 23 crores on account of the barrage will automatically be taken away from the shoulders of the Bombay Government and it will have to be borne by the Government of India. Whether that debt is ultimately borne by the Province of Sind is a problem to be decided after long long years, because as I have pointed out Sind is a

deficit Province and it will be many many years before Sind Administration becomes self-supporting. Until that time, I do not think there will be any question of repaying the loan.

Now, as regards the present demand of one lakh and 52 thousand, I have to point out that there are two items, one is the item of the Agricultural Engineering department, and the other item is agricultural development and propaganda and the second item is a demand of one lakh and 60,000. So it amounts to three lakhs. And this House has to remember that this amount of three lakhs is to be an annual grant and it is not a non-recurring item. This amount will have to be found every year and as the time scale operates the amount will increase year by year and not decrease. So this House will have to find this amount every year. Another item is the grant for starting the Agricultural Engineering Department. The provision has been made on a scale which is almost equal to that of a major Province. Sind is a small Province, and, as I have pointed out, it is not a self-supporting Province, and, therefore, the Agricultural Engineering Department there ought not to be started on such a lavish scale. There is to be not only the Agricultural Engineer but there is to be an Assistant Agricultural Engineer. The whole Province of Bombay including Sind has got an Agricultural Engineer and one Assistant Agricultural Engineer and that suffices for the whole of Bombay including Sind. Now, it is proposed that the Province of Sind should not only have an Agricultural Engineer but also an Assistant Engineer. I think that is a very lavish scale and ought to be curtailed. Then an overseas pay of Rs. 300 per mensem is provided there. It clearly means that the Government of India now intend to import an officer from England. There was a good deal of discussion the other day when a post was advertised in England and not in India and I think Government have given an assurance that such a thing will not take place hereafter. I may point out that we have got very bad experience of agricultural engineers imported from England. One was imported in the Province of Bombay and I was given to understand that there was some underhand influence exercised at the time of his appointment. I am not going to describe that incident. But I have to state that during the tenure of office of this highly paid and efficient officer, the annual reports of the Agricultural Department stated every year that he was engaged in improving the seed drill. That was going on for years and that seed drill has not yet been adopted by the Government of Bombay or by any other part of the country. The Department of Agriculture has done much in the Bombay Presidency and I am very proud of it. The Director, the Deputy Directors, the Superintendents and others have worked very zealously and effected many improvements ; but I am very sorry to say that much credit cannot be laid at the doors of the Agricultural Engineering Department. I am afraid that this history may be repeated in Sind. Now, provision has been made for manufacturing agricultural implements. The iron plough has made its entrance into Sind and more and more people are taking to that plough. Improvement is going on because these ploughs are made by local manufacturers. Now, with the appointment of the Agricultural Engineer, Government are proposing

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to start a factory for making agricultural implements. The Standing Finance Committee have recommended : The Committee approved the proposal on the understanding that the agricultural workshop, which it was proposed to establish, would be used purely for the purposes of experiment and demonstration and that there was no intention of developing them on a commercial scale. That was the recommendation of the Committee and I do not see any reduction in the grant asked as a result of the acceptance of this recommendation. It is said that this sum of 58,832, being the working expenditure of the workshop, will be covered by sale proceeds of the implements manufactured. Government thus expect that over Rs. 50,000 worth of implements will be manufactured in their workshop and they will be sold to the agriculturists. I am asking the Government whether they intend to be monopolists in this line. If they manufacture implements on such a big scale, then perhaps they will have to prohibit other manufacturers from entering the field. I may point out that a monopoly is a very bad thing, especially a Government monopoly. The Government of Bombay proper have never entered into a monopoly scheme. There are big manufacturers of agricultural implements and they are supplying all the needs of the peoples in the Bombay Presidency and outside. If Government will simply confine themselves to experiment and demonstration, it will suffice. It will encourage private enterprise and the implements made by private enterprise can, by competition, be sold much cheaper and they will be greatly improved. But if a monopoly is established, that will be saying good-bye to all improvement and to cheapening the products. I shall say a few words about the Mirpurkhas ginning factory. This factory was formerly owned by an English Company ; the latter did not make much profit out of it and Government came to their rescue and purchased it. It has been a white elephant on their hands ever since.

Mr. Lalchand Navalrai : Now they are having lands.

Mr. B. V. Jadhav : The factory itself is located about three miles from Mirpurkhas. The site is good, there is nothing to say against it, but then it cannot be worked economically because it is a small one, it is not a big ginning factory, and the best thing I think would be to dispose it of to the highest bidder. Government now propose to work it as a ginning factory and the reason they have given is that they want to secure the purity of the cotton seed. Sind is a cotton area and at Mirpurkhas there is a seed farm, a very big one, and I think that is very efficiently run. So they want to preserve the purity of the seed. But this excuse is not a very sound convincing one. Pure seed farms are to be found all over the Bombay Presidency. My experience is confined only to that Presidency, so I shall not say anything about the seed farms in other parts of the country. All these seed farms in Bombay have not got ginneries attached to them. These seed farms send their cotton to the nearest ginnery, get the cotton ginned and preserve their seed and propagate that species of cotton. So, for the preservation of the purity of seed, the running of a special Government-owned ginning factory is not at all necessary. As I have pointed out, it is a white elephant. The

expenditure is very heavy. It would be much cheaper to get the work done through private ginners. The purity of seed can be maintained and is maintained, all over the Bombay Presidency, and therefore, it can be maintained at Mirpurkhas also. I may point out that there are seed farms elsewhere, even in Sind, and there the purity of seed is maintained even though the cotton is ginned in gins of private owners. The maintenance of this factory at Mirpurkhas is not at all necessary and the expenditure on this ginnery ought to be deducted. The Government of Bombay is not in a position to finance all these schemes. The Government of India is coming to the rescue of Sind or rather, I shall say, to the rescue of the agriculture of Sind. Some of the items are necessary no doubt, but the expenditure on this lavish scale is not necessary. These are very hard times both for the Government of Bombay and for the Government of India, and I think only as much should be done as is actually necessary and everything extra or superfluous ought to be severely cut out. The Agricultural Engineer need not be such a very high-paid officer. The assistant engineer at Poona in Bombay will do quite well for such a small Province like Sind. Government ought to be very careful to see that sufficient work is done by the Agricultural Engineer to justify the appointment. It is not enough for him to show in his report that so many tractors were working in so many talukas or districts and so much agricultural land was tilled by tractors and that this make of tractor is better than that make of tractor, and all such things. There are private companies which are spending a good deal of money in advertising their own tractors and in showing to the public which tractor gives better work and which does not. I know for certain that even the oil companies of Burma have been spending thousands of rupees for making the tractor popular and in this way encourage the advancement of agriculture there. Government themselves need not make an intensive propaganda for popularising tractors. Government need not also establish an implement workshop of their own and turn out ploughs and other agricultural implements for sale in the Province. That ought to be left to private capitalists and private manufacturers. Then there is no necessity for the Mirpurkhas ginnery. Government need not spend a huge amount of money over its working. Then as regards the demand for propaganda, which is not before this House, and I think that demand might be moved later.....

Mr. M. Maswood Ahmad : It includes Rs. 1,52,000.

Mr. B. V. Jadhav : In the case of propaganda, I have to urge that the grant need not be on such a very lavish scale ; as my Honourable friend has pointed out, the establishment is too heavy and ought to be curtailed. We have to cut our coat according to the cloth and we ought not to go in for very lavish expenditure. Sir, Sind agriculture was previously managed by one Deputy Director. Now the latter has become the Director himself and in order to justify this change of title and status two Deputy Directors are provided under him. I think it would be much better if only one is retained ; and if half the Province is managed by the Director himself ; and if the other, the eastern or western portion is handed over to the Deputy Director. This arrangement has in fact been followed in other Departments ; for in-

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stance, in the Income-tax Department, where there is an I. T. O. and also an Assistant I. T. O., the whole district is divided between them and they work independently, and so, in this way, there is no necessity for the Director to have two Deputy Directors. Now in such a small Province like Sind one Deputy Director will do and in this way a substantial part of the establishment can be reduced and in this way expenditure ought to be cut out.

The present demand is a grant to be made by this House for the development of agriculture in Sind and it ought to be as economically administered as possible. This grant is not a non-recurring grant; it is a recurring grant and until the separation of Sind is complete, this will have to be paid, and, I think, it will have to go on almost for ever. The Government of India will have to make up the deficit which the Sind Province has to face as soon as it is separated. At present Sind is a burden upon the revenues of Bombay which will be transferred to the broad shoulders of the Government of India and all the additional expenditure, on account of overhead charges, will have to be provided by the same Government. The Legislative Council, the Secretariat, and so on will cost a great deal and this sum of Rs. 1,70,000, whatever it is, will have to be added to the above mentioned expenditure as this is a new item altogether. It was not taken into consideration by the report of the Committee that was just referred to by my Honourable friend from Sind, and, therefore, this House has to think twice before it sanctions this amount. It requires a good deal of reduction before it is sanctioned. I do not think the whole of this amount is necessary. It is an expenditure on a very lavish scale and the Honourable the Finance Member and his Secretary ought to devote much attention to it and see how much of it can be cut out.

Mr. Gaya Prasad Singh : Sir, this proposal was placed before the Standing Finance Committee in its meeting held on the 12th July, 1934. Many of the Members of the Standing Finance Committee thought that the sum was a loan and not a free gift. Our impression might have been erroneous, but there was ample justification for it in so far as my Honourable friend, the Finance Member, in his speech which he has made just now, explained that the proposal was left "purposely vague". Now, Sir, colour is lent to this on account of an entry which has been made in the papers as they were placed before the Standing Finance Committee, and is now before this House. We find it is mentioned here :

"Special accounting arrangements will be made for maintaining a separate record of the receipts and expenditure so that the exact sums involved will be known when the final settlement with Sind is made."

Now, Sir, we took this proposal as a loan which was being advanced to the Bombay Government. I now understand that the Bombay Government are unwilling to take the loan. As my Honourable friend, the Finance Member himself, has said, you can take the horse to the water but you cannot make him drink, namely, since the Bombay Government are unwilling to take the loan you cannot force them to take it. I now understand that in the circumstances the Government of India want to treat it as a free gift. Now, Sir, the question of the separation of Sind is not to be taken into account in this debate because we do not know what is in store so far as that point is concerned, and we have no right to assume

anything. But taking this sum of money as a loan which is to be advanced for accelerating the completion of the Barrage Scheme, I should like to know who is the party who is going to take the loan. The Bombay Government are unwilling to take the loan and the Sind Government has not yet come into existence.

An Honourable Member : This is not a loan.

Mr. Gaya Prasad Singh : If it is not a loan, then it is a free gift. It is a free gift to whom? I should like to know whether the Bombay Government have asked for a free grant in order to finance this scheme? So far as I could see, the Bombay Government have not asked for any free grant. My Honourable friend, Seth Haji Abdoola Haroon, has said that the Government have given a free grant of money for the Bihar earthquake. I hope he does not mean to convey that the separation of Sind is a calamity of such a magnitude as the earthquake in Bihar. However, the development of agriculture is a matter which is a Provincial subject. It is not a Central subject. There are schemes for the development of agriculture which are awaiting solution in many of the Provinces under the Ministry of local self-government. Why should this part of the country be treated with special attention so far as the development of agricultural resources are concerned? It might be said in answer to this that since the Government.....

The Honourable Sir James Grigg : Because the Government of India have already wasted 20 crores on it.

Mr. Gaya Prasad Singh : I was just going to anticipate the answer of my Honourable friend, the Finance Member. It might be stated in reply that the Government of India have sunk a sum of over 20 crores of rupees. But may I know at whose instance this huge sum of money has been sunk in the Sukkur-Barrage Scheme? Was this money given out as a loan to the Bombay Government in order to utilise it towards the development of the Sukkur-Barrage Scheme, or the whole of the Sukkur-Barrage Scheme is a scheme which has been financed entirely by the Government of India and will be maintained as an Imperial concern? Now, on the separation of Sind, if it becomes an accomplished fact, probably the Sukkur-Barrage will go to the Sind Government. I do not understand the position of Government with regard to the loan which they have advanced. They have advanced loans to many States, such as, Bahawalpore and other States. I should like to know what is it that they have got in contemplation in order to secure the re-payment of the loan, both the principal as well as the interest? If this amount of over 20 crores of rupees has been given to the Bombay Government, the Bombay Government, I presume, would be responsible for it, and it is for that Government to see that so long as Sind remains part of that Presidency, it should be treated exactly in the same manner as any other portion of that territory.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : It is the Bombay Government which gets the benefit and we only pay.

Mr. Gaya Prasad Singh : Sir, I should also like to know if we undertake the financing of this scheme and if the scheme ultimately becomes self-supporting and commercially a very paying proposition, who is going to reap the advantage of the scheme? Will it be the Government of Bombay or the Government of Sind, which is still in the

[Mr. Gaya Prasad Singh.]

womb of futurity, or the Government of India which finances the scheme? These are points which should be threshed out very clearly and placed before the House before this House can be asked to record its vote in favour of this proposal. My Honourable friend, Sir Cowasji Jehangir, in dealing with the point of order, which was raised a few minutes back, stated that this proposal might have been put up before the Bombay Government. I do not know how this could have been done, because the proposal refers to a proposal which the Government of India want to place before this House in order to give a free grant of a certain sum of money to a party which is unwilling to take it as a loan, I mean the Government of Bombay, and without the assent of this House this money could not be availed of by the Government of Bombay. Now, Sir, there have been schemes placed before this House for the development of agriculture. The proposals in the present scheme, as I myself see it, relate to the employment of some Agricultural Engineer, and so on. I confess I have not looked very closely into this proposal, and being of an unsuspecting nature I took the proposal at its face value. My Honourable friend, Mr. Jadhav, who has got local knowledge of the scheme and of that part of the country and who was a Minister in charge of the Department of Agriculture, has spoken with authority on this matter. With regard to the ginning institute, I understand from his speech that at first it belonged to a European concern and as they could not carry on with it, it is now going to be shoved on to the shoulders of the Government of India who are going to take it up as a separate scheme by itself. I do not know what my Honourable friend, the Finance Member, has got to say on this point, but I should like the Government of India to define their position exactly with regard to this proposal. They must say clearly whether it is a loan which is being advanced to the Bombay Government or whether it is a mere free gift. My Honourable friend, the Finance Member, must modify the attitude which he indicated in his speech just now and stated that this question has been left purposely vague. Sir, this proposal should not be left purposely vague. If it is a loan which is going to be advanced to the Government of Bombay, we must have all the papers before us and we must have the assurance of the Bombay Government that they want this money as a loan for the development of the Sukkur-Barrage Scheme. If it is going to be a free gift, I do not understand how, in anticipation of an event which is still in the womb of futurity, you are going to give a free gift of one lakh and 60 thousand rupees for the development of an area which is still within the jurisdiction of the Government of Bombay. Sir, there are many parts of the country which stand in need of agricultural development, for instance, Assam and parts of Bihar and Orissa or other areas for the matter of that. Are the Government of India prepared to finance schemes of such nature with regard to those areas? There are in the air several proposals for bringing into existence territories as separate administrative units. For instance, Sind itself is one. Why should we in anticipation of that event commit ourselves to a proposal for giving a free grant to Sind? This may be the beginning of a series of other proposals and the House is not in a position to commit itself to it at present. There are other schemes for the separation of other territories, for instance, there is a demand for the separation of Orissa, and there is also a demand for the separation of the Andhra Province and so on. Is this House going

to commit itself, here and now, to the position that it will be spending large creditor money, collected from every part of India, on these schemes, and certainly far from my intention to raise any communal issue over Sind as some of my Honourable friends may have in view. It is a point of principle that I raise now, whether at this stage the Government of India will be well advised in launching on a scheme for financially supporting those territories or areas which have not yet come into existence as separate administrative units? Therefore, I would suggest—of course if this proposal is put before the House, constituted as it is at present, the Government may be quite sure that it will be carried by a majority—but I would ask the Government to seriously consider the constitutional implications of this proposal, namely, whether at this stage they should launch on a scheme of financially assisting such projects. With regard to that loan the only answer which the Honourable the Finance Member has given is that the Government of India have advanced a loan of over 20 crores of rupees. I should like to know who has guaranteed the loan which they have given? Did the Government of India approach this House for sanction for the advance of this 20 crores? These are points which should be considered carefully, and if the money had been advanced as loan to the Government of Bombay, I think the Government of Bombay, being in a financially sound position to repay the loan with interest in course of time, should be asked to do so, and they should not be allowed to wriggle out of that position.

Mr. B. Das : The Government of Bombay have thus repudiated the Sukkur Barrage loan.

Mr. Gaya Prasad Singh : I do not know about that. Whatever that may be, I should like to know the position of the Sukkur Barrage Scheme *vis-a-vis* the Government of Bombay and the Government of India, whether the scheme is going to be a provincial concern or taken over by the Government of India? So, Sir, so long as these questions remain unsolved, I think it is premature for the Government of India to bring this proposal before the House. I would suggest to the Honourable the Finance Member—of course with the standing battalions behind the back of the Government, they are not likely to accept my suggestion that they should withdraw this proposal or at least keep it pending for some time, and then come forward with a well-defined and well-thought-out plan to meet all the objections and the defects to which pointed expression has been given during the debate this afternoon. (Hear, hear.)

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I wanted to keep my fast for at least 24 hours, but I draw the attention only to one point, and I will detain the House only for a few minutes. I submit that the Standing Finance Committee unanimously recommended to this Assembly that this expenditure may be sanctioned. I voted for this motion and took the full responsibility when I did so. Before I voted, I satisfied myself from examining the experts who appeared before the Committee that this money was needed. The question whether Sind should be separated or not and what are the responsibilities of the Government of India or of the Bombay Government, are questions which are irrelevant to this motion. The only point on which we examined the witness was this, whether this expenditure would lead to increase of revenue from the Sukkur Barrage, in whose

[Dr. Ziauddin Ahmad.]

success we are vitally interested. We were assured by which finances the could raise the income substantially, and be threshed out very clearly in the Standing Finance Committee by this House on this expenditure. I am rather surprised that my Honourable friend, Mr. Gaya Prasad Singh, who could have very well raised all his points with great advantage to his colleagues in the Standing Finance Committee, did not do so and has chosen to raise all those points in the Assembly. If we prefer to discuss this question in the Assembly and not in the Standing Finance Committee, then I see no justification for the existence of the Standing Finance Committee at all. We have experts before us in the Committee and we can examine them. We, at least, the Members of the Standing Finance Committee, should be satisfied before we recommend a proposal or write a Minute of Dissent opposing the demand. This item was put down in the list of demands. There could not be the slightest doubt in the mind of any person who knows the constitution that this is a demand and not a loan. It was never brought forward as a loan in the Standing Finance Committee.

Mr. Gaya Prasad Singh : Then, why did the Honourable the Finance Member say that it has been left purposely vague ?

Dr. Ziauddin Ahmad : This fact was known to me and I read the particular note before I voted for the same. I understood it perfectly well before I voted. The idea was this, that if a scheme would pay sufficiently well, then we may try to realise this amount as well. If it did not pay, then probably we will lose and it may be taken as expenditure. As my Honourable friend, Seth Haji Abdoola Haroon, would say we advance the money in order to realise our old loan.

The Honourable Sir James Grigg : Sir, my Honourable friend, Dr. Ziauddin Ahmad, has anticipated at least one of the things I was going to say. My Honourable friend, Mr. Gaya Prasad Singh, would have the House believe that during the discussion in the Standing Finance Committee he was in a state of complete darkness as to what the proposals really were. My recollection of what happened at the Standing Finance Committee was that about nine-tenths of the examination of the Agricultural Expert of the Government of India, who was very fully cross-examined, was conducted by Mr. Gaya Prasad Singh. Both the riders attached to the recommendations of the Standing Finance Committee were due to Mr. Gaya Prasad Singh. He really cannot come to this House and get away with it by saying, "it is perfectly true that I did not carry out my duties as a Member of the Standing Finance Committee, but I plead that I was bamboozled and misled and kept in ignorance". Sir, may I endeavour to bring this House back to a realization of the proper proportions of this matter. The loan in respect of the Lloyd Barrage Scheme amounts to about 23 crores and interest on that loan is somewhere in the neighbourhood of one crore and we are discussing an expenditure of about 1½ lakhs. In the singularly felicitous description of our proposals, for which, if I may say so, you, Sir, are responsible, as an insurance premium, I cannot think that anybody can regard an insurance premium of rather less than 1½ per cent. as wicked, wantonly, extravagant, wasteful and all those other beautiful epithets that have been applied to it. We are really losing our sense of proportion in this matter.

Mr. K. C. Neogy : And is the insurance premium to be paid by the creditor ?

The Honourable Sir James Grigg : If the creditor is himself going to be the gainer, it would be very wise to pay the premium.

Mr. K. C. Neogy : Is not the security of the Bombay Government sufficient for our purposes ?

The Honourable Sir James Grigg : The Bombay Government is not paying the interest in full now.

Mr. K. C. Neogy : Take all measures that you can to enforce payment.

The Honourable Sir James Grigg : Most of the questions that have been discussed, Sir, are really irrelevant. This is a very small proposal. As I have said before, in relation to the amount of annual interest at stake, it is between 1 and 1½ per cent. These proposals were carefully considered by the Agricultural Adviser to the Government of India who is of opinion, not only that they are not wasteful, but that they are absolutely necessary. I am not an Agricultural Expert and I am absolutely incapable of answering the various technical agricultural questions which have been asked. But, as I say, the Agricultural Expert of the Government of India is satisfied that this expenditure is necessary.

One final word in regard to the exact status of this expenditure. For the time being we may regard it as a final charge upon the Government of India, but the amount of expenditure is being recorded and it will be taken into account and that decision will be either confirmed or modified if and when a final settlement in regard to the separation of Sind and Bombay is arrived at.

Sir, we have now been discussing this matter for over two hours. I think the House is now ready to come to a decision and I move that the question be now put.

(At this stage Mr. B. Das and some other Members rose to speak.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Is the Chair to keep the debate open until every speaker has spoken ? Closure has been asked for more than once.

Mr. S. C. Mitra : Of course, Sir, if you think that sufficient discussion has taken place we cannot say anything. But the Finance Member has made the astounding proposition that it is on the amount that this House has to decide and not on the principle. We come to this House sometimes even for a rupee if it is above the amount sanctioned in the budget and it is absurd and most fallacious.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. If it is contended that the Finance Member has made some new point which requires an answer, the Chair has no objection to allow one speaker, Mr. Neogy, to reply. In that case, the Chair has to allow the Finance Member again to reply if he wants.

Mr. K. C. Neogy : Sir, I want the Honourable the Finance Member to realise that there are questions apart from purely agricultural ones which are involved in this particular demand for grant. I do not want to go into the various issues that have been so ably dealt with, particularly

[Mr. K. C. Neogy.]

by my Honourable friend, Mr. Gaya Prasad Singh. But I should like to understand the constitutional implications of the statements made by my Honourable friend, the Finance Member. We advanced a loan, I take it, to the Government of Bombay for the purpose of the construction of the Barrage, and we look to the Government of Bombay as being responsible for the repayment of the loan together with interest. I think there is sufficient provision in the Government of India Act and the Devolution Rules.....

Seth Haji Abdoola Haroon : This loan was given to the Bombay Government. The scheme was prepared by the Bombay Government in which Mr. Jadhav was present and then this project was sanctioned by the Government of India and the Secretary of State. So the Bombay Government is not the only responsible party.

Mr. K. C. Neogy : I am glad my Honourable friend has raised that point. I am concerned only with the constitutional question involved in this issue, and if my Honourable friend were to look at Devolution Rule 24, he will find this :

"The capital sums spent by the Governor General in Council upon the construction in the various Provinces of productive and protective irrigation works and of such other works financed from loan funds, as may from time to time be handed over to the management of Local Governments, shall be treated as advances made to the Local Governments from the revenues of India. Such advances shall carry interest at the following rates," etc., etc.

So that it is wholly beside the point to say that it was the Government of India that sanctioned the scheme. The Government of India has got to sanction the scheme. It does not at all matter which Government sanctions the scheme, whether it is the Bombay Government or whether it is the Government of India. So long as the amount spent upon this Barrage was provided by virtue of Devolution Rule 24, so long the Government of Bombay has got to be responsible for the repayment of the loan with full interest. It is not open to my Honourable friend to come to this House and say, "Well, the Bombay Government finds it difficult to pay the interest, and, therefore, we have got to incur this additional expenditure in order to enable the Bombay Government to repay this loan". That is constitutionally an unsound proposition which we cannot allow to go unchallenged. The Honourable Member has himself very candidly said that he is not sure whether it is an advance, or a loan or a gift. I should like some one on the opposite side to point out anything in the Government of India Act or the Devolution Rules which can justify a demand of this character which my Honourable friend is not in a position to specifically characterise either as a loan or as a subvention. My Honourable friend must make up his mind as to whether it is going to be a free gift or a loan. There is no third proposition contemplated in the Government of India Act or the Devolution Rules. Now, Sir, my Honourable friend said that this amount was to be spent, if I heard him correctly, through the agency of the Council of Central Agricultural Research.

The Honourable Sir James Grigg : I am sorry I made a mistake about that and I meant to correct that in my last remarks. The instrument

of payment will be the Bombay Government. I am sorry I made that mistake.

Mr. K. C. Neogy : I am glad my Honourable friend has made that correction. That saves me from making some remarks on this point as I intended to do. But I should like to know from my Honourable friend what the constitutional position of the Minister in charge of the transferred department will be with regard to the establishment and the department which is sought to be created with the help of this subvention. Everybody knows, Sir, that the expenditure for the purposes of the Provincial Administration, whether reserved or transferred, is primarily a charge on the revenues of the Province itself. Now, here, in this instance, it must not be forgotten that we are dealing with a transferred department in charge of a responsible Minister. My Honourable friend will, I hope, concede the point that whoever finds the money controls the policy. In this instance, it is the Government of India which are finding the money and the money is going to be made over to the responsible Minister in the Province. I should like to know in what manner the Government of India are going to share the responsibility of the Minister in charge of the transferred department in regard to the administration of the department which is going to be set up with the help of this subvention, shall I say? And if there is to be any division of responsibility between the Government of India on the one hand and the Minister in charge of the transferred department on the other, I should like my Honourable friend to point out any provision in the Government of India Act or the Devolution Rules to justify such a position. (*An Honourable Member :* "You cannot do it.") You cannot do it.

Now, Sir, I have no desire to go into the merits of the question. I

6 P.M. am not at all concerned, as I said when I began, with all those points which have been very ably dealt with by my Honourable friend, Mr. Gaya Prasad Singh. My Honourable friend, the Finance Member, should realise that he has suggested a constitutional innovation of a serious character and we on this side of the House cannot allow this innovation to be made with our concurrence.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the supplementary demand for a sum of Rs. 1,52,000 in respect of the 'salaries and other expenses in connection with Agriculture' be reduced by Rs. 50,000."

The Assembly divided :

AYES—17.

Ba Maung, U.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gunjal, Mr. N. R.
Jadhav, Mr. B. V.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lalchand Navalrai, Mr.
Mahapatra, Mr. Sitakanta.

Maawood Ahmad, Mr. M.
Mitra, Mr. S. C.
Neogy, Mr. K. C.
Parma Nand, Bhal.
Patil, Rao Bahadur B. L.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sen, Mr. S. C.

NOES—46.

Abdoolah Haroon, Seth Haji.
 Abdul Aziz, Khan Bahadur Mian.
 Ali, Mr. Hamid A.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Anklesaria, Mr. N. N.
 Anwar-ul-Azim, Mr. Muhammad.
 Bajpai, Mr. G. S.
 Bhadrapur, Rao Bahadur Krishna Raddi B.
 Bhoré, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Dalal, Dr. R. D.
 Duguid, Mr. A.
 Ghuznavi, Mr. A. H.
 Grantham, Mr. S. G.
 Grigg, The Honourable Sir James.
 Hockenbuhl, Mr. F. W.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmad, Shams-ul-Ulema Mr.
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
 Lumby, Lieut.-Colonel A. F. R.
 Metcalfe, Mr. H. A. F.

Morgan, Mr. G.
 Muazzam Sahib Bahadur, Mr. Muhammad.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Noyce, The Honourable Sir Frank.
 Perry, Mr. E. W.
 Rajah, Raja Sir Vasudeva.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Ranga Iyer, Mr. C. S.
 Rau, Mr. P. R.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Shafee Daoodi, Maulvi Muhammad.
 Sher Muhammad Khan Gakhar, Captain.
 Singh, Mr. Pradyumna Prashad.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Studd, Mr. E.
 Trivedi, Mr. C. M.
 Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
 Ziauddin Ahmad, Dr.
 Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does Mr. Maswood Ahmad want to move the next amendment ?

Mr. M. Maswood Ahmad : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : But the Honourable Member cannot cover the whole ground.

Mr. M. Maswood Ahmad : No, not the whole ground. Sir, I move :

"That the demand for a supplementary sum not exceeding Rs. 1,52,000 in respect of the 'salaries and other expenses in connection with Agriculture' be reduced by Rs. 3,600."

I find in the report of the Standing Finance Committee that Rs. 300 per mensem has been provided on page 14 for the overseas allowance of the Agricultural Engineer. I say that in these days when the question of Indianisation is very prominent and Government also, on several occasions, have said themselves that they favour Indianisation, they should not have provided this Rs. 300 for giving an overseas allowance to the Agricultural Engineer. India is an agricultural country whereas England is not. An Agricultural Engineer who will come from overseas will certainly not have the experience required here at all ; and for this reason especially I want that this allowance should be omitted. Perhaps in the Standing Finance Committee a promise might have been given that this post will be advertised in India and an Indian will be appointed ; but I want that we should be sure on this question by omitting this item of overseas allowance. This is a pure and simple question of Indianisation and nothing else, and if the Government oppose my motion it means that they intend really to have a European Agricultural Engineer which we cannot allow at all. With these words I move that this overseas allowance of Rs. 300 a month should be omitted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

Mr. President (The Honourable Sir Shanmukham Chetty) : Cut motion moved :

"That the demand for a supplementary sum not exceeding Rs. 1,52,000 in respect of the 'salaries and other expenses in connection with Agriculture' be reduced by Rs. 3,600."

Mr. B. Das : I wish to support this amendment on the ground that I do not wish to take any responsibility for the appointment of the Engineer or the Agricultural Adviser. As has been pointed out, I am quite prepared to make a free gift to the Bombay Government even of Rs. ten lakhs a year without bearing the responsibility that this House agreed to the management of a mortgaged concern in the Sukkur Barrage scheme and when the scheme will not be able to pay interest on capital invested, then the Sind Government or the Bombay Government will come forward to the Finance Member and tell him that he was managing and so the Central Government will pay.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member can only discuss the point whether Rs. 300 overseas allowance should be retained or not.

Mr. B. Das : Then I have nothing more to say.

The Honourable Sir James Grigg : Sir, although Honourable Members opposite may not regard it as a satisfactory position, the position is that this particular officer will be recruited by the Government of Bombay, and for my part I have no desire to fetter their discretion in the matter. I imagine that they will recruit the officer after advertisement, and it is to be hoped that they may find it possible to recruit the officer in India. Certainly they cannot but be aware of the desire of the Assembly which is going to make itself responsible for this expenditure that they should recruit the officer in this country. All I can do is to promise that the feeling of the House that they should do their utmost to recruit an Indian shall be conveyed to the Government of Bombay.

Mr. B. Das : Why should you not give an order when we foot the bill.

Mr. B. V. Jadhav : On a point of information, Sir. May I know whether the appointment will be made by the Government of Bombay or by the Government of India ?

The Honourable Sir James Grigg : The actual appointment will be made by the Government of Bombay.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the demand for a supplementary sum not exceeding Rs. 1,52,000 in respect of the 'salaries and other expenses in connection with Agriculture' be reduced by Rs. 3,600."

The Assembly divided.

AYES—16.

Ba Maung, U
 Das, Mr. B.
 Dutt, Mr. Amar Nath
 Gunjal, Mr. N. R.
 Jadhav, Mr. B. V.
 Lakhand Navabhai, Mr.
 Maswood Ahmad, Mr. M.
 Mitra, Mr. S. C.

Neogy, Mr. K. G.
 Patil, Rao Bahadur B. L.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sen, Mr. S. C.
 Singh, Mr. Gaya Prasad.
 Uppl Sahab Bahadur, Mr.
 Ziauddin Ahmad, Dr.

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NOES—43.

Abdoola Haroon, Seth Haji.
 Abdul Aziz, Khan Bahadur Mian.
 Ali, Mr. Hamid A.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Anklesaria, Mr. N. N.
 Bajpai, Mr. G. S.
 Bhadrapur, Rao Bahadur Krishna Raddi B.
 Bhore, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Dalal, Dr. R. D.
 Duguid, Mr. A.
 Ghuznavi, Mr. A. H.
 Hdney, Lieut.-Colonel Sir Henry.
 Grantham, Mr. S. G.
 Grigg, The Honourable Sir James.
 Lockenhull, Mr. F. W.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmad, Shams-ul-Ulema Mr.
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
 Lumby, Lieut.-Colonel A. F. R.

Metcalfe, Mr. H. A. F.
 Morgan, Mr. G.
 Muazzam Sahib Bahadur, Mr. Muhammad.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Noyce, The Honourable Sir Frank.
 Perry, Mr. E. W.
 Rajah, Raja Sir Vasudeva.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Ranga Iyer, Mr. C. S.
 Rau, Mr. P. R.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Singh, Mr. Pradyumna Prashad.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Studd, Mr. E.
 Trivedi, Mr. C. M.
 Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
 Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The next four motions are intended to be token cuts, and they are, therefore, out of order. One is for reduction of Rs. 100, another of Rs. ten, another of Rs. five and another of Rs. five ; the Chair thinks they are intended to be token motions.

The question is :

"That a supplementary sum not exceeding Rs. 1,52,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of the salaries and other expenses in connection with Agriculture."

The Assembly divided.

AYES—46.

Abdoola Haroon, Seth Haji.
 Abdul Aziz, Khan Bahadur Mian.
 Ali, Mr. Hamid A.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Anklesaria, Mr. N. N.
 Bajpai, Mr. G. S.
 Bhadrapur, Rao Bahadur Krishna Raddi B.
 Bhore, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Dalal, Dr. R. D.
 Duguid, Mr. A.
 Ghuznavi, Mr. A. H.
 Grantham, Mr. S. G.
 Grigg, The Honourable Sir James.
 Lockenhull, Mr. F. W.

Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmad, Shams-ul-Ulema Mr.
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
 Lumby, Lieut.-Colonel A. F. R.
 Maswood Ahmad, Mr. M.
 Metcalfe, Mr. H. A. F.
 Morgan, Mr. G.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Noyce, The Honourable Sir Frank.
 Perry, Mr. E. W.
 Rajah, Raja Sir Vasudeva.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.

Ranga Iyer, Mr. C. S.
 Rau, Mr. P. R.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Shafee Daoodi, Maulvi Muhammad.
 Sher Muhammad Khan Gakhar, Captain.
 Singh, Mr. Pradyumna Prashad.
 Sircar, The Honourable Sir Nripendra.

Spence, Mr. G. H.
 Studd, Mr. E.
 Trivedi, Mr. C. M.
 Uppi Saheb Bahadur, Mr.
 Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
 Ziauddin Ahmad, Dr.
 Zyn-ud-din, Khan Bahadur Mir.

NOES—14.

Ba Maung, U
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gunjal, Mr. N. R.
 Jadhav, Mr. B. V.
 Lalchand Navarai, Mr.
 Mahapatra, Mr. Sitakanta.

Mitra, Mr. S. C.
 Neogy, Mr. K. C.
 Patil, Rao Bahadur B. L.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sen, Mr. S. C.
 Singh, Mr. Gaya Prasad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 28th August, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday 28th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

POSTAL AND DELIVERY FEES CHARGED FOR PARCELS SENT FROM THE UNITED KINGDOM.

826. *Mr. F. E. James : Will Government be pleased to state whether it is the usual practice to charge both a postal fee and a delivery fee, in addition to the ordinary postal charges, in the case of parcels sent to India from the United Kingdom ? If so, why ?

The Honourable Sir Frank Noyce : Both postal and delivery fees are collected only on Cash-on-delivery (value-payable) parcels from the United Kingdom on which import customs duty is payable. The postal fee is realised from the addressee to remunerate the Department for the services rendered in connection with the clearance of such parcels through the customs and the collection of customs duty, while the delivery fee is levied in consideration of the extra service rendered by the Posts and Telegraphs Department in connection with Cash-on-delivery parcels.

SCHEMES FOR THE IMPROVEMENT OF THE QUALITY OF INDIAN WOOL AND FOR INCREASING THE WEIGHT OF FLEECES.

827. *Mr. J. Ramsay Scott : (a) Will Government please state the number of sheep in India ?

(b) Is the average weight of a fleece in India about 1½ pounds ?

(c) Is the average weight of an Australian fleece 6½ pound ?

(d) Will Government please state whether the Imperial Council of Agricultural Research have any schemes for the improvement of the quality of Indian wool and for increasing the weight of fleeces ? If so, will Government please give details ?

Mr. G. S. Bajpai : (a) About 42 millions.

(b) Yes.

(c) Yes, possibly a little more.

(d) Yes. A scheme for the improvement of local breeds in the Bombay Presidency has been sanctioned. Schemes for work on similar lines in Madras and Hyderabad and for the improvement of dumba sheep in Baluchistan are under consideration.

Mr. J. Ramsay Scott : Is any scheme being considered for such improvement of breeds in the Punjab ?

(2179)

Mr. G. S. Bajpai : Sir, the schemes which I have mentioned are the only ones which have been considered so far.

Seth Haji Abdoola Haroon : Are Government aware that these *dumbas* are imported from Khorasan to Karachi and Sind, and besides that there are local breeds there also, and in Baluchistan also most likely such *dumbas* can be bred?

Mr. G. S. Bajpai : Sir, I have stated that a scheme for the improvement of the breed of *dumba* sheep in Baluchistan is under consideration.

Sardar Sant Singh : May I ask which Province of India has the greatest number of sheep?

Mr. G. S. Bajpai : I am afraid I could not say what the provincial enumeration has been; I have only given the figure for India as a whole.

SHEEP-BREEDING IN INDIA.

828. ***Mr. J. Ramsay Scott :** Do Government propose to see that an All-India scheme is laid down with experimental farms for sheep-breeding in the most suitable parts of each Province?

Mr. G. S. Bajpai : Several schemes for the improvement of Indian sheep, mainly from the point of view of wool production, were considered by a special Sub-Committee at the last meeting of the Imperial Council of Agricultural Research and a plan was agreed on for co-ordinated development of sheep-breeding in certain Provinces considered to be representative of the best sheep-breeding tracts.

SHEEP-BREEDING IN INDIA.

829. ***Mr. J. Ramsay Scott :** (a) Are Government aware that Khorasan *dumba* (fat tailed Persian ewes) were exported to South Africa and formed the foundation of the South African wool industry?

(b) Are Government prepared to consider the importation of Khorasan ewes for Indian sheep-breeding experiments?

(c) Do Government propose to see that a representative of the wool industry is appointed to the Cattle Breeding Committee?

Mr. G. S. Bajpai : (a) Persian sheep are extensively bred in South Africa, but the Merino is understood to be the principal wool sheep of the Union.

(b) and (c). The suggestions will be referred to the Imperial Council of Agricultural Research for consideration.

EXPORTS TO CERTAIN COUNTRIES.

830. ***Mr. J. Ramsay Scott :** Are Government aware that of the 56 million pounds exported, 43½ million pounds go to Great Britain, 7½ million pounds to the United States of America while the balance of 5 million pounds goes to other countries?

The Honourable Sir Joseph Bhore : As my Honourable friend has not stated what commodity he is referring to, I obviously cannot give him a reply. (Laughter.)

GRANT OF A DIFFERENTIAL DUTY ON RUGS AND BLANKETS.

831. ***Mr. J. Ramsay Scott :** (a) Are Government aware that the United Kingdom has asked for a differential duty on rugs and blankets and that the duty should be 25 per cent. on rugs and blankets from the United Kingdom and 35 per cent. for imports from foreign countries?

(b) Are Government prepared to consider the grant of this differential duty in the near future?

The Honourable Sir Joseph Bhore : (a) No, Sir.

(b) Does not arise.

NIGHT VISION TEST OF GUARDS ON THE NORTH WESTERN RAILWAY.

832. ***Sardar Sant Singh :** (a) Did the Agent, North Western Railway, modify his letter No. 290-E-21, dated the 21st June, 1930, addressed to the Divisional Superintendents, Delhi, Ferozepur, Karachi, Lahore, Multan, Quetta and Rawalpindi, relating to the night vision examination of guards, by his letter No. 290-E-21, dated the 7th November, 1931? If so, has its modification been given effect to in all the divisions of the North Western Railway?

(b) Is it a fact that in different Divisions different rules are applied to those who have failed in the night vision test?

(c) If the reply to part (b) be in the negative, will Government be pleased to state whether Messrs. Fazel Din and Kanga were reduced to grade No. 2 in the Rawalpindi Division on the North Western Railway, who subsequently put in an appeal to the Agent? Are Government aware that their appeal was accepted and the original grade granted to them?

(d) Is it a fact that Messrs. Thakar Das and Dais in the Lahore Division and Messrs. Nathu Ram and Abdulla in Karachi Division and Mr. Bahadur Shah in Multan Division similarly failed in the night vision test, but are put on the duty of Luggage Guards and are drawing the emoluments of that post? If so, why has a distinction been made in the case of Balaki Ram, Head Ticket Collector, Sangla Hill, who failed in the night vision test and has been applying for the last four years to be treated on equal terms with others?

Mr. P. R. Rau : Government have no information. The questions raised are matters of detail, entirely within the competence of the Local Railway Administration and Government are not prepared to interfere. I have, however, sent a copy of the question to the Agent, North Western Railway, for his information and such action as he may consider necessary.

Sardar Sant Singh : Does not the Railway Board insist that a uniform principle should be applied on one railway?

Mr. P. R. Rau : Sir, I believe that there is no uniformity in this matter.

Mr. Lalchand Navalrai : Does the Honourable Member know that there are different rules on different Railways, and has the Railway Board ever thought of sending for those rules and considering whether they are fit for the Division for which they have been made?

Mr. P. R. Rau : Sir, as my Honourable friend has studied all these rules, I dare say he knows the facts.

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Mr. Lalchand Navalrai : At any rate I have studied the rules on the North Western Railway, and I think they require improvement.

Mr. P. R. Rau : If my Honourable friend will suggest measures of improvement, I shall be happy to consider them.

Sardar Sant Singh : May I know what is the function of the Railway Board in the matter of supervision over the different Railways?

Mr. P. R. Rau : Sir, the functions of the Railway Board do not extend to the examination of the question of whether particular persons should be employed as luggage guards or in any other capacity.

Sardar Sant Singh : I am afraid my Honourable friend has not understood me. What I mean to ask is whether the principle to be applied in the various Divisions on the same Railway is approved by the Railway Board or not.

Mr. P. R. Rau : Sir, it will be seen from part (c) of this question that two members of the staff did appeal to the Agent, and their appeal succeeded. I do not see any reason why the others should not take a similar course.

Mr. Lalchand Navalrai : Does the Honourable Member know that there are different rules for different subordinates on the North Western Railway?

Mr. P. R. Rau : I am not aware of that, Sir.

CLOSING OF THE GATE NEAR LYALLPUR RAILWAY STATION ON THE GATI SIDE.

833. ***Sardar Sant Singh :** (a) Will Government please state how many trains pass between Lyallpur and Gati Railway station during 24 hours?

(b) Is there a gate to pass vehicular traffic near Lyallpur station on Gati side? How many times during the day is this gate closed to traffic for passing trains?

(c) Are Government aware that motor traffic has to wait for a very long time on account of the closing of the gate? If so, do Government propose to build an overbridge to put an end to the inconvenience caused to the public?

Mr. P. R. Rau : I am making enquiries from the Railway Administration and will lay a reply on the table in due course.

CONTROL OF SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

834. ***Mr. Bhuput Singh :** Will Government be pleased to state the general policy of the North Western Railway Administration towards the control of Special Ticket Examiners, grades II, III, and above, particularly in regard to their transfers?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 834 to 836 together.

All these deal with the detailed arrangements regarding transfers of Special Ticket Examiners on the North Western Railway, which are arranged by the local administration in the interests of the public service, and Government are not prepared to interfere with them. I have sent copies of these questions to the Agent in order that he may consider the points raised by my Honourable friend.

Sardar Sant Singh : Is it a fact that these Special Ticket Examiners have been making a special representation to the Railway Board in the matter of the treatment they have been given by the North Western Railway, and is it due to that that they have been victimised?

Mr. P. R. Rau : I know, Sir, that representations have been received by the Railway Board from these Tickets Examiners, but I have no information to lead me to believe that they are being victimised.

Sardar Sant Singh : Will the Honourable Member make an inquiry, lest they are victimised on that account?

Mr. P. R. Rau : If my Honourable friend will give me definite cases of what he calls "victimisation", I shall consider whether any special inquiry is necessary.

Mr. Lalchand Navalrai : The question suggests several inconveniences and also suggests that it would be very difficult for these people to remain outside economically also. Is the Railway Board going to consider these, or is it going to leave the Agent to consider them?

Mr. P. R. Rau : Sir, when a transfer is effected, it obviously leads to inconveniences, but the interests of the public service must be paramount.

Mr. Lalchand Navalrai : The point is that these are not ordinary transfers. There have never been transfers before, and they are laying down a different policy now.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the question?

Mr. Lalchand Navalrai : I am asking, Sir, that this being the policy which is being laid down now, whether the Railway Board are going to confirm that policy or not, or are they going to say that they are quite indifferent?

Mr. P. R. Rau : Sir, the Railway Board are not prepared to interfere with the transfers of Ticket Examiners from one part of the Railway to another.

Sardar Sant Singh : Even if it is the case that there is victimisation, as we believe that it is? Sir, the allegation is that this is a case of victimisation. Will the Honourable Member interfere in that case?

Mr. P. R. Rau : If my Honourable friend will give me a definite example of a particular person who has been victimised and of the particular circumstances in which that victimisation arose, I shall consider whether any special action is necessary.

Mr. Lalchand Navalrai : There are only six persons involved. We have brought to notice the inconveniences and the fact of victimisation of these six persons, and we are, therefore, requesting the Honourable Member to say whether he is prepared to convince himself whether there has been victimisation or not.

Mr. P. R. Rau : I fail to understand, Sir, how six persons can give rise to 36 inter-departmental transfers. (Laughter.)

Mr. Lalchand Navalrai : Is the Honourable Member going to consider that or not?

Mr. Gaya Prasad Singh : Sir, if the gentlemen sitting on this side of the House, who have got the details regarding the names of the per-

sons involved, will bring the full facts to the Honourable Member's notice, will he be prepared to look into those cases, that is, if they give him particulars to show that there has been victimisation?

Mr. P. R. Rau : Yes, Sir.

INTER-DIVISIONAL TRANSFERS AMONG THE SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†835. ***Mr. Bhuput Singh :** (a) Is it a fact that the North Western Railway authorities have launched a scheme of 36 inter-divisional transfers among the Special Ticket Examiners, in pursuance of which two batches of six men each have already been transferred? If so, why have these batches been transferred?

(b) Will Government please furnish a statement of cases of fraud against a Special Ticket Examiner, if any, arising out of his 'long stay', mentioning therein the punishment inflicted on the defaulter?

(c) Will Government please state if any transfers of this nature were made among the Travelling Ticket Examiners between the 1st June, 1928, and the 1st June, 1931? If no transfers were made during that period, what is the justification for the present scheme of transfers among Special Ticket Examiners who are mostly old Travelling Ticket Examiners?

(d) Will Government please state if there is any other branch of service which deals with the public?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state the number and rank of such employees in that branch of service, together with the number of Special Ticket Examiners who have been staying in one division for more than seven years? If these employees, who are solely controlled by Divisional authorities, are not transferred outside, why are the Special Ticket Examiners treated differently?

INTER-DIVISIONAL TRANSFERS AMONG THE SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†836. ***Mr. Bhuput Singh :** (a) Are Government aware that the Special Ticket Examiners (old Travelling Ticket Examiners) of the North Western Railway were hardly hit by the conversion of their mileage allowances into very low rates of consolidated allowance? If so, are Government also aware that their inter-divisional transfers, a scheme regarding which has been launched by the Railway Administration, will cause further pecuniary embarrassment to them?

(b) Are Government aware that the standard of education varies in every Province and the books taught in different schools also differ? If so, are Government aware that these transfers will affect the academic up-bringing of the dependents of these employees?

(c) Will Government please state whether the North Western Railway has acquired the same position in finance as the one that existed before the economy campaign? If not, what is the justification for these transfers involving high expenditure?

†For answer to this question, see answer to question No. 834.

(d) Will Government be pleased to state in approximate figures the expenses that the North Western Railway authorities shall have to incur on enforcing these transfers? Could not this money be better spent on public welfare, etc.?

(e) Is it a fact that in reply to the appeals submitted by the Special Ticket Examiners against orders for transfers, the authorities replied that they are being transferred in the interest of service? If so, will Government be pleased to state what significance the authorities attach to the term 'in the interest of service'? Is this interest variable in different Divisions and at different places? If so, how?

(f) Has the Railway Administration laid down a policy that its employees should not be sent to serve at places far off from their home Divisions, except Quetta, so that there may arise no necessity of their going on long leave, off and on, to look after their private affairs and thus hamper the smooth working of the Administration? If so, why are the authorities enforcing their transfers, particularly of Special Ticket Examiners who are being sent very far off from their homes, such as Sindhis to Delhi and North West Frontier Province men to Karachi?

RE-ORGANISATION OF THE CANTONMENTS DEPARTMENT.

837. ***Rai Sahib Badri Lal Rastogi :** Have Government under contemplation any scheme for the re-organisation of the Cantonments Department? If so, how long is it expected to take before the department starts functioning under the new scheme?

Lieut.-Colonel A. F. R. Lumby : A scheme for the re-organisation of the Cantonments Department is under consideration, but it is as yet impossible to say when it will be introduced.

EMPLOYMENT OF WIRELESS OPERATORS IN THE INDIAN COAST AND LAND STATIONS.

838. ***Mr. S. C. Mitra :** (a) Will Government please state how many wireless operators are employed by the Government of India in the Indian coast and land stations?

(b) What is the system of recruitment of these men?

(c) Is it a fact that signallers in the Telegraph Department are often selected for wireless training for these posts?

(d) Are Government aware that there are a good number of privately trained and experienced persons with proper certificates from the Posts and Telegraphs Department?

(e) Is it a fact that the Government of India will soon recruit a few experienced wireless operators for the post of wireless inspectors for ships? If so, how will recruitment for these posts be made?

(f) Do Government propose to see that wireless operators with proper certificates and practical experience at sea are considered qualified for the post of land and coast stations?

(g) Is it a fact that three years' experience at sea is considered as six years' in land and coast stations?

The Honourable Sir Frank Noyce : (a) The total number of wireless operators in the Indian Posts and Telegraphs Department is at present 114. This number excludes personnel of the Army, Royal Air Force and Royal Indian Marine employed in those services.

(b) and (c). Wireless operators in the Indian Posts and Telegraphs Department are now recruited only from telegraphists already employed in that Department.

(d) A number of private candidates have been examined and granted certificates of competency after qualifying. Government have no information as to the experience of these men.

(e) The reply to the first part is in the negative. The second part does not arise.

(f) Government do not intend to modify the existing system of recruitment of wireless operators employed in the Indian Posts and Telegraph Department.

(g) No.

INDIANS AS WIRELESS OPERATORS UNDER MESSRS MARCONI AND COMPANY ON THE INDIAN COAST.

839. ***Mr. S. C. Mitra :** (a) Are Government aware that Messrs. Marconi and Company (British Wireless Marine Service), employ nationals of the country in the Wireless Operators' service in China and other foreign coasts ?

(b) Are Government in a position to state if there are Indians in the Wireless Operators' service under Messrs. Marconi and Company, on the Indian coast ? If so, how many, and if not, what is the reason ?

The Honourable Sir Joseph Bhore : (a) Government have no information.

(b) There are no Indian wireless operators in the service of the Marconi International Marine Communication Company on the Indian coast. It is understood that this is due to suitable Indian candidates possessing the requisite qualifications not being available.

Sardar Sant Singh : Will the Honourable Member explain how is it that, out of the 35 million people living in India, not a single man has been found to be qualified enough to be employed by this Company ?

The Honourable Sir Joseph Bhore : My Honourable friend has referred to a very restricted part of India. I do not know to which part of India he refers when he mentions 35 million people.

Mr. S. C. Mitra : Will Government explain how they know that there are no qualified persons ?

The Honourable Sir Joseph Bhore : I can give no guarantee on that point. As my Honourable friend will realise, we are not in a position to bring pressure to bear on this Company which is an International Company, but such information as we have goes to show that suitable Indian candidates are not available. Of course, Government cannot say definitely that there are no such candidates available.

Mr. Gaya Prasad Singh : Is this Marconi International Marine Communication Company in receipt of any assistance, financial or otherwise, from the Government of India ?

The Honourable Sir Joseph Bhore : Not that I know of.

Dr. Ziauddin Ahmad : Are Government contemplating any action to provide suitable training to the Indians, so that they may be able to get employment with this Company in the future ?

The Honourable Sir Joseph Bhore : The question of giving a short course of training on the "Dufferin" is being seriously gone into.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether these posts, when they fall vacant, are advertised in India ?

The Honourable Sir Joseph Bhore : My Honourable friend is, I think, confused about the status and position of this Company. It is an International Company and we have nothing whatsoever to do with the appointments made by it.

Mr. S. C. Mitra : Arising out of part (a) of my question, do not Government consider it advisable that they should also inquire like other Governments that the Indian nationals may be employed on the coast line of India as other countries are doing ? Why do the Government refuse even to make inquiries ?

The Honourable Sir Joseph Bhore : We have no information to show that my Honourable friend's suggestion is correct.

Mr. S. C. Mitra : If the Government have got no information on the point, is it not their duty to secure that information ? I have specifically mentioned in my question that other Governments are having their nationals on the staff of this Company.

The Honourable Sir Joseph Bhore : If my Honourable friend will give me the information upon which he bases his statement, I shall consider it ; but I shall certainly not consider it on a mere allegation.

Mr. S. C. Mitra : It is not a mere allegation. When I specifically say that other Governments are getting their nationals employed in the service of the Company on their coast line, why should not the Government of India make an inquiry in the matter ?

The Honourable Sir Joseph Bhore : I am not prepared to accept a mere statement, but if my Honourable friend gives the evidence upon which that statement is based, I shall be happy to look into it.

Mr. M. Maswood Ahmad : Do Government propose to ask the authorities to advertise these posts in India ?

The Honourable Sir Joseph Bhore : No.

ALLOTMENT OF NEW QUARTERS IN NEW DELHI.

840. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government please state whether the new quarters recently built in New Delhi have all been allotted to the Secretariat staff ?

(b) Will Government please state the number of clerks who applied for quarters in New Delhi from the Secretariat proper only, and the number whose demands have been met ?

The Honourable Sir Frank Noyce : (a) The new quarters have been allotted to members of the staff both of the Secretariat proper and of the Attached Offices.

(b) There were 900 applications for quarters (old and new) from members of the staff of the Secretariat proper. 800 quarters have been allotted against these applications.

ALLOWANCES GRANTED TO THE GOVERNMENT OF INDIA STAFF IN NEW DELHI.

841. *Maulvi Sayyid Murtuza Saheb Bahadur : (a) In view of the fact that a large number of quarters have been constructed and allotted and a considerable amount has been spent on them, will Government please state whether they contemplate sanctioning the (i) separation allowance, i.e., Delhi Lump Sum Allowance, (ii) Conveyance Allowance and (iii) Delhi House Rent Allowance, for the next winter season ?

(b) If no decision has yet been reached as regards the sanction of these allowances, do Government propose to announce their decision as early as possible, preferably before the downward move begins ? If not, why not ?

(c) Are Government aware that in the absence of their decision about the sanction or otherwise of these allowances, the staff will be put to a great inconvenience in making arrangements for houses ? If so, do they propose to take the action as suggested in part (b) of this question ?

The Honourable Sir Henry Craik : (a) to (c). The grant of these allowances is mainly dependent on the extent to which it is possible to provide the migratory staff with residential accommodation in Delhi. The question whether the allowances should be granted this year is under consideration and orders will be issued as soon as a decision is reached.

CONSTRUCTION OF CERTAIN ADDITIONS TO A PRAYER AND STORES SHED IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.

842. *Bhai Parma Nand : Will Government be pleased to state what action they propose to take against the officer-in-charge for allowing the construction of certain additions to a prayer and store shed in the Government of India Press, Aligarh, without obtaining sanction of the Government of India to do so ? If not, why not ?

The Honourable Sir Frank Noyce : After careful review of all the facts of the case, Government did not consider that any action was called for beyond informing the two officers who were successively in charge of the Press at the time the additions were made that they should not have permitted them. Instructions have since been issued which should prevent unauthorised constructions of the kind referred to in the question in future.

POST OF ASSISTANT MANAGER IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.

843. *Bhai Parma Nand : Will Government be pleased to state whether the designation of the Assistant Manager, Aligarh Press, has been altered to Overseer and the salary reduced to a lower rate than that drawn by the present incumbent ? If so, will Government be pleased to state why the experienced Assistant Manager's services are not utilised in a second

class press, and he is not replaced by a man on a lower rate of salary for the reason that Aligarh Forms Press is a third-grade Press ?

The Honourable Sir Frank Noyce : It has been decided to convert the post of Assistant Manager, Forms Press, Aligarh, into that of an Overseer on lower pay as soon as it is vacated by its present incumbent. The Honourable Member will appreciate that the economy which he wishes to see effected will not be secured unless a vacancy occurs in another post to which the present Assistant Manager of the Aligarh Press can be transferred. When such a vacancy occurs the question of a transfer will be considered on its merits.

ALLEGED WORKING OF A PEON AS COOK TO THE ASSISTANT MANAGER, GOVERNMENT OF INDIA PRESS, ALIGARH.

844. *Bhai Parma Nand : Is it a fact that a peon, Zahir Uddin, borne on the regular establishment of the Aligarh Government Press, does not work in the Press, and works as a cook to the present Assistant Manager ? If so, why do Government grant this indulgence in these days of retrenchment campaign ?

The Honourable Sir Frank Noyce : I am informed that the peon in question has worked as cook to the Assistant Manager out of office hours in addition to performing his office duties. I have issued orders that this objectionable practice must stop.

FLOODS IN NORTH BIHAR.

845. *Mr. Bhuput Singh : (a) Will Government be pleased to state with reference to the answers given on the 6th August, 1934, to my question on floods in North Bihar, whether their attention has been drawn to the statement published by the Secretary, Bihar Central Relief Committee, dated Patna, August 7, stating that an area of 150 square miles is still under water ?

(b) If so, why was no mention made in the *communiqués* issued by the Government of Bihar and Orissa on July 18, 19 and 26 and in the Government of Bihar's letter, dated the 30th July, of the conditions prevailing in Madhipura Sub-division of the Bhagalpur district, about which an alarming report has been published by the Bihar Central Relief Committee ?

"The situation in Madhipura sub-division of Bhagalpur would appear to be worse. The quake has caused.....immediate necessities."

(c) What 'necessary relief measures have been organised by the Local Government' as mentioned in the answer to my last question on the subject ?

(d) What provision has been made out of the Viceroy's Earthquake Relief Fund towards the flood relief in North Bihar, particularly Madhipura Sub-division ?

The Honourable Sir Henry Craik : (a) Yes.
(b) The *Communiqués* referred to floods on the Sikarana Burgandak, and Bagmati rivers which do not affect Madhipura.

(c) The relief organisation devised by the Local Government included the provision of several hundred boats and crews, two motor boats

and an aeroplane for reconnoitring purposes. A complete organisation was formed for the use of these boats, the rescue of the inhabitants of the flooded villages and the provision of food for men and cattle. The arrangements are reported to have worked with great efficiency. Several thousands of refugees were brought into Muzaffarpur and housed in one of the temporary colonies. Work was found for the able-bodied, and those unable to work were given food and clothing. Rs. 50,000 have been placed at the disposal of the Commissioner for charitable relief and Rs. 60,000 for *takavi* in connection with the floods. Arrangements for the distribution of seed and seedlings through the agricultural department have been made.

(d) It is understood that no provision has been made out of the Viceroy's Earthquake Relief Fund towards flood relief in Madhipura sub-division, since the floods in that sub-division have no connection with the earthquake. In the Tirhut district the Collectors have been authorised to make grants from the Fund for the repair of houses which collapsed in the flood, since the severity of the flood is partly due to the changes in river channels caused by the earthquake and in some parts to local changes in the levels of village sites. Relief expenditure under other heads is being met from Provincial revenues. The Local Government as such have no concern with the expenditure from the Viceroy's Earthquake Relief Fund, though relief from that fund is co-ordinated with expenditure from the Famine Relief Fund of the Local Government.

Mr. Gaya Prasad Singh : May I know, Sir, what is the latest information of the Government with regard to the flood situation in Patna and Shahabad ?

The Honourable Sir Henry Craik : I am answering a short notice question, with the permission of the Chair, tomorrow on that subject, and my answer will include reading a telegram from the Local Government giving such details as are available.

Mr. Gaya Prasad Singh : With regard to the floods in North Bihar, about which this question has been asked, I should like to know the total amount of money which has been placed at the disposal of the Commissioner of Tirhut Division or any other officer to cope with the situation arising out of the floods ?

The Honourable Sir Henry Craik : I am afraid I must ask for notice of that question.

Mr. Gaya Prasad Singh : The floods of North Bihar are mentioned in my question, and I am asking a supplementary question which arises out of that question. I want to know the total amount of money which the Government have placed at the disposal of the local officers to meet the situation that might have arisen out of the floods in North Bihar.

The Honourable Sir Henry Craik : I have already said that Rs. 50,000 have been placed at the disposal of the Commissioner for charitable relief and Rs. 60,000 for *takavi* in connection with the floods. That is the Commissioner of one Division.

Mr. Gaya Prasad Singh : You mean to say that this sum has been placed at the disposal of the Commissioner of the Tirhut Division which includes the districts of Muzaffarpur, Champaran, Darbhanga and Saran,

but what about Madhipura and other areas of North Bihar where floods have occurred ? I want to know what amount of money has been placed at the disposal of the local officers to meet the situation there ?

The Honourable Sir Henry Craik : I am afraid I must ask for notice of that question.

PROPOSED VISIT OF MISS MAYO TO INDIA.

846. ***Mr. Bhuput Singh :** (a) Will Government be pleased to state whether their attention has been drawn to reports in the Press that Miss Mayo, nicknamed 'The Notorious Drain Inspector', is again coming out to India this winter ?

(b) If so, are Government aware of the deep resentment felt by Indians against her on account of her past activities ?

(c) Do Government propose not to allow her to land in this country ?

The Honourable Sir Henry Craik : (a) and (c). I have seen a Press report to the effect that Miss Mayo proposes to visit India, but no request for a visa for India has so far been referred to us.

(b) I am aware that her book entitled "Mother India" aroused resentment.

Mr. Lalchand Navalrai : May I ask, Sir, if she is coming to India with the help of Government ?

The Honourable Sir Henry Craik : I have no information whether she is coming to India or not. I have only seen a statement in the Press that she proposes to visit India.

Mr. Muhammad Muazzam Sahib Bahadur : Are Government aware that Miss Mayo's book has been the prelude to the introduction of some Bills in this House, and that one of them has become the law of the land. I mean the Child Marriage Restraint Act ?

The Honourable Sir Henry Craik : I am not aware of the precise connection between that Act and Miss Mayo's book, but I will take the Honourable Member's word for it.

Mr. Gaya Prasad Singh : In case Miss Mayo visits India, may I take it that the Government of India will afford no assistance to her as was done on the last occasion when, I understand, she was allowed to stay in Government Houses and other places and she had also access to Government records ?

The Honourable Sir Henry Craik : That is an entirely hypothetical question. It is impossible for me to answer that question until I know whether she intends to visit India and with what object.

Mr. Gaya Prasad Singh : Are Government aware that on the last occasion, when she visited India, arrangements were made for her stay by Government, and also some officers of Government were placed at her disposal and she also had access to some records of Government offices ?

The Honourable Sir Henry Craik : That suggestion formed the subject-matter of questions in this Assembly as far back as 1928, and, so far as I recollect, I am speaking subject to correction, it was made

perfectly clear that Miss Mayo received no exceptional facilities of any kind whatever beyond the ordinary courtesies shown to travellers from other countries.

Mr. Vidya Sagar Pandya : Are Government aware that the Publicity Officer of the Government of India rendered assistance to Miss Mayo and she thanked this officer for the help rendered to her and also acknowledged that her book would not have seen the light of the day but for his assistance ?

The Honourable Sir Henry Craik : I am not aware of that. I do not believe that statement is entirely accurate. I think it has been contradicted on behalf of Government across the floor of the House.

Mr. Gaya Prasad Singh : May I know what was the ordinary courtesies which were shown to her and which have been shown to the innumerable tourists who visit this country in their private capacity ?

The Honourable Sir Henry Craik : So far as I remember, no courtesies were shown to her which are not shown to ordinary tourists.

Mr. Gaya Prasad Singh : What is the courtesy shown to ordinary tourists ? Are they given access to Government records and do they stay in Government Houses. We do not object to Miss Mayo coming to India, but I want that the Government of India should give no assistance to her. Let 20 of them come by all means, I do not mind. (Laughter.)

The Honourable Sir Henry Craik : As far as I know, Miss Mayo was not allowed any access to Government records.

Sardar Sant Singh : Is it a fact that Government purchased a large number of copies of "Mother India" ?

The Honourable Sir Henry Craik : That statement has been repeatedly contradicted on behalf of Government across the floor of the House.

Mr. Lalchand Navalrai : Was she received as a guest in any Government House ?

The Honourable Sir Henry Craik : I do not know.

Mr. Bhuput Singh : What is the answer to part (c) of my question ?

The Honourable Sir Henry Craik : My answer to parts (a) and (c) was, I have seen a Press report to the effect that Miss Mayo proposes to visit India, but no request for a visa for India has so far been referred to us.

ARRANGEMENTS IN INDIA FOR THE JUBILEE OF HIS MAJESTY THE KING'S REIGN.

847. ***Mr. Bhuput Singh :** (a) Will Government be pleased to state with reference to the statement made in the House of Commons regarding the Silver Jubilee celebration, what arrangements have been made for the representation of India at the ceremonies ?

(b) What expenditure, if any, is proposed to be made on behalf of India ?

(c) Will the Princes and Leaders of the people in India be invited to join the festivities and rejoicings in London and to offer presents and gifts ?

The Honourable Sir Henry Craik : (a) The attention of the Honourable Member is invited to the reply given to Sirdar Harbans Singh Brar's question No. 511 on the 9th August, 1934, to which I have nothing to add.

(b) and (c). These matters will be considered in due course.

REFRESHER COURSE ON STATE RAILWAYS.

848. ***Mr. M. Maswood Ahmad** (on behalf of Pandit Satyendra Nath Sen) : Is it a fact that Government informed this House on the 18th July, 1934, in reply to starred question No. 576, dated the 3rd April, 1934, that the failure in a Refresher Course does not result in forfeiture of appointment ? If so, will Government please state whether the principles stated in their reply are applicable to all State Railways, including the East Indian Railway ? If not, why should any distinction exist on different State Railways ?

Mr. P. R. Rau : As regards the first part of the question, I can only say that my Honourable friend has not quoted my reply in full.

As regards the second part of the question, I understand that the practice on the East Indian Railway is somewhat different. Government are enquiring into the matter.

RULES FOR THE RECRUITMENT AND TRAINING OF APPRENTICE MECHANICS AND TRADE APPRENTICES IN STATE RAILWAY WORKSHOPS.

849. ***Mr. M. Maswood Ahmad** (on behalf of Pandit Satyendra Nath Sen) : Is it a fact that Government stated that a separate circular on the subject was issued by the Agent, East Indian Railway, in April, 1933 ? If so, will Government please lay on the table a copy of the said circular along with the rules for the recruitment and training of Apprentice Mechanics and Trade Apprentices in the Workshops of State-managed Railways ? If not, why not ?

Mr. P. R. Rau : I have placed a copy of the circular in question in the Library of the House. A copy of the recruitment rules referred to is already in the Library.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

850. ***Mr. M. Maswood Ahmad** (on behalf of Pandit Satyendra Nath Sen) : (a) With reference to their reply to part (b) of starred question No. 1328, dated the 11th December, 1933, laid on the table of this House on the 19th July, 1934, will Government please state how far the report of the Agent, East Indian Railway, is in accordance with the orders of the Railway Board circulated under the Agent's No. 548/A. E.-2460, dated the 1st October, 1932 ?

(b) Is it a fact that the Railway Board, in the rules for the recruitment and training of subordinate staff, laid down under Rule 2, that appointments bearing the same designation shall form a class, and

gave an illustration thereto? If so, why has the Agent now formed a class with two designations?

(c) What are the higher appointments in the Ticket Checking branch and where are they prescribed as such in the rules? If none, why are they now termed as such and, why were they not considered as such when the rules were framed and opinions called for?

(d) What are the scales of pay of the different grades and the strength of each grade as sanctioned?

Mr. P. R. Rau : (a) I suggest it is rather for my Honourable friend to point out in what respect he considers they are at variance.

(b) As the Honourable Member realises, the example given in the Railway Board's rules was illustrative.

As regards the second part, on the information contained in the question, Government do not consider that the action of the Agent is contrary to the rules.

(c) and (d). A statement containing the information readily available is placed on the table.

Statement showing the grades and strength of Ticket Checking Staff on East Indian Railway.

No.	Designation.	Scale of Pay.
6	Chief Inspectors	240—20—460
6	Inspectors, Grade I	200—10—220
5	Inspectors, Grade II	150—10—190
232	Travelling Ticket Examiners, Grade I	70—5—95
414	Travelling Ticket Examiners, Grade II	55—3—64
2	Head Ticket Collectors, Grade I	200—10—220
5	Head Ticket Collectors, Grade II	150—10—190
2	Assistant Head Ticket Collectors	110—5—140
43	Ticket Collectors, Grade I	70—5—95
96	Ticket Collectors, Grade II	55—3—64
673	Ticket Collectors, Grade III	37—3—52
39	Lady Ticket Collectors	75—5—125

PERSONS DISCHARGED BY THE DIVISIONAL SUPERINTENDENT, MORADABAD, EAST INDIAN RAILWAY.

851. ***Mr. M. Maswood Ahmad** (on behalf of Pandit Satyendra Nath Sen) : (a) With reference to the reply to the starred question No. 312,

dated the 2nd March, 1934, laid on the table of this House on the 19th July, 1934, will Government please state whether these discharges are not against rule 6 of the rules circulated with the Railway Board's letter No. 4080-F., dated the 10th October, 1930, wherein no provision is made to discharge a man as per his term of agreement?

(b) Is it a fact that the Railway Board has ordered the deletion from the agreement of this term since the introduction of the rules regarding discharge and dismissal?

(c) What is the number of the staff discharged as per term of agreement during the period from 1st January, to 31st July, 1934, by the Divisional Superintendent, Moradabad, East Indian Railway?

(d) Will Government please state the length of service, pay, appointment held when discharge and adverse remarks made during the service of the men discharged as per term of agreement during the period 1st January, 1933, to 31st July, 1934?

(e) Do Government propose to take disciplinary action against the Divisional Superintendent, Moradabad, for the infringement of the rules, and to reinstate the staff who are discharged as per terms of agreement? If not, why not?

Mr. P. R. Rau : (a) No. I would invite the Honourable Member's attention to the explanation under rule 6 of the "Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants" which would show that Railway Administrations possess the power of discharging a railway servant in accordance with the terms of his agreement.

(b) No.

(c) Ten.

(d) Government have no information.

(e) No.

Mr. M. Maswood Ahmad : Has my Honourable friend consulted rule 6 mentioned in this question?

Mr. P. R. Rau : Has my Honourable friend read the explanation under rule 6?

Mr. M. Maswood Ahmad : Yes.

SUPERSESSIONS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

852. ***Mr. M. Maswood Ahmad** (on behalf of Pandit Satyendra Nath Sen) : Are Government aware that supersession is the order of the day on the Moradabad Division, East Indian Railway? If not, will Government please state :

(a) (i) the special reasons for the appointment of Mr. Ram Lal Saigal, Assistant Station Master, Amroha as Assistant Section Controller ;

(ii) the rate of pay he was drawing as an Assistant Station Master ;

(iii) the rate of pay he is permitted to draw as an Assistant Controller ;

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- (iv) his position amongst the Assistant Station Masters ;
- (v) the intervening scales of pay ;
- (vi) the avenue of advancement ;
- (vii) the number of Assistant Station Masters and Station Masters whom he has superseded ?
- (b) (i) the special reasons for the appointment of Mr. P. R. Barnard, Guard, Moradabad, as Controller ;
- (ii) the rate of pay he is drawing as a Guard ;
- (iii) the rate of pay he is permitted to draw as a Controller ;
- (iv) his position amongst the guards ;
- (v) the intervening scales of pay ;
- (vi) the avenue of advancement ;
- (vii) the number of guards, assistant station masters (Higher Grade) section controllers, assistant yard masters whom he has superseded ;
- (c) whether the instructions contained in Agent's circular No. 548/A.E.-2460 of the 1st October, 1932, were observed in these cases ; if not, why not ; and
- (d) whether Government propose to hold an independent and impartial inquiry into the state of affairs ; if not, why not ?

Mr. P. R. Rau : Government have no information and see no reason to interfere in the appointments of the nature indicated which are entirely within the competence of the Local Railway Administration. I have sent a copy of the question to the Agent, East Indian Railway, or his information and such action as he may consider necessary.

Dr. Ziauddin Ahmad : Did the Honourable Member say on the floor of the House that he would send all the questions in connection with the Moradabad Division to the Agent for an enquiry ?

Mr. P. R. Rau : Yes, Sir.

REDUCTIONS AND TRANSFERS OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

853. ***Mr. M. Maswood Ahmad** (on behalf of Pandit Satyendra Nath Sen) : Is it a fact that substantive permanent holders of appointments, after working for some months without any charge, are reduced and transferred to other branch or group by the Divisional Superintendent, Moradabad, East Indian Railway ? If not, will Government please lay on the table a copy of the Divisional Superintendent's letters No. E. T.-333/E. T.-7, dated the 31st January, 1933, and No. E. T.-334/E. T.-7, dated the 5th March, 1934, together with a copy of the rules, regulations or special orders contrary to Fundamental Rule 15 or paragraph 300 of the Open Line Code for State Railways, Volume II, justifying such action ?

Mr. P. R. Rau : Government have no information, and are not prepared to interfere unless my Honourable friend will explain clearly in what particulars the orders referred to by him are contrary to Fundamental Rules.

SUPERSESSIONS IN THE DELHI DIVISION, NORTH WESTERN RAILWAY.

854. ***Mr. S. G. Jog :** Are Government aware that supersession is the order of the day in the Delhi Division, North Western Railway ? If not, will Government please state :

- (a) the number of appeals received by the Agent against the promotions of juniors among the Ticket Collectors in the grade 33—3—60 during the period 29th September, 1932, up to date ;
- (b) what action has been taken to set right the said supersession ; if none, why not ;
- (c) the cause of delay in disposing of the said appeals since 29th September, 1932 ;
- (d) the date by which the said appeals are likely to be decided ;
- (e) the length of period required to dispose of an appeal ;
- (f) if the period of over two years is not sufficiently long ;
- (g) whether they propose to deviate from their well established practice in compensating them with retrospective effect ? If not, why not ?

Mr. P. R. Rau : Government have no information to substantiate the allegation in the first part of the question and do not consider that the collection of the information required in the rest of the question will yield results commensurate with the expenditure of time and labour involved in its collection.

PROMOTION OF EMPLOYEES ON STATE RAILWAYS.

855. ***Mr. S. G. Jog :** With reference to the statement laid on the table of this House on the 19th July, 1934, in reply to starred question No. 725, asked on the 16th April, 1934, will Government please state whether a principle laid down on the North Western Railway, is applicable on all State Railways, including East Indian Railway ? If not, why not, and what is the reason of such discriminations on State Railways ?

Mr. P. R. Rau : Obviously local rules issued by one railway administration cannot be binding on other railway administrations. Government have not attempted to make the procedure in minor matters uniform on all State Railways.

CERTAIN OFFICERS ON THE EAST INDIAN RAILWAY.

856. ***Mr. S. G. Jog :** Is it a fact that Government have informed this House on the 4th April, 1934, in reply to starred question No. 632, that Administrative grades should be filled in the ratio of 2 to 1 by officers of the East Indian Railway cadre and the State Railway cadre, respectively ? If so, will Government please state :

- (a) the names and cadres of administrative grades held by officers during the period from 1st July, 1925, to 30th June, 1934 ;

(b) the name and cadre of the officers who held during the period from 1st July, 1925, to 30th June, 1934 or hold the following appointments :

- (1) Agent.
- (2) Deputy Agents.
- (3) Secretaries to Agent.
- (4) Chief Engineer.
- (5) Deputy Chief Engineers.
- (6) Divisional and Sub-Divisional Engineers.
- (7) Chief Mechanical Engineer.
- (8) Deputy Chief Mechanical Engineers.
- (9) Divisional or Sub-Divisional Mechanical Engineers.
- (10) Chief Electrical Engineer.
- (11) Deputy Chief Electrical Engineers.
- (12) Divisional or Sub-Divisional Electrical Engineers.
- (13) Chief Operating Superintendent.
- (14) Deputy Chief Operating Superintendents.
- (15) Divisional Superintendents.
- (16) Superintendents, Transportation (Traffic, Power, Rolling Stock, Commercial Staff).
- (17) Assistant Superintendents (Traffic Power, Rolling Stock Commercial Staff).
- (18) Chief Commercial Manager.
- (19) Deputy Chief Commercial Manager.
- (20) Officers on special duty, etc., etc. ?

Mr. P. R. Rau : Yes.

(a) and (b). Government regret their inability to compile the statistics for the period of nine years as asked for. If my Honourable friend is specially interested he will find all the details required by him in the Classified Lists of State Railway Establishment for the years 1925 to 1934, copies of which are in the Library of the House.

DEFINITION OF LOCAL ADMINISTRATION, ETC., ON INDIAN RAILWAYS.

857. ***Mr. S. G. Jog :** Will Government please define :

- (a) Local Governments ;
- (b) Local Administrations ; and
- (c) Heads of Department ;

on the Railways in India ?

Mr. P. R. Rau : (a) and (b). Presumably my Honourable friend is referring to the definitions of these terms for the purpose of the Fundamental and Supplementary Rules. The words 'Local Government' and 'Local Administration' are defined in Fundamental Rule 9 (15) and

Supplementary Rule 214 respectively. These have no special reference to Railways in India, but various authorities on Railways have been invested with powers corresponding to the powers exercisable by Local Governments and Local Administrations under the Fundamental and Supplementary Rules. I would refer my Honourable friend to Appendices Nos. 4 and 13 in the Compilation of the Fundamental and Supplementary Rules issued by the Accountant General, Posts and Telegraphs.

(c) A list of heads of departments will be found in Appendix 14 of the same publication.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member inform the House whether by heads of departments he means those officers under the Agent to whom have been delegated powers equal to that of the Agent of a Railway ?

Mr. P. R. Rau : The heads of departments are defined specially in Appendix 14 of the publication referred to, and I would invite the attention of my Honourable friend to that.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member supply me with a copy of that publication or tell me where I can get it ?

Mr. P. R. Rau : A copy is available in the Library of the House.

CONSTITUTION OF LOCAL ADMINISTRATIONS, ETC., ON INDIAN RAILWAYS.

858. ***Mr. S. G. Jog :** Will Government please state the section of the Railways Act or any other notification under which :

- (a) Local Governments,
- (b) Local Administrations, and
- (c) Heads of Departments,

on the Railways in India, are constituted ?

Mr. P. R. Rau : These expressions are not defined in the Railways Act. If my Honourable friend's question refers to the authorities in the Railway Department corresponding to these authorities the answer has been given in my reply to his previous question.

APPLICABILITY OF RAILWAY BOARD NOTIFICATION NO. 3352-E., TO CERTAIN RAILWAY SERVICES.

859. ***Mr. S. G. Jog :** Will Government please state whether Railway Department (Railway Board) Notification No. 3352-E., dated Simla, the 28th April, 1932, is applicable to :

- (a) All-India Services on Railways in India ;
- (b) Provincial Services on Railways in India ;
- (c) Subordinate Services on Railways in India ; and
- (d) Inferior Services on Railways in India ?

If not, under what notification, the Classification, Control, Conduct, Discipline and Appeal Rules for the said services are published in the Gazette of India ?

Mr. P. R. Rau : The persons to whom the notification applies are specified in the notification itself.

ADMINISTRATIVE CONTROL OF SERVICES ON THE RAILWAYS.

860. *Mr. S. G. Jog : Is it a fact, that under Notification (Public) No. F. 472-11-23, dated Simla, the 21st June, 1924, by the Home Department of the Government of India the Services are classified ? If so, will Government please state :

- (a) whether the Services (All-India) on the Railways in India are under the administrative control of the Government of India or of the Agents of respective Railways ;
- (b) the nature of the posts or appointments exclusively reserved for All-India Services on the Railways in India ;
- (c) whether the Provincial Services on the Railways in India are under the administrative control of the Government of India or of the Railway Board or of the Agents of respective Railways ;
- (d) the nature of the posts or appointments exclusively reserved for Provincial Services on the Railways in India ;
- (e) whether the Subordinate Services on the Railways in India are under the administrative control of the Government of India, or of the Agents of respective Railways, or of the Heads of Departments, or the Divisional Superintendents, or any Subordinate authority under them ;
- (f) the nature of the posts or appointments exclusively reserved for Subordinate Services on the Railways in India ; and
- (g) whether the said notification is applicable to the services on the Railways in India ? If not, why not ?

Mr. P. R. Rau : The reply to the introductory portion of the question is in the affirmative, but the Notification referred to has been superseded as regards classification of services by the Civil Services (Classification, Control and Appeal) Rules published with Home Department Notification No. F. 9'3'30-Ests., dated the 19th June, 1930, as amended from time to time.

- (a) The Railway Services, Class I, are under the administrative control of the Governor General in Council.
- (b) There are none so reserved. Railway services are not included among the All-India Services.
- (c) On Railways, the Lower Gazetted Services correspond to a certain extent to the provincial services. They are at present under the control of the Railway Board.
- (d) Certain junior posts of Assistant Officers are in the Lower Gazetted Services.
- (e) The subordinate services on State-managed Railways are under the administrative control of the Agent. The control exercised by authorities subordinate to the Agent is only to the extent to which the powers may have been delegated to them by the Agent.
- (f) All non-gazetted posts other than posts in inferior service on State-managed Railways are considered as belonging to the subordinate services.

(g) No. The Notification referred to, so long as it remained in force, applied only to superior railway services.

Mr. S. G. Jog : Is it not a general impression and complaint that there is a lot of favouritism in the matter of appointments to the railway services ?

Mr. P. R. Rau : I am not aware of that impression, Sir, but if that impression exists, it is incorrect.

Lieut. Colonel Sir Henry Gidney : Will the Honourable Member state whether or not he has received many complaints about favouritism being practised on the railways, especially from me ? (Laughter.)

Mr. Lalchand Navalrai : Will the Honourable Member state if there is any notification or rule laying down the powers of control of the Railway Board itself ?

Mr. P. R. Rau : I should like to have notice of that question.

APPLICABILITY OF CONDUCT, DISCIPLINE AND APPEAL RULES TO SUBORDINATE AND INFERIOR SERVICES ON THE RAILWAYS.

861. *Mr. S. G. Jog : (a) Is it a fact that the principles laid down in Railway Department (Railway Board) Notification No. 3352-E., dated Simla, the 28th April, 1932, Part VII-Conduct and Discipline and Part VIII-Appeals—are applicable to Subordinate and Inferior Services on the Railways in India ? If not, why not ?

(b) Were any rules confirmatory to Railway Department (Railway Board) Notification No. 3352-E., dated the 28th April, 1932, Part VII-Conduct and Discipline and Part VIII-Appeals notified to the Subordinate and Inferior Services on the Railways in India ? If so, when, and under what notification ? Will Government please lay a copy of the same on the table of this House ? If not, why not ?

Mr. P. R. Rau : (a) Part VII and Part VIII of the notification deal only with members of Railway Services, Classes I and II. Subordinate and Inferior Services are governed by the direction made by the Secretary of State in Council delegating to the Governor General in Council full powers of control over other railway servants.

(b) Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants, issued in November 1929, by the Railway Board, continue in force under rule 6 of Part I of the notification referred to. A copy of these rules is available in the Library of the House.

Mr. S. G. Jog : Do not the Government think that the time has really arrived when, so far as appointments to the Railways are concerned, there should be some Appointment Board or Selection Board where the claims of the candidates may be considered ?

Mr. P. R. Rau : I think, Sir, that hardly arises out of this question, which refers to appeals in regard to conduct and discipline.

Lieut. Colonel Sir Henry Gidney : Will the Honourable Member inform this House whether or not it is a fact that many posts that are supposed to be filled by selection by a Selection Committee are selected by one officer and not by a Selection Board ?

Mr. P. R. Rau : I do not think that arises out of this question either, Sir.

RULES FOR THE SUBMISSION OF MEMORIALS OF RAILWAY EMPLOYEES.

862. ***Mr. S. G. Jog :** Is it a fact that under Notifications (Public), No. F.472-11-1—23 and No. F.472-11-2—23, dated Simla, the 21st June, 1924, by the Home Department of the Government of India, the Railway Department (Railway Board) is regarded as the Local Government in respect of memorials and other papers of the same class (appeals and petitions) from persons subordinate to it ? If so, will Government please state :

- (a) the notification under which the powers so delegated to the Railway Board are exercised by the Agents of respective Railways ;
- (b) the notification under which the Agents have delegated the powers of the Railway Board to the Heads of Department or the Divisional Superintendents or any other subordinate authority ; and
- (c) if no such powers are delegated, the authority, under which the Agent or Head of Department or Divisional Superintendent either withheld them or informed the petitioner that no petition lies to the authorities ?

Mr. P. R. Rau : Yes. These notifications have, however, been superseded by Home Department's notifications Nos. F-6/7/43-I. and F-6/7/33-II, dated the 19th June, 1934, respectively. Powers delegated under these notifications are exercised only by the authorities to whom they are delegated and not by any lower authority.

Mr. Lalchand Navalrai : Are these new notifications in the Library ?

Mr. P. R. Rau : That question must be addressed to the Home Department, Sir.

Mr. Lalchand Navalrai : Will the Home Department kindly inform me ?

Mr. Gaya Prasad Singh : Ask for notice. (Laughter.)

ACTION TAKEN ON CERTAIN QUESTIONS BY THE AGENTS OF RAILWAYS.

863. ***Mr. S. G. Jog :** Is it a fact that Mr. P. R. Rau in reply to the starred question, No. 1351 of the 11th December, 1933, informed this House that he shall go through the 47 questions referred to therein, and shall see which of those came within the terms of the ruling ? If so, will Government please state :

- (a) which of those questions are outside the terms of the ruling ;
- (b) when the replies to these questions, are to be laid on the table of this House ;
- (c) the minimum and maximum period taken in collecting an information from the East Indian Railway authority ; and
- (d) whether Government have issued any instructions to the Railways that answers to questions be specially expedited with

the least possible delay and to see that the report or information contain nothing but truth ? If not, why not ?

Mr. P. R. Rau : The reply to the first part of the question is in the affirmative.

(a) and (b). Replies to all the questions which, in the opinion of Government, came within the terms of the Honourable the President's ruling have already been placed on the table of the House.

(c) Government do not consider that the labour involved in compiling this information will be justified by results.

(d) Government consider such instructions to be quite unnecessary.

ACTION TAKEN ON THE RESOLUTION re PROPRIETARY RIGHTS OF CITIZENS IN THE LAND.

864. ***Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state what action has been taken by them on the Resolution adopted by this House on the 7th September, 1933, regarding proprietary rights of citizens in the land ?

(b) Was a copy of the debate on the Resolution forwarded to the Joint Parliamentary Committee and to the Secretary of State for India ?

(c) Was any recommendation made by the Government in forwarding the debate ?

(d) Have Government received any assurance that proper safeguards on the lines suggested in the Resolution will be provided in the new constitution ?

(e) Will Government be pleased to lay a copy of the correspondence on the table of this House ?

Mr. G. S. Bajpai : (a) to (c). The debate on the Resolution was forwarded to the Secretary of State for India, with the suggestion that copies be transmitted to the Joint Committee on Indian Constitutional Reform. No further correspondence has ensued.

(d) No.

(e) Beyond the forwarding letter, of which the substance has been given in the answer to parts (a) to (c), there has been no correspondence.

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ESTABLISHMENT OF LAND MORTGAGE BANKS.

866. ***Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state if they have formulated any definite scheme of rural credit through the agency of Land Mortgage Banks ? If not, why not ?

(b) Are Government aware that there is a wide spread feeling amongst the landholders that no Government measures, unless they are supplemented by a scheme of land mortgage banks, will relieve the economic distress of the agricultural classes ?

(This question will be answered on the 30th August, 1934.)

Mr. G. S. Bajpai : (a) and (b). The question was examined by the Provincial Economic Conference in April, 1934. I would invite the attention of the Honourable Member to paragraph 6 of the Finance Department Resolution No. F-16 (1)-F.34, dated the 5th May, 1934, which states the conclusions of the Government of India thereon.

PROPOSALS FOR THE AMALGAMATION AND RE-ORGANISATION OF STATE RAILWAYS.

867. ***Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state if they have any proposals for the amalgamation and re-organisation of State Railways under consideration ?

(b) Is it a fact that the Pope Enquiry Committee made a definite recommendation to this effect, and specially the amalgamation of the Eastern Bengal Railway with the East Indian Railway ?

(c) What savings are likely to accrue as a result of the amalgamation ?

(d) What difficulties stand in the way of the amalgamation at an early date ?

Mr. P. R. Rau : (a) and (b). The Pope Committee have stressed the possibility of improved efficiency and economies in the operation of railways in India obtainable through amalgamation of railways, and have adduced as examples the Great Indian Peninsula and the Bombay, Baroda and Central India Railways in Bombay and the East Indian and the Eastern Bengal Railways in Calcutta. The feasibility of such amalgamation is under the consideration of the Government of India.

(c) It is impossible to estimate savings till Government have made up their mind as to the railways which can be amalgamated.

(d) One of the most important difficulties is the existence of Company-managed Railways, which can only be taken over by the State at certain dates fixed according to the contracts.

SAVINGS EFFECTED AS A RESULT OF THE POPE COMMITTEE'S RECOMMENDATIONS.

868. ***Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state what economies have been recommended by the officers working on the Job Analysis as a result of the Pope Enquiry Committee on each State Railway ?

(b) What economies have been agreed to by the Agent of each Railway ?

(c) What economies have already been brought into effect ?

(d) How many Railway vacant lands and buildings have been rented and sold as a result of the Pope Committee's recommendations and how much income has accrued therefrom ?

Mr. P. R. Rau : (a) to (c). The Honourable Member is referred to the memorandum printed at page 5 of the Proceedings of the Standing Finance Committee for Railways which met on the 13th August, 1934. This gives full details of economies achieved up to the 31st March, 1934.

(d) The Railway Board have discussed this matter with Railway Administrations, and have directed them to bear in mind the possibility of increasing revenue from this source. There are, however, certain difficulties in following up the recommendation, not the least of which is possible litigation. In any case, from reports received from Railways, substantially increased returns are not to be expected from this item.

PAY, ETC., GRANTED TO THE OLD OUDH AND ROHILKHAND RAILWAY STAFF.

869. ***Mr. M. Maswood Ahmad :** With reference to the information laid on the table of this House on the 19th July, 1934, in reply to starred question No. 746 asked on the 17th April, 1934, will Government please state :

(a) whether the scale of pay admissible under East Indian Railway Company Rules automatically becomes the scale of pay of an employee of a State Railway (Oudh and Rohilkund) ;

(b) the number of employees of a State Railway in receipt of company's scale of pay ;

(c) the number of employees of the East Indian Railway Company in receipt of State Railway's scale of pay ;

(d) whether an employee of a State Railway is permitted to adopt the privileges, rights and concessions of an employee of a company railway ; if so, the Fundamental Rule ;

(e) the number of employees of the East Indian Railway Company in receipt of company's scale of pay, serving on Oudh and Rohilkhand section ;

(f) the number of employees of the Oudh and Rohilkhand Railway in receipt of State Railway's scale of pay serving on the East Indian Railway Company's section ; and

(g) the number of employees of the Oudh and Rohilkhand Railway in receipt of East Indian Railway Company's scale of pay serving on the Oudh and Rohilkhand section of the East Indian Railway ?

Mr. P. R. Rau : (a) and (d). I have explained the position in full in the reply to question No. 746 which I laid on the table of the House on the 19th July.

(b), (c), (e), (f) and (g). The information is not readily available and Government do not consider that the time and labour involved in collecting it is likely to be justified by results.

NON-RECOGNITION OF SERVICES RENDERED DURING THE GREAT WAR BY THE EAST INDIAN RAILWAY EMPLOYEES.

870. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) With reference to the information laid on the table of this House on the 19th July, 1934, in reply to starred question No. 458, asked on the 13th March, 1934, will Government please state whether the Home Department Resolutions Nos. 1099 and 2165, dated the 8th August, 1919, and the 15th September, 1921, respectively, operate on State Railways, including the Oudh and Rohilkund section of the East Indian Railway ? If not, why not ?

(b) Is the action taken on cases of non-railway employees, who rendered war services, by the officers of the late Oudh and Rohilkund Railway still operative? If not, why not?

(c) What are the reasons and the circumstances under which the Divisional Superintendent, Moradabad Division, East Indian Railway under letter No. E. T. 4/31/A. S. M. of the 10th December, 1931, abrogated the orders passed by the District Traffic Superintendent, Moradabad, Oudh and Rohilkund Railway on the 23rd August, 1923, in which as a special case a link was given to previous services rendered in War as a non-railway employee?

(d) Do Government propose to rectify the hardship? If not, why not?

Mr. P. R. Rau : I have called for certain information and will lay a reply on the table of the House in due course.

POSTING OF THE PERSONNEL OF THE DELHI-AMBALA-KALKA RAILWAY TO THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

871. ***Maulvi Sayyid Murtuza Saheb Bahadur :** Is it a fact that Government informed this House, in reply to starred question No. 455 asked on the 13th March, 1934, regarding posting of the personnel of the Delhi-Ambala-Kalka Railway to the Moradabad Division of the East Indian Railway, that the staff were transferred to the Moradabad Division, because that was the division nearest to the section on which they were formerly employed? If so, will Government please state :

- (a) whether the reply is based on any inquiry made or on the personal knowledge of the officer in power ;
- (b) whether the section on which they were formerly employed was a part of the East Indian Railway Company ;
- (c) whether there was a division named Delhi Division under the East Indian Railway Company ;
- (d) whether the section on which they were formerly employed was under the jurisdiction of the said Delhi Division ;
- (e) whether on re-organization the said Delhi Division was disbanded and in its place Allahabad Division was created ;
- (f) whether the staff of the Delhi Division was transferred to the Allahabad Division ;
- (g) whether Allahabad Division under re-organization was governed by the East Indian Railway Company ;
- (h) whether they were governed by the East Indian Railway Company on the section on which they were formerly employed ;
- (i) whether Allahabad is nearest to the section or Moradabad ;
- (j) whether they still are in receipt of East Indian Railway Company's scale of pay and allowances ;
- (k) whether the office staff of Moradabad Division is in possession of the working of the East Indian Railway Company Rules ;

(l) whether the office staff of Allahabad Division is in possession of Oudh and Rohilkund State Railway Rules ;

(m) whether the company staff of the East Indian Railway is in a majority in the Allahabad Division ;

(n) whether the company staff of the East Indian Railway is in a minority in the Moradabad Division ;

(o) whether there is a difference between the company's scales of pay and the State railway's scales of pay ; and

(p) if so, whether Government now propose to transfer the company staff attached to the Moradabad and the Lucknow Divisions to the Allahabad Division? If not, why not?

Mr. P. R. Rau : (a) As regards the first part of the question my Honourable friend has apparently overlooked the fact that I stated that I had no information as to the reasons but that the explanation that Moradabad was the nearest Division was a possible explanation. It was clearly stated that this was not based on enquiries.

(b) Yes.

(c), (d), (e), (f) and (g). No. The Divisional System was introduced after the East Indian Railway was taken over by the State.

(h) The question is not understood.

(i) If by section the Honourable Member means the Delhi-Kalka Section, Moradabad is nearer than Allahabad.

(j), (m) and (n). Government have no information.

(k) and (l). Government have no reason to believe that office staff, attached to any Division of the East Indian Railway, do not know whatever rules they are required to know for carrying on their duties.

(o) Yes.

(p) No.

Mr. M. Maswood Ahmad : Did Government inquire about (j), (m) and (n), and was it after inquiries that they could not get any information about them?

Mr. P. R. Rau : No, Sir ; they made no inquiries.

Mr. M. Maswood Ahmad : Will Government please state whether it was very difficult to make inquiries about (j) ?

Mr. P. R. Rau : Part (j) was not very difficult, Sir, but (m) and (n) would be difficult.

Mr. M. Maswood Ahmad : Will Government be pleased to state why they made no inquiries about (j) if it was not very difficult?

Mr. P. R. Rau : If my Honourable friend wants the information particularly, I have no objection to get it for him.

EXAMINATIONS FOR REFRESHER COURSE IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

872 ***Mr. S. G. Jog :** With reference to the reply to starred question No. 452 of the 13th March, 1934, laid on the table of this House on the

19th July, 1934, regarding examinations for Refresher Courses in the Moradabad Division of the East Indian Railway, will Government state :

- (a) the notification and its number and date under which the Chief Operating Superintendent is vested with the powers to prescribe a test and over-rule the provisions of Rule 29 of the rules for the recruitment and training of subordinate staff on State-managed Railways ;
- (b) the number and date of the sanction accorded by the Agent in term of clause 2 of his Circular No. 548/A.E.-2460 of the 1st October, 1932 ;
- (c) the reason why this particular branch on the East Indian Railway is required to pass triennial tests ;
- (d) the reason why the commercial group is administered by the Head of the Transportation Department ;
- (e) whether the staff of the Transportation Group is required to pass any triennial tests ; if not, why not ;
- (f) how many tests the Chief Operating Superintendent has passed in order to acquaint himself with the current rules and regulations ; if none, why not ;
- (g) whether the opinions of local administrations were invited before the promulgation of the rules for the recruitment and training of subordinate staff ; if so, the opinion expressed by the East Indian Railway Administration on Rule 29 ; and whether they are prepared to lay on the table the opinions received from the local administrations ; if not, why not ;
- (h) the penalty, if any, prescribed for failure to pass this triennial tests ;
- (i) whether such penalties are prescribed for other branches also and for failure to pass a Refresher Course ; if not, why not ;
- (j) the reason for making discriminations amongst the classes of the same group of employees by the Chief Operating Superintendent ;
- (k) whether the Railway Board have agreed to the triennial tests ; if so, when the amendment to Rule 29 was issued by them, and whether they are prepared to lay a copy of the amendment on the table of this House ; if not, why not ;
- (l) whether Government are aware of the extent of discontent caused amongst the staff ; and
- (m) the date and number of the notification under which the Agent, in exercising his powers under rule 64, amended the provisions of Rule 29, and whether they are prepared to lay a copy of the notification on the table of this House ; if not, why not ?

Mr. P. R. Rau : (a), (b) and (k). The reply is contained in the reply laid on the table of the House to question No. 452 and I would invite my Honourable friend to read it again.

(c), (d), (e), (h), (i) and (j). Government have no information. These are matters of detail which have deliberately been left by Government to the Agent of the Railway to decide and Government are not prepared to interfere.

(f) The question is not understood.

(g) The reply to the first part of the question is in the affirmative. As regards the latter part, Government regret that they are not prepared to lay on the table of the House the opinion expressed by a Railway administration.

(l) No.

(m) No, as Government do not consider it necessary.

Dr. Ziauddin Ahmad : Is it a fact that the Divisional Superintendent of Moradabad is permitted to frame its own rules as distinct from the rules which are prevalent in the remaining five Divisions of the East Indian Railway ?

Mr. P. R. Rau : The Divisional Superintendent is permitted to frame rules to the extent the Agent has delegated powers to him.

PERSONNEL OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

873. *Mr. S. G. Jog : Is it a fact that Government informed this House on the 19th July, 1934, in reply to starred question No. 459, asked on the 13th March, 1934, that the personnel of the crew system on the East Indian Railway were temporary ? If so, will Government please state :

- (a) the manner, authority, rule and regulation under which the personnel of a temporary system having no lien on any substantive permanent appointment, should be classified as senior to those who hold substantively permanent posts with longer service ;
- (b) the pay offered to the crew staff on the 1st June, 1931 ;
- (c) the difference in seniority between the substantive permanent staff and the temporary staff ;
- (d) the Fundamental Rule or Article of the Civil Service Regulation under which a man of temporary service, on abolition of a temporary system, can be brought on a common seniority list with those with permanent service on abolition of a permanent system ;
- (e) whether Government propose to rectify the anomaly ; if not, why not ?

Mr. P. R. Rau : The reply to the first part of the question is in the affirmative. As regards the second part—

(a) and (d). The question of determining seniority is an administrative question and is not regulated by the Fundamental Rules or the Civil Service Regulations.

(b) and (c). The temporary staff referred to numbers several hundreds and Government do not consider that the compilation of the information asked for will be justified by results.

I have, however, forwarded the question to the Agent of the East Indian Railway to examine the allegations contained in order to remove any legitimate grievances the staff might be suffering under.

(c) Does not arise.

PERSONNEL OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

874. *Dr. Ziauddin Ahmad : (a) Have Government already selected the personnel of the Indian delegation to the League of Nations ?

(b) Do Government contemplate including a representative of the Indian States ? If so, will the tax-payers of British India pay his expenses ?

(c) What is the estimate of the expenses of the delegation ?

The Honourable Sir Nripendra Sircar : (a) Yes ; the composition of the Delegation was announced on the 3rd July in a Press Communiqué, a copy of which is available in the Library.

(b) One member of the delegation, all members of which represent India as a whole, was selected from an Indian State. All expenses in connection with the delegation will be defrayed from British Indian revenues.

(c) The Budget estimate was rupees fourteen thousand nine hundred, but savings, resulting from the fact that the majority of the delegates were already in Europe at the time of their selection, are likely to reduce the actual expenditure to approximately rupees two thousand five hundred.

Mr. F. E. James : Do I understand that the answer is that the Indian delegation to the League of Nations represents for international purposes the whole of India, but that the expenses of the delegation are provided by British India ? If the answer is in the affirmative, have the Government of India made any request to the Indian States that they should contribute towards the expenses of the delegation which represents them as well as British India ?

The Honourable Sir Nripendra Sircar : No such representation has been made.

Mr. F. E. James : May I know whether the answer to my first question is in the affirmative ?

The Honourable Sir Nripendra Sircar : I think that has been already answered—I said “one member of the delegation, all members of which represent India as a whole”.

Mr. S. C. Mitra : Will Government please explain the reason why they do not ask the Chamber of Princes or any representative body of the Indian princes to contribute their share of this expenditure ?

The Honourable Sir Nripendra Sircar : There may be various reasons : but they represent India as a whole, and I am sure my friend would not like to pay the States a portion of the customs because some foreign goods reach the States.

Mr. S. C. Mitra : Is it a fact that they do derive much benefit by being protected against outside attack, and, even in times of internal disturbance, assistance is rendered to them from British India and that this customs duty is not merely a favour to British India ?

Dr. Ziauddin Ahmad : In view of the fact that the customs duty does not pay even the entire expenses of the military, is it not desirable that we should ask the Indian States to pay their share of the expenses ?

The Honourable Sir Nripendra Sircar : As regards payment by the States, I may inform my Honourable friend that a specific question has been put—No. 932—directed to find out why the States are not paying and why they should not pay, and I think it will be more convenient if my Honourable friends will see their way to agree to wait till question No. 932 is answered.

Sardar Sant Singh : May I know if in view of the fact that the League of Nations has been reduced almost to impotence by the withdrawal of certain important powers, is it any good for the Government of India to go on sending their delegation ?

The Honourable Sir Nripendra Sircar : I have no information as to whether the League has been reduced to impotence or not.

Sardar Sant Singh : Has not my Honourable friend read that the League of Nations could not do anything in the case of the Japanese withdrawal from the League ?

The Honourable Sir Nripendra Sircar : Each one is entitled to have his own opinion.

PUBLICATIONS RECEIVED BY GOVERNMENT FROM THE LEAGUE OF NATIONS OR THE INTERNATIONAL LABOUR OFFICE.

875. *Dr. Ziauddin Ahmad : (a) Will Government be pleased to lay on the table a copy of the publications received by them from the League of Nations or the International Labour Office ?

(b) Will Government please give a copy of the publications to the Members of this House, who like to read them ?

The Honourable Sir Nripendra Sircar : (a) and (b). I have already explained, in reply to the Honourable Member's question No. 505 asked on the 9th of August, that Government receive only such number of copies of League of Nations publications as are required for official use. The same is true of International Labour Office publications. Consequently, Government are not ordinarily in a position either to lay copies on the table or to give copies to individual Members of this House. I will, however, consider the possibility of obtaining a suitable increase in the number of copies supplied to Government and, if possible, will cause one copy of each publication to be placed in the Library for the use of Members. The publications received from the League in the course of a single year, excluding publications of the International Labour Office, run to some 15,000 printed pages, and, in these circumstances, the Honourable Member will, I trust, agree, that it would be impracticable to reproduce the publications in the official debates, while, if they were not so reproduced, no purpose would be served by laying them on the table.

Dr. Ziauddin Ahmad : The intention of this question was not to reprint it in the proceedings of the House, but merely that it might be available for Members so that they may read them.

The Honourable Sir Nripendra Sircar : I think my Honourable friend will agree that I have answered that part of the question as I am trying to get copies made available to Members of the House.

Dr. Ziauddin Ahmad : As regards publications received in the past also ?

The Honourable Sir Nripendra Sircar : Will my Honourable friend not be satisfied with 15,000 pages of one and about 20,000 pages of another ? 35,000 pages will take even Dr. Ziauddin some time to read.

Dr. Ziauddin Ahmad : In view of the fact that I am not expected to read all the books and all the pages and that we can have division of labour, I wanted to make sure that all the pages would be read by some one or other.

The Honourable Sir Nripendra Sircar : I have promised to look into the matter : I have not made up my mind yet.

APPOINTMENT OF A PERMANENT DELEGATE AT GENEVA.

876. ***Dr. Ziauddin Ahmad :** (a) Do Government propose to consider the desirability of appointing a permanent delegate at Geneva as recommended by the Indian delegation headed by Sir B. L. Mitter ?

(b) Was the financial aspect of the proposal considered by Government ?

The Honourable Sir Nripendra Sircar : (a) I have already informed the Honourable Member in my reply to his question No. 504 on the 9th August, 1934, that the recommendation is actually under consideration.

(b) The financial aspect of the proposal has been and will continue to be borne in mind.

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†878*.

SUPPLY OF THE FACTORIES ACT AND THE RULES FRAMED THEREUNDER TO THE FACTORIES.

879. ***Mr. G. Morgan :** (a) Has the attention of Government been drawn to the full report of the judgment in Superintendent and Remembrancer of Legal Affairs, Bengal *versus* H. E. Watson, XXXVIII C. W. ?

(b) Has the attention of Government also been drawn to the following comment on the case by the Editor of the current issue of the *Calcutta Weekly Notes* :

"The facts on the present case were ugly for the Government's officers in all conscience. It appeared that the accused had informed the Factory Inspectorate how they understood the Act and asked for an opinion as to whether they were right.

†This question will be answered on the 30th August, 1934.

No reply was vouchsafed. It appeared further that at least on one count of the indictment the Government themselves were not sure as to what the correct law was ; as to another count it appeared that what was now complained of as a breach of the law had been sanctioned as proper compliance for a period of ten years. It appeared again that the rules, of which infringement was complained of, were not available. Yet, when the accused asked for directions as to the requirements of the law, the Department did not even acknowledge receipt of the enquiry but replied by launching a prosecution. It was equivalent to saying : 'We won't tell you what the law is and indeed we are not sure that we know it ourselves but we are hauling you up before a Criminal Court, and you will have from there what you want'. This is not the spirit in which the Act should be worked."

(c) Are Government aware that McNair J. was informed during the proceedings that both the Act and the Rules framed under it were out of print and could not be obtained even by a Factory which is governed by its provisions ?

(d) Has the attention of Government been drawn to the following comment of McNair J. :

"It should not be forgotten," said McNair, J., "that the Act is sanctioning interference with the ordinary rights of the citizen and that the inquisitorial powers which are given should be used with tact and circumspection—a law which is enacted for the benefit of the employee should not be used merely for the purpose of harassing the employer. It is difficult to believe that these principles were present in the minds of the authorities who were responsible for this prosecution."

(e) Do Government propose to take steps to make available to all Factories governed by the provisions of the Factories Act both the Act and the Rules framed under it ?

(f) Do Government propose to take steps to safeguard employers from harassment by Factory Inspectors and Local Governments acting under the provisions of the Factories Acts ?

The Honourable Sir Frank Noyce : (a)—(d). Yes.

(e) I have already had enquiries made as to the alleged shortage of copies of the Act, and will see that copies are available for sale to the public. The Local Government have doubtless taken similar action as regards their own rules.

(f) The administration of the Act is a matter for the Local Government but the Government of India have powers of direction, supervision and control which they will exercise should occasion arise for their doing so.

Mr. F. E. James : May I ask whether the Government of India have called for a report from the Local Government in this matter, and, if not, whether they will do so ?

The Honourable Sir Frank Noyce : That is being done.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member inform the House whether, in view of the strictures that have been passed, the Government of India have issued orders with regard to that part of the Factories Act which gives such administrative and interfering liberties to Inspectors ?

The Honourable Sir Frank Noyce : I have already explained in reply to Mr. James' supplementary question that the Government of India are asking the Local Government for a report on the facts of the case.

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OPINIONS OF THE LOCAL ADVISORY COMMITTEES ON THE RESOLUTION re
CATERING CONTRACTS ON RAILWAYS.

880. *Dr. Ziauddin Ahmad : (a) Have the Railway Board sent the copies of the proceedings of this House on the Resolution about vendors and refreshment rooms to the local advisory committees ?

(b) Will Government be pleased to specify a date by which the opinions of the local advisory committees may be submitted to the Railway Board ?

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

(b) Government are asking the railways to make every endeavour to send a report containing the opinions of Local Advisory Committees by the end of January, 1935.

GIVING OF CONTRACTS OF DIFFERENT STATIONS TO ONE INDIVIDUAL ON THE
EAST INDIAN RAILWAY.

881. *Dr. Ziauddin Ahmad : (a) Is it not the practice on the East Indian Railway and specially in the Dinapore Division that the monopoly of the sale of all articles is given to one individual ?

(b) Is it not a fact that the travelling public has made repeated complaints against the system of monopoly ?

(c) Have the Railway Board seen the representation made to the Agent, East Indian Railway, requesting him not to give the contracts of different stations to one individual ?

Mr. P. R. Rau : (a) The Agent, East Indian Railway, states that the arrangement decided on which the Local Advisory Committee agreed should be given a fair trial is that there should be separate Hindu and Muhammadan contractors and that each contract should be for all sales at a large station and to include an area of from about 25 to 30 miles from that station. In the case of the Dinapore Division, as it was found impracticable to adhere to the area limits, two areas were given to one man, the Division having originally been divided into four areas.

(b) Government have received no complaints from the travelling public, except in so far as references have been made in this House to one or other of the aspects of this question.

(c) No.

Dr. Ziauddin Ahmad : May I ask the Honourable Member whether the Advisory Committee will consider these complaints as well along with the other complaints when the question comes up before them ?

Mr. P. R. Rau : I have no objection to ask the Agent to place these before them.

ADMINISTRATION OF JUSTICE BY JIRGA SYSTEM.

882. *Dr. Ziauddin Ahmad : Did the Legislative Department of the Government of India give their approval to the administration of justice by Jirga system where no proceedings are allowed, no appeal is permissible and no Vakil is permitted to represent the accused ?

Mr. H. A. F. Metcalfe : The Jirga system as at present administered derives its authority from the Frontier Crimes Regulation, 1901, which was approved by the Governor General in Council.

Dr. Ziauddin Ahmad : Did the Legislative Department of the Government of India approve of this ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Government of India have approved of it, which is a higher authority than the Legislative Department.

Dr. Ziauddin Ahmad : May I ask what is the meaning of the Government of India ? Does it mean the Foreign Secretary or the Law Member ?

Mr. H. A. F. Metcalfe : The Governor General in Council. You, Sir, have pointed out the distinction between the Governor General in Council and the various Departments of the Government of India.

Mr. Lalchand Navalrai : Will the Honourable Member tell me whether that *jirga* system specifically provides that no vakils should be allowed ? My information is that it does not do so. Will the Government make a rule on the point ?

Mr. H. A. F. Metcalfe : The Regulation does not provide that legal representatives should not appear, but the position is that there is no rule or law under which legal representatives can appear in the Courts of Deputy Commissioners acting under the Frontier Crimes Regulation. There are rules under which they can appear in Criminal and Civil Courts.

BUILDINGS OF THE PUSA RESEARCH INSTITUTE.

883. *Kumar Gupteshwar Prasad Singh : (a) Will Government be pleased to state :

(i) the number, extent and nature of the buildings now in use for the Pusa Research Institute, and

(ii) their original capital cost, together with the cost of such additions or alterations as may have been made from time to time ?

(b) What do Government propose to do with the buildings after the transfer of the Institute from Pusa ?

(c) Do they intend to sell them to the Bihar and Orissa Government or to a private individual or concern ? If so, at what price and under what conditions ?

(d) In case the buildings are sold to a private concern or individual, will the price of the lands be included in it ?

Mr. G. S. Bajpai : (a) A statement is laid on the table.

(b), (c) and (d). I would invite my Honourable friend's attention to the answer given to Mr. Gaya Prasad Singh's question No. 815 on the 22nd of August.

Statement regarding Pusa Buildings laid on the table.

Nature of buildings.	Extent (plinth area in sq. ft.).
I. Laboratories—	
(i) Phipps Laboratories, Main, double storeyed (37,133×2 sq. ft.)	1 74,266
(ii) Other Laboratories	9 15,898
	90,164
II. General Administration, Offices, Hostel, Rest Houses, etc. ..	12 86,979
III. Godowns, Stables, Byres, sheds, etc.	68 114,347
IV. Residential—	
(i) Bungalows for Class I Officers	13 109,533
(ii) Class II Officers' Quarters	6 21,670
(iii) Subordinate Staff Quarters	125 152,051
(iv) Menials' Quarters	94 31,622
Cost of buildings (original capital cost plus subsequent additions and alterations, if any):—	Rs.
(i) Buildings in charge of Public Works Department ..	16,66,480
(ii) Departmental Buildings	4,02,584
Total	20,69,064

Mr. Gaya Prasad Singh : May I know the total amount of money which has been sunk into the Pusa Research Institute since its establishment ?

Mr. G. S. Bajpai : I do not think we have sunk any money into it. (Laughter.) My Honourable friend probably wants to know how much money has been spent upon it. The question relates to expenditure upon buildings and the answer given in the statement is Rs. 20 lakhs.

Mr. Gaya Prasad Singh : I wanted to know what amount of money has been spent, if that word is preferable to my Honourable friend, not only upon the buildings, but upon the research in the fields or in the laboratory, which has been conducted in this Institute since its establishment ?

Mr. G. S. Bajpai : My Honourable friend wishes to know, as far as I can make out, not only the capital expenditure, but also the recurring expenditure since the date of the inception of the Institute till the present day. Part 2 of the question relates only to capital cost, which is the cost

of the buildings, and I have given that. As regards the recurring expenditure incurred from that date up to the present, I am afraid I have no information.

Mr. M. Maswood Ahmad : Will Government be pleased to state how many acres of land they have for the Pusa Research Institute ?

Mr. G. S. Bajpai : Roughly, 1,650 acres, of which 1,300 acres odd are held on a perpetual lease and 200 odd were acquired under the Land Acquisition Act.

Mr. Jagan Nath Aggarwal : Why was Pusa specially chosen for the Institute ? Did any experts advise on it ?

Mr. G. S. Bajpai : The Government of India did not have very many experts available at the time, but they had a Committee to go into the matter in 1904, which advised that Pusa would be a suitable site.

CERTAIN POLITICAL DEPARTMENT APPOINTMENTS.

884. ***Mr. S. C. Mitra :** (a) Is it a fact that the appointments of the Assistant Secretaries to the Residents in Hyderabad and Mysore, the Extra Assistant to the Resident in Kashmir, and the Superintendent of the Office of His Majesty's Minister, Nepal, are borne on the cadre of the Foreign and Political Department Secretariat ?

(b) Is it also a fact that ever since these appointments were created, they have been held by Anglo-Indians or Europeans ?

(c) Are Government aware that this bar against non-Anglo-Indians and Europeans to hold these appointments causes uncalled for and unjustified supersessions in the establishment of the Foreign and Political Department Secretariat ?

(d) If so, are Government prepared to fill these appointments in strict accordance with the seniority, unless there is anything expressed against any member of the establishment who are otherwise eligible to hold these appointments ?

Mr. H. A. F. Metcalfe : (a) Yes.

(b) Yes.

(c) There is no bar against the appointment of Indians to these posts, which are filled by selection and to suit the local conditions.

(d) No. These are selection posts and it would not be in the public interest to fill them in strict accordance with seniority.

Mr. S. G. Jog : Will the Honourable Member tell me what is the proportion of Anglo-Indians to Indians in the Foreign and Political Department ?

Mr. H. A. F. Metcalfe : I could not possibly give that information without notice.

Mr. S. G. Jog : Is it not a fact that there is a general preponderance of Anglo-Indians in this Department ?

Mr. H. A. F. Metcalfe : I am not prepared to admit that. If Anglo-Indians as opposed to Indians—it is certainly not the case.

Mr. S. G. Jog : Is it not a fact that Indians are generally discouraged from entering this Department ?

Mr. H. A. F. Metcalfe : In which Department ?

Mr. S. G. Jog : The Foreign and Political Department.

Mr. H. A. F. Metcalfe : No. I deny that completely.

**COST OF THE CLERICAL ESTABLISHMENT OF THE OFFICE OF HIS MAJESTY'S
MINISTER AT KABUL.**

885. ***Mr. S. C. Mitra :** (a) Will Government kindly state who bears the cost of the clerical establishment of the office of His Majesty's Minister at Kabul ?

(b) Is it a fact that half of this expenditure is borne by British India ? If so, how is it that Indians have never been appointed to the posts of Superintendent or the seniormost clerks in this office ?

(d) When is this going to be done ?

Mr. H. A. F. Metcalfe : (a) and (b). The whole of the cost of the clerical establishment of the Legation in Kabul is borne by the Government of India.

Indians have not hitherto been appointed to the posts of Superintendent or second and third clerk because no suitable candidates have been forthcoming.

(d) Does not arise.

Mr. Gaya Prasad Singh : Is it really the case of the Government of India that no suitable Indians are available even to hold the posts of clerks in this Legation ?

Mr. H. A. F. Metcalfe : What I stated was that at the time these appointments had to be filled, no Indians were available who were suitable. That is a fact.

Sardar Sant Singh : What is the strength of the office of the Legation ?

Mr. H. A. F. Metcalfe : The strength, as far as I remember, is about eight or nine, or may not be as much. I could not tell you exactly.

Mr. K. C. Neogy : Was the question of dividing the total expense of the Kabul Legation between His Majesty's Government and the Government of India ever considered ?

Mr. H. A. F. Metcalfe : I do not know exactly what the Honourable Member means by "considered". It has been thought of from time to time and possibly some Members of the House will remember a reply given by my predecessor, Sir Denys Bray, in 1925 on this subject, the relevant portion of which was as follows :

"Until recently Afghanistan was in relations with the Government of India only and the cost of representation at Kabul was naturally met from Indian revenues." (I may say that the cost then was a very great deal more than it is at present.) "Although diplomatic relations between Afghanistan and Great Britain have now been established, no revision of the incidence of expenditure has been considered necessary as India is as vitally interested as before."

That was stated in 1925, and there is no reason to modify that statement at present.

Mr. K. C. Neogy : Was any representation made by the Government of India on this subject to His Majesty's Government ?

Mr. H. A. F. Metcalfe : So far as I remember, no representation has been made.

Mr. K. C. Neogy : Is it not a fact that the cost of the British Legation in Persia is divided between India and His Majesty's Government half and half ?

Mr. H. A. F. Metcalfe : That, Sir, is a fact.

Mr. K. C. Neogy : Would the Honourable Member consider the desirability of making representations to His Majesty's Government to the effect that a similar division might be made with regard to the expenditure incurred by the Legation in Kabul ?

Mr. H. A. F. Metcalfe : The matter can certainly be considered.

Mr. S. C. Mitra : Was any recommendation made by the General Purposes Retrenchment Committee about the division of the expenditure on the Kabul Legation ?

Mr. H. A. F. Metcalfe : I think there was a recommendation made by the Committee to which the Honourable Member refers.

Sir Abdur Rahim : Was that ever taken into consideration at all ?

Mr. H. A. F. Metcalfe : It was certainly most carefully considered.

Mr. Gaya Prasad Singh : And rejected most carefully ! (Laughter.)

Sir Abdur Rahim : Was it equally carefully rejected ! (Laughter.)

(No answer.)

**NON-APPOINTMENT OF INDIANS TO THE POSTS OF THE REGISTRAR OF THE
OFFICE OF THE AGENT TO THE GOVERNOR GENERAL, PUNJAB STATES,
AND THE SUPERINTENDENT OF THE OFFICE OF THE RESIDENT IN
WAZIRISTAN.**

886. ***Mr. S. C. Mitra :** Is it a fact that the post of the Registrar of the office of the Agent to the Governor General, Punjab States, and that of the Superintendent of the office of the Resident in Waziristan, are also not filled by Indians ? If so, why not ?

Mr. H. A. F. Metcalfe : Both appointments referred to are at present held by Europeans. At the time they were filled, no Indians of sufficient seniority and experience were available.

**SUBORDINATE OFFICES OF THE FOREIGN AND POLITICAL DEPARTMENT IN
WHICH INDIANS HAVE NEVER BEEN APPOINTED.**

887. ***Mr. S. C. Mitra :** Will Government kindly let this House know in which other clerical appointments in the offices subordinate to the Foreign and Political Department, Indians have never been appointed, and why not ?

Mr. H. A. F. Metcalfe : It is not understood what the Honourable Member means by "other clerical appointments" and Government are not, therefore, in a position to supply the information asked for.

Mr. S. C. Mitra : Is it a fact that the policy is to exclude Indians generally from the higher appointments in the Foreign and Political Department ?

Mr. H. A. F. Metcalfe : It is certainly not their policy, and I can give several instances in which Indians have been appointed to the highest clerical appointments.

Mr. S. G. Jog : May I know whether all these appointments are made by some test through the Public Service Commission ?

Mr. H. A. F. Metcalfe : No, they are not made by the Public Service Commission. The higher clerical appointments are made by promotion inside the Department.

Mr. S. G. Jog : May I know why the Government are not prepared to submit all these appointments to the Public Service Commission ?

Mr. H. A. F. Metcalfe : Mainly because the Public Service Commission would not be in a position to judge of the qualifications for particular appointments.

Mr. S. G. Jog : Has not the Foreign and Political Department any confidence in the Public Service Commission test ?

Mr. H. A. F. Metcalfe : It has every confidence in the Public Service Commission test, which is, I understand, an initial test, and not a test for promotion inside the service.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. If the House agrees, the remaining questions on the order paper will be taken up on Thursday morning, because tomorrow we meet only in the afternoon for the transaction of business.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 27th August, 1934, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 20th August, 1934, namely,

1. A Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India ; and

2. A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose."

THE INDIAN ARMY (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Indian Army (Amendment) Bill.

The Honourable Sir Joseph Bore (Leader of the House) : Before the debate proceeds further, I desire to make clear to the House the position of Government with regard to the Bill and also with regard to the amendment moved by Sir Abdur Rahim.

In framing this Bill, Government have followed out the policy, which they announced in July, 1932, in connection with the opening of the Indian Military Academy, of introducing "certain changes of organisation which are implicit in the evolution of a purely Indian Army, and which will bring it more into line with the conditions prevailing in other parts of the Empire". In accordance with this policy, they have proposed that the Indian Commissioned officer passing out of the Academy shall be granted a commission on the Dominion model in His Majesty's Indian Land Forces and shall be subject to an Indian Army Act as a first step towards bringing the whole Indian Army, officers and men alike, under an Indian statute.

Government have consistently maintained that an Indian Army Act, which, besides providing for the legal status of the Indian officers of the Indian Army, deals only with discipline and kindred subjects, is no place for provisions governing command, rank and precedence, which ordinarily find a place in the King's Regulations for the army. They therefore confined themselves to giving a guarantee in connection with the present Bill that provision would be made in those Regulations for complete reciprocity of powers and privileges within the Indian Army as between the Indian commissioned officers and the British officers of the Indian Army. They made it plain that on the analogy of the Dominion Armies which they were following, it was impossible for the Indian commissioned officer, any more than the Dominion officer, to be granted automatic powers of command in relation to British personnel of the British Army in India, but that His Majesty's Government were preparing a further regulation which would enable the Commander-in-Chief or other commander to appoint the occasions when in the interests of the harmonious working of the two portions of the Army in India the Indian commissioned officer may exercise powers of command in relation to British personnel of the British Army. His Majesty's Government in doing so have conceded to future Indian officers in the Indian Army more than they have conceded to any officer holding a Dominion Commission.

In consequence of the suggestions made in the House that a statutory provision should be substituted for the verbal assurance which had been given on behalf of Government regarding the command, rank and precedence of the Indian commissioned officers, the Government of India enquired of His Majesty's Government whether there was any objection to the inclusion in the Bill of a section on the lines of the amendment proposed by Sir Abdur Rahim, but limited in scope to the regulation of these matters *within the Indian Army*. His Majesty's Government have replied that it is impossible to accept such a proposal, because the question at issue is one of His Majesty's prerogative. They stated, however, that the exact method of giving effect to the guarantee regarding command, rank and precedence within the Indian Army, which is not free from legal difficulties, was still under the consideration of the Law Officers of the Crown.

In view of this reply, Government are unable to accept any amendment involving the inclusion in the Bill of any provision dealing with command, rank and precedence. Consequently, they must oppose Sir Abdur Rahim's amendment alike in its existing form and in the form which would be given to it by the adoption of Mr. Ranga Iyer's amendment ; and if that amendment is carried against them in either form,

[Sir Joseph Bhore.]

they will be reluctantly constrained to drop the Bill with the result that the Indian officers who will shortly be commissioned from the Indian Military Academy will have to be given some form of limited commission which will make them subject in all respects to the Army Act and to control by Parliament instead of being subject, as they will be if Sir Abdur Rahim's amendment is withdrawn or rejected and the Bill becomes law, to the Indian Army Act and to control by the Indian Legislature. This result would in the opinion of the Government of India be most unfortunate.

The object of Mr. Ranga Iyer's amendment will in fact be secured by a King's Regulation to be made under section 71 of the Army Act, or by such other method as may be decided on by His Majesty's Government in consultation with the Law Officers of the Crown.

Mr. President (The Honourable Sir Shanmukham Chetty) : In the light of the statement made by the Leader of the House, it would probably clarify the issue if the Honourable Member, Sir Abdur Rahim, would tell the House what he proposes to do with his amendment.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : In view of the importance of the statement which has been made by the Government, which in reality opens a new issue and is not confined to the issue which was raised by Sir Abdur Rahim, there should be a debate on the statement which has been made by the Honourable the Leader of the House. It will not clarify matters unless we know the real implications which that statement has got behind it. They ought to be explained to the House, how far it goes, what privileges the Indians are enjoying today and what are being taken away by the statement which the Honourable Member has made today. That must be explained to the House before any votes are taken on the issue.

Mr. President (The Honourable Sir Shanmukham Chetty) : In what language does the Honourable Member want the statement of the Leader of the House to be explained ?

Mr. Muhammad Yamin Khan : The language is there. We want to know the implications of the statement which he has made. We want to know how far the Government is prepared to go, how far they are taking away from Indians their existing rights. That matter must be explained. The Honourable Member says the same concession is being given, which is enjoyed by the Dominions. That matter has to be explained, whether it gives the same rights as in the Dominions or it does not....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Sir Abdur Rahim.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : May I say, Sir, with regard to the statement made by my friend, Mr. Yamin Khan, that I believe that what he is really anxious about is that he should get a chance to say something on the statement that has been read out by the Honourable the Leader of the House. Now, as regards the statement that has been just read, may I ask my Honourable friend, the Leader of the House, this question ? Does that statement make the position of the Indian Commissioned Officers any clearer than the statement made by the Army Secretary in the Select Committee and which is

now embodied in the Report of that Select Committee. (Hear, hear.) For instance, as regards the mixed formations, like Brigades and Divisions, and ordinary mixed formations, that is to say, of British and Indian personnel, will the power of command and rank and precedence of the Indian Commissioned Officers who will be created be the same as of those officers who have passed out from Sandhurst and Woolwich, whether British or Indian ? That is really the crucial question that we have got to deal with. I want to know what is the position as regards mixed formations.

The Honourable Sir Joseph Bhore : That position has been made clear on more than one occasion, and I think the position is perfectly clear from the statement which I have made.

Sir Abdur Rahim : What is that ?

The Honourable Sir Joseph Bhore : The position will be entirely different.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, as the Government have taken so much time to consider the amendment put forward from this side of the House, then should we also not have further time to carefully study this statement before we can proceed in the matter ?

Sir Abdur Rahim : That being so, I do not know whether it would be open to me to say anything, as regards the merits of this statement and how it affects our position.

Mr. President (The Honourable Sir Shanmukham Chetty) : Ordinarily, Sir Abdur Rahim and the other Honourable Members who took part in the debate on this amendment have lost the right of speaking again, but in view of the importance of the statement made by the Leader of the House, the Chair is prepared to allow the Honourable Member, Sir Abdur Rahim, and the other Honourable Members who previously took part in the debate to have another opportunity of speaking on the motion. (Loud Applause.)

Sir Abdur Rahim : Sir, we are extremely obliged to you for the indulgence you have given us, having regard to the importance of the subject, if I may say so with great respect, you have rightly given us this further opportunity of speaking. Sir, the position remains absolutely unaltered. The position still is as it was when the Bill was introduced, or rather when it was reported upon by the Select Committee embodying the position taken up by the Army Secretary. I take it upon the instructions of the Army Authorities ; that is to say, the commissions that will be given to the Indian Officers who have passed out from Dehra Dun will be of a limited character and will not have the same scope as that which is given to officers who have graduated from Sandhurst or Woolwich. Therefore, it comes to this that Indian officers, so far as the military services are concerned, will not have that power of command, rank and precedence which they are entitled to look forward to so far as the Indian Army is concerned. We have been so told in explicit words.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair thinks, from what it understood from the statement of the Leader of the House, that the powers and privileges in question will depend not on the place where the cadet was trained, but whether he gets an Indian Commission or the King's Commission. Is it not so ?

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, the position is that the command, rank and precedence in question will depend upon the regulations that will be issued under section 71 of the Army Act. There are no regulations which at present govern this class of officer because it is not yet in existence.

Mr. President (The Honourable Sir Shanmukham Chetty) : The difference is between the King's Commission and the new Commission that is going to be created ?

Lieut.-Colonel A. F. R. Lumby : Yes, Sir.

Sir Abdur Rahim : Then, what is the justification for this ? That has not been explained, except perhaps my Honourable friend, the Leader of the House, suggests that the prerogative of His Majesty will be affected by such a provision. But, Sir, we made our position quite clear on the previous occasion,—that if the Army Authorities were prepared to give us an assurance that the regulation that will be framed by His Majesty or under His Majesty's direction would recognize complete reciprocity and equality of status of the Indian Commissioned Officers with those of the King's Commissioned Officers, then I was prepared to drop the amendment that I have proposed. (Hear, hear.) But, that is not the attitude taken up by the Government. They will, it is clear, by the regulations which will be issued afterwards, make a very important distinction between Indian Commissioned Officers and King's Commissioned Officers ; in other words, the commission which will be given to them will be of a limited character and scope as compared with the King's commission which the men from Sandhurst and Woolwich enjoy. Now, the position is this. I asked the Army Secretary on a previous occasion to tell us whether it was ever suggested at the time this College was mooted and when it was actually established, that the commission which the graduates of the Dehra Dun Academy will receive will be in any way inferior to the commission which Indian or British Officers educated and trained at Sandhurst or Woolwich receive. Sir, I received no answer to that question then and I take it there is no answer available at present. Then, what is the position ? We were kept under the impression throughout, from the Round Table Conference days to the date when the College was established and up till now, that those who have graduated from Dehra Dun would have the same status and the same opportunities for command, rank and precedence as the British commissioned officers.....

Lieut.-Colonel A. F. R. Lumby : I should like, Sir, to quote the Press Communique, dated the 8th July, 1932, to which the Honourable the Leader of the House referred just now. In it, it was definitely and clearly stated that :

" It has, therefore, been decided, with the approval of His Majesty the King, to confer upon cadets passing out from the Indian Military Academy, and also upon entrants to the Indian Air Force, commissions in His Majesty's Indian Land Forces and His Majesty's Indian Air Force, respectively, in a similar form, for instance, to those now granted to officers of the Canadian Forces. Those commissions will be issued in the name of His Majesty the King Emperor, and will be signed on His Majesty's behalf by the Governor General."

Sir Abdur Rahim : Is not there a considerable difference in the situation of India and that of the Dominions ? There are no such things as mixed formations in the Dominions. If there are, I should like to be

corrected at once. As you have mixed formations here and I take it that it is the policy of the military authorities to have such formations, I say the position becomes entirely different and we cannot accept an arrangement under which our officers from Dehra Dun will be debarred from commanding mixed formations.

Lieut.-Colonel A. F. R. Lumby : May I say, Sir, that the new type of officers are not yet in existence, but that the question of the command of mixed formations, even if this Bill were to pass into law today, is not likely to arise for another 20 or 25 years.

Sir Abdur Rahim : Is that the only answer ? All the higher commands are of mixed formations and the result will be this that so far as the Indian officers are concerned, they will not automatically command these mixed formations as the other officers do. If that is so, what is the chance of India ever becoming self-reliant in respect of her army, because, after all, it is the higher commands that count the most in the army. If our youngmen are told that however meritorious they may be, however competent they may be, however successfully they may have passed through all the severe tests of military training, they can never expect, unless occasions are specially appointed for the purpose, to have command in any of the higher formations of the Indian army. Does the Government really think that India is going to accept a position like this ? Surely not. Can my Honourable friend point out that hitherto in the history of British India there has been any such attempt made to make racial discrimination ? We have the Indian Civil Service. At one time it was entirely manned by the British and it is the Indian Civil Service that really governs the country. Was any such racial discrimination ever thought of in the case of the Indian Civil Service ? On the other hand, we have the Government of India Act which provides that here are certain higher offices which will be held by the members of the Indian Civil Service and no suggestion whatever is made anywhere that the Indian Members of the Indian Civil Service will be debarred from, or will have less opportunity of, reaching those higher offices than the British members of this service. What is the position in the case of the Indian Civil Service ? The Leader of the House is an Indian and here have been Governors who have been Indians. Why in the army of all services should there be such a distinction ? My Honourable friend, the Army Secretary, will realise more vividly than perhaps any other Member of this House that to draw a racial discrimination in the army will be nothing short of a disaster. Sir, it is a policy which surely the military authorities, the Government of India or the Army Council in England and the British Government, can never expect us to accept. They may force down this Bill on us or they may take up any position they like, but I do say, with the fullest sense of responsibility, that a policy of this character will never satisfy Indians and it will create all sorts of difficulties in the army itself. We, the Indians, want that so far as the military forces are concerned there should be perfect discipline, unquestioned discipline and that it should be a force of which India should be proud, and we further want that there should be complete co-operation and reciprocity between the Indian army and the British forces so long as the British forces are in India.

Now, Sir, I do ask : Is it wise or expedient even from the narrow point of view of any military class that a distinction should be drawn

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by regulations or otherwise between the two classes of officers? If the Indian army is going to be Indianised, as has been repeatedly promised, in that case, can the army authorities contemplate with any complacency a future when there should not be complete reciprocity and co-operation between the two forces—the Indian forces and the British forces—in India? Sir, it is unfortunate that the Government of India, under instructions from Whitehall, should have been obliged to take up this attitude. I doubt if the Government of India, left to themselves, could have ever thought of taking up this attitude. We are now threatened that the Bill will be dropped if this amendment is carried and the Dehra Dun officers will be given a limited Commission. We are not told what the form of that limited Commission will be. I said to this House that what was really intended by the Army Authorities, as we understood their case from the Army Secretary, was that there should be a Commission intermediate between the King's Commission and the Viceroy's Commission. If that is not the intention, I do not see what objection can there be to accepting this amendment. It makes no difference to us that by this Bill we want to amend the Indian Army Act which is mainly designed for the discipline of the Indian army personnel. You are creating by this Bill—at any rate, you are recognising by this Bill—a new form of Commission, the Indian Commission. You call it Dominion Commission. But we are not going to be deceived by words like that. We have had enough of those phrases. What is the implication of the words 'Indian Commission'? The implication is, that you are not giving the Indian officers a full career in the Indian army itself. That is the real difficulty. You are creating a new form of Commission by this Bill. Are we not fully justified in asking you that you must tell us what is the meaning, what is the scope and what is the significance of this Commission? What is wrong with that position of ours? You may bring in another Bill; we do not object to it. But you must define this Commission. All that we ask for by this amendment is that you should give to our officers the same opportunities of command, rank and precedence, as the British officers enjoy. Unless you say that you are not going to give us equal powers of command and you are not going to give us the same opportunities. I do not see what reasons you can possibly have for not accepting this amendment. Sir, supposing this Bill is dropped, I shall take up this attitude. We shall not be sorry at all, for we cannot accept a status of inferiority for our officers. That is the position. It may not affect them for 20 years but that is not the point. We are asked now at this moment to accept a new principle that in that most important service, the military service, there is going to be racial discrimination and that our Indian officers, serving in the army of our own country, for purposes of defending our country, will not have the same opportunities of command as the British officers. Is this a proposition that we can accept? What is the meaning of the expression "appointing occasions"? I asked the Army Secretary to explain it but he never explained it. Can he give me a single illustration to explain its meaning or will the Honourable the Leader of the House himself tell us what is the meaning of the phrase "appointing occasions"? What does it mean? If they are unable to tell us what it means, then we are entitled to put our own interpretation, and that interpretation is, that when a question arises between an Indian

officer who is senior in rank to but equally competent as a British officer junior in rank, it will be in the discretion of the Commander-in-Chief or a Commander to say, whether in that case for that specific occasion, the Indian should have or should not have the command. That is the meaning. That only means that on some particular specific occasions the higher Army authorities may consider it advisable for perhaps a temporary purpose to give command to a senior and fully competent Indian officer. Is not that totally different from the position occupied by the British officer, for British officers, if competent and senior, automatically take command and, surely if our young men are told that they also if competent according to the higher authorities, they will not have the same chances as the others, what will be the effect of that? Are you going to encourage them to do their best by methods like this? Are you not going to discourage them in every possible way? We have heard that in the French Army for instance every soldier has in his knapsack the baton of a Field Marshal. Surely in the army it must always be so. If a man is competent to lead he ought to be given a chance of leading. We do not want to depend entirely on the goodwill of any particular commander whether our men should have the right to command or not.

Sir, what we want to know is this. What are the difficulties in the way of the Army Council or the British Council in conceding to the Indian commissioned officers the same opportunities which the British officers have? Is it because you call this commission an Indian commission? Then why call this an Indian commission? You say that the commission will be granted by His Majesty the King, and, I believe, signed by the Viceroy. Then why draw this distinction? Where is the necessity? The Army Secretary assured us with a great deal of eloquence and emphasis that the officers from Dehra Dun are extremely fine young men full of promise and that the Army Authorities are perfectly satisfied with the training they have received, and, if I mistake not, I think he suggested that the training at Dehra Dun was at least as good if not superior to the training given at Sandhurst. If that is so, why handicap these officers of whom you yourself hold such high opinion at the very commencement of their career? We fail to understand why this distinction is sought to be made. Then it has been said that "Oh! the Commission that will be given in case this Bill is dropped will be of a limited character". But how? Even if this Bill is passed you say that the commission will be of a limited character. (Hear, hear.) What difference does it make to us if the Bill is dropped. Then, at any rate, we shall be relieved of the responsibility of consenting to a situation which the whole country is bound to resent, a situation humiliating to us and humiliating to the Indian nation. On the other hand, if you pass this Bill in spite of our opposition, the responsibility will be yours, and not ours. (Applause.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, blessed are they who have no expectations, because they shall not be disappointed. I was certainly not disappointed when I heard the speech of Sir Abdur Rahim, because I knew that he would not rise equal to the new situation created by the statement made by the Leader of the House. What is that new situation which the statement that the Leader of the House made has created? That new situation, Sir, is no more and no less than this, that here we are laying the

[Mr. C. S. Ranga Iyer.]

foundation for the development of a *Dominion* Army. (Laughter.) I emphasise the word *Dominion*, notwithstanding opposition laughter, following as it does the proclamation of His Excellency Lord Irwin for *Dominion* Status. What has the Indian public opinion asked for up to now? Has Indian public opinion agitated for the chaff that Sir Abdur Rahim asks for (Laughter), namely, a position for Indians of rank and precedence in mixed formations or has Indian public opinion asked for the one thing to make good India's defence namely, that India must have an army of her own even as the Colonies have? That is the issue which the Opposition has to face, not fly (Laughter), fairly and squarely. That is the issue on which the House has got to vote.

Some Honourable Members : Oh ! Oh !

Mr. S. C. Ranga Iyer : Sir, the Congress people describe the British Army in India as "an army of occupation", and if the bulk of Indian opinion is to be consulted in this matter we have to take into consideration what the Congress has asked for. They do not want any association for the Indian army with the British army in India. On the contrary, they want that the British army should be withdrawn from India as the British army was withdrawn from the Colonies. Sir Abdur Rahim is preparing a slogan and wants that slogan to be put into the Army Bill, namely, that 20 years hence we should have a mixed formation of the Indian army and the British army in India. But look back 20 years. What has happened in 20 years. Look at Russia. There was the Czar of Russia. Where is the Czar of Russia today? Look at Germany. There was the Kaiser. Where is the Kaiser today? Spiders weave their webs where Kaisers ruled. (Laughter.) Look at ten years ago. Look at Spain. Where is King Alphonso today? Twenty years hence with Provincial Swaraj, Provincial Autonomy working, with liberated forces in the country, I, as a nationalist, refuse to think for a moment that there will be a British army in India. I want that the British army should be withdrawn within 20 years; and if the British army is withdrawn within these 20 years.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : Then God help India. (Laughter.)

Mr. C. S. Ranga Iyer : My Honourable and gallant friend, Sir Henry Gidney, says, "Then God help India", I admit that is an observation which requires comment, and I shall comment upon it presently. Sir, as Sir Henry Gidney says, if the British army is to be withdrawn in 20 years, God must help India if India cannot help herself. I am addressing myself to the future with a certain amount of optimism. If India progresses communally there will be necessity for the British army in India and then the question will arise, why should there be a mixed formation of a Hindu or a Sikh or,—I leave the Sikhs out,—of a Hindu or a Mussalman primarily or a Sikh and a Muslim secondarily; for Punjab considerations might prevent a Sikh officer being put at the top if there is a Sikh-Muslim fight. The Indian considerations might prevent a Hindu or a Mussalman being put at the top if there is a Hindu-Muslim fight. It is for the future to decide whether we are going to advance communally or whether we are going to advance politically. If we are going to advance politically, I do not think it is a dream to say that India would have *Dominion*

Status within 20 years. The Dominions said farewell to the British army when they got *Dominion* Status. Even so, if our Provincial Autonomy works properly and if the central scheme creates more energy in the country, I do not think that it is a laughing matter to say that within 20 years India will be crowned with *Dominion* Status as a result of which, as in the case of the Dominions as rightly pointed out by Sir Abdur Rahim, there is no mixed formation, even so in the case of India there can be no mixed formation. But, Sir, on the contrary.

Mr. S. G. Jog (Berar Representative) : Treat it as a practical proposition.

Mr. C. S. Ranga Iyer : My Honourable friend sitting behind me ask me to treat it as a practical proposition. Quite so; not as theoretical visionaries putting formulas into Bills for 20 years hence but as men who must look at it as a practical proposition. (Laughter.) And what is the practical proposition?

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : And what about the British I. C. S.?

Mr. C. S. Ranga Iyer : I will come to that; let me answer one question at a time. I will ask my Honourable friend to take note of his question and wait, for this is a very difficult and delicate subject, and I want to speak as it strikes me. I am quite willing to answer interruptions provided there is a fairness in interruptions, for I believe in giving way, but if there is no fairness in interruptions, I will not give way but go on with my speech as I would like to develop it. Now what was the first question?

Mr. S. G. Jog : I wanted my Honourable friend to treat it as a practical proposition instead of dealing with imaginary questions of Sikhs and Muslims.

Mr. C. S. Ranga Iyer : Let us deal with it as a practical proposition, not on imaginary lines but on practical lines. Imaginary lines? Communal riots, my friend, may call them so, but they are actual. At present I want the Hindus and Muslims and Sikhs to co-operate and create *Dominion* Status within 20 years; and, in that scheme of communal co-operation and development of *Dominion* Status within 20 years, I have not the slightest doubt that the Provincial Governments, properly manned with leading parties manning those Governments, will bring to bear upon the Government of India the maximum amount of pressure to abandon the present policy of recruiting their sepoy from selected martial classes only. Not that they will say that the men of the martial classes should not have their chance; not that they will say that the officers drawn from those classes should not have their chance; but they will say that as units of a Federation every Provincial Government and every Province which it governs has a right to adequate representation in the Army. And when that question comes up, there will also come up the question of the creation of a National Army. Sir, this issue cannot be shirked. It is all well and good to postpone the evil day of developing a complete *Dominion* Army; but once Provincial Autonomy is set up, then with the pressure that the Provincial Governments will bring to bear upon the Government of India, Provincial considerations in regard to the formation of the army will prevail; and if they prevail, will not the pace of Indianisation be accelerated? And with that, will not the demand for the withdrawal or the reduction of the British

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army also become great? That is why I do not think of the Army in India as what it will be 20 years hence, but, as a practical man, I will address myself to the Indian Army as it is today. And to understand the achievement that India has made in this direction one has only to recall to one's mind the atmosphere of inferiority that prevailed before the war. I am sorry that Sir Abdur Rahim should put his hands into the worm-holes of a long vanished past and recall once again that atmosphere of inferiority 20 years afterwards. As Sir Sivaswamy Aiyer has pointed out,—I will read only one sentence :

"The studious exclusion of Indians from all but the humblest places in the army was so conspicuous that according to Sir George Chesney only one inference could be drawn from it, viz., that the Government were afraid to trust them."

Fortunately that atmosphere has been destroyed and evidence of the complete destruction of that atmosphere of distrust we find in these words of His Excellency the Commander-in-Chief, printed as an appendix to the report of the Indian Military College Committee :

"Our first task is to create a steady flow of fine young officers. Once that is established, we can then proceed to expand as much as you like. Up to that point, however, I see no alternative to developing Indianisation within a definite field. Accordingly we must fix our intake to start with, and trust to increasing that figure as soon as we are assured that a regular supply of candidates of the requisite qualifications is forthcoming, and that the class of candidate we are getting is of the right type."

I have no doubt that if public opinion and Members of this House were to exercise their brains in the right direction, then we will get not only the right type, but what is but a trickle, so far as the admission of Indian cadets to the Dehra Dun College is concerned, will become a steady flow, a larger flow and an ever-increasing flow. (Hear, hear.) Sir, Indians will soon demand, and very rightly according to the size of the population and the needs of the country, that there should be more military colleges in India than one. You have Sandhurst and Woolwich in England. We may have for a group of Provinces a Sandhurst, and then we will insist that the scheme that was developed and that was reported upon by General Sir John Shea should be given effect to. The present scheme, the Skeen Committee report scheme, falls short of the original scheme, but what did Sir John want? What did the Shea Committee want? And that leads us to the creation of a new atmosphere after the war. Before coming to the Shea Committee, I shall tell you how we got over the old atmosphere during the war. In his admirable book, the "Indian Corps in France", Lord Birkenhead gives rich tribute to the work that Indians did in the Army in the battle-fields of Europe, how non-commissioned officers took the places of commissioned officers: They did not wait for slogans about mixed formations (Laughter): they took the place of commissioned officers and marched into the valley of death. (Cheers.) Lord Birkenhead says :

"No man could be bold enough to predict the result of flinging Oriental troops into these horrible scenes, in a pitiless climate, to lose life and limb in a quarrel remote from their own experiences, uninspired by fears on behalf of their own people, or even of their own property. It was thought necessary to give six months' training in England to the superb raw material which formed the first Canadian Division; and many months were allowed to pass before it seemed desirable to send a Territorial Division as a unit to France. And yet those who knew the Indian soldier best were confident, however sudden his immersion into the Great War might be, that his traditions, his loyalty and his sense of duty would carry him through. And they did."

That hesitation in regard to Canadian units did not prevail in the case of our Indian soldiers. (Hear, hear.)

In another place the contrast between the treatment of Canadian troops and Indian troops is furnished, thereby showing that in the battle-field of Europe what was an era of distrust disappeared and from the blood-stained yeast of war emanated the grant of equality to the Indian soldiers :

"He who wishes to form an opinion upon the opportuneness of the Indian contribution should reflect how swiftly the first arrivals were rushed into the firing line."

If Great Britain had ungratefully waited after that achievement of our soldiers during the war, there would have been justification for Sir Abdur Rahim's ultimatum. But she has made progress, and how does she progress? One has only to read the Shea Committee Report. The Shea Committee was appointed by the Late Lord Rawlinson, that great soldier-statesman, in accordance with the Resolution of this Legislative Assembly in 1921. It was composed purely of high military officers—three Lieut.-Generals, three Major-Generals, three Colonels and two Lieut.-Colonels, one of whom was secretary of the committee. That committee of experts, after close consultation and deliberation, came to the conclusion in regard to the complete Indianisation of the Indian Army that it could be accomplished within thirty years. That was ten years ago or more than ten years ago when they made that statement. Sir Abdur Rahim is talking of what should happen 20 years hence. (Interruption.) I am just reading to my Honourable friends Dr. Moonjee's summary of a statement from the Report of the Indian Military College Committee—page 45.

The recommendations of the Shea Committee Report were kept confidential from the Skeen Committee. The Skeen Committee was not allowed to see the Shea Committee's Report, because the Government wanted that they should arrive at an independent judgment; and the Skeen Committee, I admit, did not go as far as the Shea Committee. But I am telling you how the atmosphere changed after the war. The Shea Committee in their report actually drew up a scheme of Indianisation and recommended the establishment of a military college in India with an average annual output of 81 cadets during the first period of fourteen years, 182 cadets during the second period of nine years and a number ranging between 88 and 106 during the third period of seven years. These numbers did not include the cadets for Indian States forces which were fixed at 30. Commenting upon this Shea Committee's Report, Sir Sivaswami Iyer in his note—and that leads me again to Sir Henry Gidney's interruption, because though that was their original suggestion, probably they had some other suggestions to make in a subsequent report. Sir Sivaswami Iyer says :

"It must be remembered in this connection that according to the original proposals of the Shea Committee of 1920 the period suggested was only 42 years."

He goes on to say :

"Their revised programme, which was accepted by the Government of India, reduced the period of thirty years. We must not forget that in their supplementary report the Committee expressed the opinion that it was impossible to produce the very large number of educated, trained and experienced officers in a shorter time than 42 years."

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Therefore, if you take ten years from it, then you have 32 years and according to the original proposal or the amended proposal in the light of the view of the Government of India, after 20 years there should be complete Indianisation of the Army. I, at any rate, am not contemplating the complete Indianisation of the army. In that matter, I am not following the views of the members of the Round Table Conference. My own view of the subject is quite different. As Dominion Status is our goal, I take it that the British connection is a real thing; and if the British connection is to be a real thing, then both in the Civil Service and in the Army I want British officials and officers, and, therefore, I will fix a percentage of British officers in the Indian Army, but I would withdraw, as was done in the case of the Colonies, the British Army in India. I would advocate the withdrawal of the British Army from India. In that case the "Army in India" of the future will consist only of the "Indian Army", and that is why I want that there should be perfect equality of status and rank and precedence between Indian and European officers in the Indian Army. I am glad that the Government of India have sympathetically considered it and I am glad that the assurance of the Honourable the Leader of the House does not necessitate my moving my own amendment; if this is achieved, namely, equality of status in the Indian Army between Indian officers and British officers when the British Army goes out of India, as it has gone out of the Colonies, then the bottom of Sir Abdur Rahim's amendment will be knocked off....

An Honourable Member : What will happen till then ?

Mr. C. S. Ranga Iyer : Till when ? Till the period anticipated by Sir John Shea, till 20 years after ? Many things will happen within 20 years. Within 20 years probably a new atmosphere will come into existence. I shall presently show that Sir Abdur Rahim has chosen a rather unhappy occasion to move his amendment....

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadian) : Teheha !

Mr. C. S. Ranga Iyer : "Teheha", says in his usual way a representative from Bihar. I shall just convey to him how he has chosen a very unhappy occasion. Has the Honourable gentleman who shouted his usual impolite shout, read the *Daily Mail* "India Blue Book" of 1934 ? Has he been following the propaganda that is going on in England against any kind of reforms being given to this country ? Mr. Winston Churchill will salute Sir Abdur Rahim for moving this amendment for he will be taking a new idea from Sir Abdur Rahim—I do not say that he gave this idea to Sir Abdur Rahim though he would have very much liked to exploit it. He will go to the people of England and say "Look at this : what do the Indian people want ? They want to put Indians over the head of British troops. They want to undermine the discipline of the British Army". Already the White Paper scheme is bad enough with the army left out, with the army as the close preserve of the Government of India and of Whitehall. The Churchillites are condemning that White Paper : they call it the White Flag Paper : with defence as a reserved proposition they utter these condemnations. They say :

"Must we then conclude that the Conservative chiefs...."

This is the observation by Viscount Rothermere in the *Sunday Despatch*, April 15th, 1934, circulated broadcast in 1 P.M. England, read by a number of people for a penny in the shape of a blue pamphlet. They say :

"Must we then conclude that the Conservative chiefs have determined to prove to the country that they can scuttle out of India as contemptibly as the most craven of Socialists ? If so, they are succeeding admirably. But let them not think, in their complacent folly, that they will escape the Nemesis which lies in wait for traitors to a great trust."

On the night of the next general election those responsible for the betrayal that is now being prepared will find themselves flung into well-deserved political oblivion by the righteous indignation of that Conservative Party which they are deliberately trying to deceive.

They will do well to take warning in time. If the Conservative Ministers in the National Government are not set on political suicide as well as the ruin of the British Empire they must tear up the White Paper and haul down the White Flag."

I am not surprised that His Majesty's Government have not accepted even my amendment. As one of His Majesty's Ministers, whose name will be embalmed in the hearts of unborn generations,—Lord Irwin,—told me in England, it is at present a matter for Indians to consider whether British opinion does not altogether count. I have placed before the House the attitude that is being adopted towards His Majesty's Government, and if His Majesty's Government are very cautious about proceeding further in the way indicated by Sir Abdur Rahim or even accepting my amendment—if they are so cautious about it, it is just because they have to take public opinion with them in England. I believe Sir Abdur Rahim, as a member of this Committee,—this Indian Military College Committee—said he will drop this Bill. I know the genesis of his amendment is in his Dissenting Note. Sir Abdur Rahim goes contrary to public opinion when he says that Indians should also have opportunities of completing their army career or having an army course in Sandhurst and Woolwich. The majority close the doors of Sandhurst and Woolwich to Indians. The Indian public opinion did not bother about it, for the Indian public want, not one military college in India, but several military colleges, and they salute this military college as a beginning. Such being the case, is this the time, I ask, for us to draw red herrings against the trail of national aspirations, as Sir Abdur Rahim, a great statesman and an experienced administrator, is so lightly doing on this occasion ? If only you read one sentence in this *Daily Mail* "Blue Book" you will find how chary are the British people, the British parliamentary people about British troops in India ? "The British troops in India are the cream of our army".—that is what they say, and they go on to say :

"Besides guarding the Frontier, the British Army in India is used many times a year to quell internal religious riots. It is recognised by the natives themselves as the only impartial force for this purpose. Racial hatreds make the defence or maintenance of order by an Indian Nationalist Army an impossibility."

That is the sort of thing which the Diehards say and we should not supply material from here to them. Why not, on the other hand, accept the suggestion that the Honourable the Leader of the House has made, instead of letting loose so much poison gas through newspaper columns ? I found rather an interesting description of my Honourable friend, Colonel Lumby, in a Bombay newspaper. He is reported by *Bombay Sentinel*, because of Sir Abdur Rahim's amendment, to have let loose a good deal of "gaseous nonsense". (Laughter.) That kind of nonsense was let

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loose and when my amendment was tabled, one newspaper agency, very agilely and very quickly, reported to the country—(*A Voice* : “Inspired amendment.”)—as my Honourable friend, Mr. Jog, says, that it was a Government-inspired amendment. I suppose the gentlemen who are responsible for reporting this mis-statement must be perspiring now. (*Mr. F. E. James* : “The Associated Press.”) (Laughter.) It was perfectly true that as soon as the House rose the other day, I rushed up to the seat of my Honourable friend, Colonel Lumby, and asked him, will it not be possible for the Government to give a statutory guarantee for the verbal assurance that he had given on the floor of this House—I said “one step enough for me”. Even though I proposed, Whitehall has disposed differently, and incidentally a reply has been given to the wild speculators in the irresponsible section of the Indian Press and some of their responsible men who sometimes run away with a malicious idea.

Lastly, I shall only call the attention of the Opposition to the phrase used by the Honourable the Leader of the House, namely, “the beginning of a Dominion army, the first stage of a Dominion model army”. What is our aspiration? We, who have taken the oath of allegiance to His Majesty the King, his heirs and successors,—is it not our aspiration to have the same rights as the Dominions people have? Is it not our endeavour to have the same army as the Dominion armies? I do not want more. In times of war, what has happened will happen. Temporary King’s commissions will be given to our army officers because in war there will be no inferiority complex when an endeavour is being made to destroy it. We have heard much of the phrase, inferiority complex. Who has created the inferiority complex, may I ask? Sir, the comments that have appeared in the newspapers have created or tried to create—Sir Abdur Rahim’s comments—they have created an inferiority complex among our young men who have started on an army career. I think the greatest dis-service that we can do to our people is to create such an inferiority complex. Our men must start their career with faith, faith not only in themselves, but faith in carrying on the King’s Government. Not being devotees of independence, I do not really see why we should not try to create a greater enthusiasm for a larger number of Indian young men to enter the army career, and if that enthusiasm is found in this country, nothing can impress His Excellency the Commander-in-Chief more to advocate our cause with even greater enthusiasm than verbal oratory sometimes leads to.

Now, then I come to the question of my Honourable friend from Sind. He referred to the Indian Civil Service, and when he was referring me to the Indian Civil Service, he was really repeating the arguments of Sir Abdur Rahim. Sir Abdur Rahim took his stand on the analogy of the Indian Civil Service. He said, are not European members of the Indian Civil Service serving under Indian members of the Indian Civil Service? Is not the Leader of the House here an Indian, whereas the European Members on the Treasury Benches are only playing second fiddle to him? Perfectly true, but the analogy does not hold good. If Sir Abdur Rahim’s proposition is accepted, what follows? An Indian is put to command British troops. It is quite different to what my amendment sought, and what the Leader of the House has conceded in his statement is that Indian officers of the Dehra Dun College should have an opportunity, when the time comes, when they acquire the status and the rank after going through

the necessary experience, of bossing over European officers. And this analogy of the Indian Civil Service officers, or rather officials, to be more accurate, of the European variety working under Indian officials, holds good in regard to Indian officers of the Indian army occupying a higher place in formations of the Indian army over European officers of that Army. Sir, that is a great point gained. If the Colonials cannot have mixed formations, I, who am aware of the fact that India has not yet got Dominion status, will be asking for the moon if I seek for a higher position from the Government and again there is this question. Even from an Indian point of view, must an Indian be put over the head of British officers and British troops in a mixed formation? Should he be put in that invidious position? Who are the British troops? Are they more civilised than the Oriyas? (Laughter.) The troops are not so educated as their officers and if the product of the Dehra Dun College may boss over an educated British officer, is it not sufficient to show to my country and to the young men who started on an army career that inequality exists only in the brains of misguided politicians?

Sir Abdur Rahim has enunciated “a new principle”. What is that new principle? That new principle is the principle of equality between the British officers and the Indian officers in the Indian army. Sir, it is necessary to refresh the mind of this House; the products of Dehra Dun will not have the same education as the products of Sandhurst. They will not draw the same pay as the products of Sandhurst, and, therefore, in a future age inequality may be threatened and that is why I say even though they do not draw the same pay as the British officer in the Indian army, they will be drawing the same pay as the British officer in the British army. Therefore, there is equality between the product of Dehra Dun serving in his own country and the product of Sandhurst serving in his own country. I should not grudge the British officer who comes to this land of regrets, who is a voluntary exile in this land of regrets (Laughter), the overseas allowance which the British officer gets when he goes abroad, and, if one takes the trouble to find the difference between the salary of the Dehra Dun product and the salary of the British officer in the Indian Army, that difference will actually crystallise into an overseas allowance. When you remember that he has to keep two establishments, one in this country and another in his own, a generous nation like ours will not grudge this concession. Sir, salaries and status do not necessarily go together and my amendment, after the Honourable Sir Joseph Bhore’s statement, becomes unnecessary, because the Government have clearly undertaken to incorporate in the working of this Act the spirit of my amendment. Sir, I do not want to weary the House. I thought my statements will be challenged and so I have brought with me a large number of books. I am grateful to the Opposition for having given to me that silent listening which means half acquiescence. (Applause.)

Several Honourable Members : The question may now be put.

Lieut.-Colonel A. F. R. Lumby : Sir, after you had given your ruling, the other day, my Honourable friend, Sir Abdur Rahim, appealed to me to accept his amendment. It would have been dishonest of me to have accepted an amendment of such a far-reaching character, knowing full well as I did, and as I had already informed the House, that His Majesty’s Government were not prepared to concede to India in this matter of powers of command over the British personnel of the British army, more than they had conceded to any of the self-governing

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Dominions. Moreover, I felt that, while Government might very probably be able to go out to meet my Honourable friend's point of view to the extent of three-fifths of way on paper and in practice very considerably further, yet, if his amendment were accepted, it would probably be necessary for the whole Bill to go by the board and the initial gain would prove ultimately to be a loss; for it would mean that we could not proceed with the principle, on which this Bill was originally drafted, of laying the foundation of a Dominion army in this country.

Now, Sir, the ground which is common to Sir Abdur Rahim and the Government,—the 'three-fifths of the way' to which I have just referred,—is the Indian army. As I have stated more than once, in this House, it has been decided that within the Indian Army, the Indian Commissioned officer will be on the same footing as the British officer of the Indian Army as regards command, rank and precedence. That is, the senior Indian Commissioned officer will have powers of command, including powers of punishment, over British personnel as well as Indian personnel of the Indian Army who are junior to him in rank and service. The rules for promotion within the Indian Army will be the same for the Indian commissioned officer and the British officer, and their opportunities of command of extra regimental employment and the like within the Indian Army will be the same.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : May I ask a question? Suppose an officer from Dehra Dun joins an Indianised unit on the 1st January and an officer from Sandhurst joins a non-Indian unit on the 2nd January, who will command?

Lieut.-Colonel A. F. R. Lumby : The Indian officer from Dehra Dun would command.

Mr. Muhammad Yamin Khan : If there is a British officer in a British regiment who has got the commission two years after the man who gets from Dehra Dun, and there are two regiments, who will command if there is a mixed formation?

Lieut.-Colonel A. F. R. Lumby : That is the point I am coming to. I am referring at the moment to the Indian Army only. Within the Indian Army, as I have said, the two kinds of King's Commission will in effect be on the same footing. That is what I meant,—and what I still mean,—when I gave a guarantee on behalf of Government that there will be complete reciprocity of powers and privileges within the Indian Army as between the British officer and the Indian Commissioned officer.

The difficulty arises, as my Honourable friend, the Leader of the Opposition, has pointed out, when we come to the British Army. The Indian Commissioned officer, like the Dominion officer, by reason of having a limited Dominion type of commission, will not automatically have powers of command over the personnel of the British Army in India, but, with the two portions of the Army in India serving side by side, the situation would be impossible if an insuperable gulf was fixed between the Indian Commissioned officers and the British personnel of the British army. His Majesty's Government have, therefore, agreed to frame a regulation, in addition to the one covering the situation inside the Indian Army, under which His Excellency the Commander-in-Chief and other Commanders will be able to authorise the Indian Com-

missioned officer to exercise powers of command over British personnel of the British army on occasions when it is necessary for the harmonious working of the two portions of the Army in India, that he should do so. It would be impossible for the Army to function otherwise.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I ask whether such orders will be issued from time to time, or there will be a general order from the Commander-in-Chief?

Lieut.-Colonel A. F. R. Lumby : As regards these occasions, no limit is, I gather, set in the draft King's Regulation to the scope of the nature of the occasions which may be appointed.

Mr. Muhammad Yamin Khan : Will the Honourable Member clear up the point? When he says that the orders will be issued occasionally, supposing an attack is going to be made on the enemy, and at one time we find that there are only two regiments, one British and one Indian, now the Indian officer being senior and the British officer being junior, how will they wait till orders are issued for deciding as to who is going to lead the attack?

Lieut.-Colonel A. F. R. Lumby : I have no doubt that orders will be issued covering all cases of active service operations.

Sir Abdur Rahim : What is the necessity of appointing occasions in the case of Indian Commissioned Officers?

Lieut.-Colonel A. F. R. Lumby : If you will let me continue,—Sir at the start, when these young officers have only got a small amount of service, the occasions which will be appointed will obviously be very few and far between, but as time goes on, they will increase and increase. And the extent to which they will increase will depend on the extent to which these young officers prove their worth.

Sir, it has been suggested that there is something racial in the distinction which is to be made in the matter of automatic powers of command over personnel of the British Army. That is not so. Exactly the same thing exists in the case of the Australian and the Canadian Armies. During the Great War an arrangement was made under which it was possible for the various portions of the armies of the Empire to function together, and that arrangement included the grant of powers of command to all Dominion officers over British personnel. One would have expected, that after these two types of officers had served side by side in such struggle, that arrangement would be perpetuated in peace, at any rate in the case of officers who had actually been granted temporary commissions in the British Army. Not a bit of it. The moment the war was over, the situation was changed, and the Dominion officer now has no automatic power of control over the British personnel of the British Army any more than the British officer of the British Army or of the Indian Army has any powers of control over Dominion troops. There is one thing particularly which I would like to ask Honourable Members to consider in this regard. I would like them to put themselves in the position of His Majesty's Government and to ask themselves two questions. Would any one of them, if he was a member of His Majesty's Government, be prepared to commit the troops for whom he was responsible for all time, not only in peace, but also in war, to the charge of a category of officers which was not yet in existence?

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And secondly, would any one of them, if he was a member of His Majesty's Government, be prepared to commit the troops for whom he was responsible for all time, not only in peace, but also in war, to a category of officers over whose training, if the policy of His Majesty's Government were carried into full effect, His Majesty's Government would have no authority whatever? There can be only one answer and that is "No".

Sir, we knew that with regard to these automatic powers of command His Majesty's Government would not be prepared to give to India anything more than they have given to any of the self-governing Dominions, but, in a desire to meet, as far as possible, the wish of this House for a statutory provision in this Bill as regards powers of command, the Government, as the Honourable the Leader of the House has already told us, drafted a counter-amendment, which had the same scope as the amendment which was originally to be moved by my Honourable friend, Mr. Ranga Iyer, that is to say, an amendment which made statutory provision for the guarantee which I had given on more than one occasion that there would be complete reciprocity of powers and privileges within the Indian Army. As the House knows, His Majesty's Government have found themselves unable to meet the wish of the Government of India in this respect, but the guarantee still remains, and it seems to me, therefore, that anybody who, if Mr. Ranga Iyer had moved his amendment, would have been prepared to vote in favour of it and for the granting of complete reciprocity within the Indian Army, can, with a clear conscience, support Government in trying to avoid including in the Bill anything which covers the question of command, which, as has been pointed out, is a matter of His Majesty's prerogative.

On the other hand, I would like to say to my Honourable friend, the Mover of the amendment, that it would be a sad thing if he were to press it. I do not say this, because it trespasses upon the King's prerogative or because it may, if passed, land us in legal difficulties. I say it from the point of view of the officers who will be commissioned from Dehra Dun. As he knows, these officers have got to be provided for very shortly and that is the reason why we have had to hurry on with this Bill. A good deal depends on the start they get in their military career. If they do not make a proper start, they will have no hope of making good and proving their worth, on which, as I said just now, depends the extent to which the occasions for command over British troops will be increased. I appealed to the House only the other day to combine with us in seeing that these young officers receive, outside the army, as fair a deal as they are going to receive inside of it. I am afraid that my appeal has fallen on deaf ears, for the inferiority complex propaganda is just as rife as ever. Sir, if in spite of all we can do, these young officers start on their career with their tails down, that is going to mean another set-back to the Indianization of the Army. I would, therefore, like to point out to the Honourable the Mover of this amendment that during the period from 1911, when the Indian Army Act first became law in its present form, to the present day, there have been seven amending Bills. Admittedly, that number is more than normal because of the Great War, but, at the same time, he will have plenty of opportunities on which to press this point of his about the command of higher formations on the occa-

sions of other amending Bills before it actually materializes. If he will delay until then, he will be able to press his point on the basis of facts, on the basis of concrete regulations and, if he is correct in the difficulty he anticipates, on the basis of concrete cases, and not merely, as at present, on the basis of a bogey which we at any rate do not anticipate will ever materialize. One final point with regard to the suggestion that the proposals that Government have made with regard to the Indian Commissioned officers constitute a breach of faith. As Honourable Members will remember, it is more than two years since this House accepted with acclamation an Indian Air Force Act which embodied exactly the same principle as regards powers of command over British personnel as Government propose shall apply in the case of Indian Commissioned Officers. And yet I can find nowhere that during the course of the debate on that Bill it was ever suggested that the Indian officer of the Indian Air Force should have any automatic powers of command over the British officers of the Royal Air Force. I repeat again what I quoted from the Press Communiqué to which I made reference earlier in the debate, that it was announced in 1932 that the Indian Commissioned officers from the Indian Military Academy would have commissions in His Majesty's Indian Land Forces. Of course, it is open to any one to say, that nobody knew what was meant by the grant of a commission in His Majesty's Indian Land Forces. I am always having extracts from the Skeen Committee's report thrown at my head when it suits the purpose of Honourable gentlemen on the opposite side of the House, but I would recall that in that much-quoted report there is a whole section devoted to an unfortunate experiment in Indianization that was started in 1905 in which commissions were granted in His Majesty's Native Indian Land Forces, and in that section, attention is drawn to the limitations of that form of commission. Finally, Sir, it has been said that no question of the Indian Commissioned officer having different terms of service was ever raised at the time of the Indian Military College Committee, but I may tell the House that His Excellency the Commander-in-Chief in his opening address to the Committee made it clear that there was going to be one difference, because he pointed out that, if the Indian Commissioned Officer or rather the officer who would come out of the Academy, were to be paid at the same rate as the British officer, it would mean a considerable increase in the cost of the various regiments of the Indian army. Sir, there has been no breach of faith and there is going to be none. What I want to ask this House is this. Do they want on the strength of a vague allegation of breach of faith and a theoretical supposition as regards what may happen 20 or 25 years hence, to give these officers, when they come out of Dehra Dun, a bad start in life, to jeopardise the whole scheme that we, on their insistence, have produced for their training in this country and thus retard the progress of the Indianization of the Indian army?

Lieut.-Colonel Sir Henry Gidney: May I ask the Honourable Member one question, Sir, which is of great importance and on which my vote will largely depend? The Honourable Member made a statement just now that there was no racial differentiation and that it was purely a question of a commission. Will the Honourable Member give me an answer to this question? Suppose there were a mixed formation in a station and in an Indian regiment there was an Indian who had passed out of Sandhurst with a King's Commission, would this disability apply

[Lieut.-Colonel Sir Henry Gidney.]

to him or not, or would he automatically, when occasion arose, command a mixed formation? If it does not, then my fear of communal difference is entirely dissipated. I await a clear and unequivocal reply to this.

Lieut.-Colonel A. F. R. Lumby : In that case, the officer commissioned from Sandhurst would command, if he was the senior.

Lieut.-Colonel Sir Henry Gidney : Thank you, I am satisfied.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 5 of the Bill be re-numbered as clause 5 (1), and, after the clause so re-numbered, the following new sub-clause be inserted :

“(2) After section 7 of the said Act, the following section shall be inserted,
Insertion of new section 7A
in Act VIII of 1911. namely :

“ 7A. The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations.”

The Assembly divided.

AYES—46.

Abdoolah Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Anwar-ul-Azim, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bhuput Singh, Mr.
Chinoy, Mr. Rahimtoola M.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gunjal, Mr. N. R.
Hari Raj Swarup, Lala.
Hoon, Mr. A.
Ibrahim Ali Khan, Lieut. Nawab
Muhammad.
Ismail Ali Khan, Kunwar Haje.
Isra, Chaudhri.
Jadhav, Mr. B. V.
Jehangir, Sir Cowasji.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.

Liladhar Chaudhury, Seth.
Mahapatra, Mr. Sitakanta.
Maswood Ahmad, Mr. M.
Mitra, Mr. S. C.
Mody, Mr. H. P.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Raghubir Singh, Rai Bahadur Kunwar.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhraj.
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sen, Mr. S. C.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gaya Prasad.
Uppi Saheb Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.
Ziauddin Ahmad, Dr.

NOES—49.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Bagla, Lala Rameshwar Prasad.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.

Bhore, The Honourable Sir Joseph.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Duguid, Mr. A.
Gidney, Lieut.-Colonel Sir Henry.
Grigg, The Honourable Sir James.
Hockenbuhl, Mr. F. W.
Hudson, Sir Leslie.

James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Lumby, Lieut.-Colonel A. F. R.
Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank.
Perry, Mr. E. W.
Raisman, Mr. A. J.
Rajah, Raja Sir Vasudeva.

Rajah, Rao Bahadur M. C.
Ramakrishna, Mr. V.
Ranga Iyer, Mr. C. S.
Rastogi, Rai Sahib Badri Lal.
Rau, Mr. P. E.
Richards, Mr. W. J. C.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan Gakhar, Captain.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Studd, Mr. E.
Trivedi, Mr. C. M.
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

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

The Assembly re-assembled after Lunch at Three of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 5 stand part of the Bill.”

Mr. H. A. F. Metcalfe (Foreign Secretary) : Sir, I do not move the amendment* which stands in my name.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 42, both inclusive, were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Lieut.-Colonel A. F. R. Lumby : Sir, I move :

“ That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as amended by the Select Committee, be passed.”

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill, as amended by the Select Committee, be passed.”

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor Non-Muhammadan Rural) : Sir, Mr. Ranga Iyer, while opposing the

“ That sub-clause (f) of clause 5 of the Bill be omitted and that sub-clause (g) be re-lettered (f).”

[Mr. T. N. Ramakrishna Reddi.]

amendment of Sir Abdur Rahim in a very incoherent and unconvincing speech, nevertheless, made the following observation :

" Lord Birkenhead gives rich tribute to the work that Indians did in the Army in the battlefields of Europe, how non-commissioned officers took the places of commissioned officers ; they did not wait for slogans about mixed formations ; they took the place of commissioned officers and marched into the valley of death."

Sir, no one on this side of the House could have put more forcibly our point of view in support of the amendment than did Mr. Ranga Iyer in this statement quite unwillingly. We do not want that any distinctions should be made in the ranks of the King's Commissioned or Indian Commissioned officers of the army in India because their work lies in the battlefield where they have to march to the valley of death and fight side by side and should not wait for orders as to who should take precedence in command. It is because we do not want that such humiliating distinctions should exist in the army that my Honourable friend, Sir Abdur Rahim, the Leader of the Opposition, moved the amendment which was defeated by such a narrow majority this afternoon. Sir, when the Indian army went to Flanders and stemmed the tide of the German on-rush and when India poured forth her money and men for the successful prosecution of the Great War, the British Government out of abundant generosity,—shall I say of gratitude,—promised Dominion Status to India and as a necessary corollary, they wanted to Indianise the army in India as early as possible. Subsequently many responsible British Statesmen at the Round Table Conference have assured that the defence of India must entirely be the concern of the Indians. In pursuance of those declarations, committees were appointed to enquire into ways and means to achieve that object. Lord Rawlinson, who was the Commander-in-Chief in India at that time, presided over a committee in the year 1922 and he recommended drastic changes in the army. But the report of that committee was not at all published. Then followed the Shea Committee. That committee recommended the Indianisation of the officers in the army within a period of 28 years. But, Sir, that scheme also was not published. Twelve years have already elapsed since that scheme was recommended ; and, if they had given effect to those recommendations then, nearly half the British officers in the Indian army would have been replaced by Indian officers by this time. Government have not given effect to that recommendation also. Sir, then came the Skeen Committee, and the Skeen Committee recommended among other things the establishment of an Indian Sandhurst in India before the year 1933, and in pursuance of its recommendations a military college at Dehra Dun was started. Now the Indian officers are being trained there, and the Army Secretary has introduced this Bill in order, according to him, to make certain changes in the Army Act of 1911 consequent on the policy of progressive Indianisation of the Army. Sir, the object is very innocuous, as it has been stated in the Statement of Objects and Reasons of the Bill, but even the Army Secretary will not deny the fact that an inferiority complex has been introduced in the matter of officers that come out of the Dehra Dun College. He will not deny that Indian officers will not automatically have the same powers of command in relation to British personnel as British officers possess. The Indian officers will not be able to sit along with British officers in a court martial on a British soldier. Sir, I ask the Government, whether the same distinction is observed in the case of the Indian King's Commissioned officers who are

trained at Sandhurst ? It is not for the first time that Indians have been appointed as officers with powers of command over British personnel. Already, in the Indian army, we have Indian officers who have been trained at Sandhurst. There they do not show any distinction between the British King's commissioned officer and the Indian King's commissioned officer ; and hence, I ask, why should Government for the first time bring in this distinction between the Indian King's commissioned officer and the Indian commissioned officer trained at Dehra Dun ? Sir, the Army Secretary might say that the Indian King's commissioned officers were trained at Sandhurst and they had received superior instruction to those officers who received training at Dehra Dun and further they had been imbued with the high traditions of Sandhurst and, therefore, they must be treated as men with better status than the Indian officers trained at Dehra Dun. But I ask him, what about those 39 odd King's Commissioned officers who have been trained in the Indore School which was started in 1918 owing to the exigencies of the war ? There are now 39 Indian King's Commissioned officers who were trained entirely in India and who have been enjoying equal status and privileges and powers of command with the British Commissioned officers in the Indian Army. I do not see why the Government should seek to give this inferior status to the Indian Commissioned Officers. My Honourable and gallant friend, the Army Secretary, replying to the amendment moved by Sir Abdur Rahim, stated that we should not talk of inferior status of these Indian Commissioned Officers and that we should not allow them to enter upon their duties with tails down—that is the phrase he used. And again, His Excellency the Commander-in-Chief when he opened the college at Dehra Dun also stated that we should insure a steady inflow of these cadets to be trained at this Indian college at Dehra Dun. I say it is not we who are talking of inferior status for these officers : we will be stamping them with inferior status if we agree to pass this Bill as it exists at present. It is the Army Secretary himself who is giving that inferior status to these officers coming out of Dehra Dun. On the other hand the Opposition is trying to remove that inferior status. I ask, what will be the effect of giving this inferior status to these Indian cadets, who are coming out of that college, and what will be the effect on future recruitment ? Whatever may be the other virtues of the Government of India, consistency is not one. When the Army Secretary—I mean his predecessor—introduced the Navy Bill, which is still before us, he stated that we should change the name of the Royal Indian Marine into the Royal Indian Navy, because the very name ' Navy ' has a magic about it : that it would raise the status of the Indian Navy and it would attract more and more cadets, and that, on the other hand, required number of cadets are not forthcoming because of the inferior status of the Royal Indian Marine. But now the position is reversed. Now, instead of giving equal status to these Indian Commissioned officers who pass out of Dehra Dun, the Bill seeks to give them an inferior status ; and, hence, it will have a very bad effect on the morale of these officers. It is a very dangerous thing that these officers in the Indian army should have to work under the stigma of inferiority. It will also tell upon future recruitment for the college at Dehra Dun.

My Honourable and gallant friend, the Army Secretary, has stated that we are making vague allegations of breach of faith. I submit we have not been making vague allegations. I shall prove that it will be a breach of faith, if we, by passing this Bill, give to the officers coming out of Dehra

[Mr. T. N. Ramakrishna Reddi.]

Dun an inferior status. They entered the college on the good faith of the declarations made from time to time by the Government of India that they will be treated equally with the King's Commissioned officers.....

Lieut.-Colonel A. F. R. Lumby : May I say that from the very start the cadets at the Indian Military College at Dehra Dun have known exactly what their future would be, what rates of pay they would get and what exactly their status would be ?

Sir Abdur Rahim : Were they told what their opportunities would be for command, that it would be less than of the others ?

Lieut.-Colonel A. F. R. Lumby : As far as I know they have had nothing concealed from them.

Sir Abdur Rahim : But were they told expressly ?

Mr. T. N. Ramakrishna Reddi : We do not mind the smaller pay and allowances given to these officers, because, after all they have to serve in India and I do not very much mind about the pay they are going to get : we can't admit of their being given inferior status in command. You will admit that this college was started on the recommendations of the Skeen Committee. My Honourable friend, the Army Secretary, has said that this Skeen Committee has been quoted very often. I will, however, quote some passages from that report to show what status they proposed to be given to the future officers from the Dehra Dun College and also some general observations with regard to the existing eight units system which tended to segregate Indian officers. At page 19, they say :

"With Indianisation proceeding in the Army in any measure, the only means of ensuring successful Indianisation and, concomitantly, the maximum degree attainable of military efficiency, is to allow Indian officers to serve, shoulder to shoulder, with British officers each learning from the other in every unit of the Indian Army. This was the original plan and, as we believe, the correct one."

Again, on page 20, they say :

"The idea that as a result of the introduction of the 'eight units scheme' no British officer will ever have to take orders from an Indian officer, is, apart from everything else, fallacious. Before the 'eight units scheme' was adopted, there were Indian King's Commissioned officers in other units and they remain there and will continue to be senior to all British officers who join these units subsequently. Moreover, regimental units are not watertight compartments : and there are numerous occasions in army life when the officers of one unit come into contact with officers of other units : and on such occasions the senior officer, whoever he may be, takes precedence and command. But, however fallacious the idea may be, the mere fact that it is current is fatal to any prospect of success which the 'eight units scheme' might otherwise have had. Suspicion and mistrust have been engendered which it will hardly be possible to remove without the scheme itself being abandoned."

I want that such suspicion and mistrust should not exist in the Indian Army with regard to the officers that come out of Dehra Dun. With regard to the starting of the Dehra Dun College and the status of the officers trained therein they state at page 41 :

"But a more specific consideration is that the commissions granted to boys trained at the Indian Sandhurst must be King's Commissions, conferring, so far as the Army in India is concerned, i.e., both British and Indian troops, the same status, authority and precedence as the King's Commissions granted to cadets trained at Sandhurst..... Indian officers, if they are to pull their weight in the Army in India, must be empowered, like their British comrades, to take command of other British officers junior to themselves and to take command of mixed bodies of troops."

This is what they have stated explicitly. Subsequently, there was a committee—the Indian Military College Committee—appointed, in which the Honourable Leader of the Opposition, Sir Abdur Rahim, was also a member and what does the majority report of this Committee say with regard to entrants to this college ? They do not want to give an inferior status to the Indian officers as compared with the King's Commissioned officers. They say at page 17 :

"It is our object to give the new College a good start and to encourage its successful development to the utmost. During its earlier stages the greater prestige of Sandhurst would undoubtedly attract a certain number of candidates who could afford to go there ; and these, when commissioned in the Indian Army, would tend to regard themselves as superior to their contemporaries from the Indian College. Such an attitude would have the worst possible effect upon the *esprit de corps* of young Indian officers. Nor do we think that it would be justified in actual fact. The new College, planned and organised, as it will be, exclusively for Indian cadets in their own country, must surely provide a more suitable and efficient training for the Indian officer of the future than a course designed for British youths in England, however thorough and however carefully adapted the latter course may be."

This is the recommendation of the majority report of the Indian Military College Committee. This Committee go even further. They do not want to give to these officers a further training in England after they pass out of this College. The Skeen Committee recommended a further course of training in England. There also they are very particular to say that these Indian Commissioned officers who pass out of Dehra Dun should not be admitted as ordinary cadets in Sandhurst because their position would be superior to that of the cadets at Sandhurst. They are already officers, and, therefore, they should not be put on the same footing as cadets at Sandhurst. On the other hand, the Skeen Committee's recommendation was that they should be attached to the infantry and cavalry of the British units. This is what they say :

"We are satisfied, however, that this would not be a feasible proposition, as the Indian students would already have been commissioned, and could not be introduced into an institution where the other students are only cadets. We recommend, therefore, that to complete their preparation the Indian cadets, having been commissioned, should be attached to a cavalry or infantry unit in the United Kingdom for a period of one year."

This Military College Committee do not want that these officers should even go and get themselves trained in England because it would put them in an inferior position. In the dissenting minutes the minority Members of the Select Committee to which the Army Bill was referred, quoted the words of His Excellency the Commander-in-Chief when he opened.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member cannot attempt an entirely second reading speech now.

Mr. T. N. Ramakrishna Reddi : I obey your ruling, Sir, but my argument is that it will be a breach of faith if we pass this Bill and, thereby, create an inferior status for the Indian officers. In support of that contention, I am quoting from the speeches of H. E. the Commander-in-Chief and declarations made, from time to time, to show that they were not told of any inferior status. That is my point. That is why I submit that this statement of a breach of faith is not a vague statement as the Army Secretary has stated, but, it is one supported by facts and documentary evidence. It will be a very dangerous precedent if

[Mr. T. N. Ramakrishna Reddi.]

we create such a kind of inferior status, with the consequent heart-burnings in the officers who are to be placed in command of the army. Indians are fit to fight in the battles of the Empire shoulder to shoulder with the British officers and British men and commingle their blood on the battle-fields, but they are not fit to have the same equal command with British officers! Sir, if the Army Authorities think that the instruction that is given in the Indian Sandhurst at Dehra Dun is not sufficient, let them import officers from the United Kingdom who could give better training and let them bring it to the level of the Sandhurst, and, if necessary, let officers who are trained here be sent for a further course of training in England. Afterwards, let them be given an equality of status and not an inferior status. But since the amendment of my Honourable friend, Sir Abdur Rahim, has not been accepted, I have no hesitation in opposing the passage of this Bill.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban): Sir, a good deal has been said in this House about the Dominion armies as compared to the Indian army that is to come into existence. I respectfully beg to submit that the analogy is not a good one. We have been told that His Majesty's Government have gone even further to meet the wishes of Indians with regard to the future Indian army than they were prepared to go with regard to the Dominion armies. Mr. President, I desire to point out, as I have already said, that there is no analogy between the Indian army, as it exists today and is likely to exist for some years to come, and the army of any Dominion that is in existence. Today, in our Indian army we have British officers trained in England who choose the Indian army for their future career. There is no such thing as British officers in the Dominion armies. Their armies are manned by officers of their own people. In the Canadian army there are Canadian officers; in the Australian army there are Australian officers. In the Indian army there are Indian officers and British officers who have chosen the Indian army as a career. Up to now there was no distinction whatsoever between a British officer in the Indian army and an Indian officer of the Indian army. They both were trained in Sandhurst, they both had the same privileges.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Would you kindly tell me the difference between the Dominion army and the Indian army? In the Indian army you have so many religions and sects.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member can make that point in his speech.

Sir Cowasji Jehangir: I regret I am unable to follow the Honourable Member. I am prepared to give way if you have no objection.

Mr. President (The Honourable Sir Shanmukham Chetty): No, no. The Honourable Member can go on.

Sir Cowasji Jehangir: That is the great distinction between the Indian army and the Dominion army, and this Bill now provides for a distinction between officers and officers in the Indian army itself. If there were any prospect of Indianising the whole army within a very short period of time my argument would not stand good. We fully realise that there are no such prospects. We fully realise that for years to come there will be British officers in the Indian army. We were satis-

fied with that position because we felt that there are and that there would be in increasing numbers Indian officers also in the Indian army; but by this Bill you make a distinction between Indian officers and British officers in the Indian army. We were told by the Army Secretary that in the Indian army itself there would be no distinctions. Correct. That is to say, whether the officer be British or Indian, seniority would be the principal guiding factor. But there will be a time when Indian officers in the Indian army will come to a seniority when they will hope to command a brigade. The British officer will automatically be allowed to command a brigade. The Indian officer will only command a brigade on a special occasion. That is the great distinction and that is the distinction you are making in this Bill which did not exist.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural): May I ask the Honourable Member in what part of the Bill he finds this distinction made.

Sir Cowasji Jehangir: My Honourable friend has been in this House listening to all these debates and at this stage he asks me this question? I am afraid he had better go over to the Army Secretary and take a few lessons.

Lieut.-Colonel A. F. R. Lumby: He is perfectly correct.

Sir Cowasji Jehangir: Do you mean to say that the Indian officer in the Indian army will automatically command a brigade or be allowed to command a brigade?

Lieut.-Colonel A. F. R. Lumby: As I said this morning, there is nothing in the Bill about powers of command.

Sir Cowasji Jehangir: There is nothing in the Bill at all. What I have been arguing all this time is that the practical effect of this Bill is that there is a distinction between the Indian army officer and the British Indian army officer. A British officer in the Indian army will have the same position and privileges as a British officer in the British army. There will be no distinction with regard to commanding brigades or mixed formations, while there will be a difference in the case of the Indian commissioned officer in the Indian army. Now, Sir, there is nobody so foolish as to expect that the Indian army officer of the future will be allowed to command a British regiment. No Canadian officer would be allowed to do so. No Australian officer would be allowed to do so, but in the Canadian and the Australian armies, there is only one class of officers. There is no distinction between two classes. If none of them are allowed to command a mixed formation, I can understand it, but there is this distinction that you do make in this Bill, and I will repeat it, that a British officer in the Indian army, without special permission or without a special occasion, can command a brigade or a mixed formation, while an Indian officer will not be allowed to do so and that anomaly will exist as long as there are British officers in the Indian army, unless you make a radical change in your method of recruiting British officers to the Indian army. You can have a special commission for them—an Indian commission where they will enjoy the same status, the same privileges.

Well, Sir, my feelings with regard to this Bill can be summed up in a few words. I think there is no necessity for me to draw the attention of the Benches opposite to the strong feeling in this country about Indianisation. You are giving them one more argument for insisting

[Sir Cowasji Jehangir.]

upon Indianisation, for insisting that within a certain number of years you must do away with the British officer in the Indian army. You are adding one more argument to the many arguments that have been heard in this House and many more outside this House for a period being put upon the existence of the life of the British army in India. You are giving additional arguments for these two demands in India. Is it wise? You may be at present in a difficult position. It may be that you realise as well as we do that the British army officer must continue to be recruited for the Indian army. It may be that if there was any change in the status of the British officer in the Indian army you may not get that recruitment which you desire. There may be these practical difficulties. I fully realise them as the position stands today, but at the same time, Government must realise the feelings of Indians, and the more helpless Indians are, the more sensitive are they about matters of this sort. To an Englishman such a distinction may mean nothing. They may say it is a quibble; for 20 years nothing is going to happen. Why quibble? The Englishman can afford to say that. He is strong. He is powerful. He belongs to the governing race here. It is not a quibble for the Indian. He is not the upper dog. He feels all these distinctions much more keenly than many Honourable Members opposite realise. I may be in a peculiar position to be able to understand the working of the minds of my Honourable friends opposite. I am certainly in a position to understand the working of the minds of my brother Indians as well and I have often felt that notwithstanding a residence of 20 or 30 years in this country, Englishmen do not understand the working of an Indian's mind. If Indians were in a position today of equality with Englishmen in India, they might call arguments such as those which have been placed before you from this side of the House as quibbling, but, as long as Indians are in this position of inferiority with no responsible government opposite to them, they will continue to put forward such arguments which to them will never be a quibble. To them such distinctions will be insults of the very first water. Sir, it might be said, and correctly said, that this question will never be one of practical politics for 20 years, but the Indian officer coming out of Dehra Dun will fully realise that his brother officer from Sandhurst is in a privileged position. The British officer will always have a better chance of getting a command of a brigade than the Indian officer, unless a special occasion arises, and, at present, I am unable to visualise what that special occasion may mean. It may be only confined to active service. Now, there is this distinction and it is only fair that the Government in England should realise the feelings of Indians. I on my side am prepared to admit the difficulties of the Government in the present circumstances. I am prepared to admit that if the status of the Indian officer coming from Dehra Dun, and that of the British officer coming into the Indian Army from Sandhurst, was placed in exactly the same position with regard to commanding mixed formations, you may have trouble in recruitment. That may be so, but I consider that it is worth while taking the risk and changing the status of the future British officer in the Indian Army and putting him on an exact equality with the Indian Army officer of the future (Hear, hear), and that is the only remedy with regard to the great dissatisfaction that has been expressed from this side of the House. I shall not be much surprised if, in a very few years, you will have to solve the problem in that way,

or you will have to give a British King's commission to the officers coming from Dehra Dun, because you insist upon having a British Army in India, because you insist upon having British officers in the Indian Army, and I am prepared to admit that, under present circumstances, it may be to the advantage of India to have the British Army in India. It may be to the advantage of India to have British officers in the Indian Army. That may be so. I am prepared to admit it, but I am not prepared to allow any distinction to take place in the future between Indian Army officers, whether they be brown, black or white, I would welcome them of all colours without distinction, but let not the young Indian officer be brought up in the belief that he can never take charge of a brigade, because there is the British Army in India. The question would never have arisen, had it not been for the existence of the British Army. You will bring him up in an atmosphere of animosity against the British Army, because he will feel that it is on account of the existence of this British Army that he is not allowed to rise to the top of the ladder of his profession, and he will join the ranks of many of my friends who desire to see the British Army wiped out of India,—and, mind you, an advocate of the wiping out of the British Army in India amongst the ranks of Indian officers is the worst thing you can create for the Empire and for us all. (Hear, hear.) I see looming in the future before me a considerable amount of trouble for all of us. It may be quibbling today, it won't be quibbling in five years' time. You may pass your Bill. Nothing may be heard about it for five or seven years; but in five or seven years you will have to make a change of a very radical character, a much more radical character than would be necessary today. (Loud Applause.)

Mr. G. Morgan (Bengal : European) : Sir, I have listened with great interest to all the speeches from the Opposition Benches, but I have failed to find, except from what has fallen from my Honourable friend, Sir Cowasji Jehangir, any suggestion as to how this particular position today in the transition period which all of us visualize can be got over. My Honourable friend suggested a change in the status of the British officers in the Indian Army. That is quite a new suggestion. That cannot be done today. The idea we all have had in mind, when I say "the idea we all have had in mind", I go back to 1921 when I made a speech in Calcutta, in which one of the principal items was the Indianization of the Indian Army, and, since then, I have never failed to argue that the Indianization of the Indian Army must go on as quickly as it possibly could, because, the advent of the Montague-Chelmsford reforms scheme and the promises contained in the announcements which were made necessitated the position that India should take care of its own defence. Now, Sir, I understand that that is the desire of every Member of this Legislative Assembly—the Indianization of the Indian Army. I support this Bill, Sir, because I look upon it as the beginning of what we have all had in view for the last twelve or fifteen years. Without this beginning, I cannot see how the Indianization of the Indian Army is to be accelerated. Suppose this Bill were not passed,—we have had a very lucid statement from the Leader of the House as to the position—this Central Legislature would not then have the power of control which they want over the Indian Army. Then how do you proceed with the Indianization? The only constructive proposition put forward was what my Honourable friend, Sir Cowasji Jehangir, suggested, namely, "start all over again and change the status of

[Mr. G. Morgan.]

the British officer". That is an entirely different proposition; but, as we stand at present, I do not see any way of getting over this position of the transitional period.

Sir Cowasji Jehangir : May I interrupt my Honourable friend? Just now, today, there is no distinction between the Indian officer and the British officer both coming from Sandhurst. That can continue.

Mr. G. Morgan : That may be so, but I understand that the Sandhurst position will not continue.

Sir Cowasji Jehangir : Why should it not continue?

Mr. G. Morgan : That is another point. But the question is—does the Central Legislature desire control over the Indian Army? I say it does. As a Member of that Legislature I stick to that opinion. We in this Legislature wish to have the control of the Indian Army. The unfortunate position which we are in today with regard to the British Army in India is that during this transition stage we cannot get over that position by a stroke of the pen. My Honourable friend opposite, Sir Cowasji Jehangir, says that we have not the faintest idea of what is in Indian minds. Sir, I challenge that statement. I do know what is in the minds of my Honourable friends. The difficulty is, how to get over it? The question of the mixed formations is a very difficult one and that particular position has been explained by the Leader of the House and it would be impossible to get over that in a constitutional way and without encroaching upon the prerogative of His Majesty. Can any Honourable Member point out how that can be done? Sir, the commission which will be given to the Dehra Dun cadets will be the same as the Dominion commissions.

Mr. Muhammad Yamin Khan : No.

Mr. G. Morgan : My Honourable friend is perfectly right; it is more than the commissions given to the Dominions officer, in that, within the Indian Army, he will have a command over the British officers and personnel. What my Honourable friend, Sir Cowasji Jehangir, said just now is perfectly correct. If there was a mixed formation of the Dominion army and the British army, the Dominion officer will not have any power to command over the British army. That is to say, he would be in the same position as the Indian Commissioned Officer, except on occasions, which point has been explained by the Army Secretary. As I have said before, we have been for years looking forward to something definite being done about the Indianization of the Indian army and it is very disappointing to me to find that on the first attempt that has been made to put it on a proper working basis, the opposition is so strong as it is. I know why the opposition has arisen, but I do not think my Honourable friends opposite have looked at the matter from a thoroughly practical and reasonable point of view. I know that there is this idea of inferiority and I also know what is in the minds of my Honourable friends opposite. But how is that position to be got over? It is impossible to get over it at the present moment and we cannot assume to ourselves the prerogative of His Majesty the King in making regulations for the army. I do not think that the Indian Commissioned Officer may feel the slightest hesitation in going ahead with his career. I am perfectly satisfied that if he wishes the army as a career, then his training at Dehra Dun and afterwards for

the next two or three years—if he is fitted to be an officer in the army—will enable him to earn a status and position in the Indian army with which he will be perfectly satisfied. Sir, I support the motion that the Bill be passed.

Sir Muhammad Yakub (Rohilkhand and Kumaon Divisions : Muhammadan Rural) : Sir, I am not one of those who have come to this Assembly with the avowed object of opposing the Government. My creed is not to oppose every motion that is brought forward by the Government in this Assembly. On the other hand, I am one of those who have supported even some very stringent legislative measures which were brought forward by the Government in the Assembly, because I honestly thought that the preservation of peace was in the interests of the country and the progress of our country would be retarded if there was chaos in it. Sir, if on this occasion I deem it my duty to rise and oppose the passage of this Bill (Applause), I am sure, it will not be considered as the speech of one whose habitual practice it is to oppose every measure which is proposed by the Government. It must have been after giving my very serious consideration to the matter, and it must be for very cogent reasons that I rise this afternoon to oppose the passage of the Bill. Sir, the question of army in India is undoubtedly a very difficult one. We fully realise that our land as well as our sea frontiers are very huge and very big, and, therefore, it is extremely necessary that we must have a well-trained and contented army in this country.

Now, Sir, we have to see what would be the result of passing this measure? What would be the result of putting this Bill on the Statute-book of the country? Will it give us a well-trained and contented army in India? I say emphatically no. If this Bill is passed and is put on the Statute-book, I am sure, there will be discontent in the Indian army from one end of the country to the other. We can play with the civil officers. We can reduce their pay and still we can get a very large number of qualified Indians to join the service under the Crown. But if there is discontent in the army and if the Indian army officer is not satisfied, I think, it will be a bad day for India as well as for the British Empire as a whole. Now, Sir, what are the chief disabilities which the present Bill is imposing on the army in India? My friend, Mr. Morgan, has just referred to the question of Indianisation of the army. He says that he is very anxious that there must be rapid Indianization of the army in this country. Well, if this Bill is put on the Statute-book, I submit that the pace of the Indianization of the army will certainly be retarded. Under the present scheme of things there are 16 King's Commissioned Officers and 18 Viceroy's Commissioned Officers. If this Bill is put on the Statute-book, the Viceroy's Commissioned officers will be eliminated altogether and unless you double the number of the King's Commissioned officers in the army in India, the pace of Indianization will certainly be retarded. Will my Honourable friend, the Army Secretary, satisfy me that they will immediately double number of the Indian Commissioned Officers if they eliminate the Viceroy's Commissioned Officers? They cannot do that. Therefore, it will take twice as much time to Indianise the army if this Bill is passed as it would have taken if the present state of things had continued.

An Honourable Member : Why?

Sir Muhammad Yakub : Because you have got an equal number of Viceroy's Commissioned Officers which will now be eliminated. The number of the Indian officers in the army would have been doubled, but now it will be reduced. My second objection is that the present Bill will make the Indian army more costly. We know that India, in the matter of taxation, has reached the limit of its capacity and we have been complaining every year that the expenditure on the army is increasing and it must go down. It was, as a result of the pressure which was brought by this House on Government, and also as a result of the Army Retrenchment Committee that some reduction in the army expenditure was made during the last two years. But by the introduction of the new scheme, I think that the army expenditure will increase. Now, these 16 Viceroy's Commissioned officers have got their pay ranging from Rs. 80 to Rs. 250 a month. Under the present scheme all the Indian army officers will draw Rs. 300 and more. If you have the same number of Indian officers as you have now, including the Viceroy's Commissioned Officers, then certainly the salary of these officers will be much higher than it is today. (The Army Secretary nodded dissent.) I am right because the Viceroy's Commissioned Officer is now getting a smaller salary and when you have the Indian Commissioned Officers they will all be getting Rs. 300 and more. So, the result would be that either you will have to reduce the number of Indian officers or you will have to increase financial burden on the country. My third objection is that the Viceroy's Commissioned officer now works as a link between the rank and file and the British officer. In a foreign country like India, where the traditions, the language, the habits and everything of the rank and file are different from the commander of the regiment, it is extremely necessary that there must be a connecting link between the officer and the rank and file. By eliminating the Viceroy's Commissioned officer you remove this link. It will be a very dangerous thing in the army that there will not be that direct communication between the officer and the men in the rank and file.

Lieut.-Colonel A. F. R. Lumby : The Viceroy's Commissioned Officers will not disappear from the regiments in which there are still junior British Officers.

Sir Muhammad Yakub : It seems to me that the idea of the British Government is to create two hostile armies in India. (Hear, hear.) The idea seems to be that there should be an Indian army officered by Indian officers only and side by side with them there must be a British army officered by the British officers. If that is the idea, then you will have two different hostile armies in the country, and at the slightest provocation, I do not know what will be the result if these two hostile armies come into conflict with each other. Certainly when there will be resentment among the Indian army, when the officers of the Indian army will consider that their status and position is lower than the status and position of their brother British Officers, certainly there will be a feeling of inferiority in their minds and on the slightest provocation, I am afraid, these two armies will come into collision with each other and woe unto the day when such a thing happens. I have never seen a more loyal Indian officer than Major Akbar Khan, who is now a Member of the Council of State. He himself narrated to me his own story, that although he was a senior officer he was once asked to salute a British junior officer because he happened to be a British officer. My friend, Major Akbar Khan, refused to salute him and he resigned his post.

Captain Sher Muhammad Khan Gakhar : Question.

Sir Muhammad Yakub : The question is answered in the affirmative. Another defect of this Bill, as I have just said, is that it eliminates the Viceroy's Commissioned officers and by doing so it deprives many a young man of noble and respectable families in India, from serving in the Army, many a noble man of martial spirit in India who, either on account of educational disqualification or financial difficulties, cannot join Dehra Dun, these young men are deprived of their opportunities of becoming Viceroy's Commissioned Officers. Sir, there are many noble families in India whose sons are not very well educated but still they have proved very loyal to the Government and they belong to martial classes and by eliminating the Viceroy's Commissioned Officer, you deprive the British Government of their services and you deprive these young men from serving their King and their country. Another very serious objection to the Bill is that it will segregate the Indian officer from the British officer. When you reduce the pay of the Indian officer, he will not be in a position to join his European brother cadets in the mess or in society. He will not have sufficient means to give social entertainments or to join with his British brothers on terms of equality in social life.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

In this way the very idea of giving that training to the Indian officer which a British officer has in Sandhurst would go away. I am really very sorry why we pressed for the Dehra Dun Institute. I think India was much better off when we could send a small number of our youths to Sandhurst who came out with the same education, with the same training and with the same status as the British officer had. It is no use having glorified Jamadars, glorified Risaldars and call them Captains and Brigadier-Generals when they have not got the status of a Captain or a Brigadier-General. We have got an Honorary Captain in the person of my Honourable friend, Sher Muhammad Khan.

Captain Sher Muhammad Khan Gakhar : I am not an Honorary Captain. You are an Honorary Knight.

Sir Muhammad Yakub : There are certain Honorary Captains. I am very sorry for having used the expression Honorary Captain with reference to my Honourable friend. I thought he was an Honorary Captain because he was behaving like one.

I also contend that there is no justification for reducing the salary of the Indian officer. If there is no distinction in the salary of Indians and English men belonging to the Indian Civil Service or in any other service in the country, I do not think there can be any justification for giving to the Indian officer in the army a smaller salary than what the British officer gets. Does it mean that the life of an Indian officer is cheaper than the life of a British officer? It has been suggested that, probably, the British soldier would not like to receive command from an Indian officer. If European officers, belonging to the Indian Civil Service, could take orders from my Honourable friend, Mian Abdul Aziz, who happens to be a Commissioner, having under him European Deputy Commissioners, I cannot understand why British soldiers should refuse to receive command from my Honourable friend, Captain Sher Muhammad Khan?

Sardar Sant Singh (West Punjab : Sikh) : Because the British soldier never betrays his comrade just as Captain Sher Muhammad Khan has done today.

Sir Muhammad Yakub : Probably his friends will give him a reply for that. These are all very serious questions of policy and my great objection to this Bill is that it is more than two years since the Dehra Dun College was started, why were the Government sleeping during all these two years and why did they not bring this measure before a full Assembly ? Why, at the last moment, when most of the Non-Official Members of the Assembly are away on account of their election campaign, a measure of such a great importance as this has been brought before the Assembly ? I am sure that the Bill will be passed by this Assembly because we have not got even half the number of Non-Official Members present, but the Government must realise the seriousness of the situation. It is quite a different thing to pass ordinary Bills and place them on the Statute-book, but Government must realise what would be the result if there is resentment in the army in India which is the back-bone of the British Government in this country. The Government has altogether to rely upon the Indian army in this country, and if there is dissatisfaction and discontent in the army, I am sorry to say that the result would be very disastrous for both the countries, that is for India and for the British Empire. So I earnestly appeal to Government that they will listen to the warning given by a sincere friend and will not rely on the official votes in their pocket and that they will not precipitate the passing of a measure which is very likely to endanger the safety and progress of our country. Sir, I oppose the Bill.

Mr. N. N. Anklesaria : Sir, the discussion of this Bill in which the amendment of my Honourable and esteemed friend, Sir Abdur Rahim, has given full scope for Honourable Members on this side to talk arrant nonsense, has served one good purpose at least, and that is that it has concentrated the country's attention on the future position of our Indian officers in our Indian army. It will also have made it perfectly plain to the British Government and to the British people the very strong feeling which is prevalent in this country against any element of superiority or inferiority of our officers *vis-a-vis* the British officers being in any way enacted into our military law. Sir, when I said that Honourable friends on this side had been talking arrant nonsense, I would make an exception in the case of my Honourable friend, Sir Cowasji Jehangir.

Mr. B. Das (Orissa Division : Non-Muhammadian) : On a point of order, Sir. Can an Honourable Member say that other Honourable Members have been talking arrant nonsense ? Is that a parliamentary expression ?

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The language is strong, but it is not unparliamentary.

Mr. B. Das : I will take advantage of that, Sir.

Mr. N. N. Anklesaria : Sir, my Honourable friend, Sir Cowasji Jehangir, warned Government against creating any feeling of resentment or discontent among the future Indian officers. If, unfortunately, Government do anything which gives rise to any such discontent or resentment among our future Indian officers, I also warn Government that the results are bound to be deplorable. There is, however, not a single word

in this Bill which would, directly or indirectly, explicitly or implicitly, suggest that any racial discrimination is attempted by the law which is proposed to be passed in this House today.

Mr. B. V. Jadhav : Will the Army Secretary say so ?

Mr. N. N. Anklesaria : He has already said that. There is not one word about racial discrimination in this whole Bill. (Interruption by Mr. Yamin Khan.) If my Honourable friend, Mr. Yamin Khan, does not understand English..... (The rest of the sentence was drowned in laughter.)

Sir, this Bill seeks to amend the Indian Army Act, and, before 1918, it was explicitly stated that the Act refers to the native Indian army alone. Out of deference to men like my friend, Mr. Das, who is ashamed to call himself a native of India (*Mr. B. Das* : "When ?"), the word "native" was eliminated but it is perfectly plain that this Act refers to the Indian army and the Indian army alone.

Mr. B. V. Jadhav : But the Chair has ruled that the word "Indian" is to be understood in the territorial sense and not in the racial sense.

Mr. N. N. Anklesaria : Then it is said that this Bill seeks to discriminate between the commission which is to be given to our future Indian officer and the King's commission which is given to the British officer. Now, I challenge my Honourable friends on this side to point me out one word in the whole Bill which talks of the creation of any such commission. The commissions are created by the royal prerogative, and, in accordance with the Statute law made by the British Parliament, and this Bill cannot and does not deal with the creation of commissions. Sir, the Army Secretary in his very lucid speech has answered all the relevant arguments, if there were any, from this side of the House and I am not going to repeat what the Army Secretary stated. But I must point out, Sir, that this Bill raises a constitutional question of the very first importance. When my Honourable friend, Mr. Ranga Iyer, talked of the British army leaving India, some of my friends were laughing. I must say their laugh was very foolish, because it has been the declared policy of the British Government that the British army should leave India.

Lieut.-Colonel Sir Henry Gidney : Where is that ?

Mr. N. N. Anklesaria : If you want to look for it, you will find it in the Simon Commission's report. (Laughter.) That has been the declared policy of the British Government ; but there is one condition. In the interests of this country, if the British army has to depart from India, the British army must be replaced by an equally efficient Indian army. Till an equally efficient Indian army replaces the British troops here, it is common sense, it is in the interests of this country, that the British army should not depart. But, Sir, that, I say, raises a constitutional question of the highest importance. Is it the contention of the opponents of self-government for India that so long as there is not an efficient Indian army, so long India shall not have self-government ? Sir, the question has been answered by the Simon Commission on behalf of the British Government. They say, in so many words, that the British troops cannot be expected to serve as mere mercenaries in India under the Indian Government when India does get self-government, and they must depart. But they can be allowed to depart in the interests of this country only, as I said, when an

[Mr. N. N. Anklesaria.]

efficient Indian Army can replace them ; and steps are being taken, for a number of years, to create an efficient Indian army which would replace the British Army in India. The question then arises only for the transitional period during which the British army or a portion of it at least should remain in India. In this connection, I cannot do better than read a few lines from the Simon Commission's Report which clearly states the position.....

Mr. Muhammad Yamin Khan : Is it the declared policy of the Government ?

Lieut.-Colonel Sir Henry Gidney : Do not quote from the dead.

Mr. N. N. Anklesaria : They say :

" But apart from this, the experiment of Indianisation has not yet advanced nearly far enough to justify so considerable a departure from established organisation, and very serious questions would remain to be considered and answered as to the effect of combining the service of two kinds of military forces raised and controlled by two different authorities. Neither British politicians nor Indian politicians can wisely decide such matters without special knowledge and expert advice. We are only concerned here to convey a double warning—a warning, on the one hand, that Britain cannot indefinitely treat the present military organisation of India as sacrosanct and unalterable, but must make an active endeavour to search for such adjustments as might be possible ; and a warning, on the other hand, that Indian statesmen can help to modify the existing arrangement in the direction of self-government only if they too will co-operate by facing the hard facts and by remembering that those who set them out for further consideration are not gloating over obstacles, but are offering the help of friends to Indian aspirations."

Mr. Gaya Prasad Singh : But has all this been accepted by the Government ?

Mr. N. N. Anklesaria : The policy of *adjustment* which is spoken of by the Simon Commission is being implemented by the present measure. In the interests of our country we must heed the other warning given by the Simon Commission : we must face hard facts. The army exists, if it exists at all, to carry out the purposes for which an army exists, and a paramount consideration as regards the army is its military efficiency ; and anything which in any way retards or impairs military efficiency should not receive any encouragement from this House. As I said, most of this discussion was irrelevant for the purposes of this Bill ; and it was somewhat due to the statements of the Honourable the Army Secretary about his intentions for the future, as to what he was going to do or what the Government was going to do about the rights and privileges, rank and precedence of the future Indian officer *vis-a-vis* the British officer, that has been responsible for much of the irrelevant talk which has taken place in this House. We are concerned only with the contents of the present Bill. What is going to be done by the King's Regulations or by the Crown's prerogative with regard to fixing the rank and precedence of the future Indian officer *vis-a-vis* the British officer is, at present, no concern of this House, and cannot possibly be the concern of this House under the present Constitution.....

Mr. B. Das : You will not be here next year to interpret the function of this House.

Mr. Gaya Prasad Singh : Why ? He can come as a Nominated Member ! (Laughter.)

Mr. N. N. Anklesaria : So far as this Bill goes, it places our Indian army under the control of this Indian Legislature. (An Honourable Member : " No.") It seeks to, if you pass it. But if you reject it, the result would be that the process of Indianisation would be retarded. I, therefore, ask this House not to chase mere shadows and mere appearances, but to grasp firmly the realities and pass this Bill.

Mr. Muhammad Yamin Khan : Sir, it was in 1922 that I moved a Resolution in the Legislative Assembly for the Indianisation of the Indian Army ; and I laid down a definite process by which we could achieve, within 20 years, complete Indianisation of all Indian regiments. My scheme was that all recruitment of British officers to Indian regiments should stop and Indians should be given King's Commissions to fill up all the posts as they fell vacant. By this I intended that the Indian Lieutenants, when they joined the Indian Army, should be working under the British officers, getting their tradition, acquiring their habits, learning from them the manners and ways of conducting a war, and thus, by peaceful elimination and gradual development, we would have got a completely Indianised Indian Army in 22 years time. Unfortunately, that scheme of mine was not carried. When I made my speech on that afternoon just about this time, the Assembly adjourned for another day ; and the Army Secretary at that time—now Sir Ernest Burdon—came like a bolt from the blue and announced a scheme to Indianise eight units at once. That caused such a glamour in the minds of many supporters of mine that although in the beginning I was counting a great majority in my favour, the people who were caught by this sudden announcement and did not understand its real implications, all left me. The result was that although I was asked to withdraw my Resolution I did not do it. I challenged a division, and I got only 16 votes. I lost the vote of even Sir Hari Singh Gour, who was one of the prominent Members of the Democratic Party at that time. I am not speaking of the present Democratic Party. Although I lost my Resolution then, I stand today justified in challenging a division on that day. I said at that time that the Indian officers who would be working separately in separate units would be treated differently from those in other regiments and that they would resent it, and I did not accept even the Indianisation of eight units scheme as it fell too short. If you talk to the Indian officers you will know, and if the Army Secretary says he does not know, then it is his fault that he does not know the real feelings of those officers who are working in those regiments. I know the feeling of those officers. I had a talk with them and I know that they resent a great deal today that they are not being treated properly as the officers in other regiments are being treated. That, I felt, would be the greatest blow at the efficiency of the Indian army. When we are contemplating that we should have peace in the country which is dependent upon having a satisfied army, we must see that those conditions are present where our army officers feel contented and not have any kind of resentment in their minds. If Government fail to note it, that is not the fault of those friends of the Government who come and give a timely warning ; it is the fault of those who carry on the Government at the present day. By this Bill I say that what was granted even in 1922 is being taken away. No Indian worth his salt would ever agree to accept a position of inferiority for his fellow Indians simply because they happen to be Indians. The position today is that Government are making a distinction between Englishmen and Indians which

[Mr. Muhammad Yamin Khan.]

had never existed since the King's Commission was granted to Indians. The officers who will work under these conditions—may I ask whether they will feel contented when they go to the polo ground, when they go to the race course, when they go to the clubs—will they not find a different treatment to that meted out to their brother officers in other regiments?

Captain Sher Muhammad Khan Gakhar : No, no.

Mr. Muhammad Yamin Khan : He does not know because he has lived in a different category.

Captain Sher Muhammad Khan Gakhar : I have lived there more than my Honourable friend has done.

Mr. Muhammad Yamin Khan : I have never lived as an officer, but I know the feelings of those officers today, and I know what they are talking about. I can never agree to a discontented army being brought into existence in India. May I ask the Army Secretary whether or not an Indian who goes to England to be trained at Sandhurst enjoys the same rights and privileges as any British officer in the British regiments? He does enjoy because he answered in the affirmative the question of my Honourable friend, Sir Henry Gidney, on the point. If he enjoys those privileges, which are being enjoyed by a British officer in the British regiment, are those advantages and privileges given by this Bill to Indians or are they going to be taken away? That is the only issue before the House. The point is that whatever rights our boys who go to England to be educated at Sandhurst enjoy by getting the King's Commission will be taken away from them because they will not be allowed to go to England any more. They will not be educated at Sandhurst and they will not be given the King's Commission. They will be given something different and that different thing is stated in this Bill as the Indian commission. That Indian commission which is not the King's Commission.

Lieut.-Colonel A. F. R. Lumby : It is a King's Commission.

Mr. Muhammad Yamin Khan : It is Indian Commission given in the King's name. If it is a King's Commission, then what is the harm in my Honourable friend accepting the amendment of Sir Abdur Rahim? If it is a King's Commission, then what is the hitch in accepting the amendment of Sir Abdur Rahim? I think that it is going to be something different from what it is today, and if it is going to be something different, let us know what that is. If it is a King's Commission, then what is the whole trouble about? The real point is that the Government and the War Office in England are not ready to concede to Indians the same rights and privileges which they are enjoying today. They fear that because the British officer enjoys a certain privilege in the Indian regiments by becoming an officer of the Indian regiment, the Indian officer can claim to be an officer in the British regiment, and that they do not want to allow. May I ask, if an Indian can sit as a Member of Parliament, if an Indian can be the Governor of a Province, or can sit as an Executive Councillor here, then why should they be treated differently only in this case when they are not being treated differently at present? That is the only thing on which we have to give a decision. I would not like an institution to be created in this country which will not put the Indians on the same plane of equality and which will not allow them the privileges which they are enjoying today by going to Sandhurst.

Mr. C. S. Ranga Iyer : Is the Honourable Member aware that Mr. Ramsay Macdonald in his "Government of India" said that an Indian can become the Secretary of State for India, but I can tell my Honourable friend that it is much more difficult for an Indian to command British troops.

Mr. Muhammad Yamin Khan : My Honourable friend's mentality is there. He says that an Indian can become the Secretary of State for India but he cannot command the British troops. I say he does command today, he has got the right to command the British troops today, but by this Bill that right is being taken away. If my Honourable friend gives his vote for this Bill he will unconsciously give away that right.

Mr. C. S. Ranga Iyer : But that right always exists in King's temporary commissions even, as during the War they should be given to Indians.

Mr. Muhammad Yamin Khan : No. My Honourable friend does not know the thing at all. In the case of a mixed brigade where there would be an Indian regiment and a British regiment and the senior Colonel is an Indian who has been trained at Sandhurst, then he will get the command of the brigade and not the Colonel who may be a British officer, in charge of the British regiment, if he is junior to the Indian Colonel, and the Indian Colonel will command not only one regiment, but he will command the whole brigade.

Mr. C. S. Ranga Iyer : But such a situation can only arise 20 years hence.

Mr. Muhammad Yamin Khan : If it is going to arise only after 20 years, then why should not Government agree to this today and they will be quite safe for another 20 years. Why don't they agree today? The only issue at present is whether this House representing the country should say, well, my boys, we accept an inferior position for Indians in future. Is this the verdict that is going to be given by the elected representatives of India? Are Government justified in asking the elected representatives of India to accept an inferior position for the Indians for the emergency which will arise 20 years hence? If they knew that no Indian cadet, who comes out of Dehra Dun, will command for 20 years, then why did the Government oppose the amendment of Sir Abdur Rahim? It is a great pity that Government carried that amendment with the help of the officials who have got their lips sealed. If Government had given freedom to the Official Members to vote as they liked, I am quite sure that the Indian Official Members would have gone into the lobby with Sir Abdur Rahim. (Hear, hear.) It is a greater pity that Non-Official Indians, who were free to vote as they liked and were in no way bound to vote with the Government, voted with Government to serve their own personal interests. The more pitiable thing is that some Elected Members went to the Government lobby in order to flatter the Government. They must remember that they are doing great injury to the cause for which they are fighting. I say by creating this spirit and laying down this principle, Government is inviting opposition in the country and is inviting ridicule on the people who are supporting the Government. Government may glory that they have carried this amendment by three votes but really they have lost by 300 votes. The opposition in the country will drive away every supporter of the Government and they have given a weapon in the hands of the opposition in the country and they have

[Mr. Muhammad Yamin Khan.] made this constitution ridiculous. People will think that Government control only a few votes of those people who were never intended to vote in this way in this House. It was never the intention that the nominations should be made on this basis, namely, whether a man will support the Government or not and if the Government has carried by three votes, let them not glory in it. I am one who has supported the Government in spite of the jeers of my friends opposite. I have stood like a rock on the side of the Government on the Ordinance Bill, the Reserve Bank Bill. I did not listen to their jeers. Here the question is whether Indians are going to accept an inferior position.

(Interruption by Captain Sher Muhammad Khan Gakhar.)

This gives you an inferior position in the eyes of the world. I can never tolerate a position if I am given an inferior status anywhere. If I can stand for election as a Member of Parliament and if in my own country I am going to be called as somebody inferior, nothing can be resented by me to a greater degree. That is the sense I feel. I do not know how my other friends are feeling. This is a most vital question which will affect the future administration. This will give a weapon in the hands of our opponents. Here is not a question of whether a few pennies will go into your pocket or whether they go into other men's pockets. This Bill is going to assign an inferior status to Indians in the future. That is a thing to which I cannot agree. This Bill takes away even the privileges which we enjoy at present and if the Government carries this Bill today, they will be inviting great trouble in the future for their supporters. Even great supporters of Government cannot see eye to eye with them in this matter.

Now, I shall refer to the practical difficulties. The Army Secretary said that the question of inferiority will not arise. I asked him a question which was never answered. That point is, if the Indian army is going to make an attack on the enemy and the seniormost brigade officer is killed, then if there is an Indian Regiment and a British Regiment working side by side, will the Indian Colonel take charge of the British army?

Mr. H. A. F. Metcalfe : On a point of order. Is not the Honourable Member going outside the rules of business when he suggests that India is about to make war on another nation?

Mr. Muhammad Yamin Khan : Indians are always fighting side by side with the British in India and outside India. Indians have shed their blood in India for the British Government and laid down their lives for the Empire outside India—in France, in Palestine and other countries. So I do not think my Honourable friend, the Foreign Secretary's interruption has anything to do with the speech I am making. I was putting the point, if this brigade officer is killed, then will this army wait till the orders are issued from headquarters? Who is going to take up the command? That command must be taken up at once. (Mr. Anklesaria wanted to interrupt.) Let me proceed with my argument. My Honourable friend, Mr. Anklesaria, is an *ultra*-loyalist. I do not know what he has got in his mind. If there is any delay in issuing orders, will it not jeopardise the tone, morale and lives of the army when the enemy is attacking? Is that demand to be met at once and the command orders

are to be given in a moment's time, or they are to wait till orders are issued, and thus that process may involve destruction of the whole army? If that is going to happen, where shall we stand? Are we going to be asked to vote for such a measure which will place the Indian Army and the Indian troops in such a position? At least I cannot agree to such a ridiculous position which may destroy the whole Army at once.

Then, another thing which the Honourable Member has not taken into consideration is this. He is cutting away the relations between the British units and the Indian units. If the British units feel that they are not equal to the Indian units and if the Indian officer in the Indian units does not feel that he is equal to the British officer, then there can never exist that comradeship which we all desire. I want that there should be such love and friendship between them that each type of officer will be ready to lay down his life for the other regiment, as has happened in the past. Sir, I want that the Indian officer should feel so friendly for the British officer and *vice versa* that, in time of need, each must work for the safety of the other and in full co-operation. (Hear, hear.) But here one will be smarting under a feeling that he is inferior to the other, and that will take away the spirit of full comradeship and you are bringing in a kind of sarcasm and opposition in the country for the British regiments. My Honourable friend, Mr. Ranga Iyer, is opposed to the proposal. He wants to drive away all the British units from India today! I do not know whether he means seriously or whether he wants to take up this attitude of opposition only in order to take shelter behind it to give his vote in a particular manner. I think he is an honest man, and I trust as an honest man he will act. If he sincerely thinks that within twenty years the British regiments will be driven away from India, he is mistaken. Sir, the British regiments cannot be driven out of India for twenty years, and, therefore, we have to take up the position which we have taken today, and if that position is to be taken today, this contention here is simply because a few persons sitting in the War Office do not agree. Sir, if the life and the prestige and the honour of the British soldier in the Indian Army cannot be entrusted to Indians, how then can the lives of Indian soldiers be entrusted to British people? (Hear, hear.) By using one word, my friend will have twenty words from his opponents; he is not serving the country properly, he is not serving the right cause. Sir, true friends are those who give proper advice at the proper time even though that advice may not be so sweet as the people think it ought to be. Sometimes the advice which has to be tendered is very very harsh, but that is for the good of the people, and I stand here, Sir, to give that advice. I do not think that this Bill will serve any useful purpose or will do any good. We were asked—what will happen to the boys coming out of Dehra Dun? I say—give them the King's Commission, send them to England for two months, give them training and bring them to a level of equality, and bring them out on equal terms, then introduce a proper Bill, with proper safeguards, and I still want proper safeguards since the British Army and the Indian Army must go on side by side. With these words, Sir, I oppose the motion.

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

Several Honourable Members : The question may now be put.

Lieut.-Colonel A. F. R. Lumby : Sir, at the start I should like to refer to a few matters which are rather outside the main question with which we have been dealing today, but which arise out of the speech of my Honourable friend, Sir Muhammad Yakub. The pace of Indianization was one of the main things with which he dealt. I want to explain, first of all, that the figure of sixty which is to be the outturn of the Dehra Dun Academy has been fixed on the basis of the one division of all arms and including ancillary services which, as has been announced by His Excellency the Commander-in-Chief, is to be Indianized as the next step in carrying out the policy of Indianization. The figure of sixty is one that could not possibly have been accepted at Sandhurst, and so if Indianization was to be extended, there was no question but that it would be necessary either to stop sending Indian cadets to Sandhurst altogether, or to have an Indian Academy and at the same time to send a small number of cadets to Sandhurst. The Indian Military College Committee decided that the latter course would be most undesirable, because there would almost certainly be an inferiority or superiority complex as between the two classes of officer. They decided that it would be much the best to have all Indian cadets trained in future for all branches of the army at an academy in India, instead of at Woolwich and Sandhurst.

It was also stated that under the new proposals units of the Indian army would cost more than they do now. This will not be the case. I want to make it clear that, as was pointed out by His Excellency the Commander-in-Chief to the Indian Military College Committee, if we were to give the rates of pay, which we now give to the Sandhurst-trained officer, to the Indian Commissioned officer, it would be perfectly true to say that the cost of Indian units, when Indianized, would be greater than at present; but just as it is proposed in the case of most of the civil services to fix the rates of pay of new entrants on an Indian basis, so it has been decided to fix the pay of future Indian entrants into the Indian Army on an Indian basis, and the difference between the pay of the British officer and the Indian officer will represent a sort of overseas allowance. With the reduction of rates of pay, I can assure the House that Government intend to do everything they possibly can to ensure that the standard of living of the officers who come out of Dehra Dun is not forced up unnecessarily by their predecessors and that they are able to live on their pay.

Mr. S. G. Jog : Why then is not the pay of the British Officer similarly reduced?

Lieut.-Colonel A. F. R. Lumby : That is a different matter. During their first year, after passing out of the Academy, these young officers will be attached to British units in this country, and, during that attachment, they will receive an extra allowance to enable them to meet the extra cost of living.

As regards the point raised by my Honourable friend, Sir Muhammad Yukub, about the elimination of the Viceroy's Commissioned officers, the point is that in the units that are being Indianised there will be no need of a link such as the Viceroy's Commissioned officers provide, and provide most efficiently, between the British officer and the rank and file. The officers of the Indianized units will ultimately be all of the same race, and no link will be necessary in their case; but, so long as there are non-

Indianized regiments, the Viceroy's Commissioned officers will remain in those regiments to act as a link.

It was suggested by one speaker that Government had been guilty of a breach of faith over the Skeen Committee's Report. It was stated that the Indian Military Academy arose out of that Report, and various sections of it were quoted as though they had been accepted by Government just as the proposal to start an Indian Military Academy has since been accepted by Government. The Skeen Committee Report, in so far as it related to an Indian Sandhurst and to the abolition of the eight Indianising units, was not accepted by Government because even at that time they had in mind the necessity, when they did establish an Indian Military College, of introducing the new form of commission which is now proposed. It was quite clear that, sooner or later, it would be necessary to introduce the Dominion form of commission, and, after very careful consideration, Government held that the correct moment at which to introduce it was when the very first batch of cadets passed out of the Academy. Otherwise you will merely have the same condition to which objection is now taken, but at a later period, the only difference being that there will be a distinction or a supposed distinction, between Indian and Indian instead of between British and Indian.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Will the Honourable Member be pleased to refer to section 40 of the Canadian Act regarding the militia and defence of Canada and point out in what respect the position laid down there differs from the position which would arise under the present Bill?

Lieut.-Colonel A. F. R. Lumby : May I have a copy of it?

Mr. K. C. Neogy : Yes. That section is very germane to the discussion.

Lieut.-Colonel A. F. R. Lumby : Sir, my Honourable friend, Sir Cowasji Jehangir, pointed out that the analogy of the Dominions was a faulty one. That fact I myself pointed out in my previous speech. We can only carry the analogy of the Dominions up to a particular point. But, as I have already said, the change of the form of Commission had to be made at some particular moment—either when the Dominion stage is reached or before, and it was considered that the moment when the first batch of cadets passed out of the Academy was the best moment to make it. Now, Sir, as regards the question of inferiority and superiority, I have stressed the point, and stress it again, that within the Indian army there is not to be any difference between the King's Commissioned officers in His Majesty's Land Forces and the King's Commissioned officers in His Majesty's Indian Land Forces, and the fact that the British officer and the Indian officer will be on the same level in the Indian army will, I think, have a great effect in quelling any suggestion that there is a difference between the Indian Commissioned officer of the Indian army and the British officer of the British army.

I admit that ultimately we shall have the difficulty of mixed formations upon which my Honourable friend, the Leader of the Opposition, has laid so much stress, but I am absolutely convinced that there can never be any question of the junior British officer being placed in command over a senior Indian officer. It seems to me that there are only two alternatives—either the senior Indian officer will be given command or else we have

[Lieut.-Colonel A. F. R. Lumby.]
got to abolish mixed brigades. The mixed brigade is not a necessity at all. Last summer, for instance, on the North-West Frontier, there were two purely Indian brigades operating and there is no reason why this difficulty should not be got over when it arises 20 or 25 years hence. As regards war, the position is not provided for as regards the Dominions at the present time.

Mr. K. C. Neogy : There, again, my Honourable friend is wrong as he will find out if he refers to that very Act which I have placed before him. Will my Honourable friend now read out section 40.

Lieut.-Colonel A. F. R. Lumby : Section 40 runs thus :

"The Governor in Council may make regulations, applying to officers and others belonging to His Majesty's regular forces, and to officers of any military force of the militia, as to the persons to be invested as officers or otherwise with command over the militia or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised : Provided that command shall not be given to any person over a person superior in rank to himself."

Mr. K. C. Neogy : Is my Honourable friend prepared to accept provision to that effect as a part of this Bill ?

Lieut.-Colonel A. F. R. Lumby : No, I am not prepared to do that.

Mr. K. C. Neogy : Then why mention Canada as an analogy ?

Lieut.-Colonel A. F. R. Lumby : I understood the analogy to be correct and I am not certain that I am wrong. To get back to war, in time of war it is essential that there should be some means of regulating powers of command as there was in the Great War. The position of the officers of the British army, the officers of the Dominions and the Indian Commissioned officers.....

Mr. K. C. Neogy : As I said, my Honourable friend is again wrong here if he will refer to subsequent sections of the Canadian Act.

Lieut.-Colonel A. F. R. Lumby : You cannot run an army in water-tight compartments. An army must be efficient or you might as well disband it. I can assure this House that this scheme has been worked out with efficiency as the main object. I have been connected with this question of Indianization for the best part of ten years and I have seen many schemes prepared for bringing about the results of which it is proposed to lay the foundation in this Bill, and I have not been able to find one in which more holes could not be picked than can be picked in the present one. I am quite prepared to admit that the proposal is not a perfect one, but this is a very difficult matter. Some arrangement has got to be made to cover what was referred to by an Honourable Member as the transitional period. After all, it is the Commander-in-Chief who has got to administer the army and it is for him primarily to see that the army is contented and efficient. The Commander-in-Chief has given his approval to this scheme and we may take it, therefore, that scheme is a perfectly good and workable one which will not lead to the troubles which some Honourable Members anticipate. That is the note on which I want to end. Efficiency has been the key-word of the consideration of this whole matter and the arrangements that are proposed can be made to work efficiently, provided that the Indian officer coming out of Dehra Dun is not started off with the idea that he has got to have an inferiority complex. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as amended by the Select Committee, be passed."

The Assembly divided :

AYES—51.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Bagla, Lala Rameshwar Prasad.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dugud, Mr. A.
Gidney, Lieut.-Colonel Sir Henry.
Grantham, Mr. S. G.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F. W.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Lumby, Lieut.-Colonel A. F. R.

Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank.
Perry, Mr. E. W.
Raisman, Mr. A. J.
Rajah, Raja Sir Vasudeva.
Rajah, Rao Bahadur M. C.
Ramakrishna, Mr. V.
Ranga Iyer, Mr. C. S.
Rastogi, Rai Sahib Badri Lal.
Rau, Mr. P. R.
Richards, Mr. W. J. C.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan Gakhar, Captain Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Studd, Mr. E.
Trivedi, Mr. C. M.
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
Zyn-ud-din, Khan Bahadur Mir.

NOES—48.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Ahmed, Mr. K.
Anwar-ul-Azim, Mr. Muhammad.
Ba Maung, U.
Badi-uz-Zaman, Maulvi.
Bhuput Singh, Mr.
Chinoy, Mr. Rahimtoola M.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gaujal, Mr. N. R.
Hari Raj Swarup, Lala.
Hoon, Mr. A.
Ibrahim Ali Khan, Lieut. Nawab Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury Muhammad.
Jera, Chaudhri.
Jadhav, Mr. B. V.
Jehangir, Sir Cowasji.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.
Mahapatra, Mr. Sitakanta.
Maswood Ahmad, Mr. M.
Mody, Mr. H. P.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Pandya, Mr. Vidya Sagar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Raghubir Singh, Rai Bahadur Kunwar.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhraj.
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sen, Mr. S. C.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gaya Prasad.
Uppi Saheb Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.
Ziauddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move :

“ That the Bill to consolidate the law relating to customs duties be taken into consideration.”

Sir, this Bill has become necessary because the different Tariff duties are now to be found in a very large number of enactments. Since the Tariff Act of 1894 was passed, there have been various amendments and extensions and so on, and the whole object of this Bill is to put all of them together so that they could be conveniently found and we may have a self-contained Act. As a matter of fact the position at the present moment is such that anyone desiring to know what is the duty on a particular item has got to seek his guidance from a manual which has been issued. The present Bill does not involve any change in the present law and I do not think I will be justified in taking up the time of the House. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to consolidate the law relating to customs duties be taken into consideration.”

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I take this opportunity to offer the thanks of the House to the person who thought of this idea of putting the Tariff Act in an arranged form, because it has been a source of very great trouble to every one of us who wanted to consult the Tariff Act. I should like to add one word, that, if it be possible, we may have an index attached to this Act. I hope the Honourable Member will take this point also into consideration when the Act finally goes to the press. With these words, I support the motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to consolidate the law relating to customs duties be taken into consideration.”

The motion was adopted.

Clauses 2 to 13 were added to the Bill.

The First Schedule was added to the Bill.

The Second Schedule was added to the Bill.

The Third Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar : Sir, I move :

“ That the Bill be passed.”

I can assure my Honourable friend, Dr. Ziauddin, that I shall certainly consider if an index can be added for the convenience of persons who have got to find out the various duties from the Schedules.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill be passed.”

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would remind the House that His Excellency the Governor General has summoned the attendance of Honourable Members tomorrow here at 11 o'clock, and the House will meet again for the transaction of business at 2-30 P.M.

The Assembly then adjourned till Half Past Two of the Clock on Wednesday, the 29th August, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 29th August, 1934.

SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Eleven of the Clock.

His Excellency The Viceroy : Gentlemen, in greeting Honourable Members this morning after my short holiday, I need hardly tell you how delighted I am to be amongst you once again, to find you still engaged in your strenuous labours on behalf of India, and to take this opportunity of thanking you all for the assistance you have given to my Government during the past four years in passing into law the many very important measures that have been brought before you during the period of the life of this Parliament which will shortly be coming to a close.

In a message communicated to you on the 6th March, 1933, I announced my decision to extend the duration of the existing Assembly for such period as might seem expedient in the light of the conditions prevailing when the time came actually to effect the extension, and on the 22nd December, 1933, I announced an extension up to the 31st December, 1934. The question whether the duration of the Assembly should be further extended beyond that date required and received my anxious consideration, and I finally reached the conclusion, the propriety of which has, I am glad to believe, been very generally recognised, that in all the circumstances of the case no further extension should be granted.

I am sure that you would wish, and here I can speak with all sincerity on behalf of my Honourable Colleagues, that I should express to the two Presidents my grateful thanks for the fairness and judgment with which they have guided the discussions in both Chambers and have secured the trust and confidence of every Honourable Member.

It is my custom on this occasion to give a general survey of the work done during the past year and of the economic and political condition of our country at the present time, and further to tell you as far as I can the outlook for the future.

In the sphere of Foreign Affairs I am glad to state that India's relations with her neighbours continue to be uniformly satisfactory. On the frontier between Burma and China incidents occurred last spring threatening a disturbance of the peace among the partially administered tribes, which in that area separate

the Province of Burma from the Chinese Province of Yunnan. The international frontier in that area has never been demarcated and this circumstance coupled with the fact that there are no maps which have been accepted by both Governments as accurate, encouraged certain irresponsible persons to engage in hostile activities against the Burma Military Police, although the latter had scrupulously refrained from penetrating beyond the line claimed by the Chinese Government. That force effectively demonstrated their ability to deal with these marauders and no operations have been necessary during the last few weeks. Efforts are being made by His Majesty's Representative in China to establish, in agreement with the Chinese Government, certain principles upon which it will be possible to demarcate the international frontier and thus to find a solution for a long-standing disagreement. Events in Chinese Turkistan have caused my Government some anxiety, since as the result of a serious revolt against Chinese authority in Kashgar and the neighbourhood, security of life and property were for some time gravely endangered. I regret to say that some loss of life and property were caused to peaceful Indian traders in spite of the unremitting efforts of His Majesty's Consul-General to secure their protection. On one occasion His Majesty's Consulate at Kashgar was attacked by Tungán* rebels, and it was only the gallant defence offered by the British and Indian *personnel* which saved the Consulate from more than a few casualties. The Chinese Government have expressed their deep regret for this occurrence and have also officially acknowledged the correctness of the Consul-General's attitude of strict neutrality towards the various factions which have from time to time secured control over this area. The latest news received is much more reassuring in that the Chinese forces together with a Pacification Commissioner entrusted with the task of restoring law and order have now reached Kashgar and are engaged in re-establishing Chinese authority. Some embarrassment has also been caused by the influx of refugees from Russia and from Chinese Turkistan who were able to enter India *via* Gilgit before they could be intercepted. These persons were for the most part completely destitute and were frequently accompanied by women and children, whose re-expulsion across the inhospitable mountains of Central Asia was repugnant to humanitarian principles. It is however obvious that the comparative security of conditions in India might encourage this influx to a dangerous extent and steps are therefore being taken to check it at the frontier, and it is also hoped to arrange for the disposal of a number of the refugees already in India by despatching them to other parts of the world.

Our neighbourly relations with Afghanistan have not been threatened by any untoward incidents on the frontier in recent months, and it is hoped to secure increased trade between the two countries as the result of the recent visit of a Trade Delegation to Kabul in April last. This Delegation consisted of Mr. W. W. Nind as Leader and Lala Shri Ram, Merchant of Delhi, and Khan Bahadur Syed Maratib Ali of Lahore as Members, and was sent to Afghanistan to examine, in consultation with informed opinion in that country, the directions in which it might be possible to foster and expand the mutual trade between India and Afghanistan. The report submitted by this Delegation is still under

*Pronounced "Toonga(r)n".

consideration, but it is gratifying to observe the interest taken by Indian merchants and traders in the Commercial Exhibition which is now taking place in that city.

The North-West Frontier has remained uniformly peaceful during the last eight months except for the various unimportant disputes between sections of the tribes and a few small encounters between Government forces and hostile individuals, which have always been a feature of frontier administration. I need not say that cordial relations, as ever, continue to be maintained with our ancient Ally, the Kingdom of Nepal. As a fitting culmination of the long-standing friendship that we have enjoyed with that country, His Majesty the King Emperor has been pleased to raise the status of the British Envoy to that of Envoy Extraordinary and Minister Plenipotentiary at the Nepalese Court, and also to receive a Minister of corresponding rank from the Kingdom of Nepal at the Court of St. James in London.

A great figure on the stage of Asia passed away with the death of His Holiness the Dalai Lama of Tibet on December 17th, 1933. The late Dalai Lama, the thirteenth of his line, had always remained on terms of amity with my Government and the Regent who has been appointed in his place pending the reincarnation of the Dalai Lama continues to act in the spirit of the Ruler of Tibet.

Lastly, I am glad to take this opportunity of acknowledging the keen and effective interest which Members of this Assembly have always taken in the welfare of Indian traders and settlers in foreign countries. There has been more than one case recently in which a foreign country has attempted to enforce, particularly in its colonies, what appeared to us to be unwarranted restrictions upon such Indian traders, who have by their enterprise and commercial ability contributed largely to the wealth and prosperity of the place concerned. My Government have in every case protested vigorously through His Majesty's Government against such proceedings and, if, as has happened in more than one case, their protests have been successful, this is very largely due to the hearty support they have received from Indian public opinion as represented by the Honourable Members of this House.

In connection with external commercial relations I would recall to your minds that when I last addressed you I mentioned the circumstances leading to the denunciation of the Anglo-Japanese Commercial Convention of 1905 and the passing of the Safeguarding of Industries Act, 1933. Applications for assistance under the Act were received from a number of small Indian Industries. These were carefully examined, but eventually Government decided that it would be undesirable to use the Act, since such a step would have prejudiced the negotiations for a commercial agreement with Japan which had then started. At the same time the needs of these industries were met, where necessary, in another manner. This was by the imposition of minimum specific duties on the articles concerned. The imposition of these duties was secured by *ad hoc* legislation,—the Indian Tariff Amendment Act, 1934,—and in fixing the level of these duties, which were applicable to the imports from all foreign countries, due consideration was given to the necessity of adequately safeguarding the Indian industry concerned, while avoiding, as far as possible, any increase in the *ad valorem* incidence of the duties on goods the competition from which did not constitute a danger to Indian industries.

The question of the grant of substantive protection to the Cotton Textile Industry in India, which was the subject of a Tariff Board enquiry in 1932, came up for your consideration in the last Delhi Session. I need not refer to the details of the legislative measure with which you were then concerned except to point out that for the second time statutory effect has been given to a rapprochement between the representatives of an Indian and a British Industry. My Government and I attach the highest importance to the creation of closer ties between the industrialists in India and in the United Kingdom and, consonant with the interests of the country as a whole, we shall always be prepared to consider sympathetically any agreement intended to promote the mutual interests of the parties concerned.

In accordance with the undertaking given when the Ottawa Trade Agreement was under consideration, an exhaustive report of the first year's working of the scheme of mutual preferences has been prepared and is now in your hands. I understand that this report is now under consideration by Committees of both Houses of the Legislature, and I shall not, therefore, comment further upon it.

When the Indian Delegation led by Sir Atul Chatterjee was at Ottawa certain tentative approaches were made by representatives of other countries within the Commonwealth with a view to the conclusion of further trade agreements. The Irish Free State has followed up their preliminary proposals and formal negotiations between India and the Free State were initiated in May last. These negotiations, at which Sir B. N. Mitra and Sir George Rainy represented India, have not yet been concluded.

During the course of my address to you in August last year I made a brief reference to the denunciation of the Anglo-Japanese Commercial Convention of 1905, and the negotiations for a fresh Commercial Agreement with Japan. As you are aware, these negotiations commenced in Simla on the 23rd September, 1933, and after lengthy discussions agreement was reached between the Indian and the Japanese Delegations in January, 1934. The agreement of views thus reached was embodied in a Convention and Protocol, the agreed drafts of which were initialled by the two delegations on the 19th April, 1934, and finally signed, on behalf of India and Japan, in London on the 12th July, 1934.

The Convention, and with it the Protocol, are to come into force immediately after the exchange of ratifications and will remain in force until the 31st March, 1937. The provisions in the Protocol relating to the restriction of the imports of cotton piece-goods from Japan have, however, been given effect to with effect from the 8th January, 1934, from which date the Government of India reduced the import duty on Japanese cotton piece-goods to the level of that provided for in the Agreement.

The Agreement, while ensuring the continuance of the long-established trade connections between the two countries on a basis satisfactory to both, safeguards also the legitimate interests of the Cotton Textile Industry in India and at the same time secures a stable market for a substantial portion of the exportable surplus of raw cotton produced in India. This, at a time of acute

agricultural distress, should prove invaluable to the cotton growers in India who have been so seriously affected by the world depression.

You will remember that in 1930 the Government of India, with the approval of the Secretary of State for India, sanctioned a scheme for the appointment of Indian Trade Commissioners in certain foreign countries with a view to promote the export trade of India with those countries. In addition to the existing appointment of Indian Trade Commissioner, London, the scheme provided for six appointments, one each at Hamburg, Milan, New York, Alexandria, Durban and Mombassa. The office at Hamburg was opened in March, 1931, and an officer for the Milan post was selected on the recommendation of the Public Service Commission. Further progress with the scheme was held in abeyance on grounds of financial stringency, the officer selected for the post of Indian Trade Commissioner at Milan being retained in the Commercial Intelligence and Statistics Department for a period of training. Among plans for the encouragement of the economic development of the country my Government have, however, now decided to resume the programme for the appointment of Indian Trade Commissioners in foreign countries. As a first step in that direction, it has been decided to open the office of the Indian Trade Commissioner in Italy as soon as possible, and with this object Mr. M. R. Ahuja, who was selected for the post in 1931, has been sent to London for a short period of training in the Trade Department of the High Commissioner's Office before taking charge of his new appointment in Italy. The question of the appointment of Indian Trade Commissioners at other places will receive the early consideration of the Government of India.

Whilst still on the subject of affairs which involve contact with the outer world, there are two further matters of interest relating to Indians overseas to which I wish briefly to allude. I refer, in the first place, to the Report of the Colonisation Enquiry Committee, appointed by the Government of the Union of South Africa, which was published both in South Africa and in this country early in July. The Government have been closely studying the reactions of public opinion in this country to the recommendations of the Committee. They have also ascertained the views on the Report of the Standing Emigration Committee of the two Houses of the Indian Legislature. They hope to be able, shortly, to address the Government of the Union of South Africa on this matter. In formulating their conclusions it will be their endeavour to serve the best interests of the Indian community in South Africa.

The second event, to which Honourable Members will expect some reference, is the situation which has arisen in Zanzibar as the result of recent legislation my Government had no previous intimation that such legislation was contemplated, and the time available between its introduction and enactment was inadequate for the effects of the various decrees on Indian interests in Zanzibar to be adequately studied and represented. Therefore, early this month, we deputed an officer to Zanzibar to make investigations. On receipt of his report the Government of India will consider what further action they should take. Honourable Members may be satisfied that in this, as in other matters concerning the legitimate interests of Indian communities overseas, the Government of India will strive their utmost to uphold them.

I now wish to recall to your mind the part that the Legislature has played in the sphere of Labour in continuing to participate in the policy which I and

my Government have set before us of implementing the recommendations of the Royal Commission on Labour. In 1933 you passed an important measure which improved the benefits received by workmen under the Workmen's Compensation Act. In the course of this session a still more important advance has been registered by the new Factories Bill, the most important feature of which was the reduction in the hours of work in factories which work throughout the year from 60 to 54. I am glad to have this opportunity of expressing my appreciation of the helpful attitude of those of you who represent employers' interests towards this great amelioration in the condition of workers in organised industries. On the Industries side this Session has to its credit the very serviceable Petroleum Bill. You have now left to the Executive Government the important task of framing suitable rules under these two Acts. The helpful and enlightened spirit which has inspired the Legislature in passing them will, I have no doubt, beneficially affect their detailed administration.

During the current Session you have passed a measure designed to secure conditions of greater safety for an important section of the manual workers of this country. I refer to the Indian Dock Labourers Bill which, when it becomes law, will give effect in British India to the International Convention concerning the protection against accidents of workers employed in loading and unloading ships. The Bill empowers the Government of India to make regulations for the safety of such workers and to provide, through a system of proper inspection, for the enforcement of those regulations in accordance with standards internationally accepted and embodied in the International Convention, thus filling a gap in India's Labour legislation caused by the non-existence of any regulations which could be said to provide adequately for the safety of dock workers while engaged in their admittedly hazardous occupation. The Act which has now been placed on the Statute Book is still another earnest of India's desire to conform to the highest standards in her treatment of Labour.

Our progress in matters connected with industries has not been confined to legislation. At the Sixth Industries Conference which met shortly before this Session began my Government's proposals for the creation of a Central Bureau from which industrialists, particularly those interested in developing small industries, will be able to obtain such information and expert assistance as my Government in co-operation with the Governments of the Provinces can place at their disposal met with the unanimous support of the delegates present. I hope to see this organisation come into being in the course of the next few months and, though it may seem that the beginning which is being made is a small one, I have great confidence that we are establishing an institution which will prove of real value in promoting the industrial development of this country. The Conference also made recommendations regarding the principles on which the grants my Government is making to assist the handloom-weaving and sericultural industries should be utilised. Those recommendations have been accepted in their entirety.

In the field of Civil Aviation there have recently been important developments. As our ground organisation has become inadequate, it has been decided to inaugurate a programme of development from loan funds. Accordingly we hope to equip the Karachi-Rangoon route and the Karachi-Madras route up to

modern standards within the next few years, and we are prepared also to organise on similar lines the Calcutta-Bombay and the Karachi-Lahore routes, if these should be opened up shortly,—as it is much to be hoped they will be. You have just passed an Act—the Indian Aircraft Act of 1934—which will enable the Civil Aviation Directorate to control and encourage effectively this expanding activity.

I am also glad to announce that we expect to see a similar development in broadcasting in the near future. My Government have decided to proceed as quickly as possible with the erection of a large transmitting station in Delhi, which will broadcast entertainment in Urdu and English. This, we hope, will prove to be only the first step towards the establishment of a complete system of broadcasting covering the whole of India, under which the Provinces will have the benefit of an expression of their own culture in their own literary languages, with an added element of English programme matter.

Both Chambers of the Legislature adopted a Resolution last Session which will prolong the life of the Road Development Account. I trust this step will be of material assistance to the Provinces in the development of their road systems.

I take this opportunity to refer to a matter which is of particular interest to the commercial public. It has been decided to undertake a revision of the existing company and insurance laws in India at an early date. The law relating to companies is that contained in the Indian Companies Act, 1913. This Act is based on the English Companies Act, 1908, which has since been revised and replaced by the Companies Act of 1929. Certain proposals for the amendment of the existing legislation in India have been brought to the notice of the Government of India from time to time by Local Governments, commercial bodies and individuals, but it has always been thought more desirable to avoid piecemeal legislation and to await a suitable opportunity when a thorough overhaul of the Act could be undertaken. The need for early revision of the law has been more keenly felt recently as a result of the growing industrialisation of India and in particular, as is already known to you, there has of late been much criticism of the managing agency system. In the sphere of insurance law also the need for revised legislation is fully established. The rapid development of insurance business in the country during the past few years, not only in respect of the number of new companies formed but also in respect of the forms of insurance activities other than life, *e.g.*, fire, marine, motor and employers' liability insurance, has created new circumstances in which the existing law has been found to be inadequate. The Government of India have, therefore, arrived at the conclusion that both company and insurance law should be revised as soon as possible, and as an initial step it has been decided to appoint Mr. S. C. Sen, Solicitor, as an officer on Special Duty in the Department of Commerce of the Government of India to make a preliminary examination of the various proposals for amendment received from time to time and to indicate broadly the lines on which revised legislation should be undertaken.

To turn to the wide field of Agriculture, which is still to the masses of India their main source of livelihood and is, therefore, one of the primary concerns of Government. Honourable Members must be aware that the Provincial Economic Conference, which my Government had convened last April, reviewed the

position of the agriculturist from the standpoint of rural credit as well as agricultural marketing and production. One of the conclusions reached by the Government of India after consideration of the proceedings of the Conference, was that all possible steps should be taken to ascertain how far agricultural production in India was being scientifically co-ordinated and whether any action was desirable or feasible to make such co-ordination more efficient and more effective. My Government accordingly convened, with the ready co-operation of Local Governments, which I take this opportunity to acknowledge, a Conference of Provincial Directors of Agriculture, Land Revenue officers and non-official representatives from the various Provinces last June. This Conference reviewed exhaustively the position of all the principal crops in India.

After a full consideration of all the relevant factors the Conference came to the satisfactory conclusion that crop planning in India had not proceeded on unscientific and haphazard lines, but had been well planned and had, on the whole, achieved its aim of helping the ryot to use his land to the best purpose. But in the prevailing welter of economic uncertainty the Conference, if I may say so, wisely held that machinery should be provided for the systematic and continuous study of problems relating to the cultivation of India's more important crops such as wheat and rice. To this end it recommended the establishment of appropriate *ad hoc* Committees. Honourable Members will doubtless be glad to know that this recommendation has been accepted by my Government. It is hoped that, by this means, periodical stock-taking of the position of our principal crops and of their prospects in the world's markets will be greatly facilitated. The value of continuous study and periodical review in this respect cannot be over-estimated. Adjustment of the agricultural activity of a country to changing conditions of demand is necessary for the prosperity of the agriculturist. Difficulties of such adjustment in a country of the size of India are evident. Adaptation to changing needs of the market will be impossible of accomplishment without the acquisition, and maintenance up-to-date, of all relevant information.

Another problem of even greater practical importance to the agriculturist is the marketing of his produce to the best advantage. This subject was also discussed in the Provincial Economic Conference, where there was general agreement that an intensive programme to develop marketing facilities for agricultural products offered the best immediate prospect of substantial results. The matter has been under close examination since the Economic Conference concluded. With the help of the Marketing Expert who recently joined the staff of the Imperial Council of Agricultural Research, a programme of work has been drawn up which, it is hoped, will very shortly be initiated. Experience gained elsewhere shows that the range of marketing activities must be wide. It must, for example, include the organisation of an efficient intelligence service in external markets regarding Indian products and the requirements of consumers both abroad and in this country. An efficient marketing organisation must also ensure the grading, sorting and bulking of the main staple products and the establishment and development of regulated markets. In India the first task is the undertaking of market surveys for the purpose of ascertaining the data on which future developments can be planned. The initial step, therefore, will be to obtain and set out in detail the

present system of marketing the more important commodities, such as wheat and rice, oilseeds, plantation and special crops, *e.g.*, tobacco and fruit as also dairy products, in which term I include livestock.

This survey will be carried out not only in each of the Provinces separately, but will also deal with inter-Provincial, inter-State and foreign trade so as to provide an all-India picture of existing conditions and a common basis for future progress. The report on each survey will set out, in precise technical details, definite suggestions regarding marketing organisation with a view to improving existing conditions in the interests of producers. The work connected with the execution of these surveys will be shared between the Central and Provincial marketing staffs, but it is the intention of my Government that, at least in the initial stages, the cost should be met from Central Revenues, so that the urgent task of ascertaining the data and formulating a co-ordinated plan of marketing organisation should not be delayed by reason of the inability of one or more Provinces to meet the cost of such investigations. The question as to how the cost of the various organisations and activities resulting from these surveys should be met will be one for future consideration on the basis of the benefits expected from the plans that may be adopted.

I should like also at this stage to make a brief reference to the financial position of our Railways. This, as you are aware, has not been all that could have been desired during the past two or three years, though in comparison with most other countries throughout the world we may be said to have escaped lightly. The situation this financial year shows much better prospects. Our earnings are better by over Rs. 1½ crores than they were for the same period of last year. In the nature of things we may expect set-backs, but I am optimistic enough to think that these, if any, will be temporary, and that the increased prosperity of our Railways is at least an indication of a general revival of trade and commerce throughout the country.

As you are no doubt aware, I had the privilege of performing the formal opening ceremony on the 19th December last of the Vizagapatam Harbour. The development of the harbour has been proceeding steadily and with the improved facilities which it is the constant aim of the Administration to provide, it will, it is hoped, be possible in the not very distant future to open the harbour to vessels of much larger dimensions than can be accommodated at present. There has already been a substantial increase both in the number of steamers calling and in the quantity of cargo handled at the port and as improved facilities become available, it will, it is confidently hoped, attract an ever-growing volume of traffic in the future. Vizagapatam Harbour supplies a long-felt need for a safe anchorage for ocean-going traffic on the East Coast of India between Calcutta and Madras and should assist greatly in the development of a hinterland, rich in natural resources, by providing for its produce a convenient outlet to the markets of the world.

On the two last occasions on which I have addressed you I have expressed the belief that the march of events would gradually carry the leaders of the civil disobedience movement further and further away from the sterile methods of negation and obstruction. A year ago I claimed that the events of the last few months had fully borne out that belief; civil disobedience at that time maintained a precarious existence and there were signs that the popular

judgment had already condemned it. During the whole of the last 12 months that feeling has grown and spread and finally in April last the author of this subversive movement, which was started in 1930 and renewed at the beginning of 1932, advised all Congressmen to suspend civil resistance for Swaraj as distinct from specific grievances. A little later this advice was confirmed by the Working Committee of Congress which, at the same time, adopted the constitutional policy, at one time regarded as wholly futile by many Congress leaders, of entering the Legislatures. I was myself away from India during the concluding stage of these events, but the policy announced by the Government of India on June 6th, 1934, had my full approval. That policy has been criticised in some quarters as half-hearted and ungenerous, but, as I said in my speech in this House in September, 1932, we should be failing in our duty if we did not ensure to the best of our ability, not merely that civil disobedience was brought to an end, but that there should be no chance of reviving it. Thus, though the ban on purely Congress organisations was removed, we could not take the risk of allowing freedom to those more revolutionary organisations which were distinct from Congress, though working at one time more or less in close association with its objects. Still less could we give up the special powers which had been found necessary for dealing with the movement and which had been given to Local Governments, by the Acts of this Legislature or of the Provincial Legislatures. The curtain has thus fallen, I hope finally, on the civil disobedience movement and one of the objects of the policy which I indicated in September 1932 has been achieved. That happy result I do not attribute so much to the action taken by Government as to the sturdy good sense of the mass of the people of India whose representatives you are and whose opinions you reflect. They recognise that true progress cannot be secured by carrying on an unmeaning and futile struggle with constitutional authority or by revolutionary methods. There is now I think throughout the country a general recognition of the truth that the right road to progress is not through coercion or mass action; and it is because of this that I have the confident hope that civil disobedience will not or cannot be revived. The problems before us, social, economic and political, are many, but a solution can be found to these difficult problems if all classes of political thought in the country devote themselves to the task in a spirit of friendly co-operation.

Once again I can chronicle a further improvement in the terrorist situation in Bengal, but incidents such as the dastardly attack on His Excellency Sir John Anderson show that the terrorist organisation, though on the whole greatly weakened, is still strong in some places, and that we are not free from the danger of isolated outrages whether they take the form of attacks on Government officers or of equally cowardly attacks on persons wholly unconnected with Government with the object of obtaining funds to keep the movement alive. But that attack on Sir John Anderson, providentially wholly unsuccessful, undoubtedly had the effect of rousing public opinion against terrorism as perhaps nothing else could have done and called forth from all sides condemnation of the cult of assassination. In fact the most satisfactory feature of the last few months has been that there are distinct signs that a definite stand against terrorism would be welcomed in many quarters where in the past it might have been regarded as anti-national. The Provincial Councils of Bengal and of

Assam have passed by large majorities the legislation which the Local Governments considered necessary for dealing with this evil, and you, gentlemen of the Central Legislature, have also accepted the legislation which we had to put before you to supplement the local Acts. But outside the Legislature also public opinion is strengthening, and I trust that the appeal recently issued by leaders of all shades of opinion in Bengal and the Conference which they are summoning will result in practical steps being taken to create a healthier atmosphere in Bengal and to prevent the youth of the Province from being contaminated with these dangerous ideas. In this they will, I know, receive all possible support from His Excellency Sir John Anderson and his Government, who recognise that legislation and police action will not by themselves eradicate this hideous evil; public opinion alone can do that, and I am glad to see that so many of those in a position to guide that opinion in Bengal have now realised their responsibilities and have come forward openly with constructive suggestions for the protection of the youth of their Province from the insidious approaches of the terrorists providing them with wider opportunities of useful service for their country.

Next year we shall be celebrating the 25th Anniversary of the accession to the throne of His Majesty the King Emperor, and I have received and accepted an invitation from His Majesty's Government to send certain official representatives from India to join in the celebrations in London.

My Government are now in communication with Local Governments and Rulers of Indian States as to the best and most fitting manner in which this auspicious occasion should be recognised in India. The King-Emperor has been pleased to intimate that it is His Majesty's desire that celebrations should be on a local basis and that His Majesty's subjects should, wherever practicable, have the opportunity of observing the occasion near their homes. It is His Majesty's express wish also that celebrations should be as simple as possible and that all undue expenditure should be avoided. I feel sure that, when the time comes, the Princes and people of India will loyally comply with His Majesty's wishes and at the same time join with their fellow-citizens throughout the length and breadth of the British Empire in celebrating the Silver Jubilee of our beloved Sovereign's reign. (Applause.)

I think you may expect me to give you some account of the impressions I have brought back here, as a result of my two months' visit to England, and of the general atmosphere towards the Reforms Scheme which has been under consideration for some years and is now reaching its final stages.

It will, I am sure, be obvious to you all, knowing Parliamentary procedure as you do, that it would not be possible for me to forecast information as to what recommendations the Report of the Joint Select Committee of Parliament is likely to contain. Nor again can I set your minds at rest as to the date of publication of the Report, for no final decision had been reached on that point when I left. As you know the Committee has dispersed for the summer recess, but will re-assemble early in October in order to carry its work to completion before Parliament is prorogued.

During my short stay at Home I had many opportunities of meeting and having discussions with all sorts and conditions of people, with Members of

both Houses of Parliament, with those interested in trade and commerce and business in India, and with many others, both men and women, who for one reason or another were keenly interested in Indian affairs. The general impression I have brought back with me is that the feeling amongst my countrymen in England is full of goodwill and sympathy for the natural aspirations of Indians in regard to political advance. A deep sense of the responsibility was moreover evident on all sides in the general anxiety to obtain first-hand information from those of us who have had the most recent experience of the affairs and conditions in this country. I should like to add that I come back with feelings of the keenest appreciation, which I am sure will be shared by every Member of both our Legislative Chambers and by the public outside, of the untiring labours which the Members of the Joint Select Committee have freely and readily given during the past 15 months to secure a proper solution of the great problem of Indian Reform.

One assurance I can confidently give you. When the New Constitution Bill is passed into Law, you may rely on my efforts to ensure that no time will be lost in carrying into effect as expeditiously as possible the intentions of Parliament as expressed in the Act.

I have spoken of the responsibility of my countrymen at this present juncture, but we who live and work here and who have position and influence in the public life of this country have a great responsibility too. During the coming months it will be our duty to guide public opinion in the highest interests of all classes of our people. Let us put aside all racial feelings if such still exist, let us believe in each other's sincerity of purpose to continue working towards the fulfilment of our cherished hopes for the welfare and advancement of this country.

I would ask you to look around the world at the present time, and amid all the troubles, anxieties and possible dangers that we see in many countries and in diverse lands, we can proudly feel that within the territories of the British Empire conditions are both sound and stable, and that we are slowly and steadily recovering from the world depression which has so seriously affected us all.

For the greater part of my public life I have served the British Empire in its outward parts, and far the greatest number of years of that life have been spent in this country which I have always looked upon as my second Empire home. During that life I have become more and more convinced that it is by the influence and example of the friendship and close co-operation within our Empire that we shall more and more exercise an influence in securing peace and good-will in what is now a very distracted and unsettled world.

With this in my mind let my last word to Honourable Members at the close of this Parliament be a heartfelt prayer that as our two races by fate or destiny were brought together long years ago to work for the development and prosperity of India, so in the future, and particularly in the critical days that lie before us Providence should guide us still to secure the fulfilment of those political hopes and aspirations which many of us have striven for many years. (Loud and Prolonged Applause.)

The Assembly met in the Assembly Chamber at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

SHORT NOTICE QUESTIONS AND ANSWERS.

FLOODS IN BIHAR.

Mr. M. Maswood Ahmad : (a) Will Government be pleased to make a statement in connection with the recent flood in the Patna Division in the Bihar Province ?

(b) What is the estimated loss of property and lives on account of his calamity ?

(c) What relief measures have been taken by the Central and the Provincial Governments in this connection ?

(d) Do Government propose to sanction an immediate grant for the relief of the distress caused by the flood in the Patna Division ?

(e) Do Government propose to sanction some grant from the Indian Peoples Famine Trust for the relief of the distress caused by the flood to the agriculturists ?

(f) Do Government propose to request the Local Government to remit some portion of their demands, like Revenue and Cess, to the distressed agriculturists ?

(g) What other relief measures do Government propose for the relief of the distressed people of the flood-affected areas ?

The Honourable Sir Henry Craik : I received yesterday morning a telegraphic report from the Government of Bihar and Orissa which I had intended to read to the House if so desired, but just this minute I have learnt that it has been published in today's papers as an official communiqué. So perhaps it is not necessary for me to read it.

In regard to the latter part of the Honourable Member's question, it is clearly not possible for the Local Government to say at this stage what relief measures are necessary or whether the Local Government will require any further assistance. The primary responsibility for initiating relief measures rests with them, and the Government of India have no doubt that they will take all suitable action.

Mr. M. Maswood Ahmad : Are Government aware that the Bihar Government's estimate about the earthquake was not proved to be correct in the end ?

The Honourable Sir Henry Craik : No, I am not aware of that.

Mr. M. Maswood Ahmad : Have Government seen the report of the Central Relief Committee and the telegram published by Babu Rajendra Prasad in connection with this flood ?

The Honourable Sir Henry Craik : I understand that it has been published in this morning's papers.

Mr. M. Maswood Ahmad : Are Government aware that in that communiqué issued by the Bihar Government they have mentioned that there is no loss of life estimated ?

The Honourable Sir Henry Craik : The actual words of the telegram were :

"No loss of life yet reported, but damage to crops serious".

Mr. Maswood Ahmad : Are Government aware that in the Central Relief Committee's communiqué which has been referred to, it is mentioned that actual loss of life has taken place in Bihar on account of this flood ?

The Honourable Sir Henry Craik : I cannot say I noticed that ; but I have no information except this telegram from the Bihar and Orissa Government.

Mr. M. Maswood Ahmad : Are Government aware of the news published in the *Hindustan Times* of the 29th August that the damage from this flood is greater than that during the earthquake ?

The Honourable Sir Henry Craik : I have not seen that.

Mr. M. Maswood Ahmad : Will Government be pleased to see these telegrams of the Central Relief Committee and the telegrams published in the *Hindustan Times* as well ?

The Honourable Sir Henry Craik : If the Honourable Member's object is to make me admit that the Local Government's report is incorrect and that the Relief Committee's Report is correct, all I have to say is that I have no information beyond what I have placed at the disposal of the House.

Mr. B. Das : Will Government be pleased to state if the Viceroy's Earthquake Fund can be applied to the relief of the flood-stricken people in Bihar ?

The Honourable Sir Henry Craik : I think not : these floods have no direct connection with the earthquake, I think.

Mr. Gaya Prasad Singh : Will Government kindly state the total amount of money sanctioned for meeting the situation arising out of this flood in South Bihar ?

The Honourable Sir Henry Craik : I am not in a position to do that : the floods occurred only about two days ago, and I have no doubt that the estimate of the damage is not yet complete.

Mr. Gaya Prasad Singh : I was going to ask whether the Honourable Member is aware what amount of money has been sanctioned by the Government of Bihar and Orissa to cope with the situation arising out of this flood.

The Honourable Sir Henry Craik : I have no information of that yet.

Mr. M. Maswood Ahmad : Is it a fact that some amount has been given to some other Province also in connection with this flood from the Indian Peoples Famine Trust Fund ? If that is so, do Government propose to help Bihar as well from that Fund ?

Mr. G. S. Bajpai : With your permission, Sir, I shall deal with that question ; at the time of the earthquake, as my Honourable friend is aware, the Indian Peoples Famine Trust Fund made a grant of eight lakhs of rupees to the Government of Bihar and Orissa. Recently

they have made a grant of one and a quarter lakhs of rupees to the Government of Assam : they have received no application yet from the Government of Bihar and Orissa for further assistance from the Fund in connection with these floods.

Mr. M. Maswood Ahmad : Do Government propose to consider it favourably if they receive any such request from the Local Government ?

Mr. G. S. Bajpai : That, Sir, is a hypothetical question.

EXCHANGE RESTRICTIONS PUT UPON FOREIGN TRADE IN GERMANY.

Mr. K. C. Neogy : (a) Are Government aware of certain exchange restrictions that have been put upon foreign trade in Germany, resulting in serious disadvantage to Indian exporters ?

(b) Is it a fact that the Reichsbank has for some time taken complete control of all foreign currencies entering Germany, and that no payment can be made by the German importer for goods exported from India without permission of the German Government ?

(c) Is it a fact that the restrictions have been gradually tightened till recently when the German Government severely cut down foreign currencies permissible for payment for goods bought from foreign countries ?

(d) Is it a fact that as a result large amounts due to Indian firms of exporters cannot be realised ?

(e) Is it a fact that under the present restrictions, it is next to impossible to carry on India's export trade with Germany ?

(f) Is it a fact that trade pacts have been concluded between Germany and some other countries obviating the restrictive conditions of foreign trade ?

(g) Is it a fact that such a special trade pact or Exchange Agreement was recently concluded between Germany and Great Britain ?

(h) If so, was the case of India considered in that connexion by the British Government ?

(i) What are the terms of this Pact or Agreement ?

(j) What action has been or is proposed to be taken by Government to remedy the situation ?

The Honourable Sir Joseph Bhore : Government are aware that the German Government have found it necessary to impose restrictions on the supply of foreign exchange. They are not aware of the extent to which these restrictions have placed a handicap on India's export trade but on receipt of a representation a few days ago, the Indian Trade Commissioner, Hamburg, was asked by telegram for a full report on the situation. This report has not yet been received but I shall reply to the Honourable Member's questions as soon as the necessary information is available. The situation is receiving the careful attention of the Government of India.

Mr. K. C. Neogy : Does the Honourable Member expect to give a reply to this House by the 31st ?

The Honourable Sir Joseph Bhore : I hope so. I understand that, within the last minute or two, a reply has come from the Trade Commissioner, Hamburg. If so, I shall, with the permission of the Chair, make a statement on Friday.

Mr. K. C. Neogy : Not tomorrow ? I thought the Honourable Member has got the reply ?

The Honourable Sir Joseph Bhore : I should like to consider it before making a statement.

Mr. B. Das : While the Reuters gave out in the Press a statement about this Anglo-German exchange agreement, the Trade Commissioner for India never took the opportunity to acquaint the Government about such negotiations.

The Honourable Sir Joseph Bhore : I do not know what the question is.

Mr. B. Das : How is it that the Trade Commissioner for India in Hamburg did not know of this foreign exchange negotiation between England and Germany, while the Reuters has given it out in the Press ?

The Honourable Sir Joseph Bhore : Probably he did not at the time know its details.

Mr. K. C. Neogy : May I know whether it will be permissible to this side of the House to put questions to the Honourable Member when he makes the statement on Friday ?

Mr. President (The Honourable Sir Shanmukham Chetty) : I will allow that.

Dr. Ziauddin Ahmad : Are Government aware of the fact that banks in Germany put a restriction that any money belonging to Indians cannot be used for any trade purposes at all and that Indians can only draw 200 marks per month while in Germany ?

The Honourable Sir Joseph Bhore : I have no information on that point.

Dr. Ziauddin Ahmad : This is a fact and will the Honourable Member make enquiries ? It happened in my own case.

Mr. B. Das : Was it not the duty of the Indian Trade Commissioner in Hamburg to find out.....

Mr. President (The Honourable Sir Shanmukham Chetty) : I think the Honourable Member can wait till the statement is made.

Mr. B. Das : I only wanted to know why he did not take any steps to acquaint the Government of India.

The Honourable Sir Joseph Bhore : I cannot say why he did not do so.

Mr. President (The Honourable Sir Shanmukham Chetty) : It has been brought to the notice of the Chair that in the Bill to consolidate the law relating to customs duties as supplied to Honourable Members, in the printed form there has been a clerical omission, that is, in page 37, relating to Item No. 63 "All sorts of Iron and Steel and manufactures thereof not otherwise specified". Of course, there is no change in the

customs duty, but they forgot to print the actual duty in columns 3, 4 and 5. Therefore, the Chair has ordered that the clerical omission may be rectified. It will be a preferential revenue duty, the standard rate of duty is 30 per cent. *ad valorem*, and the United Kingdom rate is 20 per cent. *ad valorem*, which is the existing duty.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : This is the result of passing legislation in a hurry !

THE INDIAN NAVY (DISCIPLINE) BILL.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I beg to move :

"That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy, as reported by the Select Committee, be taken into consideration."

I trust the House will forgive me if I do not say very much today about the actual Bill. The Bill itself deals almost entirely with discipline, which, however good it may be for all of us, is a distinctly irksome subject, and the important things about it are those which flow indirectly from it. These are twofold. If this Bill becomes law it will mean that the Royal Indian Marine will receive the added status of a Navy and the additional prestige which connection with the Royal Navy will give it, and in addition, there will become operative for the first time the amendments made in 1927 to the Government of India Act with regard to naval matters. I shall refer later to those amendments.

As regards the Bill itself, I think I need only say that in accordance with the wishes of this House the Select Committee found a way of getting over the limitations imposed upon the application of the Naval Discipline Act to Indian conditions by including the Act, with the necessary modifications and adaptations, as a Schedule to the Bill. This certainly meant a great deal of work for the draftsman, but, I think, Honourable Members will agree, that it has been well worth it, and they cannot now accuse me of having brought before this House an "unseamanlike" measure. (Laughter.)

I now pass on to the notes attached to the report of the Select Committee. Of the three points brought to notice there are two major constitutional points which will be settled independently of this Bill. As regards the third, the matter of expenditure, I wish to repeat the assurance which I gave to this House on an earlier occasion, that the passing of this Bill will not commit India to any greater expenditure than she incurs at present on her naval defence. The effect of the Bill will be indirectly to increase the status and efficiency of the service ; it will not increase its cost, nor indeed is there any intention of increasing the amount spent on the Indian Marine or the Indian Navy. When I last spoke, I dwelt at some length on this particular point in order to counter a series of arguments, which had been adduced during the previous debates on the Bill, that behind it lay a deep laid scheme of His Majesty's Government to force upon India a large sized Indian Navy. I hoped that I had satisfied Honourable Members that this idea was completely fallacious when I was promptly caught up and accused of a desire to stifle all possibility of India ever having a larger fleet than she has at present. Nothing was further from my mind than this ; for I realise

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this that in the days to come, India will, and must, demand a larger provision for her naval defence. But for the present it seems to me that the best thing that we can do is to consolidate the first step that has already been begun and provide an adequate force to carry out the limited objective of the local naval defence of India's ports and shipping. When the time comes that public opinion demands that a further advance should be made in this matter of naval defence, then I have no doubt that, if they can possibly find the money, the Government will not stand in the way of that demand.

Next, Sir, I wish to refer to one point with regard to the Indianisation of the service which I omitted to mention in my last speech. During the debate on this Bill in February last, my Honourable friend, Sir Cowasji Jehangir, made a suggestion that we should stop all British recruitment forthwith and, for such time as we still require to have a British element of junior officers in the service, we should obtain that element by secondment from the Royal Navy. We promptly took steps to find out whether, if this suggestion was accepted, it would be possible for us to obtain young officers from the Admiralty during the next few years. The answer we received was in the negative, the reason being that the initial training of the young officer of the Royal Navy covers such a long period, both on the executive and the engineering sides owing to courses and the like,—on the executive side I think it is a matter of eight years—that if the Admiralty were to loan to India officers of the seniority that we should require it would mean a definite interference with their early training. The result is that we are thrown back upon the system of recruitment that we have in force at the present time. In regard to the question of Indianisation in general, I may say that we have got our eye upon the question of increasing the proportion of one Indian to two British officers, but as I pointed out to the House the other day, although we have 14 officers and officers-designate in the service at present, there are only three actually serving with the squadron and that is a small number from which to draw conclusions as to whether our methods of recruitment and training are on the right lines.

I must, however, mention one thing which casts a somewhat different light on the arguments I brought forward in my last speech with regard to recruitment. I suggested then that we were not getting enough candidates for the Marine at our open competitive examination, but I am glad to be able to say that, possibly as the result of the publicity given to the previous debate on this Bill, there has been a remarkable increase in the number of candidates who have put in their names for the Indian Marine—I hope by then it will be the Indian Navy—at the examination next October.

I come now to the constitutional aspect of the Bill. As I said just now, if it is passed into law, it will mean that for the first time the amendments made to the Government of India Act in 1927 will become operative. The present constitutional position is that in time of war the Admiralty can take over the whole of the Indian Marine without consulting the Legislature, without consulting the Government of India, without consulting anybody; and it is nowhere laid down that, if they do so, they need pay for it. Under the revised section of the Government of India Act, which, as I say, will become operative if this Bill becomes law, the position will, to my mind, alter materially to the benefit of India, since for the first time it

will be definitely laid down that the Indian naval forces will be employed for the purposes of India alone. Let me read this new section :

“ Any naval forces and vessels which may from time to time be raised and provided by the Governor General in Council shall be employed for the purposes of the Government of India alone, except that if the Governor General declares that a state of emergency exists, which justifies such action, the Governor General in Council may place at the disposal of the Admiralty all or any of such forces and vessels.”

I know that this does not go far enough for most Honourable Members on the opposite side of the House who indeed consider that, until this Legislature has complete control over all defence matters, there will be no real advance. These major constitutional questions will, however, be settled independently of this Bill, and as it seems to me, the position with regard to this Bill resolves itself into one of what answer this House will give to the following questions. Are they content that the naval forces of India should retain their present inferior status until such time as Defence ceases to be a reserved subject? Or are they ready to seize this opportunity to gain for those forces the added status and prestige of a Navy? This step has got to be taken sooner or later, and it seems to me that, having regard to the effect that it is bound to have on the status, the efficiency and the contentment of the service, it would be wise to take it now.

With regard to this matter of status there is one point that I wish to emphasize. Outside Indian waters the Royal Indian Marine has at present no status at all. When the ships of the service meet the ships of the Royal Navy or of the navies of the Dominions outside Indian waters, the officers and men of the Royal Indian Marine take position behind all the others. We are proposing shortly as a measure of economy to send to England a party of officers and men of the Marine to bring out the new sloop ‘India’ which, as I dare say Honourable Members saw in the newspapers a few days ago, has just been launched there. When these officers and men pass out of Indian waters, they will, under present conditions, have no more status than the crew of a merchant ship. What is more, the men will actually be under no code of discipline; for the present code of discipline which applies to the service runs only in Indian waters. The moment this Bill becomes law and the service receives the added status of a Navy, the objections of which I have just given an example will be removed and the Royal Indian Navy will be able to take its rightful position among the navies of the Empire. Sir, I move.

Mr. President : Motion moved :

“ That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy, as reported by the Select Committee, be taken into consideration.”

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : I congratulate my Honourable friend, the Army Secretary, in the presentation of this Bill as it has emerged from the Select Committee, but, in doing so, I desire to make a few observations which I trust he will kindly take into serious consideration. We know that the primary object of the Bill is to change the name of the “Royal Indian Marine” to the “Royal Indian Navy” and to give it Statutory effect so that added prestige may be given to the Navy. It was also very clearly pointed out by the Vice-Admiral, Royal Indian Marine, that by passing this Bill the Royal Indian Marine and its officers will get the same status as the rest of the Navy in the Empire. These objects are very laudable, and, I am sure, they will

[Sir Henry Gidney.]

have the entire support of this House, but along with that the Honourable Member stated that in this change of name no extra expenditure will be involved. In other words, this House need have no fear of being called upon to sanction or spend more money, other than the 65½ lakhs or thereabouts which is the present cost of the Royal Indian Marine excluding the £100,000 which India pays to England for her naval defence. Now, Sir, I view this statement with great concern. If it is the intention of this House to pass a Bill like this solely with the object of changing the name, I think we shall not have gone very far. This expenditure of 65½ lakhs is not a small amount and with £100,000, it comes to the neighbourhood of a crore of rupees.

Lieut.-Colonel A. F. R. Lumby : The £100,000 is included in the 65½ lakhs.

Lieut.-Colonel Sir Henry Gidney : I stand corrected, but even this 65½ lakhs is no small amount. In this connection, the House would like to know what the Royal Indian Marine consists of at present. It consists of five sloops, two patrol boats and one Depot-ship.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : 65 lakhs is not a small amount. Do you know what it costs to make one small vessel ?

Lieut.-Colonel Sir Henry Gidney : I know very well that all these vessels put together cannot come anywhere near one British man-of-war, which costs from seven to eight million pounds. What I wanted to stress is this. Here are eight of these boats for which this House is asked to pay 65½ lakhs. Now the main duty of these eight boats is ostensibly to sweep mines. We have no mines today in Indian waters, we may have them some day. But let us look at the training of the Royal Indian Marine. The late Field Marshal Lord Rawlinson, in 1926, referring to the recommendation of the Inchcape Committee that the trooping service of the Royal Indian Marine should be abolished, said that "the service should be constituted as a purely combatant naval service". In addition,—the Army Secretary will correct me if I am wrong—the Royal Indian Marine boats, in addition to sweeping mines, are trained in gunnery, musketry training, signalling, etc. Indeed it has become so proficient in these arts of naval warfare that His Excellency the Naval Commander-in-Chief, expressing his opinion in November, 1931, said this :

"If the present rate of development continues, and I feel confident it must, the Royal Indian Marine should prove an efficient adjunct to the forces under the command of His Excellency the Commander-in-Chief in India and also be of great value to the defence of India from the naval point of view in the event of war."

My point is this. It would be well if the Army Secretary told this House how this fifty lakhs is expended. As for the staff of this Royal Indian Marine, I understand that out of a total strength of 1,010, there are 118 officers, which gives one officer in ten of the total personnel. Now, I submit that this excess of officer staff is a very top-heavy expenditure. Sir, I know, an adequate staff is necessary for many purposes, but a number of these officers of the Royal Indian Marine are employed by the Government of India in the Commerce Department and they get a big salary ; I do not think the House knows that they get more in allowances than their pay proper. I consider, Sir, that the cost of the officer staff of the Royal

Indian Marine is a very heavy one, and, I believe, if the Honourable Member devotes his mind to it, he will see that there is some force in what I am saying. There is not the faintest doubt that the large officer personnel of the Royal Indian Marine, compared with that of the Royal Navy, is extravagant and larger than any marine service in the world. I do think this House should seriously consider the beginning of the building of its very own Indian Navy and not depend on a mine sweeping Navy and on such assistance as is provided by the Admiralty for its naval defence. The same thing was said in the Sandhurst Committee, viz., that we could not start our own air force. I submit we must make a beginning here today. You are going to change its name to a Navy, and if that Navy is to function as a Navy, its duties must not be confined to mine sweeping. As things stand today, the Army Secretary should see that the officer personnel is reduced, and it can be reduced, and this is the opinion of ex-Royal Indian Marine officers too. The next point I want to discuss is this. My Honourable friend, the Army Secretary, has today for the first time referred to Indianisation of the Royal Indian Marine. We know in the House, that the rank and file of the Royal Indian Marine are Indians, the Army Secretary stated that there are 118 officers, out of a total marine corps of about just over a thousand. The Army Secretary told us that today there are three Indian officers serving, and that there are eleven other Indian officers under training, which would give a total of fourteen out of a personnel of officers of 118. Let us compare the policy underlying this Indianization process with Indianization of the new Indian Air Force. Indianization of the Air Force is to be done by recruitment in India and for the beginning though it is said India has not got the Royal Air Force England will loan us officers. Here, in the Royal Indian Marine, which is to be called the Royal Indian Navy, there will be a continuation of recruitment in England to the extent of two to one at least. Now, is this real Indianization ? In three years' time we will have fourteen Indians out of 118 officers : The Honourable Member stated that we have not enough candidates, that suitable candidates are not forthcoming. Sir, I cannot understand why the Army Secretary experiences any such difficulty ; surely the Army Secretary realizes that there is in existence today the training ship "Dufferin" whose cadets I think might be very usefully employed for the Royal Indian Marine. If the "Dufferin" is to be the nucleus of the India's Mercantile Marine, and if these cadets are today being used as apprentices in the pilot services and for the river survey of the Hooghly and Rangoon etc., I do think it forms an ideal recruiting centre for the Royal Indian Marine. I offer this suggestion, for the serious consideration of the Army Secretary. It may be that the training in the "Dufferin" is not the same as is required for the Royal Indian Marine, but surely our Royal Indian Marine duties should not be confined to sweeping mines ? Now the other point to which I wanted to refer is the constitutional aspect of this Bill. We all know that it was mainly for this reason that the Bill was thrown out in the 1928-29 Legislative Assembly Session. I think the Army Secretary has now clarified the position and that we need not discuss this matter *in extenso*. But I come back again to the first point I raised. If the constitutional position underlying this Bill is such that in time of war—I suppose in the new Indian Constitution Act—Defence will be an entirely reserved subject. If this is so, the Indian Navy will come under His Excellency the Viceroy as being a reserved subject, and the Indian Legis-

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lature will have no voice whatever over this Navy, because until Defence is taken away from the complete control of the Viceroy as a reserved subject, it is mere camouflage to think that this House will have any voice whatever in the control of the Indian Navy. Sir, I should like the Army Secretary to give his serious thought to the points I have brought forward. If the Army Secretary will realize that India is eager and willing to have her own Navy, again if the Army Secretary will realize that there are a number of young lads willing to make their careers in the Indian Navy, he will be doing a great service for India's new navy and he will then be really Indianizing the service, instead of this camouflage Indianization within three years of fourteen officers out of a total of 118 officers. I submit, Indianisation is not going forward at any appreciable pace worth speaking of; it is almost at a stand still; there have been some Indians taken on, but nothing in proportion to what India could supply if only Government would utilize such avenues of recruitment as are offered by the "Dufferin". (Applause.)

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this motion. In the beginning I must state that the attitude of the Honourable the Army Secretary was very conciliatory in the Select Committee and he has given strong proofs, if proofs were needed, of his interest in Indianisation both of the army and of the navy. In the army his interest in Indianization is very well known. He has taken very prominent part in two or three committees and his genuine desire to see the Indian officer to secure an equality with the British officer is also well-known. It is very unfortunate that in spite of his efforts and the efforts of the Government of India, the Home Government remained stubborn and yesterday we had a defeat only by a very few votes. For this Navy Bill the Select Committee had to do a great deal as has been explained by the Army Secretary, and now the Bill that is presented before this House is a self-contained and full measure and, therefore, I think, we ought to accept it. The position of the Royal Indian Marine with regard to its status is to be changed to that of the Royal Indian Navy and this change of name will give an additional status and importance to those officers who are now known as Royal Indian Marine Officers only.

As regards Indianization, I am not at all satisfied with the rate that is proposed, namely, one in three. I think that that rate will be accelerated very shortly and we shall soon see our Indians officering this Royal Indian Navy. In naval defence India has always been very backward and weak. Indian Princes of the former times, such as, the Mughals and the Mahrattas, did maintain a sort of a navy but that was not strong enough for the defence of India on the sea side, and that is very well borne out by the various settlements of the Portuguese, the Dutch and the French, that are to be found at various places on the coast of India. Sir, it was on account of the want of naval defence in this country that the British power settled itself on the soil of this land. But it will be a very long time before India can have an adequate navy of her own for her defence. Besides, as long as India is within the British Empire, there is no necessity of keeping a very big navy and that is one of the strongest reasons why India should desire to remain always within the British Empire. By living within the British Empire, her naval defence will be much cheapened and she will not have to pay very heavily for that defence. In other

words, although India is very weak in her naval defence, she is obliged to maintain a much bigger army than is needed for her own land defences. But that is a different question altogether and I need not refer to it. What I have to say is that Indians should also be taught to serve in the navy and to officer the ships and to handle them and a beginning has been made I hope that the pace of Indianization will be increased and more and more of our youngmen will take to sea and will be ready to bear the responsibility of defending the coasts of India.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, as a Member of the Select Committee, I should like to offer one or two observations. In the first place, I should like to congratulate my Honourable friend, the Army Secretary, for the very conciliatory attitude which he took up in the Select Committee and for the readiness with which he supplied to us information which was not immediately available to us. Sir, this legislation has a chequered career. I need not go into the whole of its previous history, but I may only recapitulate that this Bill was introduced on the 21st February, 1928, and the motion for its reference to the Select Committee was made on that day. It was thrown out on that occasion. In February, 1926, His Excellency the Viceroy made an announcement in another place for the establishment of the Indian Navy, and in the subsequent year, that is, 1927, a Bill was passed in Parliament amending section 66 of the Government of India Act providing for the establishment of an Indian Navy. Later on, some departmental committees sat over this matter, and as a result of which a Bill was introduced last time. This Bill was circulated for public opinion and it was ultimately referred to a Select Committee which has produced this report. Now, Sir, I should like to mention very briefly two or three points in this connection. In the first place, I note that no extra expenditure will be involved in bringing this Navy into existence beyond the expenditure which we are already incurring for the Indian Marine. This point was made clear in the note which some of us added to the report of the Select Committee. We stated :

"In signing this Report we wish to make it clear that we take at its face value the statement made on behalf of the Government that the sole principle underlying this Bill is a mere change of designation and status and would not commit the House to any additional expenditure upon the strengthening or equipment of the Indian Navy. We consider that our signatures to this Report should not be understood as our acquiescence in the unfortunate predicament of the Indian Legislature in having to find money for the defence of India upon which they can exercise no control."

My Honourable friend, Colonel Sir Henry Gidney, has referred to the meagre provision for the supply of ships which will go to constitute this Indian Navy. Now, this is, I think, not the proper time or occasion for considering that question, because the constitutional question has yet to be solved and whatever sums of money may be needed in expanding this nucleus of an Indian Navy should be undertaken not at this time but when the constitutional position is clarified and when we can afford to spend additional sums of money for the expansion of the Indian Navy. The second point to which I would like to refer is that the passage of the Bill in this House would not in any way mean the perpetuation of any racial discrimination in practice. I am glad to note in this connection that in the report which we have submitted we have stated as follows :

"To the new section 65 proposed by the Bill we have added a proviso that no racial discrimination shall take place in consequence of any modifications made."

[Mr. Gaya Prasad Singh.]

by the Governor General in Council in the practice and procedure of Courts martial."

In the original Bill there was something about the constitution of the courts martial to which some of us objected. This point has been made clear by inserting a provision which means that no racial discrimination would be allowed in that matter. I would have gone further and claimed that in the appointment of officers and in regard to their status and other privileges no racial discrimination would be allowed. I do not know whether my Honourable friend, the Army Secretary, has made that position clear. If he has not done so, I should like to have an unequivocal expression of an announcement that this Bill will not in any way inflict any racial discrimination as against Indians. We do not want that there should be any question of what have been termed as inferiority complex or superiority complex.

Now, with regard to the third point, I mean the question of Indianization, I regret to notice that the pace of Indianisation is very slow. Sir, I feel that the question of Indianization, in the case of Government services in this country, should not arise at all because in India it should be assumed that Indianization should be the rule rather than the exception. It is only in exceptional cases that Englishmen or other people from other countries should be imported to assist in the administration of the country in regard to those matters for which Indians are not yet fitted. But as in every other country the nationals of the country are supposed to man entirely all the departments of the Government, so in this country we have to start with the assumption that Indianization would be the rule rather than the exception. But, unfortunately, limited as we are in our political status, we have got to make a demand for Indianisation. In other countries which are more fortunately situated, this question has no practical value or meaning. For instance, in Japan the question of employing Japanese in the administration of Japan would be an absurd proposition, because Japan enjoys a national form of Government, and there, from the very start, all the important and unimportant posts are occupied by the nationals of the country itself. Here unfortunately in this country we have to start with a handicap and I regret to say that the Government of India have been rather slow in forcing the pace of Indianisation, so that in course of time the Indians would come to occupy all positions of importance in every branch of the Indian administration. Now the ratio of Indianisation has been stated to be one to three, if I remember aright. This is an extremely meagre proportion.

An Honourable Member : It is one in three.

Mr. Gaya Prasad Singh : Even then I submit it is not a very satisfactory state of things. I should like the pace accelerated. We have got the training ship "Dufferin" in Bombay, and we have also got the mercantile marine. They will form, I hope, the nucleus of a regular and increasing supply of Indian officers, trained and equipped in course of time, to take the rightful place in the Indian Navy. There is just one other point that I should finally refer and that is that ordinarily, as has been pointed out by my Honourable friend, Colonel Lumby, this Indian Navy is to be used solely by the Government of India. But in cases of emergency it is open to His Majesty's Government to commandeer this Navy at the instance of the Governor General. I should have liked that this power

should have been vested in the Central Legislature, but, as has been pointed out, the constitutional position of India does not admit of any such modification being made in the situation at present. The defence of India under the new scheme will not be vested in the Central Legislature, and, consequently, the disposal of the Indian navy in times of emergency will not be vested in the Central Legislature, but it will vest in the executive government. Now, the difference between vesting the powers in the Central Legislature and the executive government varies with the constitutional position in different countries. In countries which enjoy self-government, for instance, there is close co-operation between the Legislature and the executive government. One supplements the other; but in a country situated as we are there is an element of suspicion, if I may be permitted to speak so, without reserve, lurking in the minds of the representatives of the people with regard to the objectives of the executive government in some matters or other. It is in that view of the case that we look upon with some suspicion the power which is being sought to be vested in the Governor General in Council. But I hope in actual practice there will be no occasion for our suspicion to be realised, and that this Navy will start on its career and it will form the nucleus of a fighting force which will do credit to itself and shed lustre upon the British Empire. (Applause.)

Mr C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, my Honourable friend from Bihar started by congratulating the Army Secretary and ended by disclosing the "element of suspicion" which often-times haunts his ilk. Sir, I am just rising only to say one word. While the question of Indianisation, as pointed out by Mr. Gaya Prasad Singh, must always be borne in mind, we always look upon India as having a vulnerable sea-board. The last "conqueror", if I may use that word, came by the sea, and he proposes to stay the longest. (Laughter.) India, with its large sea-board, wants an Indian Navy and I look upon this Bill as laying the foundation of an Indian Navy. (Hear, hear.) When we were in England last time, we were invited by His Majesty's Government to visit Portsmouth and to see not only the submarines but also battle-ships. Then, as during the lunch which was given to us by the naval officers, one of the speakers observed, it was a great opportunity for India to be associated with the greatest sea-power in the world. (Hear, hear.) India with its large sea-board needs an Indian Navy and Indian youngmen must look forward to a naval career as the youngmen of England do. I am very glad that this Bill has been brought forward and from today it is a privilege for us to dream dreams and see the visions of the growth of a great Indian Navy for which no Indian Legislature will grudge the money required. (Applause.)

Mr. F. E. James (Madras : European) : Sir, I will not detain the House for more than a few minutes. I do wish to say that we, as a Group, desire to bid God-speed to this Bill and to the formation of the new Royal Indian Navy. Sir, I do not wish to touch on any controversial constitutional issue, but I would like to observe that few people, who have not had the opportunity of serving in one or other of the fighting forces of the Empire, realise what status means to the members of those forces. Although the officers and men of the Royal Indian Marine may not have either the time or the patience to read this somewhat voluminous Bill, yet I am perfectly sure that when their attention

[Mr. F. F. James.] is drawn to clause 3, sub-clause (2) (b) of the Bill, they will feel a thrill as they realise how greatly their status has changed. That sub-clause says :

“(2) In the application to the Indian Navy of the Naval Discipline Act as so set forth—

(a) ‘the Indian Navy’ has the same meaning as in this Act, and

(b) references to His Majesty’s Navy and His Majesty’s ships shall be deemed to include the forces and ships constituting the Indian Navy.”

Sir, that is a tremendous step, and in a land where status means so much and in a service where status stands for such dignity, I believe that this change will be greatly appreciated. And if there were nothing else in the Bill, I think I should be voicing the feelings of Members of the House when I say that to confer upon the Royal Indian Marine the status of a Royal Indian Navy is only a step taken by this House which is richly deserved by the magnificent services of the officers and men of the Royal Indian Marine for a period of many years.

Sir, reference has been made to the necessity for as rapid an Indianisation as possible of the Royal Indian Navy. There is no one in this House who would deny that desirability and that necessity. Of course, in a fighting machine, efficiency is always the most important desideratum. Therefore, when we call for Indianisation, we are bound to qualify it with this—that we must temper the need for Indianisation with the necessity for the retention of the efficiency of the past days. I understand, Sir, that the proportion of Indians which will be trained, if suitable candidates are forthcoming, will, for the time being, be as one is to three. I also understand that if that proves to be successful that number or that proportion will be increased. One cannot help wondering what that proportion would have been today if the Indian Navy Discipline Bill had succeeded in passing this Legislature six or seven years ago.

Sir, there is only one other matter which I should like to refer to, and that is a matter which I referred to in my original speech on the motion to refer this Bill to a Select Committee. There has been a desire expressed in various parts of the House that India should have, so to speak, its own Bill. I may perhaps be permitted to congratulate the Army Secretary on the accommodation he has shown in agreeing to the opinion of the Select Committee that the English Statute should be reproduced *in extenso* with the necessary modifications to make it suitable to Indian conditions. That, Sir, in a sense completes the status which, as I have referred to just now, has been conferred upon the Royal Indian Marine. Sir, reference has been made by my Honourable friend, Mr. Gaya Prasad Singh, in an extremely sympathetic and suggestive speech, to the position of the Royal Indian Navy in times of war. I think my Honourable friend and I need not quarrel as to the precise position of the Governor General or of the Legislative Assembly at the time when an emergency is declared. One thing that we are both united in is, that we believe that in this Indian Navy which is to have the Sign Manual of His Majesty’s hand upon its status, we shall have a force that is not only loyal but that is also efficient, and that when the time of emergency comes it will contribute not a little, first of all to the defence of India’s coasts, and then if need be, to the defence of the great Empire of which we are all proud. I have no fear that the process of Indianisation, as

time goes on, will impair that efficiency or undermine that loyalty. I believe that in the days to come India will look back upon this Bill as a stepping stone, and perhaps one of the most important stepping stones, to the fulfilment of her great ambitions ; and that, if the time of stress ever comes, India will not find the Royal Indian Navy wanting.

Mr. S. G. Jog (Berar Representative) : Sir, I did not interfere so long in this debate, because, when the Bill was first introduced, I had given expression to my views in this matter, and there is not much to be said now. However, in this chorus of praise, which we have heard up till now, I am very sorry that I have to strike a discordant note. I for myself do not feel very enthusiastic and cannot offer any enthusiastic reception to the Bill before the House. Many Honourable Members are probably aware of the commotion that was created in this very House in the year 1928, and, after prolonged discussion, the Bill was rejected on certain grounds. Since the year 1928, in these last six years, I must confess that matters have undergone considerable change. Probably those who were on the floor of the House have been raised to another position, and there is a general change brought about in the outlook of Members in general. But to my mind the position remains the same and there is no material difference. At the same time, I must offer my congratulations to the Army Secretary. I have no hesitation in saying that he is a popular Army Member in this House (Applause), that he showed a spirit of great accommodation in the discussions in the Select Committee and he made many concessions. There was, when the Bill was introduced, an attack made by my esteemed friend, Sir Abdur Rahim, that the Bill was not self-contained. My Honourable friend, the Army Secretary, at that time took a sort of defiant attitude. (Several Honourable Members : “No, no.”) Probably he thought it was an encroachment upon the power of legislation of His Majesty’s Government. But when the matter was discussed in the Select Committee he found that there was nothing objectionable in reproducing many of those sections in this Act, and we find that the main ground of objection which was raised by my Honourable friend, Sir Abdur Rahim, has been removed to a great extent. Whether it was sentiment or otherwise it matters very little to me, but the Act as it is has been made very convenient and for purposes of reference everybody will be satisfied.

Sir, I have got to level a charge against the Members of this House in general. I am not finding fault with any particular Member, but ever since I have been here and even before that, I found that the question of the navy has not attracted the attention of Members of the House to that extent which the army questions attracted. I may make myself bold even to say that many Members of the House have no idea of what this Royal Indian Marine is and what this Royal Indian Navy is. I think many people were ignorant about these things and as to the distinction between the two at the time when this Bill was introduced. The measure before this House, as was observed in the year 1928, is a wrong way of doing probably a right thing. The Navy was brought into creation by an Act of Parliament ; and now this House is only called upon to decide about the change of name of the Royal Indian Marine. I think this is not the proper way of doing things. This House must have an opportunity of creating a navy of our own. This House must have an opportunity of granting the demand for expenses of our navy ; this House must have full control of regulating our navy and it is only then and then alone that this House can be really

[Mr. S. G. Jog.]

proud of having a navy of our own. Till then I consider that this is an insignificant beginning. This is a very meagre beginning, and, as I have said in my note, I would further submit that in the new Constitution, provision should be made for making the navy budget votable. Some of my friends probably would think that this is asking for the moon. It is nothing of the sort. The British angle of vision underwent a rapid change. When the British Government finds that we are capable of managing our own affairs efficiently, the British Government and the British people will at once concede these powers, and I look forward to the day when both the army budget and the navy budget will be discussed and passed by this House. This House is prepared to shoulder the responsibility of a combatant navy; this House will be proud to have an Indian navy of our own. Since we ask for responsibility of governing India, we fully realise the responsibility of taking the defence of India on our own shoulders. The questions about Indianisation and the other questions are to my mind of less significance as compared with this great and major issue which is the main thing. So far as the question of Indianisation is concerned, I make myself bold to charge the Army Authorities in India with having discouraged educated and energetic people from entering upon careers in the navy and army. They do things without giving proper publicity. I can give a challenge to the Army Member: let him tell me how many people he wants as officers in the army and navy and I undertake to bring all the men needed. But Government does these things in a very halting manner. They are bringing forth all these measures in a spirit of distrust still. That old policy of diffidence and distrust is still there. Howsoever the Army Member may say that they are giving all facilities and offering encouragement in all possible ways, I for one must say that all this is done in a halting way. That spirit of distrust is not yet free from their minds. They probably think still that if all these posts of officers are offered to Indians, what will happen? That it is just possible that these officers may turn round against them: I think it is this spirit which is still lurking in their minds and is keeping them away from a bold step of Indianisation. Let me give an assurance to the Army Secretary and to the British Government. Get rid of this suspicion; get rid of this distrust: we will be proud of being part of the Empire: the Empire will be proud of us; we are prepared to share all the responsibility; and let me assure the statesmen that it is trust which begets trust, it is confidence which begets confidence. I know this measure does not go far enough for my aspirations; but a beginning has to be made; and a beginning has been made: if this is allowed to grow in its proper spirit and in its proper proportions, a time will come when we will be proud of our own navy. This half-hearted report, or whatever we may call it, of the Select Committee may be taken into consideration.

Lieut.-Colonel A. F. R. Lumby: Sir, I should like to thank the House very much indeed for the sympathetic way in which Honourable Members have spoken of this Bill, particularly as only a short six years ago the House decided that they would not touch this very Bill with a pair of tongs. As regards the question of future expansion, what I said was merely that this Bill does not commit this House or anybody else to spending any more money upon the expansion of the Indian Navy. But I also said that I had little doubt that Government would be only too glad to fall into line

with any suggestion backed by Indian public opinion to increase India's navy, provided always that the money was available. I meant merely to give the impression that Government do not intend to increase the cost of the navy unless they have public opinion behind them.

My Honourable friend, Colonel Gidney, referred to the excessive size of the officer staff of the service. Some 25 per cent. of this staff is employed in Mercantile Marine appointments under Local Governments, as Nautical Surveyors and Principal Officers in the various Ports. These officers are borne on the cadre of the Royal Indian Marine, but they are not paid from the Royal Indian Marine budget. They perform a very necessary service to India, and there is nobody else in any other service as yet who can perform the various duties they perform. Ultimately, when the Indian mercantile marine has been placed on a more definite footing, thanks to the training of suitable officers in the Training Ship "Dufferin", these duties will undoubtedly be performed by officers of the mercantile marine. For the present, however, the Royal Indian Marine officers are filling a gap which could otherwise only be filled by importing officers from outside India.

As regards the question of Indianisation, it was definitely stated during the debate in 1928 that the ratio of one in three which had been accepted as the basis of Indianisation would mean only one Indian officer a year added to the staff of the Royal Indian Marine. In actual fact the first officer was taken on in 1928 and in six years we have got 14 officers and officers designate instead of the six that might have been expected (*Mr. S. C. Mitra*: "Very good"), and we are looking round for four more this year. So I really think that we have not done so badly. As I said earlier in the day we have to judge of the correctness of the steps that we are taking as regards recruitment and training, and we have not got very much on which to base our judgment at present. It must be remembered that the earlier training of these officers takes time, it takes five years to train an engineer officer. But I can assure the House that, when we have more out of the 14 officers actually serving with the fleet, we will consider very carefully whether we can increase the proportion above one in three. (Cheers.)

The impression was given by one speaker that we were not making use of the Training Ship "Dufferin" as a source from which to obtain officers for the Marine. Our trouble has been that we once gave a guarantee in this House that we would obtain our Indian officers for the service by open competitive examination. The open competitive examination failed us, and, comparatively recently, we had to start taking cadets from the Training Ship "Dufferin". I may say that the boys we have taken from that source have done extraordinarily well. (Hear, hear.) In October next, we are having another examination; and at least one vacancy will be open to the cadets of the "Dufferin".

My Honourable friend, Mr. Gaya Prasad Singh, referred to the question of racial discrimination. I do not think I need say very much on that subject. There is no racial discrimination in the service. (Hear, hear.)

Mr. Gaya Prasad Singh: I myself said so.

Lieut.-Colonel A. F. R. Lumby: I am just giving the guarantee he asked for. As regards the question of the Admiralty commandeering the

[Lieut.-Colonel A. F. R. Lumby.]

ships of the Royal Indian Marine for purposes unconnected with the defence of India, I should like, if I may, to read an extract from the speech that I made in an earlier stage of this Bill on this very subject. What I said was :

"In addition, as was announced to the House during the last debate on this Bill, it is the intention of the Government of India to consult the Legislature in future, so far as may be possible, whenever any question arises of lending the Indian Navy to His Majesty's Government for operations other than in the defence of India. I assure the House that this is a definite pledge and not merely a formula of words." (Cheers.)

I should just like to refer to what was called "my defiant attitude". The reason for "my defiant attitude" was that I understood that legally it would not be possible to reproduce the Act in any other form than that in which we originally put it before the House. What was described as my concession was the result of the legal advice that I received.

Mr. Gaya Prasad Singh : But was your attitude defiant ?

Lieut.-Colonel A. F. R. Lumby : Finally, Sir, I would say that if today is going to mark the first stage in the passing of this Bill by the Central Legislature and the first step in the final stage of the creation of an Indian Navy, I think that it will go down to posterity as a very important date in the history of India. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the First Schedule stand part of the Bill."

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, I move :

"That in the First Schedule to the Bill, in regulation (1) in clause 53 of the Naval Discipline Act, after the words and figures 'Code of Criminal Procedure, 1898,' the words 'save that such powers shall not be exercisable by the Local Government;' be inserted."

Sir, the effect of regulation (1) as it stands would be to vest the powers to suspend, remit or commute sentences concurrently in the Governor General in Council and the Local Government. It is considered undesirable that powers of this nature should be exercised by Local Governments in respect of punishments inflicted on members of the Indian navy for offences committed in their capacity as such, and the effect of this amendment would be to render the powers of suspension, remission and commutation exercisable exclusively by the Governor General in Council. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the First Schedule to the Bill, in regulation (1) in clause 53 of the Naval Discipline Act, after the words and figures 'Code of Criminal Procedure, 1898,' the words 'save that such powers shall not be exercisable by the Local Government;' be inserted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the First Schedule, as amended, stand part of the Bill."

The motion was adopted.

The First Schedule, as amended, was added to the Bill.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Lieut.-Colonel A. F. R. Lumby : Sir, I move :

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

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

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

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I just want to draw the attention of the House to one point which perhaps is hardly appropriate on a third reading stage. I had no opportunity to mention it during discussion in the second reading, and that is the difficulty of obtaining suitable Indian candidates. I know that there is some difficulty about this. In the first place, this naval career is not so well known to many parents as the military career is. Everybody knows about the military career, but in Upper India at least, people do not understand what a naval career means. They have never seen a ship nor have they seen a sea. The second point is that the number of recruits is so small, that people do not think it worth while to try for the job. One man or two men are recruited every year for the whole of India by open competitive examination, and when you have an examination for the whole of India to recruit one man, then everybody feels shy saying what is the use of trying for it. But if the number of recruits every year be six to ten, then you will find a large number of good candidates competing for these vacancies. But since the recruitment is so small, everybody shoves the responsibility on to the other like the story of the tank which was filled with water instead of with milk.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the story ? (Laughter.)

Dr. Ziauddin Ahmad : A king once ordered all his subjects to bring in one pitcher of milk and fill up the tank. Everybody thought that the others would bring in milk and so he brought a pitcher of water thinking that it would not be noticed by anybody. Everybody thought in the same manner, with the result that the tank was filled with water and there was no trace of milk. (Laughter.)

[Dr. Ziauddin Ahmad.]

Similarly, when the recruitment is so small, nobody takes the examination seriously, and that is the reason why candidates are not forthcoming. The Honourable Member himself informed us that there is now a new avenue by means of which really good candidates could be obtained, and that is the "Dufferin". The training ship "Dufferin" is well known on account of the publicity that has been given to it, and really good cadets join that ship and the training given there is to my mind the second best,—the best being that given in the Prince of Wales Schools in Dehra Dun. The "Dufferin" gives very good training and I am sure that the cadets selected from that ship will prove to be as good as any you can select from any part of the British dominions. If you rely upon this new field of recruitment, I am sure Government will be able to get really good candidates; and it will be good advertisement for the "Dufferin" as well. If it is publicly known that the candidates have got another avenue for employment in the British Navy, then a better class of people and abler students will join the school. Even now we find really good candidates try to join. Competition is fairly strong. Out of about 200 candidates who sit in the competitive examination, the school can admit only 30 and all of them are really very good candidates. So they are selected after a very careful competition and they are kept under proper supervision. If "Dufferin" could afford and admit more candidates, this question of wanting in good candidates will vanish. Here we have got a certain number of men who know what a naval career is. They have been selected carefully from among the candidates in the whole of India and on this point I congratulate the Honourable the Commerce Member very strongly, because, under his supervision and direction, the school has made enormous progress. The career open to the candidates was very limited three years ago. A new department is opened this year, i.e., Marine Engineering, which is now assuming great importance. On account of this new career, larger number of good Indians contemplate joining the school. If the Army Department fall back upon "Dufferin" as a possible avenue, they will get very good candidates, as good candidates for the Navy as they can find anywhere in the British dominions.

Lieut.-Colonel A. F. R. Lumby : I think that my Honourable friend, Dr. Ziauddin Ahmad, was absent from the House.....

Dr. Ziauddin Ahmad : I was present in the House. I ought to have raised this point before the speech of the Honourable Member, but I had no chance.

Lieut.-Colonel A. F. R. Lumby : As a result probably of the publicity given to this Bill we have been able to obtain for the open examination in October a larger number of candidates than we have had before. I have already said that we are making use of the "Dufferin" as a channel of recruitment. Between the two channels, I hope that we shall get as many really first class candidates as we want for the Indian Navy which will, I feel sure, come into being very shortly.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

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

The motion was adopted.

THE AMENDING BILL.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I beg to move :

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

There is nothing contentious about this Bill. It is a direct consequence of the passing of the Indian Navy (Discipline) Act, in that it seeks to give to the members of the new Royal Indian Navy the same civil rights and liabilities as are already possessed by the personnel of His Majesty's Military and Air Forces. To attain this object, it is necessary to make formal amendments in a number of existing laws. The majority of the amendments consist in adding the word "sailor" between the words "soldier" and "airman", in adding a reference to the Naval Discipline Act or that Act as modified by the Indian Navy (Discipline) Act beside the references to the Indian Army Act and other similar enactments, or in omitting references to the Royal Indian Marine. In one or two cases, the opportunity has been taken to provide for "airmen" also where they have been omitted before.

To take a typical example, the amendment to the Indian Oaths Act, which is, I think, at the top of page 2 of the Bill, merely seeks to enable an officer commanding a ship of the Royal Indian Navy to administer oaths and affirmations in the discharge of his duties in the same way as the Commanding Officer of any military or air force station can at present. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

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

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I am going to support this motion simply because I was terrified by the show of books which the Honourable Member has placed on the table in one breath. I was just going to ask what those books were. In this connection I am reminded of a story. One man had a *Sil*, the piece of stone on which we usually grind spices. He wrapped it up in cloth and in a big assembly of learned men, where there was a controversy going on, he brought this particular piece of stone wrapped and presented it to those learned men who were terrified and asked him what book it was. He said the book was called *Sillatain*, the plural of *Sil*. I do not know exactly what these books relate to. Are they books or only *Sillatain*? After seeing this terrifying array of books, there is no option for us but to support this motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

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

The motion was adopted.

Clause 2 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Lieut.-Colonel A. F. R. Lumby : Sir, I move :

"That the Bill be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill be passed.”

The motion was adopted.

DEMANDS FOR EXCESS GRANTS FOR 1931-32.

STAMPS.

The Honourable Sir James Grigg (Finance Member) : Sir, I move :

“ That an excess grant of Rs. 5,762 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1931-32 in respect of ‘ Stamps ’.”

The motion was adopted.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 1,12,238 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1931-32 in respect of ‘ Interest on Miscellaneous Obligations ’.”

The motion was adopted.

SUPERANNUATION ALLOWANCES AND PENSIONS.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 9,62,750 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1931-32 in respect of ‘ Superannuation Allowances and Pensions ’.”

The motion was adopted.

EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO REVENUE.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 2,69,155 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1931-32 in respect of ‘ Expenditure on Retrenched Personnel charged to Revenue ’.”

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : May I ask a question ? I find there was no amount granted by the Assembly—grant was *nil*. Why is that so ? How then can it be an excess grant ? It is an additional grant, because, as it appears from this paper, there was no grant made.

The Honourable Sir James Grigg : Sir, the explanation of that is contained on page 6 of the Report signed by the Honourable Member of the Public Accounts Committee for 1931-32, paragraph 15.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : This is the expenditure for the year 1931-32, which we sanctioned in February 1931. So, in February 1931, the scheme of retrenchment did not start ; practically, the Retrenchment Committee met later on in 1931. Therefore, we did not know, at the time we passed the Budget, whether there would be some retrenchment or not and whether some gratuities and other payments would be made or not.

After this retrenchment scheme was started, it was discovered that expenditure to a certain extent would have to be incurred on account of concessions to retrenched personnel. There was nothing in the original Budget ; it was incurred on account of the recommendations of the Retrenchment Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That an excess grant of Rs. 2,69,155 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1931-32 in respect of ‘ Expenditure on Retrenched Personnel charged to Revenue ’.”

The motion was adopted.

REFUNDS.

The Honourable Sir James Grigg : Sir, I beg to move :

“ That an excess grant of Rs. 5,88,307 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1931-32 in respect of ‘ Refunds ’.”

The motion was adopted.

DELHI.

The Honourable Sir James Grigg : Sir, I beg to move :

“ That an excess grant of Rs. 1,05,697 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1931-32 in respect of ‘ Delhi ’.”

The motion was adopted.

EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO CAPITAL.

The Honourable Sir James Grigg : Sir, I beg to move :

“ That an excess grant of Rs. 1,42,779 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1931-32 in respect of ‘ Expenditure on Retrenched Personnel charged to Capital ’.”

Mr. S. C. Mitra : May I ask why this excess expenditure for 1931-32 is coming up so late along with the other item for 1932-33 ?

The Honourable Sir James Grigg : I understand—I have no personal knowledge—the reason was that the report of the Public Accounts Committee for 1931-32 was presented so late in the Session that there was no time to discuss it.

Mr. President (The Honourable Sir Shanmukham Chetty) : Excess grants arise out of the Report of the Public Accounts Committee.

Mr. S. C. Mitra : That was about the railway portion, but the civil part, Part I, of the Public Accounts Committee's Report, was presented during the last Simla Session, and there was no reason, so far as this part was concerned, apart from the railway portion, why it was not presented in the winter Session at Delhi.

The Honourable Sir James Grigg : I am very inexperienced in these matters, but is it not a fact that the report of the Public Accounts Committee must be considered as a whole, and that until the railway portion is available, the report of the Committee as a whole is not available for discussion ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That an excess grant of Rs. 1,42,779 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1931-32 in respect of 'Expenditure on Retrenched Personnel charged to Capital'."

The motion was adopted.

APPROPRIATION TO DEPRECIATION FUND.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 3,49,498 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1931-32 in respect of 'Appropriation to Depreciation Fund'."

The motion was adopted.

DEMANDS FOR EXCESS GRANTS FOR 1932-33.

IRRIGATION, NAVIGATION, ETC., CHARGED TO REVENUE.

The Honourable Sir James Grigg (Finance Member) : Sir, I beg to move :

"That an excess grant of Rs. 52,133 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Irrigation, Navigation, etc., charged to Revenue'."

The motion was adopted.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 1,44,368 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

SURVEY OF INDIA.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 60,402 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Survey of India'."

The motion was adopted.

AVIATION.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 26,939 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Aviation'."

The motion was adopted.

EMIGRATION—EXTERNAL.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 28,675 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Emigration—External'."

The motion was adopted.

INDIAN STORES DEPARTMENT.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 83,153 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Indian Stores Department'."

The motion was adopted.

SUPERANNUATION ALLOWANCES AND PENSIONS.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 2,61,394 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 345 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Miscellaneous Adjustments between the Central and Provincial Governments'."

The motion was adopted.

REFUNDS.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 12,00,228 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Refunds'."

The motion was adopted.

ANDAMANS AND NICOBAR ISLANDS.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 1,207 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Andamans and Nicobar Islands'."

The motion was adopted.

COMMUTED VALUE OF PENSIONS.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 9,23,730 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Commuted value of Pensions'."

The motion was adopted.

INSPECTION.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 3,008 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Inspection'."

The motion was adopted.

AUDIT.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 28,640 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Audit'."

The motion was adopted.

APPROPRIATION TO DEPRECIATION FUND—COMMERCIAL.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 2,15,627 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Appropriation to Depreciation Fund—Commercial'."

The motion was adopted.

APPROPRIATION FROM DEPRECIATION FUND.

The Honourable Sir James Grigg : Sir, I beg to move :

"That an excess grant of Rs. 1,63,47,635 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1932-33 in respect of 'Appropriation from Depreciation Fund'."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair finds that there are just two more items on the Agenda, that is the discussion on the Report of the Public Accounts Committee and a further demand for supplementary grant relating, it appears, to the Pusa Institute. The Chair was told by the Leader of the House yesterday that Government would probably put down a motion relating to salt to be discussed by the House.

The Honourable Sir Joseph Bhore (Leader of the House) : At the request of certain Honourable Members of the Opposition, Government would like to implement their promise to give them an opportunity of discussing the question of salt, and, if time is available for that purpose, I would suggest that the matter be taken up on Friday.

Mr. President (The Honourable Sir Shanmukham Chetty) : We have got two more days, tomorrow and the day after. It is, therefore, for the House to decide how they would like to distribute the time available for discussion of these three items. Tomorrow, in the evening, there is a party by His Excellency the Viceroy, and, therefore, the Chair proposes to adjourn the House tomorrow four o'clock. If it is the intention of the Honourable Members that they should have more time to discuss, for instance, the motion relating to the Pusa Institute, the Chair has no objection to sit earlier tomorrow.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : We shall be able to finish tomorrow at four o'clock all of the items, except the Salt Resolution.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : In the two days we shall be able to dispose of all the items.

Mr. President (The Honourable Sir Shanmukham Chetty) : Then the House does not want to sit late today and take up these items. There are three items remaining on the Agenda, discussion on the report of the Public Accounts Committee, a further demand for supplementary grants and a motion relating to salt, and it is understood that all these items will be finished by not later than Friday afternoon.

Some Honourable Members : Yes, yes.

REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir James Grigg (Finance Member) : Sir, may I ask your permission formally to move the motion relating to the report of the Public Accounts Committee, because I want to make a request to Honourable Members opposite who desire to raise points. I will not take up more than a few minutes.

Mr. President (The Honourable Sir Shanmukham Chetty) : Yes.

The Honourable Sir James Grigg : Sir, I beg to move :

"That the Reports of the Public Accounts Committee on the accounts of 1931-32 and 1932-33, Parts I and II, be taken into consideration, and that the Assembly do approve the expenditure of Rs. 1,68,943 incurred in 1931-32 on additions and alterations to the locomotive running shed at Bhusawal and of Rs. 54,713 incurred in the same year on installation of wireless sets on the Great Indian Peninsula Railway and the East Indian Railway."

Sir, as I said, I do not want to make a long speech in making this motion, because the main object of the motion is to let Honourable Members opposite make their observations on the reports. The only thing I wish to say in regard to the actual reports is, that the latter part of this motion is necessary in view of the decision of the Public Accounts Committee that the two items referred to should be treated as new service and as such the incurring of expenditure on them without the previous sanction of the House requires to be regularised. The request I shall make to Honourable Members opposite is this. I think it would be a convenience for which I, at any rate, should be grateful, and I am sure the representatives of other Government Departments would be grateful if Honourable Members who wish to raise points on the Public Accounts Committee report would give notice of their

[Sir James Grigg.]

intention to do so to the departments concerned in order that their representatives may be in their place and be prepared to deal with all the points raised. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Reports of the Public Accounts Committee on the accounts of 1931-32 and 1932-33, Parts I and II, be taken into consideration, and that the Assembly do approve the expenditure of Rs. 1,68,943 incurred in 1931-32 on additions and alterations to the locomotive running shed at Bhusawal and of Rs. 54,713 incurred in the same year on installation of wireless sets on the Great Indian Peninsula Railway and the East Indian Railway."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, may I ask a question now without giving up my right of speaking tomorrow on this motion ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Yes.

Dr. Ziauddin Ahmad : From what fund do Government propose to pay for the expenses of the alteration of the shed at Bhusawal and on the installation of this wireless set ? Is it from the depreciation fund or capital fund ?

The Honourable Sir James Grigg : May I take it that the Honourable Member is giving notice of his intention to ask the Financial Commissioner for Railways that question tomorrow ?

Dr. Ziauddin Ahmad : Yes.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I intend to speak on the Army Department, the Railway Department and the debt position of the Government of India and also on the abolition of the Indian Stores Department attached to the High Commissioner's Office in London. I do not know which gentleman of the Treasury Bench this question affects, whether it is the Honourable Sir Frank Noyce or the Leader of the House, but I hope they will settle it between themselves.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 30th August, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 30th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, **Mr. President** (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

RELIEVING OF AGRICULTURAL DISTRESS.

865. ***Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state the results of the last economic conference and the steps that have been taken to give effect to its recommendations ?

(b) Has the conference come to any conclusion and found out causes for agricultural depression ?

(c) Will Government be pleased to state what progress has been made in respect of relieving the agricultural distress due to the following activities of Government, which they stated in their reply to the debate on the resolution regarding the committee of enquiry on agricultural distress on the 6th April, 1934, that action is being taken by it :

(i) as a result of action taken by it on the report of Royal Commission on agriculture ;

(ii) as a result of the activities of the Imperial Council of Agricultural Research ;

(iii) as a result of the trade agreement, under the Ottawa Pact and with other nations ?

The Honourable Sir James Grigg : (a) and (b). I would refer the Honourable Member to the Resolution, dated the 5th of May, 1934, on the subject of the Provincial Economic Conference. Information regarding further action taken on the recommendations of the Conference will be found in the proceedings of the Crop Planning Conference which was held on the 8th and 9th of June, 1934, and in the proceedings of the meeting of the Standing Finance Committee held on the 25th instant. In addition to the proposals explained in these proceedings, it is proposed to establish an Indian Trade Commissioner for Italy within the next few months, and the officer selected for this appointment has already proceeded to London to complete his training.

(c) I would invite the attention of the Honourable Member to the following reports, copies of which are available, or will shortly be available, in the Library of the House :

(1) Reports showing the progress made in giving effect to the recommendations of the Royal Commission on Agriculture. Three reports on this subject have already been published, and the fourth report which will cover the years 1932 and 1933, is now under preparation.

(2309)

(2) The annual reports of the Imperial Council of Agricultural Research.

(3) The report of the Committee elected by this House to examine the working of the Ottawa Trade Agreement.

Apart from the Ottawa Agreement the only trade agreement which has so far been concluded is the Indo-Japanese Convention and Protocol signed on the 12th of July, 1934.

U Ba Maung : What steps are Government taking to secure the benefit which Indian agriculture was intended to get from the imposition of a duty on foreign rice imported into the United Kingdom, such benefit not having accrued to Indian agriculture, because Government's representatives at Ottawa omitted to ask for a duty to be put on foreign paddy which might be imported into the United Kingdom?

Mr. G. S. Bajpai : I have a recollection, Sir, that the question of securing some preference for Indian paddy in the British market is under consideration.

Mr. Lalchand Navalrai : I hope Indian paddy includes Sind paddy also?

DAMAGE TO AGRICULTURAL LAND IN NORTH BIHAR.

877. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that Sir George Schuster, as Finance Member, made the following statement, in the course of his Budget speech on the 27th February, 1934, in reference to the damage to agricultural land over wide areas in the North of Bihar due to the deposit of sand owing to the earthquake :

"We are undertaking the liability for the cost of any measures of assistance to agriculturists that may be decided upon to the extent that it cannot be met from the Provincial Government's Famine Relief Fund"?

(b) Are Government aware that the Honourable Sir Alan Parsons, Financial Secretary to the Government of India, made the following statement in the course of his Budget speech on the 27th February, 1934, in the Council of State, in the same connection :

"We are undertaking to bear the cost of such measures as may be found practicable and desirable to re-condition agricultural land, in so far as the Famine Relief Fund is insufficient"?

(c) Will Government kindly state what is meant by their undertaking "to bear the cost" of measures for sand clearance?

(d) Are Government aware that the Government of Bihar and Orissa have advanced merely *Takavi* loans on joint security system, to the agriculturists who possess more than one acre of land which has suffered from a deposit of sand?

(e) Will Government kindly state whether they meant merely the advance of *Takavi* loans, when they undertook "to bear the cost" of sand clearance?

(f) Is it a fact that the Local Government have been advancing *Takavi* loans from their Famine Relief Fund? If so, is that permissible? Have any instructions been issued by the Government of India in this connection? If so, what?

The Honourable Sir James Grigg : (a) and (b). Yes.

(c) The reference was to any expenditure that might be directly incurred by Government either on the re-conditioning of land by Government agency or by way of non-recoverable grants to individual cultivators.

(d) The Government of India are aware that in addition to free grants to cultivators the Government of Bihar and Orissa are making *taccavi* advances for the purpose of sand clearance. They have not been informed of the detailed conditions on which the *taccavi* advances are made, or of the criteria laid down by the Government of Bihar and Orissa for determining when resort should be had to *taccavi* advances, or when free grant should be given. These are matters which are entirely within the discretion of the Provincial Government, and in which the Government of India are not prepared to interfere.

(e) I am not sure that I fully understand the question. It was, of course, realised at a very early stage that *taccavi* advances would be one of the methods of dealing with the sand clearance problem, and the Government of India sanctioned special terms for the loan which the Provincial Government is taking through the Provincial Loans Fund for the purpose of making these advances. Another of the methods is the distribution of free grants to individual agriculturists whose resources are not such as to warrant their taking a *taccavi* advance; and possibly in some cases the two methods are being combined. When the Provincial Government's balance in the Famine Relief Fund is exhausted, the cost of these free grants will be borne by the Government of India, and it is to this that my predecessor and Sir Alan Parsons referred in the remarks which the Honourable Member has quoted.

(f) Initially some *taccavi* advances were made from the Local Government's balance in their Famine Relief Fund, but the sums involved have now been adjusted against the loan taken by the Provincial Government from the Provincial Loans Fund.

Mr. Gaya Prasad Singh : With regard to the answer to part (e), will Government kindly state when they envisaged the possibility of advancing *taccavi* loans as a means for sand clearance?

The Honourable Sir James Grigg : I am not prepared to give any specific date about that. My information is that it was realised at a very early stage that *taccavi* advances will be one of the methods of dealing with the sand clearance problem.

Mr. Gaya Prasad Singh : What I want to know is this. Is there anything in the budget speeches of the Honourable Sir George Schuster or the Honourable Sir Alan Parsons or any communiqué of the Government of India which states that *taccavi* advances will be one of the forms by which the work of sand clearance can be undertaken?

The Honourable Sir James Grigg : I do not gather that either the statement of Sir George Schuster or that of Sir Alan Parsons was intended to cover all possible circumstances which could arise, and, therefore, if they do not state so specifically, I do not see that any conclusion can be drawn from that. The fact that they did not state that *taccavi* advances will be given does not necessarily lead to the conclusion that the whole of the question of sand clearance should be dealt

with by free grants rather than advances. As a matter of fact, I understand, and the House will be very glad to know, that the amount of damage done by sand has been very much over-estimated, and I believe that the problem has been reduced to very small dimensions, because a great deal of the sand has, in fact, been washed away by the rains.

Mr. Gaya Prasad Singh : Then do I understand the Government of India to resile from the position which they took up when Sir George Schuster made his speech, namely, that the Government of India would bear the cost of sand clearance ?

The Honourable Sir James Grigg : Sir, in view of recent events in this House, I have to be very careful before making any comments on promises or alleged promises made by my predecessor. I will, therefore, look into it and speak to the Honourable Member about it. I cannot give any further answer at the moment.

Mr. Gaya Prasad Singh : With regard to part (f) of my question, is it in order under the rules to make advances out of the Famine Relief Fund ?

The Honourable Sir James Grigg : The Honourable Member had better not ask me. The position is being rectified now.

Mr. Gaya Prasad Singh : Do I take it that all moneys which have been spent for the clearance of sand are in the nature of free grants and not *taccavi* loans ?

The Honourable Sir James Grigg : No, Sir. What I understand is that the giving of *taccavi* advances from the Famine Relief Fund has been discontinued, and the money taken from the Famine Relief Fund for *taccavi* advances has been replaced.

Mr. Gaya Prasad Singh : Then, does it mean that the money advanced out of the Famine Relief Fund has not been advanced as *taccavi* loans, but as free grants, now that the accounts have been adjusted according to the statement of the Honourable Member ?

The Honourable Sir James Grigg : I have said in the last part of paragraph (e) of my answer that when the Provincial Government's balance in the Famine Relief Fund is exhausted, the cost of these free grants will be borne by the Government of India. The presumption is that the Famine Relief Fund is being used predominantly, if not entirely, for free grants.

Maulvi Muhammad Shafee Daoodi : In as much as there is great confusion in the minds of those who have been given grants for sand clearance, will Government take the trouble of elucidating this point very clearly in the light of the promise made by Sir George Schuster ?

The Honourable Sir James Grigg : The question of grant or advance and the responsibility for clearing up any confusion which may exist in the minds of people is entirely one for the Government of Bihar and Orissa.

Mr. Gaya Prasad Singh : Are Government aware that the Government of Bihar and Orissa have been advancing *taccavi* loans to a person having one acre or more of land which has been damaged by sand, but they have been giving free grants to persons who own less than one acre of land which has been damaged by earthquake ?

The Honourable Sir James Grigg : I am quite prepared to take that information from the Honourable Member.

RELIEF TO PETTY SHOPKEEPERS IN THE EARTHQUAKE-STRIKEN AREA OF BIHAR.

878. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state what plan is being pursued to give relief to those petty shopkeepers in the earthquake-stricken area of Bihar, who may have lost their assets, but who do not hold any house property ?

(b) Are Government aware that in the course of his Budget speech, on the 27th February, 1934, Sir George Schuster, the Finance Member, referred to "the question of assisting private individuals to re-build their houses and shops" by means of "free grants", and the Honourable Sir Alan Parsons also stated that assistance to those private individuals whose "small houses and shops" have been destroyed must "take the form of free grants" ? Is this policy being pursued ? If so, what amount of money has been given as "free grants" up to date to persons whose shops have been destroyed ?

The Honourable Sir James Grigg : (a) The attention of the Honourable Member is invited to sub-paragraph 1 of paragraph 41 (c) of my predecessor's speech introducing the Budget for 1934-35. As stated therein, the problem referred to by the Honourable Member has to be dealt with by means of free grants from the Viceroy's and other relief funds and it is for the committees administering the funds to decide in which cases grants should be made.

(b) Government are aware of the remarks made by my predecessor and Sir Alan Parsons. They referred, of course, to grants for re-building shops and not for replacing the stock, etc., held in the shops. The actual amount of grants given up-to-date is not known.

Mr. Gaya Prasad Singh : Will Government say whether they are prepared to give relief themselves, or they have merely shoved the responsibility on to the Committee which administers the Viceroy's Fund ?

The Honourable Sir James Grigg : I think "shoved" is rather a prejudicial word, but not a very inaccurate one perhaps.

Mr. E. Studd : With reference to shops, are Government prepared to impress upon the Bihar and Orissa Government the necessity for an improved lay-out in these devastated towns so as to do away with the old slum areas ?

The Honourable Sir James Grigg : I gather that has already been done.

Mr. Gaya Prasad Singh : Are Government prepared to finance the Government of Bihar and Orissa for undertaking the improvements to which reference has been made by my Honourable friend who has just put this question ?

The Honourable Sir James Grigg : That certainly is not a question I am prepared to answer on the spur of the moment.

Mr. F. E. James : The Honourable the Finance Member said in reply to the supplementary question of my Honourable colleague, Mr. Studd, that the policy of improving these slum areas in the devastated towns is being carried out.

The Honourable Sir James Grigg : I did not say : I said I imagined that the attention of the Government of Bihar and Orissa had already been drawn to the desirability of that.

Mr. F. E. James : I want to know whether the Honourable gentleman is prepared once more to call the attention of the Bihar and Orissa Government to the necessity of taking that action as there seems to be very considerable evidence that that action is not being fully carried out.

The Honourable Sir James Grigg : I have no objection whatever to forwarding a copy of the two Honourable Member's questions to the Government of Bihar and Orissa.

Mr. Gaya Prasad Singh : Are Government aware that the Government of Bihar and Orissa are a little bit stolid in these matters ?

The Honourable Sir James Grigg : That is not a question which it would be proper for me to answer.

REDUCTION OF THE PAY OF SUPERNUMERARY CLERKS AT THE ARMY HEADQUARTERS.

888. ***Mr. S. C. Mitra :** (a) Is it a fact that the substantive pay of supernumerary clerks at the Army Headquarters has been limited to Rs. 170 per mensem and those originally getting more than this have been brought down to this pay ? If so, has this been done with the sanction of the Secretary of State or the Army Department, or have the Branches of the Army Headquarters done it of their own accord ? If the Branches have done it themselves, under what authority, rule or order has it been done ?

(b) Have the names of the clerks, whose pay has been reduced, been brought to the notice of the Public Service Commission with a view to these men being provided with appointments elsewhere in the Divisions for which they are qualified and where they can draw their original rates of pay ? If not, why not ?

(c) What are the chances of the supernumerary clerks at the Army Headquarters being restored to their original rates of pay and increments ? Have any orders been issued for not filling by outside recruitment the vacancies of these men so long as they are not absorbed ? If not, why not ?

(d) Is it a fact that no personal allowance has been given to the supernumerary men at Army Headquarters whose pay has been reduced ? If so, why ?

(e) Is it a fact that some supernumerary clerks of the Adjutant General's Branch were absorbed in the M. G. O. Branch ? If so, why have not similar efforts at absorption been made for clerks of other Branches ?

Lieut.-Colonel A. F. R. Lumby : (a) The position is, that on the introduction of the Third (Routine) Division in Army Headquarters in 1929, those permanent clerks of the Second Division, who were in excess of the authorised strength of that Division, were held as supernumeraries in that Division. They were placed on a general Army Headquarters roll and the majority of them were absorbed in the vacancies occurring

in the several Branches of Army Headquarters during the period 1929 to 1933. In 1933, as a measure of retrenchment, the few who were still supernumerary were given the option of being relegated to the Third Division or of retiring under the special retrenchment terms. They accepted the first alternative, and their pay was fixed in the scale of pay laid down for the Third Division, viz., Rs. 90—4—170. The orders were issued by the Government of India ; the approval of the Secretary of State was not necessary.

(b) No, Sir, because the Public Service Commission are not concerned with inter-departmental transfers.

(c) Under the existing orders, a 'relegated' clerk is restored to his original grade on the occurrence of the first vacancy in that grade, subject, of course, to his fitness for such promotion. No separate orders on this point are necessary.

(d) No personal allowance is admissible in such circumstances.

(e) As stated in reply to part (a) a great majority of these supernumerary clerks were absorbed in vacancies which occurred in the Second Division prior to 1933.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member inform this House whether or not it is a fact that it is the intention of the Government of India to standardise the pay for the clerks in their offices, civil and military, British or Indian ?

Lieut.-Colonel A. F. R. Lumby : No : there is no such intention.

PROMOTION OF CLERKS IN THE ARMY HEADQUARTERS.

889. ***Mr. S. C. Mitra :** Will Government be pleased to place on the table of this House a statement showing by Branches of the Army Headquarters the number of clerks who were qualified only for the Routine Division by the Public Service Commission but who were promoted, temporarily or permanently, to the Second Division, for which they were not qualified, by the Branches without previous consultation with the Public Service Commission during the last three years (1934 included) ? What is the rule, order or authority for such promotion ?

Lieut.-Colonel A. F. R. Lumby : A statement is laid on the table which covers both the Honourable Member's questions.

Statement showing the number of clerks promoted permanently or temporarily to the Second Division in the Branches of Army Headquarters, who have not qualified for that division during the last three years.

Two third division clerks were promoted permanently to the second division in the Office of the Assistant Director, Ordnance Services (Provision) with the concurrence of the Public Service Commission. Nine third division clerks were promoted temporarily to the second division in the Office of the Master-General of Ordnance Branch under the orders regulating the recruitment to the ministerial establishment of the Government of India Secretariat and Attached Offices. No such promotion was made in any other Branch of Army Headquarters.

APPOINTMENT OF AN ADVISORY COMMITTEE TO THE POSTS AND TELEGRAPHS DEPARTMENT.

890. ***Mr. F. E. James** (on behalf of Sir Darcy Lindsay) : Will Government please state whether they have given consideration to the

suggestion put forward during the consideration of the Finance Bill at the last Session that an Advisory Committee to the Posts and Telegraphs Department should be appointed by the Legislative Assembly, similar to the Advisory Committees that exist in other Departments, to whom questions regarding the increase or decrease of postal rates and kindred matters could be referred before definite action is taken to bring any such proposed changes into force?

The Honourable Sir Frank Noyce: Government have considered the suggestion and are of opinion that a separate Advisory Committee should be appointed for the Indian Posts and Telegraphs Department. Before taking further action, they decided to consult the Standing Advisory Committee for the Department of Industries and Labour. The matter was placed before that Committee at a meeting held this morning and the Committee concurred in the view that the constitution of a separate Committee was desirable.

Mr. F. E. James: May I ask whether any decision has been arrived at as to the composition of the Committee—whether the Committee should be elected by this House only or by both Chambers of the Central Legislature?

The Honourable Sir Frank Noyce: The Committee will be formed on the usual lines: as in the case of other advisory committees, it will include Members of both Houses.

REDUCTION OF POSTAL RATES ON CIRCULAR LETTERS AND OTHER PRINTED MATTER.

891. ***Mr. F. E. James** (on behalf of Sir Darcy Lindsay): (a) Will Government please state whether they have given further consideration to the submission made in March last, that the increase of three pies in the postage on all circular letters and other printed matter, usually enclosed in open envelopes, imposes a serious hardship on the retail trade of the country and other interests who habitually use this form of postage for advertisement purposes?

(b) Is it not a fact that the increase of three pies was not imposed for revenue purposes but to defeat certain alleged evasion of correct postage rates by post card users?

(c) Will Government please state whether they propose to restore the former rate of six pies for this class of postage, and, if so, when?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Yes.

(c) The matter is under examination in the light of information which is being collected in regard to the effect of the new rate.

RECRUITMENT OF CERTAIN OFFICERS TO THE ARMY IN INDIA RESERVE OF OFFICERS.

892. ***Mr. Gaya Prasad Singh:** (a) With reference to the reply to question No. 64 (a) of the 12th March, 1930, asked in the Council of State, will Government kindly state whether *ex-Officers* of the Indian Territorial Force, who have held both Honorary King's and Viceroy's

Commissions but did not fulfil their engagements with that Force and resigned before their term, are eligible to join the Army in India Reserve of Officers with seniority of previous service in Infantry, etc., category? If so, do Government propose to amend the regulations for the Army in India Reserve of Officers accordingly?

(b) With reference to the reply to my starred question No. 323 (d) of the 12th February, 1932, will Government kindly state whether *ex-Officers* of the Indian Territorial Force, who have held both Honorary King's and Viceroy's Commissions and at present holding a Government appointment of non-gazetted status, are eligible to join the Army in India Reserve of Officers with seniority of previous service in Infantry, etc., category? If so, do Government propose to amend the Regulations for the Army in India Reserve of Officers accordingly?

(c) What steps do Government propose to take to give an early opportunity to the said *ex-Officers* of the Indian Territorial Force for recruitment in the Army in India Reserve of Officers?

Lieut.-Colonel A. F. R. Lumby: (a) Such gentlemen are eligible for consideration for appointment to the Army in India Reserve of Officers, but, if as officers of the Indian Territorial Force they did not fulfil their engagements, they are unlikely to be accepted. In the event of their being accepted, they would already, under paragraph 7 (c) of the Regulations for the Army in India Reserve of Officers, contained in Appendix XXX to Regulations for the Army in India, be entitled to count half their service as Viceroy's commissioned officers for the purpose of seniority in the Reserve.

(b) No. The attention of the Honourable Member is invited to paragraph 5 (i) of the Regulations for the Army in India Reserve of Officers. Government do not propose to amend the Regulations in this respect.

(c) Recruitment to the Army in India Reserve of Officers is still suspended pending approval by the Secretary of State to new rules framed in connection with the re-organisation of the Reserve. When recruitment is re-opened *ex-Officers* of the Indian Territorial Force of the category mentioned in (a) above will, as previously, be eligible for consideration for appointment.

Mr. S. G. Jog: Have the Government of India any idea of establishing branches of the Indian Territorial Force in those Provinces where it does not exist?

Lieut.-Colonel A. F. R. Lumby: I do not think that question really arises, but at the present time there is no intention of raising any further units of the Territorial Force for reasons of economy.

EFFECT OF THE EXTRA DUTY LEVIED ON LIGHT DIESEL OIL ON AGRICULTURAL AND INDUSTRIAL INTERESTS.

893. ***Mr. Jagan Nath Aggarwal** (on behalf of Mr. K. P. Thampan): Will Government be pleased to state whether they have received any report from the Provincial Governments regarding the effect of the extra duty levied (under Act XXVIII of 1933) on light diesel oil on agricultural and industrial interests?

The Honourable Sir James Grigg : Yes. The general consensus of opinion is that the effect has been negligible.

TESTS ON DIESEL OIL CARRIED OUT BY THE CUSTOMS DEPARTMENT.

894. ***Mr. Jagan Nath Aggarwal** (on behalf of Mr. K. P. Thampan) :
(a) Have Government received through the Central Board of Revenue any representation from the National Petroleum Company, Bombay, protesting against the manner in which the tests under the provisions of Act XXVIII of 1933 are carried out by the Customs Department and the hardships they are put to thereby ?

(b) Is it a fact that the Department has violated the undertaking given by the Honourable the Finance Member, Sir George Schuster, to the effect that the difference "between the typical Burma red kerosene and anything which could be brought in under this provision should not be more than 15 per cent." ?

(c) Is it a fact that according to the certificate given by the Alipore Test House, the diesel oil imported by the National Petroleum Company, is very much below the prescribed difference of 15 per cent. both in flame and duration tests, and still the Customs Department treat that oil as ordinary kerosene ? If so, why ?

(d) Have Government carried out any test on "typical red kerosene", and if so, what were the results with regard to flame height and duration ? When were the tests carried out by the chemists ?

(e) In cases of honest difference of opinion between an Importer and the Customs Department in such matters, what is the remedy open to the former ? Is there any appeal ? If so, to whom ?

(f) Will Government please lay a copy of the Rules framed under the Act in regard to the tests and the manner in which they are to be carried out ?

The Honourable Sir James Grigg : (a) Yes.

(b) No. In the course of the same debate Sir George Schuster subsequently indicated more precisely that the proposed criterion was a flame height of 10 mm. in the standard smoke-point lamp. This criterion has been applied.

(c) The samples submitted to the Alipore Test House were not drawn under customs supervision, and the results of the tests made on such samples were, therefore, entirely inadmissible as evidence for purposes of assessment.

(d) Yes. Tests were made at the end of December, 1933, which showed that B.O.C. Victoria brand gave a flame height of 11.0 mm. in the standard smoke-point lamp. Its luminosity, according to another test, dropped from 12.5 candle-power to 10.0 candle-power after four hours' burning.

(e) Under section 188 of the Sea Customs Act, 1878, an appeal lies from the order of the Collector of Customs to the Chief Customs-Authority, i.e., the Central Board of Revenue ; and under section 191 of that Act application may be made to the Governor General in Council by

any aggrieved person to revise any decision or order of the Chief Customs-Authority.

(f) A copy of the Rules is laid on the table.

CENTRAL BOARD OF REVENUE.

NOTIFICATION.

CUSTOMS.

New Delhi, the 23rd December, 1933.

No. 67.—In exercise of the powers conferred by section 195A of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue is pleased to make the following rules :

1. In any case of dispute whether a mineral oil is or is not suitable for use as an illuminant in wick lamps a sample of the oil shall be tested with the aid of a Smoke Point lamp constructed in accordance with the specification contained in Annexure I, and the flame height of the sample shall be determined in accordance with the method set forth in Annexure II.

2. If the flame height determined in accordance with rule 1 is above 10 millimetres, but not otherwise, the mineral oil shall be deemed to be suitable for use as an illuminant in wick lamps.

RAM NATH,

Secretary, Central Board of Revenue.

ANNEXURE I.

The lamp shall be the I. P. T. Smoke Point Lamp* and shall conform with the dimensions given in the attached drawing and with the following requirements :

1. The top of the wick guide shall be exactly level with the zero mark on the scale.

2. The scale shall be marked in white lines on each side of a white strip, 2 mm. in width, on black glass. It shall have a range of 50 mm., graduated in 1 mm., figured at each 10 mm., with longer lines at each 5 mm.

3. The screw of the device for raising or lowering the flame shall be threaded 6.2 mm., diam. by 0.5 mm. pitch, and the total distance of travel shall not be less than 10 mm. The movement shall be smooth and regular.

4. The glass window of the door shall be concave to prevent the formation of multiple images.

5. The wick holder shall be 4.7 mms. internal diameter.

6. The wick shall be of uniform quality, conforming to the following specification :—

To be woven solid circular, the Cotton to be of American yarn, ordinary quality.

Casing—17 Ends, 3 Ply, Nines Count.

Filling—9 Ends, 4 Ply, Sixes Count.

Wet—2 Ply, Fifteens Count.

Ticks per inch—15.

ANNEXURE II.

Apparatus.—The test shall be carried out in the I. P. T. Smoke Point Lamp as defined in Annexure I and the wick used shall be the wick specified, in Annexure I. Only uniform pieces of wick free from all irregularities shall be used for tests.

The test shall be carried out in a room or enclosure kept within the temperature limits of 80 and 85° Fahrenheit.

*The diagram of the lamp not printed in these debates.

2. *Conditioning the Wick and Application of Standard Test.*—Before use in the standard test all new wicks shall be conditioned by means of two cleaning and burning cycles as specified below with a white kerosene, followed by further cleaning and drying. If used otherwise than immediately after conditioning they shall be re-dried at 100—105° Centigrade just before use in the standard test.

When used for a standard test they shall be cut to lengths of five and a half inches and no wick in this test shall be less than five inches in length.

Detail.—

(a) *Treatment of the New Wick.*—The new wick, carefully selected, to be free from all visible flaws, shall be cut to a length of six inches and then extracted in a Soxhlet apparatus, firstly with petroleum ether (Boiling range 60—80° C.) for at least three siphoning cycles, and then with sulphuric ether for two siphoning cycles.

The wick shall then be dried for thirty minutes at 100—105° Centigrade in an electric oven.

(b) *Preparation of the lamp assembly.*—(NOTE :—The following details, including those in the next sub-paragraph, regarding burning apply both to wick conditioning and to the standard burning test).

(i) Twenty millimetres of oil (white kerosene in the conditioning operation) previously filtered through filter paper shall be introduced by means of a small funnel (care being taken to avoid fouling the air-inlet tube) into the cleaned and dried oil holder which shall then be placed vertically in a drying oven maintained at 100—105° Fahrenheit, a cylinder containing the oil to a depth of six inches being also placed in the same oven.

(ii) The dried wick shall be immersed in this column of oil for 10 minutes after the oil has attained the oven temperature: it shall then be taken out and fitted into the wick holder.

(iii) This shall be done by inserting the non-burning end of the wick (which must be trimmed free from overlapping or frayed edges in order to prevent jamming caused by compression in the tube) carefully into the burning end of the wick holder, and then pushing with a screw motion until the wick protrudes about a quarter of an inch from the other end.

(iv) All twists arising from this operation shall be eased out by putting slight tension on the wick and pulling it gently to and fro along the tube until no further tendency to untwist is seen and the wick weave is straight.

(v) Both ends of the wick shall in turn be made to protrude as far as possible from the tube and soaked separately in the oil, but the short end of the wick shall not be allowed to enter the tube, while this is done.

Somewhat more than one-eighth of an inch of the soaked wick shall be allowed finally to protrude from the burning end of the tube, after which the wick shall be trimmed with a very sharp instrument in such a manner that it is flat and horizontal with a slightly bevelled rim with no frayed ends.

The wick shall then be drawn down until exactly one-eighth inch protrudes.

(vi) The wick holder shall then be screwed carefully into the wick holder in such a way that the wick is not caught by the air inlet tube and dragged inwards. If this occurs, the whole operation from insertion onwards shall be repeated.

The oil holder must be held vertically to prevent outflow of oil into the air inlet tube which must remain free from all obstruction.

(vii) The assembled oil holder (and wick holder) shall then be kept in the oven at 100—105° Fahrenheit for twenty minutes, and thereafter inserted into the lamp, which shall be at the room temperature of 80—85° Fahrenheit and not hot from a previous burning test. If any resistance occurs due to the wick catching and bending back at the edges when it reaches the fixed guide of the lamp the wick shall be retrimmed and on no account used in a damaged condition for the standard burning test.

(viii) The lamp shall be placed in a vertical position and completely protected from draughts.

(c) *The Flame Test.*—

(i) The wick shall then be turned up by means of the adjusting screw until it can be lit.

(ii) The flame shall be adjusted every minute for the first five minutes at one to two millimetres below its smoke point so that it is kept free from smoking.

(iii) The smoke point shall be obtained by raising the wick until a smoky flame is produced, and then lowering it until the smoky point disappears, just leaving a clear luminous flame.

(iv) At the end of five minutes, adjustment to the exact smoke point shall be made and a stop-watch shall be started at the moment of final adjustment.

(v) The value shall be noted by reading the height of the point of the flame in millimetres, the eye of the observer being about nine inches from the front of the instrument and slightly to one side so that a reflected image of the flame is seen on the scale on one side of the vertical white line, the flame itself being projected against the other side of the scale.

The two readings must be the same to ensure avoidance of vertical parallax.

(vi) Without further adjustment of the flame in any way, its height shall then be read and recorded at intervals of two minutes. After the fifth such interval, that is precisely ten minutes after the moment of final adjustment, the flame height shall be read.

This final measurement in millimetres is the "flame height" which is referred to in the Interpretation of Results, Section 5.

(vii) When conditioning a wick with white kerosene, the lamp, shall be allowed each time to burn for twenty minutes, after the five minutes taken for adjustment of the flame as described above [vide paragraph (ii) of this section].

(d) *Cleaning of Lamp, etc.*—

At the end of the test, the oil holder (together with the wick holder) shall be removed from the lamp, drained, cleaned with petroleum ether, dried for 30 minutes at 100—105° Centigrade, and blown out with dry air.

The lamp must be replaced in the oven for not less than five minutes after air blowing to ensure absolute dryness ready for re-use.

3. *Further details regarding conditioning wick.*—The complete conditioning cycle for a new wick six inches in length shall be as follows :—

- Extraction with petroleum ether followed by extraction with sulphuric ether; then drying [Vide Section 3 (a)].
- Burning for twenty-five minutes using white kerosene.
- Re-extraction and drying.
- A second burning as before.
- Re-extraction and drying.
- If not used immediately, redrying for thirty minutes at 100—105° Centigrade immediately before the standard test is carried out.
- Cutting to five and a half inches by trimming both ends.

4. *Use of a wick for more than one test.*—A wick which has already been used for a standard test may be re-used subject to the following conditions :—

(a) When ready trimmed for re-use, the wick shall not be less than five inches in length.

(b) The wick shall have been re-cleaned and dried as follows :

After withdrawal from the wick holder the wick shall be re-extracted with petroleum ether in a Soxhlet apparatus until the extract is colourless, and then extracted with sulphuric ether until a similar result is obtained. It shall then be dried in an oven at 100—105° Centigrade for at least thirty minutes.

(c) On re-fitting for use, all charred wick from any previous burning test shall be trimmed off.

Note.—A wick shall be rejected after use with an oil which has given a value of less than 9 mm. flame height in ten minutes.

5. *Interpretation of Results.*—(i) At least three determinations shall be made by use of three different pieces of wick to obtain three consecutive readings the extremes of which shall differ from each other by not more than one millimetre.

(ii) The results reported shall be the mean of these three consecutive readings calculated to one-tenth millimetre reporting 0.05 to 0.09 as 0.10.

(iii) When the average value obtained by the prescribed method differs by ± 0.3 millimetre from this limit, a fresh series of determinations shall be made and, if the average of these is in agreement with the previous series to 0.5 mm., the average of the two series shall be taken and reported as the flame height of the oil.

No. 67—C. No. 628-Cus.-I.32.

Copy forwarded to—

All Collectors of Customs.

The Accountants General, Bengal, Bombay, Madras and Burma and the Audit Officer, Lloyd Barrage and Canals Construction, Karachi and the Accountant General, Central Revenues.

The Commerce Department.

The Director-General of Commercial Intelligence and Statistics for publication in the Indian Trade Journal.

The Secretary, Tariff Board.

The Indian Trade Commissioner, London.

The Indian Government Trade Commissioner, Neuer Jungfernstieg, No. 9, Hamburg, Germany.

The Canadian Government Trade Commissioner, Calcutta.

The American Trade Commissioner, Calcutta.

The British Trade Commissioners in India, Calcutta and Bombay.

The Director, Federation of British Industries, London.

The Principal Collector of Customs, Colombo.

The Indian Stores Department.

The Special Chemical Adviser to the Central Board of Revenue.

Lieut.-Colonel Sir Henry Gidney : Will Government inform the House whether in any of these examinations of diesel oil the flame height has exceeded a difference of 15 per cent. as suggested by Sir George Schuster when the Bill was under consideration ?

The Honourable Sir James Grigg : I cannot answer that without notice.

Mr. S. C. Mitra : Is it a fact that the desire of the Committee was to have a standard lamp by which everybody, who imported kerosene oil, could test the oil and see if it comes to the right standard, and not leave it to the mere whims of any Department ?

The Honourable Sir James Grigg : I strongly demur to that suggestion whether it may have been the desire of the Committee or not : the criterion must be under the control of the customs authority.

Mr. S. C. Mitra : I do not question about that, but was it the purpose of the Government also to have a standard lamp, so that everybody could, at his own discretion, test whether the oil came to a particular standard ?

The Honourable Sir James Grigg : I am not aware of that.

Mr. Lalchand Navalrai : May I know where the test is to be made ? Is it in every customs house, and will the importers be allowed to be present on the occasion of the test ?

The Honourable Sir James Grigg : Yes, in the appropriate customs houses.

Mr. Lalchand Navalrai : Are the importers or their representatives allowed to be present at the time of the test ?

The Honourable Sir James Grigg : I do not know, but I will make enquiries.

Dr. Ziauddin Ahmad : Is it not a fact that the lamp was shown to the Select Committee, and it was said that the test was certain and no difference would happen ?

The Honourable Sir James Grigg : I am not aware of that. I am not very good at the history of what happened before I arrived here.

Mr. S. C. Mitra : Will Government be pleased to tell us from where they got this standard lamp ? If it is a standard lamp, it must be available in all scientific shops.

The Honourable Sir James Grigg : It is described as a standard smoke-point lamp. I assume it is a lamp which is generally applicable and not adopted by the customs authorities at their own whim,—I think is the word used.

Mr. Gaya Prasad Singh : It is Alladin's wonderful lamp !

Dr. Ziauddin Ahmad : If it is a standard lamp, and it has not been tempered, then the result of the test would be the same whether it is applied by the Customs Collector or any other person.

(No answer.)

Lieut.-Colonel Sir Henry Gidney : In view of the fact that there exists a difference of opinion, will Government be prepared to consider the question of taking a sample of this diesel oil and examine it along with red kerosene oil and prove that it is over 15 per cent. ?

The Honourable Sir James Grigg : No, Sir.

SERVICE RECORDS OF EMPLOYEES ON STATE RAILWAYS.

895. ***Sardar Sant Singh :** (a) Is it a fact that under paragraph 403 of Open Line Code, Volume II, of State Railways, a record of service is maintained ?

(b) Is it a fact that under Supplementary Rule 197 to the Fundamental Rules a special form, in lieu of service book, is prescribed for permanent subordinates (non-pensionable) on State Railways ?

(c) Is it a fact that under Supplementary Rule 199, a Head of Office is responsible for recording every stop in a Government servant's official life and for the upkeep of the service record ?

(d) Is it a fact that under Supplementary Rule 202, the head of an office should permit a Government servant to examine his service record, should he at any time desire to do so ?

(a) If the replies to parts (a) to (d) be in the affirmative, will Government please state :

- (i) whether these rules are applicable to Railway (State) Administrations ; if not, why not ;
- (ii) the circumstances under which the Divisional Superintendent, Moradabad, East Indian Railway, has refused permission to the staff to peruse their service records under his No. ET/10/34 R. A. S. M., dated the 28th July, 1934 ;
- (iii) the action taken against the Divisional Superintendent against non-observance of the rules ; if none, why not ; and
- (iv) the safeguards provided for the rights and privileges of the subordinate staff on Moradabad Division against the Divisional staff ; if none, why not ?

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

(b), (c), (d) and (e) (i). Railway staff have been specially excepted from the general provisions regarding Service Books in Supplementary Rules 197 *et seq.*

(e) (ii) to (iv). Do not arise.

STATION MASTER'S EXAMINATION IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

896. *Sardar Sant Singh : Has the attention of Government been invited towards Divisional Superintendent, Moradabad, East Indian Railway's Memo. No. C.R., dated the 10th July 1934, reading : "The T. A. O. books are out of stock and the revised edition has not yet been received from Head Office. (Sd.) Mela Ram, for Divisional Superintendent" read with No. EXIII-P-4, dated the 12th July, 1934, reading : "Please note that the passing of Station Master's Examination does not exempt you from passing the Goods' Account Examination, Higher Standard. Please let me know when you are ready to come for above test by the Assistant Superintendent, Commercial" ? If so, will Government please state :

- (i) the course open to the staff to prepare themselves for the examination without books ;
- (ii) the reason for calling them for examination in the absence of the books ; and
- (iii) whether the Station Master's examination does not qualify a man for the post ; if not, how and why not ?

Mr. P. R. Rau : I have called for information and will lay a reply on the table of the House in due course.

ALLEGATIONS AGAINST THE DIVISIONAL SUPERINTENDENT, MORADABAD.

897. *Sardar Sant Singh : Is it a fact that the Divisional Superintendents on the East Indian Railway are not bound to obey the

orders of their superior officers ? If not, will Government please state :

- (i) the circumstances under which the Divisional Superintendent, Moradabad, disobeyed the direction contained in Chief Commercial Manager, Lucknow, No. C.G.45/10/24, dated the 29th April, 1925 ;
- (ii) the number and date of the order under which the said direction of the Chief Commercial Manager was acted upon ; and
- (iii) whether they are prepared to order the obedience of the said direction ? If not, why not ?

Mr. P. R. Rau : The reply to the first part of the question is in the negative. As regards the second part, Government have no information as regards clauses (i) and (ii). As regards (iii), Government see no reason to interfere. They leave it to the Local Administration to secure compliance with its orders by subordinate officers.

PROMOTION OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

898. *Sardar Sant Singh : (a) Has the attention of Government been invited to paragraph 4 of circular No. E.T./10/33, A. S. ms. A., dated the 11th July, 1934, issued by the Divisional Superintendent, Moradabad, East Indian Railway, reading : "A common seniority list is being compiled on these lines and all Assistant Station Masters 'C' Class and Station Masters A Class, who were promoted after the revised co-ordinated scales of pay were introduced on and after 1st November, 1928, will retain their promotions but Assistant Station Masters whom they may have superseded will take seniority over them when in their turn they are promoted to Station Masters or Assistant Station Masters C" ? If so, will Government please state whether it is a fact that the scale of pay of an Assistant Station Master "C" class is Rs. 70-5-95 and that of a Station Master "A" Class is Rs. 52-4-76 ? If so, how is seniority based on initial pay in the grade, and how are two designations combined in the spirit of rule 2 of the rules for recruitment and training of staff ?

(b) What are the reasons for and Fundamental Rule under which a man, who received his promotion earlier, can be made junior to a man whose date of promotion is later ?

(c) Has not the Divisional Superintendent introduced a new code of promotion by this circular ? If so, what action do Government propose to take against the promulgation of such new codes every day ? If none, why not ?

(d) Do Government propose to examine or test the ability of Divisional Superintendents and their efficiency in Rules and Regulations triennially ? If not, why not ?

Mr. P. R. Rau : (a) to (c). I am not sure I quite understand the question, but the circumstances stated do not furnish any reasons for Government to intervene in questions of relative seniority of staff of the classes indicated which are within the Agent's powers.

(d) No. Government consider it quite unnecessary.

CASE OF ONE MR. P. BHARTHI, ex-GUARD, EAST INDIAN RAILWAY.

899. *Pandit Satyendra Nath Sen : With reference to my starred question No. 795, dated the 12th September, 1933, regarding P. Bharthi, ex-guard, East Indian Railway, will Government please state if they have completed their enquiry into the case ?

Mr. P. R. Rau : I understand that my Honourable friend has already been informed by the Chief Commissioner of Railways and by Mr. Colvin, Member of the Railway Board, that the Railway Board have enquired into this case and consider that the East Indian Railway administration were justified in regard to the action taken by them in this case.

AMALGAMATION OF THE POSTS OF THE COMMISSIONERS OF INCOME-TAX, UNITED PROVINCES AND CENTRAL PROVINCES.

900. *Mr. S. G. Jog : (a) Is it not a fact that the post of the Commissioner of Income-tax in the Central Provinces and Berar was "abolished" and was amalgamated with the post of the Commissioner of the United Provinces ?

(b) Will Government please state whether this arrangement was brought about as a temporary and experimental measure, or as a permanent one ?

(c) Will Government please state the headquarters of the commissioner for this combined post ?

(d) Will Government please state whether this arrangement has been found satisfactory in actual working ? If not, do Government propose to revert to the old system ?

(e) In view of the long extent of jurisdiction, are Government prepared to move the headquarters to a more central place like Jubbulpore ?

(f) Are Government aware that the present arrangement is extremely inconvenient to assessee of the Central Provinces and Berar ?

The Honourable Sir James Grigg : (a) Yes.

(b) The arrangement is a permanent one.

(c) Lucknow.

(d) The answer to the first part of the question is in the affirmative. The second part does not arise.

(e) No.

(f) The Government of India have not received any complaint.

Mr. S. G. Jog : May I know what sort of enquiry the Department had before they satisfied themselves that the present arrangement was satisfactory ?

The Honourable Sir James Grigg : It is a little difficult to know how to investigate non-existing complaints. (Laughter.)

EXEMPTION FROM CUSTOMS DUTY OF LABORATORY INSTRUMENTS FOR USE IN THE BOMBAY UNIVERSITY.

901. Mr. S. G. Jog : (a) Are Government aware that the University of Bombay has decided to open a course of Chemical Technology ?

(b) Is it not a fact that the Bombay University wants to place a very big order of laboratory instruments for that course ?

(c) Is it not a fact that the Bombay University have requested the Government of India to exempt them from the customs duty ?

(d) Will Government please state whether they propose to grant the exemption from customs duty by way of help to a course of education ? If not, why not ?

The Honourable Sir James Grigg : (a), (b) and (c). Yes.

(d) The answer is in the negative. Where assistance is to be given to such educational institutions, it should be done by direct grants-in-aid from provincial revenues, and not indirectly from Central revenues by remission of customs duty.

Mr. S. G. Jog : May I know whether there is any technical or legal objection to exempting such instruments from customs duties ?

The Honourable Sir James Grigg : I would ask the Honourable Member to cast his mind back to a debate which took place two days ago about the wickedness of Government assisting provincial subjects. (Laughter.)

ALLEGED NEGLIGENCE OF THE POLICE IN AJMER.

902. *Mr. M. Maswood Ahmad : (a) Is it a fact that on the 26th July, 1934, a public meeting was held at Ajmer to protest against the action and negligence of the police ?

(b) What is the text of the Resolution passed by that meeting ?

(c) What action, if any, did Government take on such resolutions ?

Mr. H. A. F. Metcalfe : The information asked for has been called for and a reply will be given to the House in due course.

CONSTRUCTION BY PRIVATE INDIVIDUALS OF THEIR HOUSES IN NEW DELHI.

903. *Mr. M. Maswood Ahmad : (a) Has the attention of Government been drawn to an article published in the *Hindustan Times*, dated the 29th July, 1934 (page 12), under the caption "New Delhi Landlords Plight" ?

(b) Is it the policy of Government to encourage the private individuals to build their houses in New Delhi ?

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

MUSLIM TEA STALLS ON CERTAIN STATIONS ON THE GREAT INDIAN PENINSULA RAILWAY.

904. *Dr. Ziauddin Ahmad : (a) Is it a fact that Muslim Tea Stalls at Dadar, Kurla and Igatpuri, on the Great Indian Peninsula Railway have been sold to non-Muslim Iranis ?

(b) Are there no Muslim Tea stalls at Murtazapur, Chanda and Balharshah ?

(c) Have the Muslim stall-holders on the Great Indian Peninsula Railway recently been forbidden to sell fruits on the platforms, while the non-Muslim stall-holders have no such restriction ?

(d) Are provision passes issued to contractors catering on the Great Indian Peninsula Railway at more than one station?

(e) Is it a fact that third class Hindu Tea stall-holder, Victoria Terminus, Great Indian Peninsula Railway, has been granted a first class free pass and two second class passes from station to station on the whole Great Indian Peninsula Railway?

(f) Is it a fact that third class Hindu Tea Stall Contractor has paid Rs. 15,025?

Mr. P. R. Rau : (a) The Agent, Great Indian Peninsula Railway, states that the licenses for the tea stalls are held by Iranis who are non-Muslims, but are required, under the conditions of their license, to employ Muslim servants.

(b) There are Muslim tea stalls at Murtazapur and Balharshah, but not at Chanda.

(c) No distinction is made between Muslims and other communities in this respect. The rule which applies to all communities alike is that when separate licences are given for the sale of fruit, which may be given either to a Hindu or a Muslim, other stall-holders are not allowed to sell fruit.

(d) No.

(e) and (f). Government are informed that two Hindu stalls have been let from the 1st October, 1933, for Rs. 15,025, but the passes have been given in connection with the buffet and restaurant cars contract.

Maulvi Muhammad Shafee Daoodi : Are Government aware if this is the rule that is followed by the railway authority in regard to all stations, and also on other lines?

Mr. P. R. Rau : What rule?

Maulvi Muhammad Shafee Daoodi : This rule of giving contract to non-Muslims for the purpose of catering to Muslims, and as the Honourable Member said, employment of Muslims by non-Muslims to serve Muslims. That is a great difficulty.

Mr. P. R. Rau : I have no information about other lines; the only information I have already given to the House.

Dr. Ziauddin Ahmad : It was said that these contracts were not to be sold. Here we have got a definite illustration, which the Honourable Member himself admits, that the contract was sold for Rs. 15,025, which is contrary to the rule of the Great Indian Peninsula Railway.

Mr. P. R. Rau : I have informed the House that a license fee of Rs. 15,025, which is contrary to the rule of the Great Indian Peninsula the stall-keepers in question.

Dr. Ziauddin Ahmad : Rs. 15,025—is it a licensing fee or the sale price of the contract?

Mr. P. R. Rau : It must be remembered that it is the Victoria Terminus Station.

Dr. Ziauddin Ahmad : Rs. 15,025 is a big licensing fee for a third class tea stall. Or is it the sale price of the contractors? Will the fee be returned?

Mr. P. R. Rau : It cannot be the sale price of the contractor. Nobody is going to sell or buy him. (Laughter.)

Mr. S. G. Jog : Is it a fact that these stall contractors have got to spend something extra for securing these contracts, and that it falls on the customers?

Mr. P. R. Rau : I am not aware of any such thing.

Mr. S. G. Jog : The Honourable Member may take it from me that there is a complaint that they have to spend some extra money.

Mr. P. R. Rau : Can my Honourable friend give me specific instances?

Mr. S. G. Jog : I will write to the Department, and it is not fair to give them out here on the floor of the House.

Mr. P. R. Rau : I think it is more unfair to make general allegations of this kind without being able to give any specific instances in support of them. (Cheers.)

Mr. S. G. Jog : I have got specific instances with me, but I am not prepared to disclose them here in the interests of the Department—not that I have not got them.

Mr. P. R. Rau : My Honourable friend is unable to give me any specific instance. It is obvious that I cannot enquire into it.

Dr. Ziauddin Ahmad : May I ask whether the system of giving contract to one person for a large number of stations is justified or not? I thought it was against the principle that a contract should be given, so far as possible, to local persons.

Mr. P. R. Rau : This particular instance is with reference to one or two stalls at the Victoria Terminus Station.

Dr. Ziauddin Ahmad : No. It relates to Dadar, Kurla, and Igatpuri stations.

Mr. P. R. Rau : You are talking about (a). As regards (a), I think, so far as my information goes, the contracts are not all held by the same person.

Mr. Gaya Prasad Singh : If the suggestion of my Honourable friend, Dr. Ziauddin Ahmad, is to be adopted, what is to become of the contract which is given to Messrs. Kellner and Co.?

Mr. P. R. Rau : Which suggestion?

Mr. Gaya Prasad Singh : The suggestion of my Honourable friend is that different contracts should be given to local persons at different stations.

Dr. Ziauddin Ahmad : As far as possible.

Mr. Gaya Prasad Singh : as far as possible. If this suggestion is given effect to, what is to become of the contract which is given to Messrs. Kellner and Co., which is for a large number of stations?

Mr. Gaya Prasad Singh : May I know if the Government of India are prepared to accept the suggestion which has been made by Dr. Ziauddin Ahmad just now ?

Mr. P. R. Rau : I must have time to consider it.

Dr. Ziauddin Ahmad : I said, as far as possible. In any case, local contractors to cater according to English style will not be available.

Mr. P. R. Rau : That was one of the suggestions made by my Honourable friend at the time of the debate on this question, and those suggestions have all been sent to the railway administrations for consulting the Local Advisory Committees.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether it is the general policy that, when there is a general grievance and there are complaints all round, the Honourable Member will not enquire into them ?

Mr. P. R. Rau : The general grievance, if it is to find credence, must be supported by specific instances.

Mr. Lalchand Navalrai : The general grievance has been expressed, and it should be easy for the Honourable Member and the Railway Board to enquire into it and find out specific instances.

ABSENCE OF MUSLIM REFRESHMENT ROOMS ON CERTAIN STATIONS ON THE GREAT INDIAN PENINSULA RAILWAY.

905. ***Dr. Ziauddin Ahmad :** (a) Are Government aware that there are no Muslim Refreshment Rooms at important junction stations, like Mammad, Bhusawal, Nagpur, Khandwa and Jubbulpore on the Great Indian Peninsula Railway ?

(b) Is it a fact that the Great Indian Peninsula Railway authorities are contemplating selling the Tea Stalls to Contractors ?

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

(b) No.

SALE OF AERATED WATERS ON THE GREAT INDIAN PENINSULA RAILWAY.

906. ***Dr. Ziauddin Ahmad :** Is it a fact that the Great Indian Peninsula Railway has given the sole monopoly of selling aerated waters to Brandon and Company on trains and train timings and that the third class passengers have to pay 75 per cent. higher rate than the ordinary rate ?

Mr. P. R. Rau : I understand, Messrs. Brandon and Company have the monopoly. The Agent, Great Indian Peninsula Railway, states that the charges for all classes of passengers are about 30 per cent. higher than the local rates.

Dr. Ziauddin Ahmad : There is a definite complaint on this subject. When a train arrives at a station, the vendors at the station are not

permitted to sell to the passengers. They can only sell when the train is not at the station ?

Mr. P. R. Rau : I cannot understand my Honourable friend's question. If the vendors are not permitted to sell to the passengers, then to whom are they to sell ?

Dr. Ziauddin Ahmad : This is just my point. They are not allowed to sell when the train is in the station. It is supposed to be the monopoly of this Company, and the passengers have to get it from the vendors travelling in the train at high prices. The poor men cannot afford to pay higher prices, and they go without ice. Will you look into this ?

Mr. P. R. Rau : I shall inquire into that.

Dr. Ziauddin Ahmad : Will you please send the other questions and the answers also to the Advisory Committee ?

Mr. P. R. Rau : I shall send them to the Agent.

Mr. Gaya Prasad Singh : Together with the other supplementary questions which go counter to his suggestion.

PERCENTAGE LAID DOWN FOR PROMOTIONS FROM THE PROVINCIAL CIVIL SERVICE TO THE INDIAN CIVIL SERVICE POSTS.

907. ***Mr. Gaya Prasad Singh :** (a) What is the percentage laid down by the Lee Commission to Indianize the Indian Civil Service by way of promotions from the Provincial Civil Service ?

(b) What should be the number of posts according to the recommendation, now to be held by the members of the Provincial services, and what is the number of posts actually thrown open to the services in the various Provinces in the Judicial and Executive Branches ?

(c) Has the percentage recommended by the Commission been reached in all the Provinces and if not, do Government propose to instruct the Local Governments to submit proposals to expedite the process of Indianisation to the extent recommended by the Commission ? If not, why not ?

(d) What is the number of superior posts in each Province and what percentages of them have been thrown open as 'listed' to the Provincial Services in each province ?

(e) Is the percentage equal in all Provinces, both as regards the Judicial and Executive Branch ? If there is a difference, why ? Are Government prepared to take steps to see that an equal percentage of posts is thrown open to the Provincial services both in the Judicial and Executive Branch and in all the Provinces ?

The Honourable Sir Henry Craik : I lay a statement on the table, which, read with the reply given on the 3rd February, 1931, to Kumar Gupteshwar Prasad Singh's question No. 307 on the subject, will, I hope, serve the purpose of the Honourable Member.

Province.	No. of posts to be listed ultimately.			No. of posts so far listed.			No. of posts remaining to be listed.			Remarks.			
	Execu- tive.	Judicial.		Execu- tive.	Judicial.		Execu- tive.	Judicial.					
		P. C. S.	Bar.		P. C. S.	Bar.		P. C. S.	Bar.				
Madras	10	6	5	21	7	6	5	18	*3	..	..	*3	* In these cases the Secretary of State's sanction has been received for listing an additional post during 1934. This has not been included in the figures.
Bombay	8	5	4	17	4	5	4	13	*4	..	..	*4	
Bengal	9	9	4	22	9	9	4	22	..	..	..	..	
United Pro- vinces.	16	8	1	25†	9	8	1	18	†7	..	..	†7	
Punjab	10	6	2	18	10	6	2	18	..	..	..	..	
Burma	11	5	3	19	9	5	3	17	2	..	..	2	
Bihar and Orissa.	7	4	2	13	5	4	2	11	2	..	..	2	
Central Pro- vinces.	6	4	..	10	4	4	..	8	2	..	..	2	
Assam	5	..	..	5	3	..	..	3	*2	..	..	*2	

Mr. S. C. Mitra : Yes. Khan Abdul Ghaffar Khan was a State Prisoner under the Regulation, and he was confined for "internal commotion", like Mr. Bose. Do Government propose to consider his case also ?

The Honourable Sir Henry Craik : The two cases are in no way connected, but Mr. Sarat Chandra Bose will be released when the Government are satisfied that his release can be effected without danger to the security of the country from internal commotion.

Mr. Gaya Prasad Singh : What is the answer to part (c) of the question? I want to know whether the Government of India are prepared to give Mr. Sarat Chandra Bose an opportunity to clear his character *in camera*, if possible?

The Honourable Sir Henry Craik : No, Sir. The Government have no such intention.

Mr. Gaya Prasad Singh : Have the Government of India communicated to Mr. Sarat Chandra Bose the charges that are pending against him?

The Honourable Sir Henry Craik : No, Sir.

Mr. Gaya Prasad Singh : They have not replied to the communication which they have received from Mr. Sarat Chandra Bose?

The Honourable Sir Henry Craik : That communication is under examination. It has not been replied to.

Mr. S. C. Mitra : Is it not a fact that the two Judges, who went over the records of the case of Mr. Bose, asked for an explanation of the charges made against Mr. Bose. Was this procedure omitted, in case of Mr. Bose, of the records being placed before two Judges with the replies to the charges?

The Honourable Sir Henry Craik : The information which Government held about this gentleman was placed before two Judges who held that his internment was justified in the interests of securing the country from internal commotion.

Mr. S. C. Mitra : Is it not the general practice, when these records are placed, that some charges are also communicated to the State Prisoner and he is asked to give his own explanations so far as he can. Has it been omitted in this case?

The Honourable Sir Henry Craik : It is not the general practice. It is sometimes done.

RECRUITMENT OF ENGINEERS BY THE RAILWAY BOARD.

909. ***Lieutenant-Colonel Sir Henry Gidney :** (a) Is it a fact that the Railway Board is recruiting three permanent officers for the Indian Service of Engineers?

(b) If the answer to part (a) be in the affirmative, will Government please state whether or not it is a fact that there are, at present, a number of excess Engineer Officers on both State and Company controlled Railways?

(c) If the answer to part (b) be in the affirmative, will Government please state why they have neglected the claims of their former retrenched Engineer Officers instead of calling for new recruits?

Mr. P. R. Rau : (a) In 1934-35 the Railway Board are recruiting three permanent officers in India for the Indian Railway Service of Engineers through the Public Service Commission.

(b) On the State-managed Railways there are excess officers of the Indian Railway Service of Engineers. Government are not aware that there are any excess Engineer officers on Company-managed Railways.

(c) Government are of opinion that, owing to the fact that no recruitment has been made to the Indian Railway Service of Engineers since April, 1932, recruitment should be resumed in 1934-35 in order to avoid unduly long gaps in direct recruitment, which would prove undesirable from an administrative point of view. They consider, however, that, in view of the existing excess of Indian Railway Service of Engineers officers, recruitment for the next few years should be restricted to half the normal annual figure of recruitment.

Officers recruited in 1934-35 will be under training for two years and will not be available to fill working posts until the end of 1936-37 and, in the meantime, it is estimated that about 15 vacancies will occur in the Indian Railway Service of Engineers during the two years 1934-35 and 1935-36. It is proposed, in filling these vacancies, to consider the claims of selected *ex-temporary* engineers, but some of the vacancies will be provided for by reductions in the cadre of the superior service and by promotion of subordinates to the Lower Gazetted Service.

Lieut.-Colonel Sir Henry Gidney : A supplementary question, Sir. Is it not the policy of the Government of India in the Railway Department to re-employ their retrenched officers as vacancies arise rather than advertise for new entrants?

Mr. P. R. Rau : The policy of re-employing the retrenched staff applies fully only to the subordinate staff. As regards superior staff, Government will consider whether some of the vacancies can be filled by *ex-temporary* engineers.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there are persons on the waiting list, and will they be given preference in the appointment or not?

Mr. P. R. Rau : There are certain *ex-temporary* engineers whose names are borne in a list maintained by the Railway Board, and their claims will be considered when making selection.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member inform this House whether it is not a fact that Government will be better served by experienced retrenched officers than by raw inexperienced officers who have to be brought in for training?

Mr. P. R. Rau : That is a matter of opinion. Government will take my Honourable friend's opinion into consideration at the time of considering this case.

Lieut.-Colonel Sir Henry Gidney : But what is your opinion? You evidently have none.

EMPLOYMENT OF MUSLIMS IN THE INCOME-TAX DEPARTMENT IN THE PUNJAB, NORTH-WEST FRONTIER AND DELHI PROVINCES.

910. ***Khan Sahib Shaikh Fazal Haq Piracha :** (a) Will Government be pleased to state, with figures, how far they have been able to remove the gross communal inequality of Muslims in the amalgamated cadre of the gazetted officers of the Income-tax Department, in the Punjab, North-West Frontier and Delhi Provinces?

(b) Is it a fact that out of the 38 gazetted posts of the Income-tax Officers and the Assistant Income-tax Officers in the above mentioned Provinces, 13 only are held by Muslims, and out of five superior administrative posts, viz., Commissioners and Assistant Commissioners of Income-tax only one is held by a Muslim, who was appointed last year and is due to retire early next year?

(c) Is it a fact that out of the four appointments made in the Income-tax Officer's grade in the said Provinces, only one had gone to a Muslim?

(d) What measures have Government adopted or propose to adopt to remove the Muslim inequality in Services of the Income-tax Department in the Punjab, Delhi and North-West Frontier Provinces.

(e) Do Government propose to consider allotting at least two out of the five administrative Superior posts of the Income-tax Department for such Muslims who might have qualified themselves for the posts?

(f) Do Government propose also to consider the fixation of the number of Income-tax Officers and Assistant Income-tax Officers' posts in the above three mentioned Provinces to be filled by Muslims according to the population basis?

The Honourable Sir James Grigg: With your permission, Sir, I propose to answer questions Nos. 910, 911 and 913 together.

The information is being obtained and will be laid on the table in due course.

PROMOTIONS IN THE INCOME-TAX DEPARTMENT OF THE PUNJAB, NORTH-WEST FRONTIER AND DELHI PROVINCES.

†911. ***Khan Sahib Shaikh Fazal Haq Piracha:** (a) Is it a fact that Government have ruled, in the case of promotion from subordinate to the gazetted ranks, in the case of Income-tax Department of the Punjab, North-West Frontier and Delhi Provinces, that persons above the age of 35 years will not be considered eligible for such appointments?

(b) Are Government aware that some of the subordinate officials in the Department qualified themselves for promotion to the gazetted ranks, by the higher departmental standards, when they were below the age of even 30 years, on the eve of their service, and have since then no opportunity for promotion attained the age of over 35 years,—and that the above rule will now debar them from promotion?

(c) Are Government aware that there is a great resentment and disappointment amongst such officials against this rule?

(d) Are Government prepared to consider relaxing the said rule in the case of those Subordinate officers of the Income-tax Department who qualified themselves for higher promotion before the rule was passed?

ALLEGATIONS AGAINST THE ADMINISTRATION OF THE INCOME-TAX DEPARTMENT OF THE DELHI PROVINCE AND THE AMBALA DIVISION.

†912. ***Khan Sahib Shaikh Fazal Haq Piracha:** (a) Is it a fact that in the year 1933, Rai Bahadur Mangat Rai, the late Commissioner of Income-tax, Punjab, made enquiries, under the orders of Government,

†For answer to this question, see answer to question No. 910.

into the administration of the Income-tax Department of the Delhi Province and the Ambala Division?

(b) Is it also a fact that as a result of that inquiry serious charges were established against certain high officers of the Department? If so, what were the charges and against whom?

(c) Did Government take any action against the officers concerned and with what result? If Government have taken no action still, do they now propose to take any? If not, why not?

The Honourable Sir James Grigg: (a) No. There was an enquiry by the Commissioner himself and that too as regards a particular case.

(b) and (c). Do not arise. I might add that as a result of the enquiry referred to in my reply to part (a), a subordinate officer was punished by the Commissioner. The appeal lodged by that officer against the punishment awarded is, however, under consideration.

LOCATION OF THE INCOME-TAX OFFICE AT SHOLAPUR.

†913. ***Mr. B. V. Jadhav:** (a) Is it a fact that the Income-tax Office at Sholapur is situated far away from the business centre of the city?

(b) Is it a fact that there is no conveyance stand in the vicinity of this office?

(c) Is it a fact that the conveyances of the assesseees have to wait outside the office for a long time?

(d) Is it a fact that the present premises are leased for a period of three years?

(e) What is the rent of the present premises?

(f) Is it a fact that complaints have been made to the authorities of the department for having shifted the office to the new quarters?

(g) Were the higher authorities consulted before the choice and agreement of the new premises were made?

(h) How many other alternative premises were seen before deciding upon the present one?

EMPLOYMENT OF SIKHS IN THE UPPER SUBORDINATE ENGINEERING SERVICE OF THE POSTS AND TELEGRAPHS DEPARTMENT.

914. ***Sardar Sant Singh:** (a) Will Government please state whether they are aware that there is only one Sikh Engineering Supervisor in all the three branches (General, Telephone and Electrical) of the Upper Subordinate Engineering Service of the Indian Posts and Telegraphs Department, out of the total of over 400 Engineering Supervisors, Deputy Assistant Engineers and Assistant Engineers?

(b) If the answer to part (a) be in the affirmative, do Government propose to take any steps to bring the number of Sikhs in the Telegraphs Engineering to their legitimate due? If so, what?

The Honourable Sir Frank Noyce: (a) Yes; but the total number of officers of the classes specified by the Honourable Member is 380 only.

†For answer to this question, see answer to question No. 910.

(b) I would invite the Honourable Member's attention to Home Department Resolution, dated the 4th July, 1934, published in the Gazette of India on the subject of redress of communal inequalities in making direct appointments. Future direct recruitment to the upper subordinate service of the Indian Posts and Telegraphs Department will be made in accordance with the orders issued in that Resolution.

OFFICERS IN CHARGE OF SALES SECTIONS ON THE NORTH WESTERN RAILWAY.

915. *Sardar Sant Singh : (a) Is it a fact that the Pope Committee in their second report (*vide* page 32) recommended that officers who are appointed in charge of Sales Sections should possess an intimate knowledge of the religious customs of the community served by the railway, and that the railway travelling in India is largely guided by religious observations ?

(b) Will Government be pleased to state if the officer who is appointed on the North Western Railway possesses these qualifications ?

(c) Is it a fact that this post on the North Western Railway is on the senior scale ?

(d) Is it a fact that officers of the Lower Gazetted Service cannot be appointed to Senior Scale of the Superior Service when Junior Scale officers are available ?

(e) Is it a fact that several Indian Officers of the Superior Service with thorough knowledge of religious customs of the people served by that Railway, are available with sufficient seniority ?

(f) Will Government be pleased to state what special qualifications Messrs. Jordon and Jacob, both officers of the Lower Gazetted Service, possessed which led to their appointment in charge of these Sales Sections ?

Mr. P. R. Rau : (a) The Committee have emphasised the importance of the Publicity Officer or his Assistant possessing intimate knowledge of the religious customs of the communities served by his railway.

(b) and (c). I am not clear to what officer my Honourable friend is referring. There is no separate Publicity Officer on the North Western Railway.

(d) No. The rule is that ordinarily officiating posts in the senior scale are filled by junior scale officers, but if a suitable junior scale officer is not available or cannot be made available without conflicting with the interests of administration, a Lower Gazetted Service Officer may be appointed to officiate in the senior scale.

(e) and (f). Government regret that they are unable to discuss the qualifications of individual officers on the floor of this House.

EARLY ARRIVAL OF THE HOWRAH-DELHI-KALKA MAIL AT KALKA.

916. *Mr. A. H. Ghuznavi : (a) Is it not a fact that the East Indian Railway Up Train No. 1, known as the Howrah-Delhi-Kalka Mail, generally reaches Kalka at about 4-10 A.M. instead of 4-50 A.M., that is to say, about 40 minutes ahead of the scheduled time ?

(b) Are Government aware that this earlier and untimely arrival of the train at Kalka causes considerable inconvenience to the travelling public ?

(c) Will Government see their way to have this anomaly and inconvenience removed either by prolonging the haltage of the train at the Delhi station or by introducing some other suitable alterations in the time-table ?

Mr. P. R. Rau : (a) In order to meet temporary engineering restrictions this train is allowed 20 minutes extra for the run from Chandigarh to Kalka. If no time is lost *en route* on engineering restrictions the train can arrive at Kalka 20 minutes before the booked time of arrival.

(b) No. The staff have instructions to allow the train to remain on the platform line until the normal time for its removal or till after all passengers have alighted.

(c) It is the normal practice to allow extra time on the last run or near a terminal station to cover detentions *en route* on account of engineering restrictions, so as to ensure that trains arrive in time at a junction station to maintain connection with other trains.

DETENTION OF THE KALKA-DELHI-HOWRAH MAIL AT SUBZIMANDI STATION.

917. *Mr. A. H. Ghuznavi : (a) Is it not a fact that the East Indian Railway Down Train No. 2, known as the Kalka-Delhi-Howrah Mail, ordinarily arrives at Subzimandi station at 6-20 A.M., instead of 7 A.M., i.e., about 40 minutes before the scheduled time and halts there for about 40 minutes instead of one minute, as mentioned in the time-table ?

(b) Are Government aware that this long and unexpected detention at a small wayside station in the morning causes considerable inconvenience to the passengers ?

(c) Do Government propose to consider the undesirability and inconvenience of this anomaly and to have it removed as early as possible either by an earlier arrival of the train at the Delhi station or by introducing some other suitable alterations in the time-table ?

Mr. P. R. Rau : (a) In order to meet temporary engineering restrictions, this train is allowed 20 minutes extra for the run from Badli to Subzimandi, if no time is lost *en route* from Ambala on engineering restrictions, the train can arrive at Subzimandi 20 minutes before the booked time of arrival.

(b) No.

(c) I would refer the Honourable Member to the reply I have just given him to part (c) of his question No. 916.

TRAIN CONDUCTORS ON THE NORTH WESTERN RAILWAY.

918. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state how many train conductors are there on the North Western Railway ?

(b) Are they all Eurasians or of any other nationality ? If the former why ?

(c) What were they before they were engaged as conductors and what are their duties and salaries ?

(d) Can their duties not be performed by the ticket collectors on the stations and Special Ticket Examiners on the line ? If not, why not ?

(e) Is it a fact that these conductors are old people kept on? If not, what are their respective ages and when are they due for retirement?

(f) Do Government propose to employ on this service, if it is continued, people of all nationalities?

Mr. P. R. Rau: I have called for certain information and will lay a reply on the table of the House in due course.

ISSUE OF PASSES ON THE EAST INDIAN RAILWAY.

919. ***Mr. S. G. Jog:** (a) Is it a fact that the old East Indian Railway employees and those appointed after the amalgamation of the East Indian Railway and the Oudh and Rohilkhand Railway are entitled to second class passes on getting Rs. 116 pay, and the employees of the late Oudh and Rohilkhand Railway are entitled to the second class passes on Rs. 126 pay?

(b) Is it a fact that the Agent is held competent to deal with all matters concerning his Railway?

(c) Has the Agent, East Indian Railway, delegated these powers of independence to the Chief Operating Superintendent in regard to the issue of passes and questions about seniority, etc.?

(d) Has the Chief Operating Superintendent got power to issue a lower class duty or privilege pass to an East Indian Railway employee getting Rs. 116 pay and an Oudh and Rohilkhand Railway employee getting Rs. 126 pay?

(e) Are the duty passes issued on the consideration of pay of an employee or on the consideration of the post held by him?

(f) Is personal pay taken into consideration for the issue of a certain class of pass?

(g) Is it a fact that the old Oudh and Rohilkhand Railway employees used to get a servant on inter class privilege pass, and why has this privilege been withdrawn now?

(h) Is it a fact that the old East Indian Railway employees get an attendant pass when they do not get leave?

(i) Has the Chief Operating Superintendent or the Divisional Superintendent got powers from the Agent to amend the pass rules whenever they desire to do so?

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

(b) Yes, to the extent to which powers have been delegated to him.

(c), (d) and (i). Government have no information as to what powers the Agent has delegated to the Chief Operating Superintendent, but I do not think that any such delegation would extend to the amending of the pass rules.

(e) and (f). The pay, including personal pay, generally determines the class of pass admissible.

(g) Government have no definite information, but it is, I believe, that servants are not ordinarily allowed in the case of intermediate class privilege passes.

(h) Yes.

THIRD CLASS TICKETS FOUND MISSING AT THE DELHI RAILWAY STATION.

920. ***Mr. S. G. Jog:** (a) Is it a fact that in 1927, 75 unused third class tickets were found missing from the tube at Delhi Junction Station?

(b) Is it a fact that these were for Balotra Station?

(c) Is it a fact that the cost of these tickets was recovered from the booking clerks?

(d) Is it a fact that subsequently these tickets were found and submitted to the Ticket Checking Section of the North-Western Railway Accounts Office?

(e) Is it a fact that the amount recovered from the respective booking clerks was never refunded to them? If so, why?

(f) Is it a fact that on coming to know about the find of the lost tickets some booking clerks have applied for the refund of the amount deducted from their pay? If so, why was it not refunded?

(g) Is it a fact that the Divisional Superintendent, Delhi Division, North Western Railway, under No. 9866-C., dated the 21st January, 1931, refused to grant the refund claimed? If so, why?

Mr. P. R. Rau: (a), (b) and (c). Yes.

(d) Seventy tickets were found more than two years after they had been reported as missing.

(e) The reply to the first part of the question is in the affirmative. As regards the second part no information is available as the record in the office of the Divisional Superintendent at Delhi has since been destroyed under the rules for destroying time-expired records.

(f) and (g). The Agent, North Western Railway, states that applications for a refund were made by the booking clerks, but owing to the Divisional Superintendent, Delhi's records having been destroyed, it is not possible to say what action was taken. Endeavours are, however, now being made to obtain such further information as is necessary before a refund can be arranged.

INCREMENTS OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

921. ***Mr. S. G. Jog:** (a) Is it a fact that under Fundamental Rule 24 an increment shall be drawn as a matter of course? If so, will Government please state whether this Fundamental Rule is applicable to the staff serving under the Divisional Superintendent, Moradabad Division, East Indian Railway? If not, why not?

(b) Are the Establishment Branch of the said Superintendent aware of the Fundamental Rules? If not, why not?

(c) Do Government propose to examine the staff of the said Superintendent in Fundamental Rules? If not, why not?

(d) Are Government aware and if not will they please institute enquiries and state:

(i) the number of men who have not received their increments as a matter of course;

(ii) the reasons under which an increment was not paid by the Divisional Accounts Officer, Moradabad, on the due date;

(iii) the circumstances under which increments due and claimed on the 7th February, 1931, are not paid as yet, *vide* Divisional Superintendent, Moradabad's No. 1261-E.P., dated the 8th September, 1931, and No. 1261-E.P., dated the 14th February, 1934 ;

(iv) who is responsible for the hardship caused on the poor subordinates ; if none, why ;

(v) what action has been taken by them to see that increments are paid in due time as a matter of course ; if none, why not ;

(vi) whether they propose to recover the interest of the amount due to the subordinates from the salary either of the Chief Operating Superintendent or of the Divisional Superintendent ; if not, why not ?

Mr. P. B. Rau : (a) Fundamental Rule 24 prescribes that an increment shall ordinarily be drawn as a matter of course unless it is withheld. The answer to the second part of the question is in the affirmative.

(b) I have no reason to think that this is not the case.

(c) No.

(d) I am obtaining certain information and shall lay a reply on the table in due course.

REINSTATEMENT OF THE DEMOTED DRIVERS OF THE GREAT INDIAN PENINSULA RAILWAY.

922 ***Mr. S. G. Jog :** Is it a fact that Government informed this House on the 13th February, 1934, in reply to unstarred question No. 70 asked on the 13th September, 1932, that the demoted drivers of the Great Indian Peninsula Railway have now been reinstated ? If so, will Government please state :

(i) whether reinstatement means an employee's reversion to his former post and position ; if not, the reason therefor, and the meaning of the word "reinstatement" ;

(ii) the difference between reinstatement, re-appointment, re-employment, re-promoted and put back or recalled back to duty ;

(iii) whether the demoted staff is entitled to count the duty performed in a demoted grade towards increments on reinstatement in their former grade ; if not, why not ;

(iv) whether Fundamental Rule 26 is applicable to staff demoted ; if not, why not, and which Fundamental Rule governs these appointments ;

(v) whether Government propose to grant the due increments to the demoted staff on their reinstatement ? If not, why not ?

Mr. P. B. Rau : With your permission, Sir, I shall reply to questions Nos. 922 to 925 together.

I have called for certain information and will lay a reply on the table of the House in due course.

INCREMENTS OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

†923 ***Mr. S. G. Jog :** (a) Is it a fact that the Divisional Superintendent, Moradabad Division, East Indian Railway, has called upon the staff to forego their arrears on account of increments ? If so, why ?

(b) How many men have given in writing that they forego their arrears of increments ? If none, how many men have been given their increments during the half year ending the 30th June, 1934, and what was the date when their last increment in pay was sanctioned ?

CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

†924. ***Mr. S. G. Jog :** With reference to their reply to starred question No. 693, dated 6th September, 1933, laid on the table of this House on the 27th March, 1934, will Government be pleased to state why the old Travelling Ticket Inspectors who drew mileage allowance and are working as Inspectors, Head Ticket Collectors, Assistant Head Ticket Collectors and Ticket Collectors, referred to in the question are still denied the *ex-gratia* consolidated allowance sanctioned to them by His Excellency the Governor General in Council, by way of compensation due to a heavy drop in their emoluments on account of the abolition of mileage allowance ?

CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

†925. ***Mr. S. G. Jog :** (a) Will Government be pleased to state if it is a fact that the Chief Operating Superintendent of the East Indian Railway has issued instructions to the Divisional Superintendents to post the old Travelling Ticket Inspectors on stationary duties (when vacancies occur) of the Ticket Checking branch ? If so, why ?

(b) Is it a fact that the Divisional authorities have accordingly issued orders to the employees concerned that they should offer their choice for the post of Assistant Head Ticket Collectors when vacancies occur and further they have been told that they will cease to draw the *ex-gratia* consolidated allowance ?

(c) If answers to parts (a) and (b) be in the affirmative, will Government be pleased to state if the Agent, East Indian Railway, and the Railway Board, were consulted by the Chief Operating Superintendent before the issue of these orders and if the action of the Chief Operating Superintendent was approved of by them ?

APPOINTMENT OF MUSLIMS AS ASSISTANTS IN THE HOME DEPARTMENT.

926. ***Mr. Uppi Saheb Bahadur :** (a) Is it a fact that out of the five Superintendents in the Home Department, only one is a Muslim, who is temporary at present ?

(b) Is there any likelihood of his continuing to work as Superintendent ? If so, is it a fact that excluding the above Muslim Superintendent from the assistants' cadre, there are only three Muslim assistants in the Home Department out of a total strength of 23, i.e., only 13 per cent. ?

†For answer to this question, see answer to question No. 922.

(c) Are Government prepared to look into this matter and consider the appointment of Muslims as assistants, if and when vacancies arise in future, and bring the percentage of Muslims to at least 25 per cent. in that Department?

The Honourable Sir Henry Craik : (a) There is no permanent Muslim Superintendent in the Home Department. One Muslim is now officiating in a leave vacancy.

(b) The Muslim officiating as Superintendent is the senior-most Assistant and will continue to work as Superintendent so long as a vacancy is available and his work remains satisfactory. There are, besides him, four Muslim Assistants out of a total strength of 23 and the percentage is thus about 17.4 and not 13.

(c) Government will strictly apply the Resolution of the 4th July, 1934, which requires that 25 per cent. of all vacancies to be filled by direct recruitment shall be reserved for Muslims.

Mr. Uppi Saheb Bahadur : May I know if there are not four Assistants instead of three?

The Honourable Sir Henry Craik : Five altogether.

Mr. Uppi Saheb Bahadur : Including the acting Superintendent?

The Honourable Sir Henry Craik : Yes.

Mr. Uppi Saheb Bahadur : Now there are four Assistants. Is it a fact that one Assistant is now working in the Reforms Office and that his lien on the Home Department has been suspended?

The Honourable Sir Henry Craik : I am afraid I do not know.

Mr. Gaya Prasad Singh : May I know how these confidential informations leak out to the public?

The Honourable Sir Henry Craik : I wish I knew.

Sir Muhammad Yakub : In the same way as the information leaked out regarding His Highness the Aga Khan's so-called application for a certain thing.

Mr. Uppi Saheb Bahadur : May I know whether it is not a fact that the services of one of these four Assistants have been transferred to the Reforms Office and that his lien on the Home Department has been suspended, and this man is included in the Reforms Office personnel also? Is that a fact?

The Honourable Sir Henry Craik : I have said that I do not know. I want notice.

Bhai Parma Nand : May I know from the Honourable Member what is the meaning of this twenty-five per cent. reservation? Does this mean that each of the posts should be divided into three or four parts, or that one Branch as a whole is to be taken?

The Honourable Sir Henry Craik : The meaning of the Resolution is that twenty-five per cent. of all vacancies to be filled by direct recruitment shall go to Muslims.

Bhai Parma Nand : Vacancies in old posts also?

The Honourable Sir Henry Craik : New vacancies.

Dr. Ziauddin Ahmad : In view of the fact that four persons, while dividing their share in a House, attempted to divide each brick into four parts, is it not desirable, according to my friend's assertion, that each individual should be divided into four parts? (Laughter.)

The Honourable Sir Henry Craik : The answer is interrogative.

INDIANISATION OF THE INDIAN ARMY ORDNANCE CORPS.

927. ***Mr. Uppi Saheb Bahadur :** (a) Is it the intention to Indianise one-quarter of the British Other Ranks strength of the Indian Army Ordnance Corps? If so, within what period do Government expect to effect it?

(b) Has every fourth vacancy in the cadre of the British Non-Commissioned Officers gone to an Indian since the formation of the Indian Civil Wing? If so, how many such vacancies occurred since 1923, and what is the present strength of the Civilian Assistant Storekeepers?

Lieut.-Colonel A. F. R. Lumby : (a) The attention of the Honourable Member is invited to the answer given to starred question No. 961 asked by Khan Sahib Shaikh Fazal Haq Piracha on the 15th September, 1933.

(b) Yes. There have been 140 vacancies since the 1st April, 1923, and the present strength of Civilian Assistant Storekeepers is 35.

Lieut.-Colonel Sir Henry Gidney : Is it a fact that these Assistant Storekeepers, when they were recruited or when they were confirmed in their appointments, were given a salary of Rs. 120 a month and not Rs. 150 as contracted with them when they were first engaged on probation?

Lieut.-Colonel A. F. R. Lumby : I am afraid I have no information on the point at the moment.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member please ascertain that fact?

Lieut.-Colonel A. F. R. Lumby : Yes, Sir.

Lieut.-Colonel Sir Henry Gidney : Thank you.

BRITISH OTHER RANKS OF THE INDIAN ARMY ORDNANCE CORPS UNDER THE INDIAN UNATTACHED LIST.

928. ***Mr. Uppi Saheb Bahadur :** (a) What is the total fixed establishment of the British Other Ranks of the Indian Army Ordnance Corps under the Indian Unattached List?

(b) What is the proportion of Non-Commissioned Officers to Warrant Officers?

(c) Has any proportion of Assistant Storekeepers to Storekeepers been fixed so far? If not, why not?

(d) If the matter is under consideration, what percentage is under contemplation? In case it is not the same as for Non-Commissioned Officers to Warrant Officers, will Government please state the reasons for this disparity?

Lieut.-Colonel A. F. R. Lumby : (a) The present total is 553

(b) The attention of the Honourable Member is invited to the answer given on the 14th April, 1934, to part (b) of Mr. S. C. Mitra's unstarred question No. 349.

(c) and (d). The position is still as stated in the answer given on the 14th April, 1934, to parts (d) and (e) of Mr. S. C. Mitra's unstarred question No. 350.

INTRODUCTION OF THE SYSTEM OF PROMOTION FOR CIVILIAN STOREKEEPERS.

929. *Mr. Uppi Saheb Bahadur : Do Government propose to introduce the same system of promotion for Civilian Storekeepers as for their British confreres, i.e., Assistant Storekeepers Lower Division to Assistant Storekeeper Upper Division after three years and thereafter promotion by vacancies within a fixed establishment ?

Lieut.-Colonel A. F. R. Lumby : The attention of the Honourable Member is invited to the answer given on the 14th April, 1934, to part (c) of Mr. S. C. Mitra's unstarred question No. 351.

MISGIVINGS EXPRESSED ON THE INTRODUCTION OF THE INDIAN MILITARY ASSISTANT STOREKEEPERS SCHEME.

930. *Mr. Uppi Saheb Bahadur : Were any misgivings expressed by the Association of Storekeepers and Storemen of the Indian Army Ordnance Corps on the introduction of the Indian Military Assistant Storekeepers scheme ? If so, what reply was given to their representation ?

Lieut.-Colonel A. F. R. Lumby : The Association recently asked permission to send representatives to Simla to discuss the question. It was informed that, as the matter was already under consideration, there was no need for a deputation.

PROMOTION OF INDIAN MILITARY ASSISTANT STOREKEEPERS.

931. *Mr. Uppi Saheb Bahadur : (a) Do Government propose to stick to the original intention of giving every fourth vacancy in the cadre of British Other Ranks to a civilian ? If not, why not ?

(b) What percentage of vacancies in the British Other Ranks cadre will be thrown open to Indian Military Assistant Storekeepers ?

(c) Will Government please confirm that the promotion of certain Storemen, who have passed Trade Test has been held up ? If so, what is the cause of the suspension ? Has it got any relation to the Indian Military Assistant Storekeepers Scheme ?

(d) Are Government aware that the discontinuance of further direct recruitment to Assistant Storekeepers cadre and suspension of promotion from Storemen to Assistant Storekeepers will adversely effect the present Assistant Storekeepers in the matter of promotion and attaining the maximum pay of their grades ?

(e) How will seniority between the three wings be determined when working in the same group ?

(f) Was the hope of eventual promotion to Storekeeper's rank held out to all Storemen in the letters of appointment issued to them ? If so, how do Government reconcile the present suspension from Storeman to Storekeeper grade ?

Lieut.-Colonel A. F. R. Lumby : (a) The matter is under consideration in connection with a militarization scheme, but whatever decision is arrived at will not affect the appointment of an Indian to every fourth vacancy until the authorised percentage is complete.

(b) The matter is under consideration.

(c) Yes. The suspension is due to the fact that the scheme to which I have just referred is under consideration.

(d) No. The prospects of the present Assistant Storekeepers will not be affected.

(e) It is not the intention that personnel of the three wings should work in the same groups when Indianization is completed.

(f) The men were informed that a certain number, if suitable and qualified, would have the eventual prospect of being selected for the appointments of Assistant Storekeeper and Storekeeper. In view of the militarization scheme mentioned above, the number of appointments open to civilians promoted from the grade of Storeman will be reduced to some extent. The promotion to the higher grades is temporarily suspended until the respective quotas of Civil and Military Assistant Storekeepers are fixed.

CONTRIBUTION BY THE INDIAN STATES TOWARDS THE EXPENDITURE OF THE LEAGUE OF NATIONS.

932. *Lala Rameshwar Prasad Bagla : Do Government propose to consider the question of asking the Indian States to make a contribution towards the expenditure of the League of Nations in view of the fact that the expenditure incurred by India in respect of the League of Nations represents not only British India but also the Indian States ?

The Honourable Sir Nripendra Sircar : The answer is in the negative. If association in India's membership of the League of Nations were an isolated incident of association between British India and the States, it would of course be reasonable that the States should contribute towards the expenditure incurred in connection with India's membership of the League. This, however, is not the position. British India and the States are associated in innumerable ways. In some cases the circumstances of their association are such as to create a claim by British India against the States ; in other cases, the circumstances are such as to create a claim by the States against British India. The Honourable Member will, therefore, realise that there could be no justification for taking the action suggested by him otherwise than as part of a general settlement, which may be expected to take place in the event of the States entering an Indian Federation.

PROHIBITION OF THE PUBLICATION OF ARTICLES AND INTERVIEWS GIVEN BY MR. SUBHAS CHANDRA BOSE IN THE YUGO-SLAV PRESS.

933. *Mr. S. C. Mitra : (a) Is there any truth in the statement in the Press that the British Ambassador in Belgrade requested the Foreign Office to see that articles and interviews given by Mr. Subhas Chandra Bose did not appear in the Yugo-Slav Press, as he was an 'undesirable' ?

(b) If the answer to part (a) be in the affirmative, will Government please state whether it was at the instance of the Government of India,

or at the initiative of the British Government, that the Ambassador took this course?

(c) Is it the policy of Government to suppress all criticism of the Government of India in other countries? Do they adopt the same measures when the people of India are falsely depicted and criticised in Europe and America?

Mr. H. A. F. Metcalfe : (a) The Government of India have no information on the subject.

(b) Does not arise.

(c) No.

TRUNK ROAD FROM MADRAS CITY TO DELHI.

934. ***Mr. B. Rajaram Pandian :** Will Government be pleased to state whether there is any trunk road from Madras City to Delhi, running by the side of the grand trunk express railway line? If not, when will one be available for the motorists to go straight from Madras to Delhi?

The Honourable Sir Frank Noyce : There is no such through trunk road in existence. The construction of 150 miles of road and a large bridge over the Godavari outside British Indian territory would enable through communication to be provided. As far as the Government of India are aware, no such scheme is at present contemplated.

SAFEGUARDING OF THE INTERESTS OF THE INDIAN SHIPPING COMPANIES.

935. ***Mr. Gaya Prasad Singh :** (a) Will Government be pleased to state if they are aware that the two British shipping companies on the Indian coast are carrying on a ruinous rate war at present when the British shipping is passing through an unprecedented depression and are clamouring for large subsidies from Government to tide over the present crisis?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state if they are aware that the severe rate war is hitting hard not only the small Indian steamship companies on the coast but is also seriously dislocating the interests of trade on the coast?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state what steps they have taken or propose to take to protect the interests of trade as well as the interests of shipping on the coast?

The Honourable Sir Joseph Bhole : The Honourable Member is referred to the replies given to somewhat similar questions asked by Messrs. S. G. Jog and Rahimtoola M. Chinoy bearing Nos. 739 and 743, respectively.

PRICES OF WOOL.

936. ***Mr. J. Ramsay Scott :** (a) Are Government aware that the export of wool in 1933-34 was 55,888,507 pounds valued at Rs. 1,98,48,211?

(b) Are Government in a position to state why the average price per lb. was lower in 1933-34 than in 1932-33 or 1931-32?

(c) Is it a fact that wool prices have advanced in other markets in 1933-34?

(d) Do Government propose to refer the question of assuring the best price to the wool grower for investigation to the marketing expert and the Imperial Council of Agricultural Research?

The Honourable Sir Joseph Bhole : (a) Yes.

(b) From the information available, it appears that the average price of raw wool per pound was not lower in Bombay in 1933-34 than in 1932-33, except in the case of wool exported to Belgium and France.

(c) Yes, so far as the London market is concerned. Information regarding the other markets is not available.

(d) The Honourable Member's question will be brought to the notice of the Imperial Council of Agricultural Research.

Dr. Ziauddin Ahmad : Is it the intention of the Government to regulate the internal prices of this wool—either to lower them or to raise them?

The Honourable Sir Joseph Bhole : I have certainly no (present) intention of doing anything on the lines suggested by the Honourable Member.

ASSISTANCE TO THE SUGAR FACTORIES IN BIHAR DAMAGED BY THE EARTHQUAKE.

937. ***Mr. J. Ramsay Scott :** (a) Is it a fact that the owners of nine factories in Bihar, damaged by the earthquake, submitted separate petitions to the Government of Bihar for assistance?

(b) Is it a fact that these petitions were accompanied by statements of losses caused by the earthquake?

(c) Is it a fact that these owners are still waiting to hear what measure of assistance the Government of India intend to afford?

(d) What action do Government propose to take in respect of petitions made through the Bihar and Orissa Government by the proprietors and the agents of those Bihar sugar factories which were severely damaged by the earthquake, for assistance in meeting the cost of rebuilding the demolished factories and repairing and replacing machinery, by exempting them from payment of excise duty on sugar to be produced during the cane season 1934-35?

The Honourable Sir James Grigg : (a) and (b). Yes.

(c) and (d). A reply has just issued refusing the request.

PETITIONS MADE THROUGH THE BIHAR AND ORISSA GOVERNMENT BY THE PROPRIETORS AND AGENTS OF SOME SUGAR FACTORIES IN BIHAR.

938. ***Mr. J. Ramsay Scott :** (a) Are Government aware that certain factories in Bihar, whose despatches were held up owing to Railway communications being interrupted, have put up their cases through the Collector of the District and the Commissioner of the Division to the Bihar Government and requested them to submit the case to the Government of India?

(b) Have Government received these cases?

(c) What action do Government propose to take in respect of petitions made through the Bihar and Orissa Government by the proprietors and the agents of those Bihar sugar factories which, by reason of Railway communications being cut off for a period over a month and shortage of rolling stock, were unable to make despatches of their sugar from 15th January onwards and therefore, under the Sugar Excise Act, had to pay duty on sugar in stock which would otherwise not have been liable to excise duty?

The Honourable Sir James Grigg : (a) and (b). Yes.

(c) The Government of India have agreed to grant exemption in respect of stocks of sugar held on the 1st April, 1934, by North Bihar sugar factories damaged by the earthquake in excess of the stock which would have been held but for the earthquake.

Mr. Gaya Prasad Singh : Do Government propose to give compensation to those factories whose sugar has been destroyed by the falling down of the buildings in which the sugar was stored in the factories?

The Honourable Sir James Grigg : No, Sir. The pledge given by my predecessor was an extremely limited one. It was limited to the case of factories which could not get their sugar away owing to the earthquake, and, therefore, had to pay more excise duties than they would otherwise have done.

Mr. Gaya Prasad Singh : So the Government do not want to compensate for the loss of sugar which has been destroyed in the factories by the earthquake?

The Honourable Sir James Grigg : That comes under the general category of the earthquake damage, and it is not a matter for the Government of India at all.

[Mr. President (The Honourable Sir Shanmukham Chetty) called upon Mr. S. G. Jog to put his question No. 939.]

Mr. S. G. Jog : Can I be compelled, Sir, to put that question? I do not want to put questions from 939 to 946 as I am anxious to reach my question No. 947.

(Mr. S. G. Jog was allowed to do so.)

†939*—946*.

ESTABLISHMENT OF AN INDIAN REGIMENT OF ARTILLERY.

947. *Mr. S. G. Jog : (a) Is it not a fact that the Government of India has sanctioned the establishment of an Indian Regiment of Artillery?

(b) Will Government please state when the formation of the first brigade will be made and at what place?

(c) Is it not a fact that the personnel of this new arm will be drawn from Punjabi Mussalmans, Rajputs, Raighars and even Madrasis?

(d) Is there any provision in this composition of the first brigade for the Mahrattas? If not, will Government please state the reason for the exclusion of this class only?

† These questions were withdrawn by the questioner.

(e) Are Government prepared to reconsider the position and make provision for the inclusion of Mahrattas?

(f) Are Government aware that the *Times of India* in an article, dated November 17, 1933, had commented severely on this attitude of Government towards the Mahrattas?

Lieut.-Colonel A. F. R. Lumby : (a) Yes.

(b) In January, 1935, at Bangalore.

(c) Yes.

(d) No. The classes to be included in the first brigade were selected after careful consideration. The maximum number of classes which can be represented in a brigade is four. Mahrattas are by no means the only class excluded.

(e) I am afraid the composition cannot be altered.

(f) Government have seen the article.

Mr. S. G. Jog : May I know, Sir, why some classes have been included and others have been excluded?

Lieut.-Colonel A. F. R. Lumby : As I have said, only four classes out of the whole of India could be included.

Mr. S. G. Jog : What I want to know is why only four classes have been included and others have been excluded? What is the special reason for the inclusion of these four classes? When you open a new regiment, it should be open to all. Is there any particular reason against those classes which have been excluded?

Lieut.-Colonel A. F. R. Lumby : It is the practice throughout the army to have units composed of particular classes. As I have said, some classes had to be excluded, and unfortunately the Mahrattas were one of those classes.

Mr. B. V. Jadhav : May I know, Sir, what is the reason for their exclusion?

Lieut.-Colonel A. F. R. Lumby : I am afraid I cannot say off-hand what led to the selection of those four particular classes.

Bhai Parma Nand : Does that mean that there is no equality between different classes of Indians? In other words, there is racial discrimination. Only the other day, there was so much talk about the equality of British and Indians in this House, and I want to know why there is so much inequality between different classes of Indians?

Lieut.-Colonel A. F. R. Lumby : This sort of organisation has been adopted, because it is most convenient for administrative purposes.

Mr. S. G. Jog : May I know, Sir, why Government have given preference to one caste over the other in the case of this particular regiment?

Lieut.-Colonel A. F. R. Lumby : I do not think that there was any question of preference seeing that this is the first brigade of its kind that has been raised.

Mr. S. G. Jog : Will Government kindly reconsider the position when fresh recruitments are made?

Lieut.-Colonel A. F. R. Lumby : Certainly; Sir.

Bhai Farma Nand : Looking to the status of the different classes of Indians, is it the duty of the Government to look to their own convenience and not to the status of the people living in this country ?

Lieut.-Colonel A. F. R. Lumby : A very careful watch is kept on this question of recruiting from various classes. Government always take care that one class is not over-recruited and another class is not under-recruited.

Bhai Farma Nand : But you have excluded one community altogether. There is no question of over-recruiting or under-recruiting ; you have excluded all other classes except three or four. I want that the distinction of martial and non-martial classes should be abolished altogether and equal status should be given to all the people of the country ?

Lieut.-Colonel A. F. R. Lumby : I do not think, Sir, that that arises out of this particular question.

Mr. Lalchand Navalrai : May I ask, Sir, if there is really a rule observed by the Military Department as regards the martial classes ?

Lieut.-Colonel A. F. R. Lumby : No, Sir. We do not in the army recognise the expression "martial classes" at all. We always refer to the "enlisted classes".

Rao Bahadur B. L. Patil : Is there any such class as the "enlisted class" recognised by the Military authorities ?

Lieut.-Colonel A. F. R. Lumby : The enlisted classes are those classes which are at any given moment enlisted in the army.

Mr. B. V. Jadhav : Are the Mahrattas included in the "enlisted classes" or not ?

Lieut.-Colonel A. F. R. Lumby : The Honourable Member must be well aware that the Mahrattas are enlisted in the army today.

Mr. B. V. Jadhav : Then why have they been excluded from this new formation ?

Lieut.-Colonel A. F. R. Lumby : Some classes had to be excluded.

Mr. Lalchand Navalrai : May I ask, Sir, on what ground those classes are excluded ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question has been asked.

VACANCIES OF APPRAISERS, EXAMINERS AND CLERKS IN THE CUSTOMS DEPARTMENT, BOMBAY.

948. ***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that there were five vacancies of Appraisers, eight of Examiners and 20 of Clerks in the Customs Department, Bombay, in July and August, 1934 ?

(b) Is it a fact that applications were not invited for the said vacancies, but some candidates applied for the said posts and were interviewed by the Collector, Customs Department, on the 3rd August, 1934 ?

(c) Is it a fact that one Examiner was promoted to the Appraiser's post and two outsiders (one a Christian and the other a Parsi) were appointed as Appraisers ?

(d) Is it a fact that the remaining two vacancies are proposed to be filled in by promotion from among Examiners in the Department ? If so, do Government propose to promote the two Muslim Examiners to the two vacant posts ?

(e) Do Government propose to consider the claims of qualified Muslims for the ten vacancies of Examinership and 20 of Clerkship ?

(f) Will Government be pleased to state why these vacancies were not advertised and appointments are being made secretly in spite of the announcement made by the Government of India on the 6th July 1934 ?

(g) Are Government prepared to see that such irregularities do not recur in any Department of the Government of India ?

The Honourable Sir James Grigg : (a) Three posts of Appraisers, six of Examining Officers and three of Lower Division clerks were sanctioned from the 1st August, 1934, and three vacancies of Lower Division clerks occurred during the period July-August, 1934. These were the only vacancies filled up during the above period.

(b) Yes, but a register of selected applicants is maintained at the Custom House and there were 114 names at the end of July on the Appraising Department register. In addition 300 applications were received from all parts of India. Out of these 30 were selected for an interview on the 3rd August, 1934.

(c) Yes.

(d) and (e). No vacancies remain to be filled.

(f) I would refer to my answer to part (b) above. A register of applicants is maintained for each category of the staff.

(g) Government are satisfied that there has been no irregularity and that effect has been given to their orders regarding communal representation.

CONFERENCES OF THE REPRESENTATIVES OF MYSORE AND HYDERABAD STATES TO CONSIDER THE TUNGABHADRA PROJECT.

949. ***Rao Bahadur B. L. Patil :** (a) Are Government aware that a conference is being held at Hyderabad (Deccan) of the representatives of the Government of Madras and the Government of His Exalted Highness the Nizam to consider the Tungabhadra Project ?

(b) If so, have Government of India sent their own representative ?

(c) Have any of the Local Governments concerned approached the Government of India in this connection either for financial help or for any other reason ?

The Honourable Sir Frank Noyce : (a) Government have no information, other than reports which have appeared in the Press.

(b) Does not arise.

(c) No.

ITALIAN EXPORTS TO, AND IMPORTS FROM, INDIA.

950. ***Mr. J. Ramsay Scott :** (a) Will Government please give the figures of Italian exports to India (including Kathiawar Ports) for the years 1930-31, 1931-32, 1932-33 and 1933-34 ?

(b) Will Government please give the figures of Italian imports from India (including Kathiawar Ports) for the same four years ?

(c) Will Government please give particulars of the more important Italian exports to India in quantities and values for the same four years ?

(d) Will Government please give particulars of the more important Italian imports from India for the same four years ?

The Honourable Sir Joseph Bhore : All the information required by the Honourable Member, with the exception of the figures hereafter quoted, is available in Volume I of the Annual Statement of the Seaborne Trade of British India for the year ending 31st March, 1933, in the monthly Accounts for March, 1934, and in the Kathiawar Trade Statistics for the same month, copies of which are in Library of the House. The value of imports from, and exports to, Italy through the Kathiawar ports for the year 1930-31 is as follows :

	Rs.
Imports	11,847
Exports	Nil.

Mr. H. P. Mody : Are there not later figures available for Kathiawar than 1930-31 ?

The Honourable Sir Joseph Bhore : I think those are the latest authoritative figures that we have. You must remember that those statistics are from an Indian State and they are not necessarily up-to-date.

Mr. H. P. Mody : My understanding was that they were only a few months old ?

The Honourable Sir Joseph Bhore : Those are the latest figures that seem to be available in my office.

ASSISTANCE GIVEN BY THE ITALIAN GOVERNMENT TO ITS INDUSTRIES AND ITS SHIPPING LINES.

951. ***Mr. J. Ramsay Scott :** (a) Are Government aware whether the Government of Italy gives any subsidies or bounties to any of its industries in any shape or form ?

(b) Are Government aware in what form the Italian shipping lines to India are assisted by the Government of Italy ?

(c) Are Government aware that Italians travelling to India are compelled to travel by an Italian line ?

The Honourable Sir Joseph Bhore : (a) to (c). The Government of India have no official information on the subject.

Mr. J. Ramsay Scott : Are Government aware that on the 6th December last, my friend, the Honourable Mr. Alexander Shaw, stated :

" Foreign subsidies in themselves are not negligible since they now total over 30 millions a year. Even if you leave out guarantees on buildings and purchase which are given by foreign Governments to help foreign lines, you find that in ordinary subsidies alone France paid in 1932 £4 millions and Italy wants £5 millions and the United States nearly £17 millions."

The Honourable Sir Joseph Bhore : I do not dispute the correctness of Honourable friend's information.

Mr. H. P. Mody : May I suggest that in view of the impending negotiations with the representatives of the Italian Government, the information contained in part (a) of this question will be of great use in determining what arrangements can be made ?

The Honourable Sir Joseph Bhore : I have no doubt that all the information that is necessary to help the Government of India in their negotiations with the representatives of the Italian Government will be obtained.

Mr. W. J. C. Richards : Are Government aware that, with the assistance of subsidies, imports of Italian rice into Great Britain increased from an annual average of 2,000 tons for 1930, 1931 and 1932 to 8,000 tons in 1933, thus depriving Indian agriculture of much of the benefit it was intended to derive from the Ottawa Pact ?

The Honourable Sir Joseph Bhore : I am not aware of any subsidy given by the Italian Government to its rice producers or exporters.

Mr. W. J. C. Richards : In the forthcoming trade negotiations with Italy, will Government have regard to this aspect of the matter which is of particular importance to Indian agriculture ?

The Honourable Sir Joseph Bhore : As I have already said, all relevant questions will be borne in mind by the Government of India at the time of the negotiations.

RE-ESTABLISHMENT OF THE RUG AND BLANKET INDUSTRY IN INDIA.

952. ***Mr. J. Ramsay Scott :** (a) Will Government please give the figures of the total imports of rugs and blankets in pounds and values for the four years 1930-31 to 1933-34 ?

(b) Will Government please give the figures of the Italian imports of rugs and blankets with percentages for the same four years ?

(c) Are Government aware that India can produce all the rugs and blankets which India requires, and that at the present moment 75 per cent. of India's looms which can produce rugs and blankets are idle ?

(d) Are Government aware that the rug and blanket industry was of great use to India during the Great War ?

(e) What steps do Government propose to take to help the rug and blanket industry to re-establish it in the Indian home market ?

The Honourable Sir Joseph Bhore : (a) and (b). I lay on the table a statement containing the information asked for.

(c) Government have no definite information.

(d) Yes.

(e) Government propose to refer the whole question of protection of the woollen industry as a whole to the Tariff Board for enquiry.

Statement showing the imports of blankets and rugs (other than floor rugs) into India and Italy's share therein.

	Quantity.			Value.		
	Total Imports.	Imports from Italy.	Percentage share of Italy.	Total Imports.	Imports from Italy.	Percentage share of Italy.
	lbs.	lbs.		Rs.	Rs.	
1930-31	3,667,415	3,336,095	91	36,50,855	33,34,353	91
1931-32	2,411,373	1,990,024	82	18,74,846	15,92,451	85
1932-33	4,177,079	3,781,665	91	33,97,222	31,40,357	92
1933-34	5,119,678	4,895,483	96	40,02,294	37,95,883	95

SMALL PROPORTION OF THE INDIAN WOOL CROP TAKEN BY ITALY.

953. *Mr. J. Ramsay Scott : (a) Is it a fact that Italy takes a very small proportion of the Indian wool crop ? Will Government please give the figures and percentage ?

(b) Are Government prepared to suggest that the basis of Italian woollen goods imports should bear some relation to the amount of Indian wool which Italy takes ?

(c) Are Government aware that Italian Rugs and Blankets are composed mainly of shoddy or broken up rags which are collected all over the continent ?

The Honourable Sir Joseph Bhore : (a) Figures relating to the wool crop in India are not available but I lay on the table a statement showing the exports of raw wool by sea to Italy and the percentage share of that country in the total exports.

(b) Government are not prepared to commit themselves at this stage to any such suggestion.

(c) Government have no information.

Exports of Raw Wool by sea from British India.

Year.	Quantity in Lbs.		
	Total Exports.	Exports to Italy.	Percentage share of Italy.
1930-31	30,482,376	91,167	0.3
1931-32	41,265,157	14,896	0.04
1932-33	32,248,819	18,700	0.06
1933-34	55,888,507	135,873	0.2

IMPORTS OF ITALIAN WOOLLEN PIECE-GOODS AND IMPOSITION OF A QUOTA ON WOOLLEN PIECE-GOODS FROM JAPAN.

954. *Mr. J. Ramsay Scott : (a) Will Government please give the figures for the imports of Italian woollen piece goods for the last four years ?

(b) Is it a fact that the depreciation of the pound has accounted for the recent decrease ?

(c) Is it a fact that the Ottawa Preference of ten per cent. has helped Great Britain to increase her imports of woollen piece goods ?

(d) Is it a fact that Japan has increased her imports at the expense of those of Italy ?

(e) Are Government prepared to consider the imposition of a quota on woollen piece-goods from Japan ?

(f) Have Government received the suggestion that this quota should be based on 50 per cent. of the imports of 1931-32, 1932-33 and 1933-34 ?

The Honourable Sir Joseph Bhore : (a) The Honourable Member is referred to the Annual Statement of the Sea-borne Trade of British India, Volume I, for the year ending the 31st March, 1933, and Monthly Accounts for March, 1934, copies of which are in the Library of the Legislature.

(b), (c) and (d). The Honourable Member must make his own deductions.

(e) No.

Dr. Ziauddin Ahmad : Are Government aware that there is a very strong resentment in the country, in some quarters at least, about raising prices of manufactured articles by the Tariff Board inquiry, and, in view of this, will Government wait till the next Assembly has expressed its opinion ?

The Honourable Sir Joseph Bhore : I am not aware of any such resentment.

Dr. Ziauddin Ahmad : If he is not aware, he may know it now.

The Honourable Sir Joseph Bhore : I cannot take my Honourable friend's statement as proof of the fact.

EXPORTS OF RAW COTTON TO ITALY AND IMPORTS OF COTTON PIECE-GOODS AND YARNS FROM ITALY.

955. *Mr. J. Ramsay Scott : (a) Will Government please give the figures of imports of cotton piece goods and yarns from Italy during the last four years ?

(b) Will Government please give the figures of exports of raw cotton to Italy during the last four years ?

The Honourable Sir Joseph Bhore : With your permission, Sir, I propose to answer questions Nos. 955 and 956 together.

The Honourable Member is referred to the Annual Sea-borne Trade Accounts for the year 1932-33 and the Monthly Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1934, copies of which are in the Library of the Legislature.

IMPORTS OF ARTIFICIAL SILK PIECE-GOODS AND YARNS FROM ITALY.

1956. *Mr. J. Ramsay Scott : Will Government please give the figures of imports of artificial silk piece goods and yarns from Italy during the last four years ?

UNSTARRED QUESTIONS AND ANSWERS.

TENDERS FOR THE SUPPLY OF ASPHALT INVITED BY THE QUETTA MILITARY AUTHORITIES.

108. Mr. S. C. Mitra : (a) Will Government be pleased to state if the Quetta military authorities invited tenders recently for a supply of asphalt ?

(b) Are Government aware that the authorities accepted the tender of Messrs. Bitumens, Limited, on the strength of the quality tendered ?

(c) Is it a fact that the authorities at the military headquarters were in favour of giving the contract to the Burmah-Shell, but the officer-in-charge, Brigadier Haswell, had already made his recommendation which the higher authorities found impossible to brush aside lightly ?

(d) Is it a fact that the Burmah-Shell are trying their best to have the officer removed from India and have reported him to the War Office ?

Lieut.-Colonel A. F. R. Lumby : (a) No.

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

CARRYING OF RAILWAY ADMINISTRATION IN INDIA.

109. Mr. M. Maswood Ahmad : Are Government aware of the impression that the Railway Administration in India is not carried on in accordance with the rules and regulations framed for observance, but is carried on in accordance with the pleasure of the individual officer in power ? If not, will Government state :

(a) the number of questions answered by them during the preceding five years ;

(b) the percentage of the questions answered during the preceding five years ;

(c) the subject matter of the questions along with the number of questions for each subject ; and

(d) the number of instances in which the individual officers' pleasure was overruled on a question ?

Mr. P. R. Rau : The answer to the first part of the question is in the negative.

As regards the second part, Government are unable to collect the information required in parts (a), (b) and (c) ; it is available to the Honourable Member in the printed proceedings. I am unable to understand part (d).

†For answer to this question, see answer to question No. 955.

LICENCE FOR COUNTRY WINE RETAIL-SALE AND WHOLE-SALE BOTTLING IN THE PUNJAB AND DELHI.

110. Mr. Goswami M. R. Puri : (a) Do the Punjab Government grant the country wine retail-sale and bottling whole-sale license to the same person ? If not, why not ?

(b) Did the Financial Commissioner, Punjab, ever submit this proposal to the Chief Commissioner, Delhi, somewhere in 1930 or 1931 to follow the same practice in Delhi and not to grant the retail-sale vend to one holding a whole-sale and bottling license ?

(c) Did the Chief Commissioner, Delhi, forward that proposal to the Excise Department for taking necessary action in the matter ?

(d) Did the Excise Department, Delhi, take any action ? If not, why not ?

(e) Is it a fact that the Delhi Government still grant the retail-sale and whole-sale and bottling licenses to the same person ?

(f) Have Government considered whether this system in Delhi is detrimental to Government, as well as to the retail-sale contractor ?

(g) Are Government aware that the whole-sale bottler possesses the advantage of having the facility to resort to adulteration as he has the supply of corks, capsules, labels, colours, at his disposal, which can render the adulteration by his retail-vender in the daily sale quantity leaving the rest intact ?

(h) Are Government aware that adulteration is difficult of detection owing to the retail vend being in the hand of whole-sale bottler ?

The Honourable Sir James Grigg : Enquiries are being made and the information asked for by the Honourable Member will be laid on the table in due course.

BIDDING BY NEW CONTRACTORS IN THE EXCISE AUCTION IN DELHI.

111. Mr. Goswami M. R. Puri : Are Government aware that new and outside contractors do not now dare to bid in the excise auction in Delhi against those who hold whole-sale licenses ?

The Honourable Sir James Grigg : No. Several licenses are held by contractors from outside the Delhi Province.

WHOLE-SALE AND RETAIL-SALE LICENSES OF COUNTRY SPIRIT IN DELHI.

112. Mr. Goswami M. R. Puri : (a) What are the names of those licensees who have got directly and indirectly in the names of their partners and agents both the whole-sale and retail-sale licenses of country spirit in Delhi ?

(b) Do Government propose to stop this system and follow the same, as in the Punjab, to avoid the chances of all sorts of corruptions ?

The Honourable Sir James Grigg : (a) (i) Daulat Ram Narula has two retail country shops at Qarolbagh and Gol Market.

(ii) Sushil Kumar, a whole-sale merchant, has a brother named Triloki Nath who has got a country liquor shop at Shahdara.

(b) No. Local circumstances do not demand any change.

SECURING OF MORE THAN ONE RETAIL-SALE LICENSE OF COUNTRY LIQUOR IN AUCTION IN DELHI.

113. **Mr. Goswami M. B. Puri :** (a) Is it a fact that according to the Circular of the Financial Commissioner, Punjab, No. 5133-S.R., dated the 21st December, 1926, it is always announced in Delhi that no man, either directly or indirectly in the name of his partner or agent, shall secure more than one retail-sale license of country liquor in auction ?

(b) Is it a fact that it was strictly observed in Delhi during the past years ?

(c) Is it a fact that this rule is broken by the present Inspector of Excise this year in Delhi ?

(d) What are the names of those who have got directly and indirectly more than one retail-sale license of country spirit in Delhi ?

(e) What are the names of the licensees of Gol Market and Qarolbagh country wine shop in Delhi ?

(f) Are these two shops directly in the name of the same person. If so, why ?

(g) What are the names of the licensees of the Roshanpura country liquor shop in Delhi ?

(h) Is it a fact that one of these licensees is the agent of the owner of the shop of the Gol Market and Qarolbagh ?

(i) Are the persons mentioned in part (h) of the same caste and related to each other ?

(j) What relations have they got with each other ?

The Honourable Sir James Grigg : (a) No such restriction is laid down in the Punjab Financial Commissioner's circular referred to nor is Delhi Province excise under his control. The only condition laid down and observed in Delhi is that shops in neighbouring localities should not be auctioned to the same person.

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

(d) Daulat Ram Narula is the only retail licensee who has two country liquor licenses, namely, Qarolbagh and Gol Market.

(e) Daulat Ram Narula.

(f) Yes, because it is not considered objectionable.

(g) Banwari Lal and Sohan Lal.

(h) No.

(i) No. Daulat Ram belongs to the Narula sub-caste of Arora, Banwari Lal is a Kallal and Sohan Lal belongs to the Vermani sub-caste of Arora. They are reported to be unrelated.

(j) They do not admit any relationship.

DEPOSIT OF FEES OF RETAIL-SALE SHOP OF COUNTRY LIQUOR AT ROSHANPURA, DELHI.

114. **Mr. Goswami M. B. Puri :** (a) How are the fees of the shop of retail-sale of country liquor at Roshanpura, Delhi, deposited in the Government Treasury ? In cash, or by cheques ?

(b) Who issues the cheques and upon what banks ?

(c) Will Government please state the numbers of the cheques, along with the dates and the amounts, issued from the 1st of April, 1933 up to 31st July, 1934 ?

(d) Is the drawer of these cheques the same person who has got the whole-sale bottling license and also two retail-sale licenses of Gol Market and Qarolbagh in his own name ?

(e) Why are so many licenses granted to this man ?

(f) Is it not against the Excise and administrative policy ?

(g) Is it a fact that some of the Excise Sub-Inspectors pointed it out to the Excise Inspector of Delhi and he concealed the fact from the higher officials ?

(h) Is it a fact that the above mentioned whole-seller and the present Excise Inspector are residents of the same place ?

(i) Are Government aware that they are of the same caste, and that they are also related to each other and old intimate friends ?

(j) Is it a fact that the car of the above whole-seller is always found at the door of the Excise Inspector ? Why does the Excise Inspector use the car of the Excise contractor ?

(k) In what way does the Excise Inspector compensate the contractor ?

(l) Is the Excise Inspector in the practice of accepting some gifts from the above mentioned Excise contractor ?

(m) Have they got some money transactions with each other ?

The Honourable Sir James Grigg : (a) Fees are recovered both by cash and by cheque.

(b), (c) and (d). The information is not available from the excise registers which contain only the date on which the money is credited by the licensees. There is no record as to whether the money was paid in cash or by cheque.

(e) Daulat Ram, who also holds wholesale licenses for country liquor spirit, holds country liquor licenses for the Gol Market and Qarolbagh. These shops are comparatively small ones, the license fee being only Rs. 24,000. Last year this man had the Roshanpura country shop paying license fee of Rs. 47,000.

(f) No. The policy followed is that licenses for neighbouring shops are not granted to the same licensee.

(g), (h), (i) and (j). No.

(k) Does not arise.

(l) No. The Excise Inspector has a reputation for honesty.

(m) No.

CLERICAL GRADES IN THE GOVERNMENT OF INDIA PRESSES.

115. **Kunwar Hajee Ismail Ali Khan :** (a) Is it a fact that there is only one clerical grade in the Government of India Presses at Calcutta and Simla ?

(b) Are Government aware that there were two clerical grades in the Government of India Press, Calcutta, prior to 1930 and the Government of India, in consideration of the similarity of work and responsibilities of all clerks amalgamated the two grades and sanctioned one revised grade ranging from Rs. 45 to 140 in the year 1930 ?

(c) Is it a fact that there still exist two clerical grades in the Government of India Press, Delhi, ranging from Rs. 35 to 80 and Rs. 60 to 105 ?

(d) Is it a fact that in the revised scale, the two grades of the Government of India Press, New Delhi, have been amalgamated and one revised grade ranging from Rs. 40 to 95 has been sanctioned for the new entrants ?

(e) Are Government aware that since the introduction of the revised grade of clerks appointed on or after the 15th July, 1931, the creation of posts in the upper scale have ceased in the Government of India Press, New Delhi, and that this has caused much dissatisfaction among the lower grade clerks as their future prospects have been blocked ?

(f) Is it a fact that clerks, Government Press, New Delhi, submitted a memorial ventilating their grievances to the Secretary, Government of India, Department of Industries and Labour, praying for the amalgamation of the upper and lower scales and sanctioning one revised scale, but Government turned down the memorialists' prayers ? If so, are Government prepared to reconsider their grievances and sanction one revised grade as was sanctioned for Calcutta and Simla Presses in the year 1930 ?

The Honourable Sir Frank Noyce : (a) to (d). The facts are as stated by the Honourable Member except that there are in existence two scales of pay for the clerks at the Simla Press recruited before the 16th July, 1931. The dual scales of pay at the Delhi Press also apply only to clerks recruited before that date.

(e) Clerks, at the Delhi Press, recruited before the 16th July, 1931, will be eligible for the higher scale of pay at that Press.

(f) As regards the first part, the memorial was received and rejected after full consideration. The reply to the second part is in the negative.

CONTRIBUTORY PROVIDENT FUND FOR THE CLERKS OF THE GOVERNMENT OF INDIA, PRESSES.

116. **Kunwar Hajee Ismail Ali Khan :** (a) With reference to their reply to my unstarred question No. 344, dated the 14th April, 1934, will Government be pleased to state what administrative inconvenience would have been felt had the clerks of the Government of India Presses been exempted from the operation of Contributory Provident Fund Rules, which are mainly intended for certain technical specialists ?

(b) Are Government aware that the scales of pay of the clerks of the Government of India Presses in comparison with the technical specialists of the Presses, for whom Government have intended the Contributory Provident Fund Rules, are low, that the clerks hardly manage to support their family, and another permanent cut in the shape of the

Contributory Provident Fund contribution has made their position from bad to worse ? If so, are Government prepared to reconsider the cases of clerks and bring them to the pensionary basis, which the clerks originally held ?

The Honourable Sir Frank Noyce : (a) There may have been no administrative convenience in admitting the clerical establishment of the Government of India Presses to the Provident Fund instead of giving them pensions. That, however, was not the point of my reply to the question to which the Honourable Member refers. It was decided in 1920 to give all employees of the Government of India Presses, except day-extra men, the benefits of a Provident Fund. This decision was implemented later on by admitting them to the Contributory Provident Fund (India). It was administratively convenient to do this rather than to create a separate Provident Fund for Press employees.

(b) The answer to both parts of this question is in the negative. The fact that contributions have to be made to the Provident Fund has been taken into account in fixing the pay of the clerks in the presses.

EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS FOR THE LAHORE GENERAL POST OFFICE.

117. **Rai Bahadur Lala Brij Kishore :** (a) Is it a fact that an examination for recruitment of lower division clerks for the Lahore General Post Office was recently held in the Punjab Postal Circle Office, Lahore ? If so, what classes of candidates were allowed to sit at that examination ?

(b) Is it a fact that the brother-in-law of the Assistant Manager, Postal Stock Depot, Lahore, was permitted to sit at this examination in preference to sons of the deceased and living employees of the Department ?

(c) If the candidate referred to in part (b) above does not come under any of the classes of candidates allowed to appear at that examination, will Government kindly state why special favour was shown to this candidate and the order of precedence laid down by the Director-General, Posts and Telegraphs, was deviated from ?

The Honourable Sir Frank Noyce : Government have no information. The matter is one with which the Postmaster-General, Punjab and North-West Frontier Circle, to whom a copy of the question is being sent, is competent to deal.

CONVERSION OF THE POST OF THE POSTMASTER, SIMLA, INTO A SEASON APPOINTMENT.

118. **Rai Bahadur Lala Brij Kishore :** Is it a fact that on account of the move of the Government of India to Delhi for the winter season, the population of Simla is considerably reduced, and as a consequence the work in the Simla Post Office is greatly decreased, necessitating the move of a large number of postal clerks to Delhi ? If so, will Government please state the reason for the retention of a gazetted Postmaster at Simla during the winter season, especially in these days of financial stringency ?

If not, do Government propose to consider the desirability of converting this appointment into a season appointment ?

The Honourable Sir Frank Noyce : As regards the first part of the question the facts as stated by the Honourable Member are substantially correct.

As regards the second part, Government are satisfied that after making full allowance for the decrease in postal work in Simla during the winter months which is met by a considerable reduction in the staff, the work and responsibilities of the Postmaster and the strength of the staff which remains under his control still amply justify the retention of a gazetted post. The last part of the question does not arise.

APPOINTMENT OF BAUDOT SUPERVISORS.

119. **Mr. Sitakanta Mahapatra :** (a) Is it a fact that under paragraph 323 of Posts and Telegraphs Manual, Volume IV, the passing of the Baudot Supervisors' examination (paragraph 324 *ibid*), is an indispensable qualification for appointment as Baudot Supervisors ?

(b) Is it also a fact that the course of training known as the "Higher Baudot Technique", which was subsequently introduced, was solely intended for the passed Baudot Supervisors (paragraph 326 *ibid*) and it was only when such passed men were not available that ordinary Baudot operators had to be trained under paragraph 327 *ibid* ?

(c) If the answers to parts (a) and (b) above be in the affirmative, will Government please state whether under the rules men who have attained both the qualifications (paragraphs 324 and 326 *ibid*) commonly known as "A" class, should not be considered better posted, so far as Baudot Supervisors' appointments are concerned, than those who have attained only one qualification (under paragraph 327 *ibid*) and are known as "B" class ?

(d) Will Government please state how many "A" class men are available and how many men are required for the Higher Baudot Technique class ?

(e) Is it also a fact that both the Baudot Supervisors' examination and training in Higher Baudot Technique have been postponed for the last two or three years, that it is now proposed to reopen the Higher Baudot Technique class, and that the Baudot Supervisors' examination is still postponed indefinitely ?

(f) If the reply to part (e) above be in the affirmative, do Government propose to consider the advisability of postponing the Higher Baudot Technique class pending the re-opening of Baudot Supervisors' examination ? If not, why not ?

The Honourable Sir Frank Noyce : (a) The fact is substantially as stated by the Honourable Member but under certain conditions Baudot operators who have not passed the Baudot Supervisors examination may be sent for training in Baudot technique and on successful completion of the course may be considered qualified to hold Baudot Supervisors appointments.

(b) The facts are substantially as stated by the Honourable Member.

(c) According to existing orders men with the double qualifications are given preference in filling Baudot Supervisors posts.

(d) As regards the first part of the question the number is 129. The last part of the question is not clear. There is no permanent vacancy of Baudot Supervisor at present, but it is intended to continue the Higher Baudot technique training in small batches to provide for any future requirements pending such time as a decision is arrived at on the question of the future method of selection for supervisory posts in the signalling establishment, which is under consideration.

(e) As regards the first part, the Baudot Supervisors examination and the Higher Baudot technique training class were last held in June, 1931, and January, 1933, respectively. The reply to the remainder is in the affirmative.

(f) The reply to the first part is in the negative. As regards the last part the Honourable Member is referred to the reply given to the last part of part (d) of his question.

RETRENCHMENT OF TELEPHONE OPERATORS.

120. **Mr. Sitakanta Mahapatra :** (a) Is it a fact that the Director-General, Posts and Telegraphs, issued an order for retrenching the Telephone Operators in class I ? If so, (i) why and (ii) in which Circles and (iii) what is their number in each Circle ?

(b) Is it a fact that the said order was subsequently cancelled ? If not, do Government propose to do so and defer its effect till vacancies occur by retirement or death, etc., as done in other Branches ?

The Honourable Sir Frank Noyce : (a) Yes. Orders were issued to the effect that the holders of surplus posts of Telephone Operators, Class I, may be retired with retrenchment concessions. The orders were issued as a retrenchment measure and applied to all circles. Government have no up-to-date information as to the number of officials retrenched in each circle.

(b) As regards the first part of the question, it is not a fact that the orders were cancelled, but, subsequently, supplementary orders were issued directing that the replacement of Class I posts by Class II posts should, in certain circumstances, be effected as vacancies occur. Government do not propose to cancel the orders or to defer their effect as suggested by the Honourable Member. It is not a fact that a different practice is followed in other branches of the Department.

LOSS IN RUNNING THE TELEPHONE BRANCH OF THE POSTS AND TELEGRAPHS DEPARTMENT.

121. **Mr. Sitakanta Mahapatra :** (a) Is it a fact that the Telephone Branch of the Posts and Telegraphs Department is running at a loss ? If so, what was the amount of loss during 1931-32, 1932-33 and that expected during the current year ?

(b) If it was not running at a loss, what was the amount of net profit during the periods mentioned in part (a) ?

The Honourable Sir Frank Noyce : (a) The reply to the first part is in the negative. The second part does not arise.

(b) The following statement gives the information required by the Honourable Member :

Rs. 1,17,916 during 1931-32.

Rs. 2,28,091 during 1932-33.

Rs. 16,22,000 estimated during 1934-35.

EXTENSION OF THE TRUNK TELEPHONE LINES.

122. Mr. Sitakanta Mahapatra : (a) Is it a fact that telephone communication is growing popular gradually ?

(b) Is it a fact that telephone lines are extended every year ? If so, what was the extension in 1931-32, 1932-33, and 1933-34 ?

(c) Will Government please state if there was any extension of trunk telephone lines in 1933 and 1934 ? If so, where ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Yes. The number of connections to Government Telephone Exchanges in the years 1930-31 to 1933-34 were as follows :

1930-31	..	..	..	..	..	..	..	22,900
1931-32	..	..	..	..	..	..	..	22,300
1932-33	..	..	..	..	..	..	..	23,000
1933-34	..	..	..	..	..	..	..	24,000

(c) Yes. The trunk telephone system was extended as follows during 1933 and 1934 :

During 1933.	During 1934.
1. Delhi to Bombay (Carrier system)	1. Nagpur to Jubbulpore
2. Delhi to Calcutta (Carrier system)	2. Indore to Mhow
3. Bombay to Poona and Dhond (Radio link).	3. Madras to Trichinopoly.
	4. Trichinopoly to Coimbatore and Ontacamund.
4. Mhow to Bhusaval	5. Trichinopoly to Madura
5. Lucknow to Fyzabad	6. Agra to Aligarh.
6. Delhi to Hapur	7. Jhansi to Bhusaval
7. Simla to Chail	8. Trichinopoly to Cochin.
8. Lahore to Lyallpur	9. Bezwada to Coconada and Vizagapatam.
9. Asansol to Ranchi.	
10. Hazaribagh to Ranchi.	

PAY AND CLASSES OF TELEPHONE OPERATORS.

123. Mr. Sitakanta Mahapatra : (a) Is it a fact that there are two classes of Telephone Operators in the Posts and Telegraphs Department ? If so, what is the difference in their duties ?

(b) Will Government please state the scales of pay of each and the basis on which their number is regulated and rule under which this is done ?

(c) Will Government state the number of Telephone Operators in different classes employed in each Circle of the Department separately ?

The Honourable Sir Frank Noyce : (a) Yes. Telephone Operators, Class I, are ordinarily employed for the more important duties in connection with the operation of trunk exchanges and Class II operators on purely operative duties.

(b) The scales of pay vary according to locality. In the case of telephone operators, Class I, the scales vary from Rs. 35—135 to Rs. 70—170, while for telephone operators, Class II, the scales vary between Rs. 35—75 and Rs. 70—110. The number of the two classes of operators is regulated from time to time on the basis of requirements as stated in the reply to part (a). There is no definite rule regulating the numbers.

(c) Information has been called for, and will be placed on the table of the House in due course.

COMMITTEE TO RE-ORGANISE THE ENGINEERING BRANCH OF THE TELEGRAPHS DEPARTMENT.

124. Mr. Sitakanta Mahapatra : (a) Will Government please state the number of Engineering Supervisors employed in the Telegraphs upto 31st July, 1934 ?

(b) Will Government please state the basis on which the number of employees in this service is regulated ?

(c) Is it a fact that Government have appointed a Committee to re-organise the Engineering Branch (Superior and Subordinate) on an economic basis ? If not, do Government consider it advisable to appoint an expert Committee for the purpose ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Presumably the Honourable Member refers to Engineering Supervisors, General, Telephones and Electrical. If so, the number employed on the 31st July, 1934, was 291.

(b) The number of Engineering Supervisors of different classes (General, Telephones and Electrical) is fixed according to divisional requirements.

(c) No. Government do not contemplate the appointment of an expert committee at present.

DEFICIT INCURRED IN THE ADMINISTRATION OF THE KAMARAN QUARANTINE STATION.

125. Khan Bahadur Haji Wajihuddin : (a) Will Government please state whether British and Indian Governments have made any advances to meet deficits which were incurred in the administration of the Kamaran Quarantine Station upto 31st March, 1923 ?

(b) If the reply to part (a) be in the affirmative, will Government please state (i) separately the amounts advanced by the British and Indian Governments, (ii) the date from which the deficits were incurred, and (iii) particulars thereof ?

(c) Is it a fact that Government have created a Reserve Fund for repayment of the advances referred to in part (a), and to meet future contingencies and five per cent. of the amount collected annually from pilgrims for Kamaran ?

(d) If the reply to part (c) be in the affirmative, will Government please state, separately for each year, the sums credited to this fund ?

(e) Will Government please state what improvements and alterations, involving Capital expenditure, have been carried out at the Kamaran Quarantine Station since they took charge of it, giving separate details of the improvements and alterations involving Capital expenditure and otherwise carried out in each year, with costs thereof?

(f) Will Government please state at whose expense the civil administration of the Island of Kamaran is carried on and whether any sum is taken from the Kamaran dues paid by pilgrims?

Mr. G. S. Bajpai: (a) and (b). An advance of Rs. 5,95,600 was made to meet deficits incurred in the administration of the Kamaran Quarantine Station prior to the 31st March, 1922. One-half of this amount was advanced by the British Government and the other half by the Indian Government.

(c) and (d). The amounts paid into the Kamaran Quarantine Station Fund and the expenditure incurred from it annually, since its creation in 1927, are shown in the Balance Sheet of the Fund, as it stood on the 31st December, 1933. A copy of the Balance Sheet has been placed in the Library of the House. The whole of the advance made by the British and Indian Governments has already been repaid.

(e) The improvements carried out include the provision of *pucca* shelters in the pilgrim camps, additions and alterations to the General and Infectious Diseases Hospitals and Laboratory, provision of an electric installation, construction of a wireless station, provision of a post and telegraph office, improvement of sanitary arrangements, building of quarters for officers and staff. It is regretted that particulars of expenditure are not readily available.

(f) The cost of the civil administration of the Island of Kamaran is met partly from local receipts other than pilgrim fees and partly from an annual subsidy of Rs. 10,000 paid from the revenues of the Quarantine Station.

HIGH COURT JUDGES IN INDIA.

126. Shaikh Sadiq Hasan: Will Government please state the number of (a) permanent, (b) additional, and (c) temporary, Judges of High Courts in India? How many of them are Muslims under each category?

The Honourable Sir Henry Craik: As regards the first part, I would refer the Honourable Member to the statement laid on the table on the 19th July last in reply to starred question No. 107 by Mr. M. Maswood Ahmad. As regards the second part, I lay a statement on the table.

Statement showing the number of Muslim Judges in the various High Courts.

	Permanent.	Additional or Acting.
Madras	1	1
Bombay	1	1
Calcutta	1	2
Allahabad	3	1
Lahore	1	1
Patna	2	1
Rangoon	1	1

CIRCULARS ISSUED BY THE MILITARY ACCOUNTANT GENERAL.

127. Mr. Jagan Nath Aggarwal: Will Government please lay on the table a copy of the circulars the present Military Accountant General has issued, warning officers and subordinates of disciplinary action of failure of audit, etc.?

The Honourable Sir James Grigg: The circulars in question are concerned with matters of purely departmental interest. One of them is marked confidential and the others are also of a confidential nature. In view of this, and as no public interest would be served by publishing them, Government regret they are not prepared to comply with this request.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 373 asked by *Rai Bahadur Lala Brij Kishore* on the 6th March, 1934.

FIXATION OF THE PAY OF TELEGRAPHISTS.

(a) The fact is not as stated. The Fundamental Rules came into force with effect from the 1st January, 1932, but rule 22 of those rules relating to the fixation of pay of Government servants on transfer from one time-scale to another was made applicable in the case of non-gazetted officials of the Indian Posts and Telegraphs Department with effect from the 1st June, 1927, by specific orders of the Government of India. The pay of the Posts and Telegraphs non-gazetted officials transferred from one scale of pay to another between 1st January, 1922, and the 31st May, 1927, was regulated in accordance with the orders of the Government of India in force during that period.

(b) That fact is that in 1929 a representation was received by the Director-General from a Telegraph Service Union in connection with the fixation of the pay of postal signallers transferred as station service telegraphists and one individual case was cited. The officials concerned also submitted a petition to the Director-General in 1929 for a re-fixation of his pay from April, 1923, when he was transferred as station service telegraphist, but his prayer was rejected as being too belated for consideration. As a result of the representation of the Union already referred to special instructions were issued by the Director-General to Heads of Circles in November, 1929, to regulate the pay in such cases under Fundamental Rule 22. But as stated in the reply to part (a) above, Fundamental Rule 22 became operative from the 1st June, 1927, and not from the 1st January, 1922. The question of re-fixation of pay under Fundamental Rule 22 in the case of non-gazetted officials transferred from one scale to another between the 1st January, 1922, and the 31st May, 1927, did not therefore arise.

(c) and (d). Do not arise in view of the replies to parts (a) and (b) above.

Information promised in reply to starred question No. 599 asked by *Mr. Gaya Prasad Singh* on the 3rd April, 1934.

AGREEMENT FOR THE CARRIAGE OF GOVERNMENT AND RAILWAY MATERIALS BETWEEN DIFFERENT INDIAN PORTS.

(a) Since the year 1887, there have been various agreements with the British India Steam Navigation Company for the carriage of military and marine passengers, stores, etc.

(b) The agreement dated the 14th February, 1906, referred to by the Honourable Member, is still in force though some modifications have been made in it. Government regret that they are unable to disclose the terms of this agreement.

(c) A contract for the transport of coal for the Burma Railways from Calcutta to Rangoon during 1934-35 has also been entered into by the Railway Board with

this Company. No regular long term agreement has been executed, but copies of the relevant documents are placed on the table.

Conditions for Tenders for the transport of coal for State-managed Railways from Calcutta to Rangoon during 1934-35.

1. The quantity of cargo placed on board each steamer at Calcutta is to be decided by two Surveyors—one appointed by the Shippers and the other by the Shipping Company and should the Surveyors disagree the decision of an Umpire appointed by them to be considered final. The fee of the Umpire is to be paid by the party against whom his decision is given.

2. No range of loading dates will be accepted. The Chief Mining Engineer, Railway Board, will declare about the 15th of each month his programme for the following month stating the number of steamers required and the actual dates on which they are to be ready to commence loading.

Failure on the part of tenderers to supply steamers on the dates named will render them liable to a penalty of Rs. 1,000 per running day for every day late.

3. Lay days for steamer loading in Kidderpore Docks and discharging at Rangoon combined to be on the basis of 21 weather working days—Sundays and Holidays excepted—for a 7,500 tons steamer subject to proviso regarding discharge contained in Clause 7. Delivery to be commenced and taken at the Port of discharge after the steamer is ready in every respect to discharge and after the usual twentyfour hours' notice has been given.

Lay days to be counted from the day the steamer has been actually berthed and is ready for loading coal after the usual twentyfour hours' notice of readiness has been given.

4. Shipping Companies are expected to load steamers up to their full carrying capacity and will not be allowed to carry coal or other cargo for other consignees. Delivery to be given in Rangoon in shipments of not less than 7,000 tons.

5. The contract shall not be assigned or sub-let by the Contractor without the written permission of the Railway Board and in the event of the Contractor assigning or sub-letting the contract or any part thereof without such permission the Railway Board may by notice in writing to the Contractor terminate the contract.

6. The Shipping Company shall at their own cost provide all necessary baskets and shovels for the discharge of the said coal at Rangoon.

7. The Railway at the port of discharge shall supply trucks or wagons or lighters to receive the coal ex-ship, but shall not be bound to accept delivery at the rate of more than 1,000 tons per working day and from only one steamer at a time.

8. In order to provide a guarantee for the Government for the due fulfilment of the Contract the freight on one cargo shall be deducted and retained from the Contractor's first bill. This amount will be refunded when the full quantity contracted for has been transported.

9. The quantity of coal to be transported shall be "more or less", i.e., the Railway Board shall have the option of requiring transportation 10 per cent. in excess of or 10 per cent. less than the contracted quantity within the period of the contract, such option to be declared before the expiration of the first seven months of the period of the contract.

10. The Shipping Company will be required to enter into an agreement for the transportation of this quantity.

COPY OF LETTER No. 4634, DATED THE 23RD FEBRUARY, 1934, FROM THE CHIEF MINING ENGINEER, RAILWAY BOARD, TO MESSRS. MACKINNON MACKENZIE AND COMPANY, CALCUTTA.

Tender for transport of coal for the State-managed Railways from Calcutta to Rangoon.

With reference to your tender No. Coal/12/262, dated the 19th December, 1933, I have to inform you that the Railway Board have accepted your tender for the transport of Burma Railway's coal approximately 180,000 tons in bulk from Calcutta to Rangoon during the period 1st April, 1934, to 31st March, 1935, at Rs. 3-14-0 per ton.

I shall be glad if you will please send me the usual Shipping Order in quadruplicate.

No. 12.

Calcutta, 26th February, 1934.

To

The Commanding Officer of a British India Steam Navigation Company's Steamer or other Steamer.

Received on Board from the Chief Mining Engineer, Railway Board, Calcutta, A/c Burma Railways—Rangoon.

the undermentioned coal for.....

Full requirements of sea-borne coal in bulk, estimated at 180,000 tons 1st April, 1934, to 31st March, 1935, Calcutta to Rangoon to be shipped as mutually arranged at Kidderpore Docks.

Full freight at the rate of Rs. 3-14-0 per ton to be paid in Calcutta after completion of loading. The quantity of cargo placed on board each steamer at Calcutta to be decided by two Surveyors one appointed by the Shippers and the other by Master or Agents of the steamer; and should the Surveyors disagree the decision of an Umpire appointed by them to be considered final. The fees for the Umpire to be paid by the party against whom his decision is given.

Conditions as per tender.

Steamer is not accountable for weight or condition.

To be shipped as above.....

Freight Rs. 3-14-0 per ton of 20 cwt. payable here by shipper. Bills of Lading must state contents and must be presented at this office within four days of the Steamer's clearance failing which any penalty levied by Customs in consequence of the non-entry in Export Manifest of the Goods, will be levied from shipper before signing Bills of Lading as also penalty which may be incurred through erroneous description in Bill of Lading. No Bill of Lading signed for less than Rs. 5.

This Shipping Order is issued subject to the clauses appearing in British India Steam Navigation Company's Bill of Lading to be signed for coal.

(Sd.) Mackinnon Mackenzie and Co.,
Managing Agents.

Information promised in reply to starred question No. 58 asked by Mr. Gaya Prasad Singh on the 17th July, 1934.

MURDER OF INDIAN NATIONALS IN AMERICA.

(a) and (b). It has been ascertained from His Majesty's Ambassador at Washington that official investigation subsequent to the jury's verdict, to which the Honourable Member refers, disclosed conclusively that on the 12th June, 1933, Sher Singh after murdering his Mexican concubine shot and killed himself in Imperial County, California.

(c) and (d). Hira Singh and Amar Singh were murdered on the 27th September, 1933, also in Imperial County. No information is available regarding the total number of Indian nationals murdered in America.

Information promised in reply to starred question No. 194 asked by Khan Bahadur Haji Wajihuddin on the 23rd July, 1934.

HILL ALLOWANCE TO TRAVELLING TICKET EXAMINERS POSTED AT HARDWAR.

(a) Yes.

(b) No.

(c) and (e). Some 50 travelling ticket examiners were utilised in connection with Adh Kumbh Mela at Hardwar and other stations. Those who were stationed at Hardwar were deputed to perform the following duties, except one who was utilised as Night-in-Charge ticket collector:

(1) Canvassing passengers.

(2) Checking of tickets.

(3) Conducting of passengers.

Very few travelling ticket examiners were utilised to work as Ticket Collectors at stations other than Hardwar.

(d) The Honourable Member is referred to the replies given to questions No. 964 asked by Mr. B. N. Misra on the 28th March, 1933, and No. 135 (a) and (d) asked by Mr. M. Maswood Ahmed on the 16th February, 1934.

Information promised in reply to starred question No. 348 asked by Seth Liladhar Chaudhury on the 6th August, 1934.

TRANSFER OF THE RAILWAY MAIL SERVICE SORTERS FROM ALLAHABAD TO JUBBULPORE AND GAYA.

(a) Yes.

(b) It is a fact that some of the employees made representations against the change.

(c) As regards the first part of the question, it is a fact that some of the employees referred to are residents of the United Provinces. As regards the second part, I would point out that liability to transfer is one of the conditions of service in the Posts and Telegraphs Department.

(d) The reply to the first part of the question is in the affirmative. As regards the second part, the officials will get the allowances to which they are entitled on transfer under the rules. No other allowance is admissible.

(e) No.

(f) Does not arise in view of the replies to parts (c) and (d) above.

(g) The transfers were made for administrative reasons and cannot be cancelled merely to suit the private convenience of some officials.

(h) No reduction has been made in the pay of the officials transferred, but it is a fact that the maximum of the time-scale for which they will be eligible at Gaya and Jubbulpore is less than the maximum of the time-scale at Allahabad. The officials will be brought on to the scales of pay sanctioned for Gaya and Jubbulpore strictly in accordance with the provisions of Fundamental Rule 22.

Information promised in reply to the unstarred question No. 40 asked by Mr. B. V. Jadhav on the 6th August, 1934.

INCREASE IN THE IMPORT DUTY ON PROJECTORS, AMPLIFIERS AND LOUD SPEAKERS, ETC.

Up till March, 1934, bioscope sound producing projectors were being assessed at all ports, except Bombay, under item 89/187 of the Indian Customs Tariff, the rates of duty applicable being the standard rate of 30 per cent. *ad valorem* and preferential rate of 20 per cent. At Bombay, they were being assessed at 10 per cent. under item 96/59A(2) of the Indian Customs Tariff. As the Collector of Customs, Bombay, heard that his basis of assessment differed from Calcutta, he consulted the Collectors of Customs at the other ports and as a result decided to change his practice in April. This change of practice at Bombay was reported to the Central Board of Revenue who approved the change.

Information promised in reply to parts (a) and (b) of starred question No. 489 asked by Mr. Sitakanta Mahapatra on the 7th August, 1934.

EMPLOYMENT OF UNQUALIFIED MEN IN THE GOVERNMENT OF INDIA OFFICES.

Part (a).—Statement showing the number of permanent and quasi-permanent vacancies in the Government of India Secretariat and its Attached offices shown in the Audit Registers and the pay bills for the month of June, 1934.

Total number of vacancies in—			Number of vacancies filled temporarily or in an officiating capacity in—		
First Division.	Second Division.	Third Division.	First Division.	Second Division.	Third Division.
11	6	24	10	6	24

Statement showing permanent deputation and temporary vacancies in the Railway Department, office of the Director-General of Posts and Telegraphs, Home Department, Foreign and Political Department, Finance Department, Industries and Labour Department and the Imperial Council of Agricultural Research Department, held by unqualified candidates.

Name of Deptt. or office.	Nature of vacancy.	Number of vacancies held by unqualified candidates.	Date from which existing.	Date from which held by unqualified candidates.	
				Retrenched staff of the Railway Board.	Other temporary staff.
Railways	Permanent	2	(1) 5-6-34	(1) 5-7-34	..
			(2) 21-7-34	(2) 21-7-34	
	Deputation	5	(1) 16-1-34	(1) 16-1-34	(2) November 1929 to January 1930.
			(2) 9-11-29	(2) 9-11-29	
			(3) 8-5-33	(3) 8-5-33	
			(4) 20-7-34	(4) 20-7-34	
	Temporary	4	(5) 4-7-34	(5) 4-7-34	(1) .. (2) 5-7-34 (3) 3-7-34 (4) 6-7-34 9-7-34* to date.
			(1) 21-6-34	(1) 21-6-34	
			(2) 3-7-34	..	
			(3) 3-7-34	..	
Director-General of Posts and Telegraphs.	Permanent	1	(4) 6-7-34	..	(4) 6-7-34
			(1) 11-6-34	..	
	Deputation	9	(1) 26-3-30	..	(1) 1-10-32 to date.
			(2) 9-6-32	..	(2) 25-10-32 to date.
			(3) 22-8-32	..	(3) 22-4-33 to date.
			(4) 23-11-33	..	(4) 1-12-33 to date.
			(5) 7-3-34	..	(5) 4-5-34 to date.
			(6) 31-5-34	..	(6) 28-6-34 to date.
			(7) 3-4-34	..	(7) 4-4-34 to date.
			(8) 1-9-31	..	(8) 9-12-32 to date.
			(9) 1-6-34	..	(9) 17-7-34 to date.
Home	Temporary	4	(1) 1-7-34	..	(1) 1-7-34
			(2) 1-7-34	..	(2) 1-7-34
			(3) 1-7-34	..	(3) 1-7-34
			(4) 11-8-34	..	(4) 11-8-34
	Deputation	7	(1) 1-3-33	..	(1) 1-3-33
			(2) 1-5-33	..	(2) 1-5-33
			(3) 1-5-33	..	(3) 1-5-33
			(4) 27-5-33	..	(4) 27-5-33
			(5) 1-6-34	..	(5) 1-6-34
			(6) 30-7-34	..	(6) 30-7-34
			(7) 7-8-34	..	(7) 7-8-34

*A qualified candidate has been nominated by the P. S. C. and is expected to join shortly.

Name of Deptt. or office.	Nature of vacancy.	Number of vacancies held by unqualified candidates.	Date from which existing.	Date from which held by unqualified candidates.	
				Retrenched staff of the Railway Board.	Other temporary staff.
Foreign and Political.	Permanent	5	(1) 18-4-34	..	(1) 18-4-31
			(2) 1-3-32	..	(2) 1-3-32
			(3) 8-3-32	..	(3) 8-3-32
			(4) 8-3-32	..	(4) 8-3-32
			(5) 5-4-32	..	(5) 5-4-32
	Deputation	6	(1) 4-1-32	..	(1) 4-1-32
			(2) 9-4-33	..	(2) 9-4-33
			(3) 15-11-30	..	(3) 15-11-30
			(4) 25-4-34	..	(4) 26-4-34
			(5) 13-6-34	..	(5) 13-6-34
			(6) 16-11-33	..	(6) 16-11-33
	Temporary	7	(1) 13-6-33	..	(1) 13-6-33
			(2) 21-5-34	..	(2) 21-5-34
			(3) 21-9-33	..	(3) 21-9-33
			(4) 1-4-33	..	(4) 1-4-33
			(5) 1-4-33	..	(5) 1-4-33
			(6) 13-6-33	..	(6) 13-6-33
			(7) 13-6-33	..	(7) 13-6-33
Finance ..	Temporary	3	(1) 1-4-34	..	(1) 1-4-34
			(2) 8-6-34	..	(2) 8-6-34
			(3) 8-6-34	..	(3) 8-6-34
Industries and Labour.	Temporary	3	(1) 25-11-32	..	(1) 1-7-33
			(2) 9-1-33	..	(2) 3-6-33
			(3) 1-8-34	..	(3) 1-8-34
Imperial Council of Agricultural Research.	Temporary	1	7-11-33	..	7-11-33

Information promised in reply to starred question No. 497 asked by Sirdar Harbans Singh Brar on the 9th August, 1934.

EUROPEANS AND INDIANS SERVING IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

As regards the office of the High Commissioner for India, the number of officers serving in that office who are in receipt of over Rs. 300 per mensem is Europeans 230 and Indians 41.

Information promised in reply to the starred question No. 531 asked by Mr. Lalchand Navalrai on the 13th August, 1934.

MAIL BAG DESTINED FOR CALCUTTA MISSED BETWEEN SIMLA AND KALKA.

(d) A parcel bag for Calcutta was lost between Simla and Kalka on 7th June, 1934. The mail contractor's agent was in charge of the mails and he admits that the parcel bag in question, which was tied on the luggage carrier of the mail car, dropped accidentally somewhere between Simla and Kalka.

(b) The Superintendent, Railway Mail Service, 'D' Division, travelled in the same car from Simla to Kalka, but he was not in charge of the mails, and as such he was not called upon to give any explanation for the loss.

(c) The loss was first noticed at Kalka when the mails were being delivered by the contractor's agent to the Mail Agent, Kalka.

(d) Yes, with the Kalka Railway Police.

(e) Both Departmental and Police enquiries were set on foot at once. The Government Railway Police have failed to trace the missing bag or the culprit; but the Patiala and Bhagat States' Police are still making enquiries.

(f) The Criminal Investigation Department, Punjab, was asked to investigate the case, but they could not take up the inquiry as the loss apparently did not occur in British Territory.

(g) Everything possible is being done.

Information promised in reply to starred question No. 678 asked by Mr. S. G. Jog on the 20th August, 1934.

REGULATION RELATING TO THE TRAINING RESERVE OF THE INDIAN WOMEN'S MEDICAL SERVICE.

(a) No.

(b) There are no members of the Training Reserve of non-Asiatic domicile.

(c) Since the formation of the Training Reserve in 1924, 32 members have been admitted to it, eleven of whom were deputed for post-graduate study abroad.

Information promised in reply to part (d) of starred question No. 517 asked by Mr. Gaya Prasad Singh on the 22nd August, 1934.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

(d) The remissions were granted owing to the exceptional damage caused to the crops by an almost unprecedented monsoon. An aeroplane reconnaissance over the whole flooded area and not particularly over this locality was carried out by the Assistant Superintendent of Police.

REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion :

"That the Reports of the Public Accounts Committee on the accounts of 1931-32 and 1932-33, Parts I and II, be taken into consideration, and that the Assembly do approve the expenditure of Rs. 1,68,943 incurred in 1931-32 on additions and alterations to the Locomotive Running Shed at Bhusawal and of Rs. 54,713 incurred in the same year on installation of wireless sets on the Great Indian Peninsula Railway and the East Indian Railway."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : Sir, the Honourable the Finance Member has moved for consideration of the report of the Public Accounts Committee for 1931-32 and 1932-33 and with it, he has further added that an expenditure of Rs. 1,68,943 incurred in 1931-32, for additions and alterations to the Locomotive Running Shed at Bhusawal and of Rs. 54,713 incurred in the same year on the installation of wireless sets on the Great Indian Peninsula Railway and the East Indian Railway, be approved. The latter portion is merely, more or less, a formal motion for granting surplus grants for what the Public Accounts Committee styled as "new services" and for which a formal vote of the House is required. So.

[Mr. S. C. Mitra.]

need not say anything about the latter portion, because I know the House should accept that part of the motion without any discussion.

As regards the first portion of the report, it will be evident to Honourable Members that the Public Accounts Committee dealt with the reports of accounts that were closed 18 months before. So generally the work of the Public Accounts Committee is considered as a *post mortem* examination. But, unfortunately, for the last two years, we find that even in this *post mortem* examination we have had to deal with the accounts of a year still older. For example, this year we are dealing with the accounts also of 1931-32, and, last year, we similarly dealt with the accounts even a year older than the usual 18 months. I hope the new Finance Member will see to an improvement of the position as regards discussion in this House, and, in future, there will be no necessity of dealing with the discussion of the Public Accounts Committee report for a period earlier than is absolutely necessary, that is, I mean the accounts that were closed 18 months before and not still earlier. I shall now first deal with the second part of the accounts that deal with railways, because though I am a member of the Public Accounts Committee I had no opportunity to go through the railway appropriation accounts this year. I should like to draw the attention of the Financial Commissioner to the remarks that we passed on page 5 of the report for 1931-32 and I shall be glad to hear how far these matters have advanced. The Financial Commissioner explained that the Railway Department were endeavouring to come to some agreement with the Army Department and to get a memorandum circulated to the members of the committee as soon as possible. I am afraid, these accounts are lying for settlement for a number of years; and, year after year, the Public Accounts Committee was drawing the attention of the Railway Authorities to come to some settlement with the Army Department. I hope that the Financial Commissioner will be in a position to tell us how far this had advanced by this time. I shall also be glad to hear about the settlement that they have come to, as regards the apportionment of joint station expenses. That was also a matter pending for a long time. Another item is about the allocation of expenditure to capital, depreciation fund and revenue. I find that the matter is still under discussion because it is also reported in the next year's Public Accounts Committee report. I should like to hear from the Railway Authority what decisions they have come to, as regards this allocation to depreciation fund and to capital. As regards this allocation, I find, that even in the earlier report that the Auditor General explained that the problems involved were exceedingly difficult, and what Sir Ernest Burdon feared was that if they were postponed further, the decision might have to be taken hurriedly in connection with the drafting of the Bill relating to the Statutory Railway Board. He, therefore, suggested that the matter should be expedited. So the importance of expediting the matter in 1931-32 was very keenly felt and I shall be glad to hear from the Financial Commissioner the results they have arrived at. Before dealing with the report for the current year on Railways I should like to understand one position. It seems to me very anomalous that the Controller of Railway Accounts is usually promoted to the position of the Director of Railway Audit and when the officiating period is over he reverts to his former position. What happens, as it perhaps happened this year, is, the same gentleman who is passing the accounts as Controller

of Railway Accounts had to report on his own work as the Director of Railway Audit. I shall be obliged to the Financial Commissioner if he could give us any statistics for the last three or four years as to on how many occasions the Controller of Railway Accounts was promoted temporarily as Director of Railway Audit and then he had to come back and on how many occasions the Director of Railway Audit had to criticise his own action. I find this year the Public Accounts Committee have come to a decision and they have recommended that in future the practice of placing the summary of the financial results of the current year, that we in former years wanted the Financial Commissioner of Railways to place before the Committee, should be discontinued. This is what they say:

"In this connection the Auditor General raised the question whether the summary of the financial results and the provisional balance-sheets of collieries of the succeeding year, prepared by the Financial Commissioner for presentation to the Committee, might not be discontinued as they had fulfilled the purpose for which they were originally demanded."

Sir, it was after much discussion that the previous Public Accounts Committee came to the conclusion that as the accounts that the Public Accounts Committee were dealing were 18 months old, it was desirable that the Financial Commissioner of Railways should be asked to give us a summary of the financial results of the current year of the Railways, and the Railway Authorities were pleased to accept that suggestion. I do not see any reason why the Public Accounts Committee this year has gone back on their former recommendation and think that the purpose has been fulfilled. A very useful purpose is really served if we can get a general impression of the current financial condition of the Railways, and, I think, the House will agree with me that it is desirable that the Public Accounts Committee as well as this House should get a general conception of the financial position of the Indian Railways of the current year from the Financial Commissioner. If there is no difficulty,—and, I think there is none, because it was supplied the year before,—I think the Railway Authorities should continue to supply this information for the benefit of the Public Accounts Committee as well as of the Members of this House.

Now, Sir, I should like to deal with the general accounts of the Civil, Military and the Posts and Telegraphs Departments. As regards the Military Accounts Committee, I should like once again to draw the attention of this House to the manner in which the military authorities are very tardy in spending the amount that is allotted to them for expenditure for the Territorial Forces. It is not even a military grant. These ten lakhs were set apart every year from the Civil grant. Though the military authorities can spend 47 and odd crores each year in the visible way, and also incur invisible expenditure, to use the language of my Honourable friend, Dr. Ziauddin Ahmad, yet, not only for this year under comment, but for the few years preceding it, they were always spending only two or three lakhs out of these ten lakhs that were allotted for expenditure for the Territorial Forces in India. Sir, it is no argument to say that they cannot get sufficient recruits in the University Corps or other urban units. If they cannot get sufficient men they should realise that there is something wrong in the very procedure of recruitment. They cannot spend for the whole of British India, in the University forces and urban units, a small amount of ten lakhs annually, for all these years. Their attention has been drawn for the last two years, at least, in the Military Accounts Committee, and, I think, the

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Army Secretary owes it to this House to explain why this small amount of ten lakhs cannot be spent for the military training of the educated classes in India.

Sir, last year I criticised the budgeting of the Postal Department. I am very glad to notice that the Public Accounts Committee, as well as the Auditor General, appreciate the great improvement that has been effected in the budgeting of the Postal Department and we expect that in the near future we will have a balanced budget.

One other matter to which I should like to draw the attention of the House is about the large surplus stock of quinine. For the last five years at least, we, in the Public Accounts Committee, have drawn the attention of the Department of Education, Health and Lands to the large stock which is valued at about Rs. 52,22,681 as appears from the appropriation accounts of the year 1932-33. We stressed the point that health is a transferred provincial subject and the Government of India is not called upon to keep in its stores such a huge stock for all these years. Our expert in the Public Accounts Committee, Lieut.-Colonel Gidney, was of the opinion that this quinine will be of no use after a few years, though I know the Government expert differed from him in this view. But, in any case, this large stock which was valued at 52 lakhs would have brought an interest of about eight or nine lakhs to the Central treasury during these six or seven years. I find in this year's report the following :

"The Public Accounts Committee was informed that out of the surplus of 130,000 lbs., lbs. 20,000 have been manufactured into the form of trade quinine, and of the latter, lbs. 4,000 have actually been sold. The department was also at present conducting certain negotiations with the representative of the Kina Bureau for the sale of the surplus. The Committee hoped that the department would be able to report considerable reduction in the surplus stock next year."

I shall be very glad if the Secretary to the Department of Education, Health and Lands can give us some information as to what has come out of these negotiations with the Kina Bureau ; and if these have failed, there is no reason why this large stock should not be disposed of in the open market, because quinine being an article which has an international market, we may lose a few rupees but there is no necessity for stocking this huge amount now for the last eight or ten years.

Lastly, I would like to make a few remarks about a statement that has now been circulated. It was not distributed to the Public Accounts Committee ; but, in that Committee, for the last few years, we were deferring the consideration of some very important points to be referred to the Joint Select Committee that is sitting in England : we merely prepared an appendix and settled that as it was the decision of the Public Accounts Committee to place all the items of the said appendix before the committee in England, who are framing the Constitution ; but I find that, all of a sudden, we have been supplied with the appendix and some decisions of the Government of India thereon, which, as we understood, were going to be placed before the constitution-making committee. I would now like to discuss some of the points raised there as I find that the Government has come to a decision.

Item 3 of the new statement, the question of allowing the Auditor General to have direct access to the Secretary of State, should be considered. This is a very old question pending before the Public Accounts Committee—

I think from its very inception—as to what should be the position of the Auditor General *vis-a-vis* the Government of India. The Public Accounts Committee held, as it is the practice in England, that the position of the Auditor General should be completely independent of the Government of India, and, where there is a strong difference of opinion between the Government of India and the Auditor General he should be given plenary powers to communicate direct with the Secretary of State. As we conceive the constitutional position, and as we find it provided in the Government of India Act itself, the holder of the position of Auditor General should not occupy any Government post after his retirement : we thought that it was absolutely necessary for the purity and independence of audit that this position should be completely unassailable. Not speaking of individuals—I think even the occupation by the Auditor General, after his retirement of a position in the Indian States that are under the direct control of the Political Department of the Government of India, is a infringement of that rule. I do not like to discuss in any way personal matters, and as a matter of fact I have got a high regard for the gentlemen who have occupied that high position. But I still urge and appeal to Government also to see that the occupant of that great position should not even indirectly be holding any office which is even indirectly under the control of the Government of India. That is a question by the way. But the main point that we wanted to raise was that there should be a decision by the committee now framing the constitution in England as to what should be the position of the Auditor General. I find in the reply it is said here :

"The question has been considered. The Auditor General is fully satisfied with the present position under which his comments on the accounts of the year are forwarded to the Secretary of State by the Government of India in the Finance Department. This question, which is of insignificant importance even now, will be of still importance under the new constitution."

I am afraid that there has been a complete misconception of the attitude of the Public Accounts Committee on this question. What the Public Accounts Committee wanted, was to make the Auditor General completely independent of any control of the Government of India. It is not the question whether a particular Auditor General, who is occupying this position, may be very happy in agreeing that he is satisfied with his position. It is a constitutional matter that we wanted the Joint Parliamentary Committee should seriously consider, whether they should not safeguard the position of the Auditor General in India, making him completely independent of all influence. So, I appeal to the House seriously to consider this constitutional position of the Auditor General and whether it should not be referred to the Joint Parliamentary Committee or others who are making the Constitution for India, and not allow it to be decided here by the Government of India who are certainly interested in this affair, and thinks that this is an "insignificant matter and will be of still less significance in future".

Then there is Item No. 7 which we wanted to be similarly considered—that it should be a convention that an opportunity should be given to the Public Accounts Committee or the Legislative Assembly to express their views before the Governor General declares as non-votable an item of expenditure which has been votable. It was our experience in the Public Accounts Committee to find that a particular item, that we had always considered as votable, was all of a sudden styled as non-votable ; and, when questioned, we were told that the Governor General by his powers had declared it as a non-votable item. As that is the constitutional position we

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did not quarrel with it ; but what the Committee suggested was that before the Governor General, on the advice of the Finance Department, declared a votable item as non-votable, the Committee should be offered a chance to have their say on it. The reply given is :

" This is a matter to be settled by the Governor General in accordance with the provisions of the Government of India Act, and not one in which advice can be given. The Auditor General now brings to the notice of the Public Accounts Committee any case in which the classification is changed from voted to non-voted."

Here also I urge that the purpose of the Committee was to put these matters before the Joint Parliamentary Committee in England and that is why it was put in this appendix : we know the legal position that the Auditor General in his comments will tell us that this has been changed from voted to non-voted : we know that : and, further, we did not want to encroach upon the rights of the Government of India, but to get a chance to place our views, before a votable item is declared as non-votable. Here also, I think, there has been misconception and here was no necessity for the Government to decide this matter themselves. What we wanted was that this should be placed before the committee in England.

Then, there is item No. 10—that the Government of India should consider the question of charging to the Army estimates the expenditure on account of the free supply of residences and furniture to His Excellency the Commander-in-Chief. The reply is :

" The question has been considered, but the Government of India see no reason for establishing a different position for the residences, etc., of the Army Member from that in vogue for the residences, etc., of other Members of Council."

No one disputed that His Excellency the Commander-in-Chief is a Member of the Executive Council of the Government of India. Because, for the army, we have a fixed grant, so we wanted that every expenditure that really pertains to the military side should be put under that heading, so that every man can realise what are the actual military expenses of the Government of India. We do not question whether this furniture should be supplied gratis or for consideration. Those are not the issues that were raised by the Public Accounts Committee. The Public Accounts Committee wanted to have a pure military budget which is for the last few years a contract budget, and they wanted to debit all the items which were really expenditure on the army side to the military budget, and I do not see any reason why the Government should say that because the Commander-in-Chief happens to be a Member of the Council of State or an Ordinary or Extraordinary Member of the Government of India, the expenditure incurred on furniture and other things for him should be debited to the civil grant. Item No. 14 is :

" That cases like the one in which His Majesty's Government refused to pay a moiety of the cost of certain Diplomatic and Consular establishments in Persia, the Government of India should press for a reference to an independent tribunal."

Action taken or proposed to be taken is, " This will be done, when, as in the Capitation case, circumstances render it desirable ". We shall be glad to hear what are the circumstances which will be considered as desirable when an attempt should be made to relieve the Indian Exchequer to the extent of half of the expenses on the Persian Consular Service. There are some other matters also, but we have very little time today, because we

have given our word to finish these two items, this and Pusa supplementary grant today. I hope that Government will give some explanation of the questions that I have raised on this occasion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, it has often been observed that the Public Accounts Committee performs a *post-mortem* examination, but, in spite of that joke against the Public Accounts Committee, I have found that if anywhere a Committee of this Legislature or this House through a Committee exercises any control over the public finances in India it is the Public Accounts Committee. I am glad to note that the Auditor General in his letter to the Finance Secretary has summarised thus :

" On the experience which I now possess I feel justified in expressing the opinion that the Public Accounts Committee in general exercises an increasingly effective and salutary influence on the administration of public finance."

He then refers to some other point on which I hope the Finance Department will take action :

" I feel, however, that it is unfortunate that the appropriation accounts and the Auditors' reports on the accounts cannot be published earlier than the present state of the law allows. It has been held that those documents are not privileged parliamentary papers until they have been incorporated in the Proceedings of the respective Legislatures, and this requirement necessarily involves delay which in its turn tends to weaken public interest in the documents when finally released. It will be generally agreed, I think, that it is a desirable aim to encourage the study of Government accounts and finance by public opinion outside as well as within the Legislatures ; and I trust that it may be found possible at some future time to improve the present facilities for such study in the practical direction which I have ventured to suggest."

I suggest that the Government should release to the public the reports of the Directors of Audits of the different departments and also of the Chief Accounts Offices so that a certain amount of public criticism and public education may be carried on in regard to these reports. My Honourable friend, Mr. Mitra, has already alluded to the Special Appendix of 20 points which have been left over till the new Constitution materialises. He has referred to a few of them, and I will refer to one or two other salient points which require the attention of the country, and which, I hope, the Government of India will settle before the new Constitution comes into operation. At the present time, the Home Auditor is not under the Auditor General of India, and we should very much like that he should work under the Auditor General of India. As regards this item No. 4, the recommendations of the Committee have been accepted and the views of the Government of India have been placed before the Secretary of State. The Secretary of State and the High Commissioner in London manage the finances of India and the Secretary of State's own salary comes from the British Treasury. So, the money that is provided by India should be audited by an auditor who must be controlled by the Auditor General of India. Again, we are very anxious that the Government of India should consider the question of the allocation of ecclesiastical expenditure between the Civil and the Army departments. The remark is that the matter is still under consideration. We understand from the White Paper that there will be a Counsellor to look after the Ecclesiastical department, but whatever that may be, the Government of India should distribute the expenditure so that one may know what is the proper army expenditure on that account.

Mr. S. C. Mitra : Most of the Rs. 31 lakhs should be in the Army Budget.

Mr. B. Das : My Honourable friend, Mr. Mitra, reminds me that most of it goes to the Army, because the Civil Servants of the Government of India have very little time to attend to the religious nursing of the missionaries. Another point is, we pay Rs. 25 lakhs as a gift to the Nizam's State because Berar is part of British India, and the remark is, "No such action is possible". What the Public Accounts Committee suggested was,—not that this Rs. 25 lakhs should not be paid to the Nizam's State, but that it should come from the revenues of the Berar Government and not from the revenues of the Central Government. I still urge on the Finance Member to consider why there should be a subvention of Rs. 25 lakhs to the Province of Central Provinces and Berar, and why the general taxpayer should bear this burden and not Berar which is in affluent circumstances?

I will now discuss certain questions affecting the Finance Department because it is the Finance Department that controls the public finance of India. With due respect, I would first comment on certain actions of the Finance Department. I wanted again to bring to the notice of the House the question of the debt position which we have often raised on the floor of this House and also before the Public Accounts Committee. But, I found that a good debate took place in the other House the other day and I had an opportunity to read the speech of the Finance Member in the Press reports. So, I leave it at that till the next Budget Session comes, when I will raise it again, if I come back. I am not satisfied with all the white washing that my Honourable friend has given that the state of the public finances of India is glorious and that the loan position is very satisfactory. I will only refer to the unsatisfactory result on the financial position of the Government of India of the way in which Provincial Governments mismanage their loans. It seems that the Government of Bombay and the Government of the Punjab are the greatest defaulters. They have taken heavy loans in the past, and, in the past, the Government of India had no machinery to control these capital projects before they sanctioned or incurred such loans. We know those white elephants in the Bombay Presidency—the Bombay Development Scheme is one and the Sukkur Barrage Scheme is another, the heirloom which India has got, rather as a legacy, from Lord Lloyd whose name is perpetuated in that scheme, Lloyd Barrage Scheme. We had a discussion, and the House agreed, though I opposed it, to a free gift of Rs. 1,57,000. I do not mind giving any gifts to the Provinces. We are giving to earthquake-stricken Bihar a gift of 1½ crores and we are making a present of a similar sum in half the jute tax to Bengal. I do not mind giving a present of ten lakhs to the Bombay Government but I do not like to take the moral responsibility of managing a project, which many of us publicly believe, will never be a successful project. The time will come when irresponsible Provincial Governments will try to repudiate their loans and in fact the Government of Bombay have gone to the length of saying : "We want to repudiate the Sukkur Barrage Scheme". My friend, Sir Cowasji Jehangir, was then the Revenue Member and Mr. Jadhav, a Minister, and the scheme which was expected to cost four crores has mounted up to 25 crores and the interest is piling up and nobody knows where the

interest will come from. I do not like the Provincial Governments to try to repudiate their loan, because, I think, the Bombay Development Scheme will never succeed. The Dredgers, called after Lord Lloyd and Sir Lawless Hepper, have been sold for a song. Then we know the difficulties of the Punjab Government. The Punjab Government in their post-war madness launched into similar schemes such as the Sutlej Valley Scheme. Take the State of Bahawalpur. It has an income of 60 to 80 lakhs. It was at first committed to an expenditure of two crores and we know that the State today has now incurred a debt of 12½ crores. We do not know how the Government of India will get interest from this particular State. The Government of India recently appointed a committee and the report of that committee has not been placed before this House or before the Public Accounts Committee, I am referring to the inquiry over the debt position of the Bahawalpur State. If the Government of India decide to give any relief in interest or capital advanced to the Bahawalpur State, then the irresponsible Government of the Punjab will come forward and say "we cannot pay" our portion of the debt on the Sutlej Valley Scheme and the Government of India should give us relief. So I warn the Government. This is a thing which we have discussed for the last five or six years. We have discussed it every year in the Public Accounts Committee and we have warned them that in future they should not give any loan to the Provincial Governments without examining whether the projects will pay. It should be made clear that whenever Provincial Governments take a loan, it should be a first charge on their revenues. The Bombay Government has indirectly repudiated their obligation. My Honourable friend, the Finance Member, may object to the word "repudiation", but when one reads their statement, it boils down to that and I warn the Government that they are heading towards a precipice. The Provincial Governments will revolt against them and in the new Constitution they must tie down the Provincial Governments that whatever loans they incur, they will be a first charge on their revenue. Otherwise, Provincial Governments like Bengal, Bihar and Orissa, which have been very economical and never borrowed money from the Government of India, will have to go by default and the Central revenues will pay the subventions for the extravagance of extravagant Provinces like the Punjab and Bombay.

The next question I wish to refer to is the question of the Provincial balances. The Auditor General for the last five or six years has been bringing this point before the Public Accounts Committee and there are certain Provinces, such as Burma, which draws permanently to the extent of two crores of rupees. In the year under review, the Bengal Government came up next. They borrowed something in the neighbourhood of a crore for so many months, and, in fact, some of the other Provincial Governments have also drawn on the Provincial balances, but, unfortunately, as the Constitution stands today, these Provincial Governments do not pay any interest to the Central Government, and yet the Central Government have been borrowing money to allow these overdrafts to the Provincial Governments, and, therefore, I was glad to find in item 30 of the special memorandum that it is proposed under the new Constitution that Provinces should be required to pay interest on overdrafts. This is a very welcome attitude on the part of the Government, but still, I always view with alarm the way

[Mr. B. Das.]

in which the Provinces spend money derived from Central Government monies without taking steps to realise their money and this applies particularly to Burma.

I will leave the Finance Department there and I will now come to the thorny question regarding the retrenchment of staff in the London Stores Department which works under the High Commissioner and which is a part of the Indian Stores Department in India. Sir, I do not like to remind the House that the Lalji Narainji Stores Purchase Committee is the foundation of this Indian Stores Department which is at present working so successfully and so well under the administrative head of Sir James Pitkeathly and under the direct guidance of my Honourable friend, Sir Frank Noyce. I had the honour and the privilege of being a member of that Stores Retrenchment Committee and I had the privilege to go into its administrative details and although I was opposed to the Indian Stores Department till two years ago and wanted the Department to be abolished, because it was not completely Indianised, or it cannot purchase completely the stores for the Railways and the Army, I came to the conclusion that the department should be continued, but the fly in the ointment is the London Stores Department which still continues in its hectic career. When the Public Accounts Committee insisted on the Government of India to write to the High Commissioner to retrench their staff, we were told that only six lakhs of rupees were reduced by the High Commissioner and the High Commissioner was very apologetic over that and I was surprised to see that he was so very apologetic. Here is the report of the London Stores Department. Today, the total value of the stores purchase was £955,684 which is £773,031 less than the figure of the preceding years. That means that it does not purchase more than a million pounds or 140 lakhs of rupees at present and it has gone down by almost another million pounds. Then it says :

“The actual expenditure on stores and freight amounted to £1,347,391—a decrease of £1,668,979 from the last year's figures.”

That means that the Department is almost reduced to half its work, and rightly so, because the Government of India have at last conceded and have introduced the principle of calling for rupee tenders ; so, the venue of purchases has been transferred today from London to India. I shall refer first to Appendix B, page 13, which is very interesting. There the Controller of Stores, London, has analysed the position and from the year 1932-33, of this £900,000 worth of orders, purchased through the High Commissioner, the value of stores purchases, which is divided according to the countries of origin, is £497,575 worth. Then there is a foot-note :

“These figures do not include stores obtained through Departments of His Majesty's Government.”

• That means that the balance of £400,000 worth of articles has been purchased through His Majesty's Government. Probably those were orders of the Army Department and they had to be purchased through the Admiralty and the War Office. That means, the Department is only buying half a million worth of things, whereas it used to buy in 1929-30— I am not including the orders purchased through the War Office and

Admiralty—£5 million, in 1930-31, £2.7 million and in 1931-32, £1.32. Then I was surprised to find there is a comment here in paragraph 15 :

“The gross total cost for 1932-33 is £169,973. This is £32,826 less than the previous year.”

But this £170,000 nearly comes to about 24 lakhs of rupees, while our Indian Stores Department handles business of Rs. 3½ crores per annum. Unfortunately the economic depression has reduced this expenditure. If you exclude the Alipore Test House, which is today a non-commercial organization doing test work for the Government and the public and where the expenditure is Rs. 4,65,000, the commercial account costs Rs. 17,79,765, that is, about Rs. 18 lakhs, whereas in India—and I congratulate the Honourable Member's Department for doing so much business so economically—are spending Rs. 18 lakhs to handle a business of Rs. 3½ crores, both inspection and purchase. In London, the London Stores Department is pursuing a hectic career and spending nearly Rs. 24 lakhs, and the High Commissioner, who was a former Member for Industries and Labour in this House and who knew the wish of the people and of the Government of India that the stores purchase of the Government of India should be centralized through Sir James Pitkeathly's Department, has taken no steps in that direction. Sir, my concrete suggestion is—reduce the staff according to the quantity purchased, and if the latter is only half a million sterling, the total expenditure should not be more than Rs. ten lakhs, and then bring the Department of the Controller of Stores in London under the Control of the Chief Controller of Stores in India.

Sir, I wish just to touch one more point which has been referred to—it is the large consulting fee we pay to the British engineers. Of course, I recognize that this has been reduced, but, knowing that there is the Chief Controller of Stores and his Department, and that the Railways are manufacturing locomotives, designing locomotives and that they have taken over much of the work, I say there is no necessity of paying such heavy sums amounting to £23,000 to the Consulting engineers ; and I want that the Indian Consulting Engineers should be encouraged. (Hear, hear.)

Sir, I come to the next question which concerns the Army Secretary. Now we cannot touch the Army Secretary, and the Army has been on our heads for the last five days (Laughter) but, one thing I will say that in the Military Accounts Committee we found there was an honest and genuine desire on the part of the Quartermaster General, the Engineer-in-Chief, and the Financial Adviser, to reduce the expenditure as far as they could, but unfortunately His Excellency the Commander-in-Chief decided upon a stabilised Budget and demanded Rs. ten crores from the Finance Member, and a note has been produced before the Public Accounts Committee saying that although prices have gone down, the cost of the total mechanization will be Rs. 9.75 crores, and the only reduction that the Army Department has made is one of Rs. 25 lakhs ; and of course they have pointed out in one place that they have already spent Rs. 7½ crores of that sum. But the point that arises to my mind is whether the mechanization is not yet completed and whether they cannot further reduce the army expenditure in India.

[Mr. B. Das.]

Sir, when we were discussing the Capitation Tribunal Report on the floor of the House, the former Finance Member, Sir George Schuster, in his happy and concealed phrases, gave us to understand that India had gained a great advantage, that there was a windfall in the Budget of Rs. two crores which India has profited by. Sir, the Home Auditor, to whom I referred a few minutes ago, and who is not a servant of the Government of India though he draws his salary from us, has commented on this and reported on it to the Public Accounts Committee in a way which rather alarmed me very much. It seems the net result is that whatever Britain demands in the matter of the capitation charges, that is counterbalanced by this so-called Imperial contribution to India. As this document is not a published document and it will not find publication, I may read out a few particular sentences. Sir, the Home Auditor says this :

"On the basis of the Tribunal's Report the following comprehensive settlement between the Imperial and Indian Governments has been negotiated and duly approved :

(1) The majority recommendations of the Tribunal to be accepted.

(2) With effect from 1st April, 1933, an annual contribution of £1,500,000 to be made from Imperial revenues towards the cost of India's defence expenditure ; this contribution to include the Sea Transport Subsidy of £130,000 a year, previously payable by the War Office, and to be shown as a Grant-in-Aid in the India Office vote."

Sir, these are very high-sounding words, but when we heard Sir George Schuster, his were much more high-sounding words :

"(3) With effect from the same date India's payments to the War Office and Air Ministry on account of the respective effective capitation rates to be calculated in accordance with the recommendations of the Tribunal."

And we know for nine months—not for six months as the representatives of the Government of India demanded :

"(4) All arrears, as between the India Office and the respective Imperial Departments, connected with these matters up to 1st April, 1933, to be cancelled."

Sir, I may remind the House that there was some demand of the Government of India left over for expenses carried on during the war and post-war period for the British Government, and everything had been wiped out now by this :

"The India Office and War Office to co-operate in submitting for consideration by the Committee of Imperial Defence the military question whether a reserve should be specifically maintained in England for India."

Sir, I am alarmed at this. If they maintain a reserve, they will 1 P.M. again ask the Honourable the Finance Member to budget for it. Now, the next paragraph is very interesting. It says :

"The net result of the settlement is highly beneficial to Indian revenues in that the contribution from the Imperial Government will approximately balance the estimated annual cost of the Effective Capitation Charges payable to the War Office and the Air Ministry after these charges have been recalculated on the basis recommended by the Tribunal."

Sir, the net result is zero. I had a philosopher friend of mine in the Bombay Presidency and when I used to talk to him he used to say : "Everything results in zero". So all the expenditure that we have incurred in sending people like Sir Shadi Lal, Sir Muhammad Sulaiman, Mr. Macleod and others, has resulted in zero and the Army Council and the British War Office still want their pound of flesh. They still demand

the capitation charge and why should India pay this charge ? Morally, I do not think we are justified in paying the capitation charge as the British army is the army of occupation in India. Sir, the demand that we should get relief from the British Government for the huge army that we maintain in India to help the British Empire in their policy of conquest in the Eastern World has not received any satisfaction and the Imperial Government is not going to pay us a pie. The Finance Member will have to carry on his chequered career without balancing his Budget, because this load of Rs. 44 crores as cost of defence will never allow him to give relief to the Provinces when they get autonomous form of Government or even when the Federal Government comes, if it comes at all.

The next point that I would like to touch is the highest spending department, namely, the Railways.

Mr. P. R. Rau (Financial Commissioner, Railways) : And earning—I would ask my Honourable friend not to forget that.

Mr. B. Das : My Honourable friend, Mr. Rau, is earning, and I was glad to notice his excellent review of the appropriation accounts of the railways in India. He says :

"We are fortunately in a position to characterise the year 1930-31 as the year which saw the nadir of the fortunes of the Indian Railways."

I congratulate him that he has at least issued a report with high hopes. I only wish that the Honourable the Finance Member, when he brings out his Budget, also makes a similar forecast as the Honourable the Financial Commissioner for Railways did.

The Honourable Sir James Grigg (Finance Member) : My predecessor did that.

Mr. B. Das : Yes, that was in my mind when I was referring to it. Sir, my Honourable friend, Mr. Mitra, has already pointed out, and I, being an old stager in public accounts and being for nine years on the Public Accounts Committee, must point out that it took us six years to impress upon the Railway Management that there should be some report by the Financial Commissioner and the Chief Commissioner for Railways reviewing the financial results of the Indian Railways. Sir, unfortunately I was over-ruled in the Committee which was referred to just now, and there will be no such reports from the Agents of Railways or even from the Chief Commissioner for Railways. Sir, the very fact that the Public Accounts Committee compelled the Agents of Railways to put their signatures has aroused resentment, but the Public Accounts Committee held them responsible for the administration of the Railways and the financial results have been made broadcast. That is a public gain. I do not know whether we will be able to get these results of Indian railways next year because we find the signatures only of the Chief Commissioner for Railways. Of course, I know that he has assured the Public Accounts Committee that these figures will be always made available to them and also to the House. I know the Financial Commissioner is a big financier and he can carry any figures in his head, but these documents will not be available to us and he will give us only a portion of it from which we will be able to know the result of the succeeding year. Sir, there was a time when the heads of the departments never used to appear before the Public Accounts Committee, but for the last three or four years they do come before the Committee and also the Chief Commissioner for

[Mr. B. Das.]

Railways has honoured us by his presence. They have all replied to our questions in a friendly spirit. Sir Guthrie Russell was examined in detail regarding the financial results of the Railways, and at least I submitted him to a series of questions about this Pope Committee's report on Railways. Sir, you yourself were a Member of the Railway Retrenchment Committee and you recommended that there should be an expert Committee. But Government wanted a Pope to give his pontifical ruling and that Pope's report is here, but unfortunately this Mr. Pope is very touchy. He comes to India and finds that papers are discussing that a Railway Expert Committee be appointed. So, he loses his temper and writes to the Chief Commissioner :

"I see reference is still being made in the Press to the question of the appointment of an Expert Committee to examine methods of Indian Railways. I am still of the opinion that was expressed in my covering letter to the first report of the Committee under my chairmanship, that the Deputy Agents Organisations themselves are qualified to form an Expert Committee but I wish to add two provisos."

The covering letter of his first report unfortunately is not published. However, if Mr. Pope had any grouse he ought to have it either with the Chief Commissioner or with the Honourable the Railway Member. We, the representatives of the public, still believe in the recommendations of a report of a Committee of this House and now we know that Expert Committee is not going to be appointed and Mr. Pope's word is the last word in this matter. Naturally, it is the Papal ukase of Mr. Pope. So he should not have written this in a public document and I condemn this sort of attitude of the members of any committee of the Government of India. He has found fault with the recommendations of the Railway Retrenchment Committee that an Expert Committee should be appointed and says that the Press has no business to ask for it. Sir, the Press of this country voices the opinion of the public and until I read this document I was under the impression that there was going to be an Expert Committee. Anyway, Mr. Pope is of the opinion that the Department, through their Deputy Agents of Organisation, can reduce the expenditure and he has said that they can reduce the expenditure by job analysis, by intensive use of locomotives, by intensive use of workshop plants, by combining all the resources of Railways and also by amalgamating the Railways and also by limiting the stores and by reducing the rates and fares. During the little time that was available to me, I tried to seek information from the Chief Commissioner for Railways. It was pointed out that steps are being taken and some reduction will result. I was one of those few who, in 1925, after the separation of railway finance from general finance, advocated that, wherever possible, the staff of the State Railways should be amalgamated. For instance, in Calcutta, why should there be two head offices for the East Indian Railway and for the Eastern Bengal Railway? Why should not both the offices be combined, so that all the extra expenditure, in having two audit officers and two Chief Accounts Officers and everything in double or treble, may be done away with. The other day, my Honourable friend, the Financial Commissioner, in reply to a question by Rai Bahadur Lala Brij Kishore said, there were difficulties in the way of the Great Indian Peninsula and the Bombay, Baroda and Central India being amalgamated. I still think they could be amalgamated. Wherever any Company-managed Railways have got an extension of their agreement with the Government of India, then they are nothing but managing agents, managing the Railway on behalf of the Government and

the capital, almost completely, belongs to the Government of India and for the people of India. So anything that will economise and reduce the expenditure should be done and the Government of India ought to address the Home Board of Bombay, Baroda and Central India Railway. The same remarks apply to the South Indian Railway and the Madras and Southern Mahratta Railway.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should conclude now.

Mr. B. Das : I am sorry that I have taken a little longer time of the House than I intended, but this is one of the opportunities of acquainting the House with what knowledge is imparted to us by the various departments in the Public Accounts Committee and it is better they are kept on record on the floor of the House so that others, who come after us, may take cognizance of the same. I may not be again on the Public Accounts Committee, but I wish to assure the House that although the Public Accounts Committee does not contain those elements that used to be on it in 1926-27—in those days there was Mr. K. C. Roy, who is no more, and there was Mr. A. Rangaswami Iyengar, and these two have been translated to the other world, there was Mr. Neogy and Mr. Joshi on the Committee and these gentlemen have contributed and established a convention by which we that succeeded them have established a stricter financial control and although we have been derided that we are doing a *post mortem* examination in the committee, yet the very fact that the Government being faced with financial depression and economic depression had to listen to our criticism and it shows the hold that the Public Accounts Committee had on the Government with the result that they exercised better financial control over their public finances. (Applause.)

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the Financial Commissioner of Railways reminded this House that the Railway Department is an earning department. It reminded me of the story of the boy who was deputed by his mother every day to earn money by begging. So he collected Rs. 2 every day, but, before he came home, he spent Rs. 2-4-0, and when his mother rebuked him, he said, "But you must remember that I am the earning member of the family. I earn Rs. 2 a day". The same is the case with my Honourable friend, Mr. P. R. Rau. Though he no doubt earns, but he forgets that he spends much more than he earns, and it is a source of great annoyance to the tax-payers of India when we find that he spends much more than he earns. I notice from the report supplied by him that last year he over-spent by about ten crores and he did not pay the dues, which he had to pay, to the general revenues, that is, one per cent. of the capital at charge. So he cannot say, until he makes two ends meet, that he is an earning member of the family known as the Government of India.

[Dr. Ziauddin Ahmad:]

Sir, coming to the specific points, I will not touch on everything from A to Z, as I did last year, but I will confine my attention to a very few points which are mentioned in the two reports supplied to us. In the first place, I take this from page 7 of the first report :

"The Director of Railway Audit also raised the question whether in view of the difficulties involved in preparing accurate balance-sheets and profit and loss accounts of individual railways such accounts should now continue to be prepared."

I think this is now a very important and an important question. If we continue the system of having every line complete in itself, why not have a separate profit and loss account and demand the grant, not in a lump sum, but for each railway separately, so that we can have an occasion to review the working of each line. No doubt the pink books are supplied to us and we are given certain accounts, but if the demands are made separately for each particular railway, we will have an opportunity to compare the income and expenditure of each railway. Because, in the same book we find that the Great Indian Peninsula Railway does not even pay the interest charges; it is running most uneconomically; while the Bombay, Baroda and Central India is running economically. If the demands are made separately for each railway during the budget discussion, we will know what the position is and criticise the administration of each line separately and compare the income and expenditure of each item in each railway.

The second point mentioned here is about collieries. We find this in the report :

"The Director of Railway Audit has brought to our notice a case in which the negotiations of an agreement about certain collieries have been pending for over 20 years."

I know, of course, that 20 years is not a very big period for the Railways, and nothing has yet been settled. Again, we find also the following :

"In this connection the Auditor General raised the question whether the summary of the financial results and the provisional balance-sheets of collieries of the succeeding year, prepared by the Financial Commissioner for presentation to the Committee, might not be discontinued as they had fulfilled the purpose for which they were originally demanded."

Sir, the question of Railway collieries has been the subject of discussion for a long time and it seems desirable that there should be a separate balance-sheet for the Railway-managed and the Railway-owned collieries and the demands should be made separately in the list of demands so that we may be able to criticise these things. No doubt all the items are included in the totals given in the General Budget, but they are put in such a manner that there is no one except the Financial Commissioner himself who can understand all the details of the budget which is presented to us. But if the account of each railway is made separately we will be able to follow it.

Thirdly, there is the question of depreciation. This is also reviewed by both these committees. I remember distinctly that the Honourable Member for Railways once said that the amount debited on account of depreciation was perhaps too much. But the Railway Accounts Committee did not discuss the question, whether it was too much or too little, sufficient or insufficient, but they said that there were no rules by which we can find

out whether a particular item does or does not come within the purview of the depreciation fund. I think the rules should be framed and we should know definitely whether a particular item can or cannot come within the purview of this expenditure. And, I think the time has now come when we ought to take cognisance of the facts and determine exactly the amount of depreciation which we have to allow each year and define exactly the purpose of this depreciation fund. At present it is the milch-cow of the Railway Department. When there is a deficit, they fall back on the depreciation fund as if it is there always to be drawn from. In the book, they, of course, say that it is a kind of loan on which they pay interest. But I think it is not the intention of the depreciation fund that it should be given as a loan, and to the very same department for which it is created. It was really created with the object of meeting emergencies, and if it is spent in ordinary expenditure, then when an emergency comes they will have no money to fall back upon.

Sir, my Honourable friend, Mr. B. Das, is not here or I would have said something about him. Perhaps I shall say that on some other occasion. But there are one or two points which he raised to which I should like to draw the attention of the House. The first point he raised was about Berar. There is no doubt that we pay 25 lakhs from the General Revenues, and he said that though we may not object to paying 25 lakhs a year, we should know where we are. I think it is very desirable that we should at least know what are the revenues and expenses of Berar, how much of the income passes to the expenses of the Central Provinces, and, after receiving the income from Berar, what are the deficits of the Central Provinces and how much we are going to contribute? In the case of the North-West Frontier Province we know that we have to pay a subsidy and we know the reasons. Here we pay a subsidy to the Central Provinces Government in an indirect form and I think it is desirable that we should know the exact particulars. We should know how much Berar contributes to the Central Provinces and how much we have to contribute to the same Government on account of Berar, and so on.

The next point he raised was about the audit and expenditure incurred in England. This is also very important that all the expenses, either by the Secretary of State or the High Commissioner for India, must come within the purview of the Auditor General in India and he should be responsible for all the expenditure incurred by the Indian Exchequer. Of course he will have to depute somebody who is responsible to the Auditor General to check the expenses. Therefore, all the expenses incurred by the Indian Exchequer in the country or outside ought to come within the purview of the Auditor General.

The next point he raised is also very important and is the question of building expenses. I notice there the Public Accounts Committee in their Report for 1932-33 also reviewed the problem. They maintain—and I think rightly—that whenever you build a house for residential purposes this house must be considered to be a paying concern. You come forward and demand these grants; you make us believe that they are paying concerns, but really they are not. Therefore, whenever we build a house and a plan is drawn up, it ought to be reckoned whether the rent actually realised will pay the interest on the capital charges. This is exceedingly important and in these calculations we very often omit the rent of the ground, with the result that to certain classes of officers, we give large compounds, because the rent of the land is not calculated, and in other cases,

[Dr. Ziauddin Ahmad.]

like the poor Members of the Assembly, they get practically no grounds, because they are birds of passage and they are not there to demand this particular privilege. I think it is desirable that whenever a demand is made, we ought to be assured that this will be a paying proposition and that the ten per cent. realised from the salaries of those persons will pay the interest and repair charges.

Coming now to one or two other points of Mr. Das, I would first tell him that according to the old philosophers, if you want to know your merits and demerits, you must always consult those persons who sit close by you—what they call *Hamnashin*. I have that privilege and so I am in a better position to say what kind of man he is. I know he has got all the virtues : we have a very high opinion of his honesty, tenacious character and stability of opinion and so on ; but he has got one very bad vice which I have no hesitation in mentioning on the floor of the House. He has got a fiancée and he is desperately fond of her and on no occasion will he stand anything being said against her. If you ask me to reveal her name, I have no hesitation in saying that her name is Orissa : he is so jealous of his fiancée, that is Orissa, that he cannot stand her remaining with either Bengal or Bihar ; he would like her to be separated and associated with neither person—Bengal or Bihar.....

Mr. B. Das : But I am married in Madras.

Dr. Ziauddin Ahmad : The last point which I would like to deal with is that about combination of Railways : this is really a big issue on which we can have a whole day's debate. I think we ought to try and combine all the Railways into one unit : perhaps we may have some difficulty about some of the Company-managed Railways ; but England solved this problem : they had at first a large number of concerns : they combined them into five units and now they are trying to combine those five units into one ; and now it is practically certain that all their communications will be combined into one large central administration, because, in these days, we cannot have different administrations and we cannot afford to pay higher overhead charges. So, not only in the case of Eastern Bengal Railway and the East Indian Railway, which we advocated more than once, but in the case of all the Railways I would advocate a combine ; but this is a point which is really very big, and in the short time at my disposal I cannot develop it. With these words, I resume my seat.

Mr. P. R. Rau : Sir, railways have come in as usual for a good portion of the criticism in this debate, and with your permission I shall very briefly endeavour to answer some of the criticisms that have been levelled against them. My Honourable friend, Mr. Mitra, asked me to let him know about the exact position of the Government with regard to certain questions that were raised in the Public Accounts Committee last year. It is a pity he was not present at the meetings of the Committee this year where the same questions were asked of me and I gave a fairly full reply. The first point he raised was as regards concessions for military traffic. This question is at present under the consideration of the Government and I have been authorised by the Honourable the Railway Member to say that it is hoped that the question will be settled within a short time and probably, before the next Budget is introduced.

The second point raised was with regard to the problems connected with the depreciation fund. Government fully realise that this is a matter of very great importance, but it must not be taken as purely or even mainly an accounting matter. It is a matter of great financial importance and the question is intimately connected with other questions of still greater importance, of the future financial relations between Railways and the Central Government as to how the surplus if any should be allocated between the Central Government and the Railways and so on, and I am sure, my Honourable friend will realise that these are questions which cannot be decided in a hurry. I can assure him, however, that the matter is engaging the serious attention of the Government.

The third point he raised was with regard to the discontinuance of the summary of financial results. I am unable to say why the Public Accounts Committee, to the report of which my Honourable friend is a signatory, has decided to go back on their previous recommendation. But, as my Honourable friend, Mr. Das, told the House, I should be quite prepared to answer any questions which the committee may wish to put as regards the results of the following year if the meetings of the committee take place in July or later.

Finally, Mr. Mitra referred to what he called the anomaly of the Director of Railway Audit being posted as officiating Controller of Railway Accounts and after a short time being reverted as Director of Railway Audit ; and he asked me on how many occasions the same thing had happened ? So far as I recollect, this is the only occasion on which such an arrangement has been made. This aspect of the case, I must say, was not lost sight of at that time and the appointment in question was made after full consultation and with the full approval of the Auditor General. It will be clear to the House that in the present situation, when most of the senior posts in the Railway Accounts Service are being filled by officers borrowed from the Audit Department, it is impossible to avoid such occurrences ; and, in the second place, there is in some respects a definite advantage in the officers responsible for audit having an intimate and detailed knowledge of the accounts and having opportunities of coming in closer contact with the accounts than would otherwise be the case if they were always in the Audit Department.

Sir, I have been authorised by the Auditor General to say, and I may add, as a member of the Indian Audit and Accounts Service, it gives me great pleasure to convey it to this House—I have been authorised by the Auditor General to say that in his opinion the officers of the Indian Audit and Accounts Service and of the Indian Audit Department can be fully trusted to maintain an attitude of independence in whatever position they are placed.

Mr. S. C. Mitra : This claim is made for every service !

Mr. P. R. Rau : The next speaker who took part in the debate, was Mr. B. Das, and I was agreeably disappointed in his reference to Railways. He usually roars like a lion, but today he cooed as gently as a sucking dove. The only faults he could find with the administration of the Railways were two, one was an attack on his own colleagues of the Public Accounts Committee for certain recommendations which they made, and the other was an attack on Mr. Pope for venturing to express an opinion about the necessity or otherwise of an expert committee. I need not dwell

[Mr. P. R. Rau.]

on the first point at all. On the second, I do not think Mr. Pope meant any sort of disrespect to public opinion, whether expressed in this House or elsewhere, and least of all, to the Committee over which you, Sir, so ably presided, when he expressed his opinion that, after having gone, as far as possible in the limited time at his disposal, over the economies already achieved by the railways, the most important thing was to concentrate on what might, at first sight, be considered minor points of detail rather than have a full dress expert enquiry into questions of policy. At his suggestion the Railway Department placed certain officers on special duty in most of the Railways, and the results of this job analysis, as it has been called, have been fully summarised in a report which I placed recently before the Standing Finance Committee for Railways, copies of which are contained in their proceedings. Briefly, I may say that on five Railways,—from State-managed Railways, excluding the Burma Railways, and the Bombay, Baroda and Central India Railway,—it has been reported that, in 1933-34, these investigations into minor details resulted in a saving of about Rs. 30 lakhs per annum.

Finally, I come to my Honourable friend, Dr. Ziauddin Ahmad, who claimed that the Railways cannot be termed an earning Department. In this connection I would like to read a short extract from the volume entitled "Results of Working of Indian Railways for 1933-34" which was recently published.

Dr. Ziauddin Ahmad : What is the book ?

Mr. P. R. Rau : "Results of Working of Indian Railways". It was prepared by Sir Guthrie Russell and myself. Here we said :

"The year 1933-34 marks the end of the first decade since the separation of the Railway Budget from the General Budget of the Government of India, and it is convenient to consider the results of the decade as a whole. Of the ten years, the first six were prosperous years and the next four the reverse, but, on the whole, the net result of working of the State-owned Railways in India during these years was a surplus of 20 crores and an accumulated balance in the Depreciation Fund of 32 crores."

I am sure that no railways in the world have, in the period mentioned, produced such results as these. Secondly, if my Honourable friend had calculated the profits of Railways, as he wanted this House to do in the case of the Tata Iron and Steel Company, profits expressed, not as a ratio of the capital at charge, but as a ratio of operating expenses, he will find that our profits are usually 50 per cent. of the operating expenses. (Laughter.)

Dr. Ziauddin Ahmad : What about the interest charges ? That is really the most important point. You have forgotten that.

Mr. P. R. Rau : My Honourable friend forgot interest charges when he was talking about the Tata Iron and Steel Company. (Laughter.)

Dr. Ziauddin Ahmad : You can only say you are running most economically, but you cannot say you are running profitably.

Mr. President (The Honourable Sir Shanmukham Chetty) : He is following the Honourable Member's line ! (Laughter.)

Mr. P. R. Rau : Finally, my Honourable friend referred to the absence of profit and loss, accounts of individual railways, separate

balance sheets of collieries, and definite rules about depreciation fund. I spend a good deal of time preparing a number of memoranda for various committees of this Legislature and for this Legislature itself, and I usually take special precautions to send a copy of these publications, particularly to my Honourable friend, Dr. Ziauddin Ahmad. Sir, one can take a horse to the water, but one cannot make him drink. (Laughter.) I think my Honourable friend's speech today shows conclusively that he has not done me the honour of reading any of the reports that have been placed before him for the last two or three years.

Dr. Ziauddin Ahmad : You can examine me on any page and I will answer !

Mr. P. R. Rau : Profit and loss accounts of individual railways and separate balance sheets for collieries have been circulated to members of the Public Accounts Committee and they have been in the Library of the House for the last three or four years, and the rules about the depreciation fund were promulgated about ten years ago.

Dr. Ziauddin Ahmad : What I said was that there ought to be a separate demand in the budget for collieries. No doubt the accounts are there, but no separate demand is asked for them, but there ought to be a separate demand for it in the budget.

Mr. P. R. Rau : I hope that my Honourable friend will do us the honour of reading the memoranda placed before him more carefully in the future. Finally, there is the question of combination of Railways in one administration. This is a recommendation which my Honourable friend has been fond of making in this House and outside. He wants the whole of the Railways in India to be administered by one Railway Administration with a 100 divisional superintendents, or was it 25, I am not sure !

Dr. Ziauddin Ahmad : 32.

Mr. P. R. Rau : I do not know why my Honourable friend particularly likes that figure 32 except that it is the fifth power of two. He apparently wants either two to be raised to the power of five or five raised to the power of two. But I think the House will agree with me that it is bound to be a top-heavy administration if one administration at Delhi or anywhere else in India were to control in detail the administration of a number of railways of over 40,000 miles in length. Anyway, the question of amalgamation of adjacent lines, which has been recommended by the Pope Committee, is receiving attention of the Government, and subject to practical difficulties that I alluded to in my reply to a question a day or two ago, we hope that we shall be able to do, whatever we can, in this matter in order to obtain economy combined with efficiency. (Cheers.)

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, the Departments, in my charge, have, with one small exception, escaped unscathed from the criticisms of the three very acute students of the report of the Public Accounts Committee who have spoken. Before I refer to the point raised by Mr. Das, which is the only point I am called upon to answer, I should like to say that I very much appreciate what has fallen from my Honourable friend, Mr. Mitra, regarding the improved position of the finances of the Posts and Telegraphs Department, and hope that we shall not make too bad a showing at the end of this year. My Honourable friend, Mr. B. Das,

[Sir Frank Noyce.]

confessed that, as a result of his work on the Stores, Printing and Stationery Sub-Committee of the Retrenchment Advisory Committee, he had been compelled to admit the excellent work which was being done by the Indian Stores Department, and he paid a tribute, which I greatly appreciate and which I am glad to have the opportunity of endorsing, to all that Sir James Pitkeathly has done as the head of that department. Well, Sir, I think we on these Benches would be almost prepared to endure the terrors of further retrenchment committees if we could secure such whole-hearted conversions from Honourable Members opposite as has been the case with Mr. Das. His conversion has been so complete that he now wants the Indian Stores Department to take on more work and to take over the work of the Stores Department in London. He has raised a difficult question which has been and still is under our consideration. My own view is that the amalgamation of the two departments is bound to come in course of time. Their recent history shows that complete fusion will probably in the end be desirable, but, in the meantime, there are difficulties and I should be failing in my duty to the House if I did not point them out. There is the difficulty arising from the position of the High Commissioner as representative and Agent of the Governor General in India. There is the difficulty arising from securing effective control of day to day operations in England, and there is always the possibility of delays in disposal of business if references back to India have to be made as they would have to be if the two Departments were amalgamated. Those are some of the difficulties which stand in the way of amalgamation, but I can assure my Honourable friend and the House generally that we shall continue with our examination of this question and see how far those difficulties can be overcome. As I have said, complete fusion is inevitable, but the time at which and the manner in which amalgamation can be effected will require most careful consideration and examination in consultation with the High Commissioner for India. My Honourable friend, Mr. Das, stressed the desirability, meanwhile, of effecting all the economies we can in the working of the Stores Department in London and I need hardly assure him that that is also a point which is engaging our careful attention. I have seen the evidence which was given before the Public Accounts Committee and I noticed a remark by my Honourable friend that it might take me ten years to make up my mind on that subject. I am not in the habit of keeping files lying for ten years. I must admit that owing to my preoccupations with the work of the Assembly this Session, the particular file about the Stores Department in England has been on my table for three weeks. I should like to point out that very considerable economies have already been effected in the expenditure on the London Stores Department. It had been reduced from £240,918 in 1930-31 to £169,973 in 1932-33—a very considerable reduction. Further economies have, I think, been effected since the end of 1932-33, but I have not the figures available. What I would like to emphasize is that one cannot judge the extent of economy which should be effected by the mere fall in the purchases made by the department. The two things do not bear an exact mathematical relation and the fact that the purchasing work of the department has fallen by half or three-fourths does not mean that the expenditure on the department can be reduced in like measure. It has other duties than complying with demands by purchasing authorities in India—an important duty

it is true but it is certainly not the only one. It inspects stores and supplies during manufacture and before shipment from manufacturers' works in Europe. It assists purchasing authorities in India to obtain the widest possible field of competition for their orders. It acts as the agent of the purchasing authorities in India in dealing with references from tendering firms in Europe. It examines and reports, when so required, to purchasing authorities in India on tenders received from firms in Europe on which technical advice is required. It assists the High Commissioner's Education Department to obtain openings for practical training for Indian scholars and students and it arranges shipment of stores purchased in India on an *F.O.B.* European or American port basis by authorities in India. I think I have shown that the fall in the value of the purchases actually made by the London Stores Department is not a true measure of the work which is done on behalf of India by that department. Much of the work undertaken by the London Stores Department takes the form of assistance to the purchasing departments in India and is to a great extent complementary to the work done in these departments. There is no question of rivalry between the Indian Stores Department in this country and the London Stores Department. The two are complementary, and their relations, I am glad to say, are most harmonious. I can only assure my Honourable friend once more that we are keeping in very close touch with the situation in regard to the work of the Stores Department and, as that work falls, we shall do our best to secure all possible economies compatible with efficiency.

My Honourable friend, Mr. Das, referred to one more point, and that is the fee which is paid to the Consulting Engineers in England. He did not say very much about it as he knew that it has recently been reduced. From 1925 to 1928 it was £7,000. This is, of course, apart from the actual cost of inspections carried out by the Consulting Engineers, but the fee paid to the partners in the years 1925-28 was £7,000. In the years 1929-32, it was £7,800, from 1932-33, it was £7,020, in 1933-34 it was £7,000 and from this year for two years it has been reduced to £6,000. We have entered into a short term arrangement in order that we may have an opportunity of reconsidering the point at the earliest possible date with reference to the work we find that the firm is doing for us. I trust I have said enough to convince the House that we are exploring all possible means of economy in connection with the work of the London Stores Department.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, very much has not come my way in this debate, but what has come is the bitterest stuff of all, quinine, so I had better get over what I have to say pretty quickly. My Honourable friend wanted to know the exact position as regards the negotiations with the Kina Bureau. My Honourable friend will appreciate that the details of these negotiations cannot, in the very nature of things, be disclosed, but, as a result of the conversations which I had with the representative of the Bureau, we have already addressed those Local Governments, which are within our sphere of influence, as also the Government of Bengal which has, as my Honourable friend is aware, also a very large surplus stock of quinine, and we have asked those Local Governments to let us have their views not later than the beginning of September, because the Kina Bureau has promised to let us have their final terms by the 15th September. I am hoping that, as a result of these negotiations, we shall, as our depart-

[Mr. G. S. Bajpai.] mental representatives foreshadowed before the Public Accounts Committee, be able to give a much more satisfactory account of the disposal of surplus stocks of quinine next year than we have been able to do so far.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, on the army side we are so much more accustomed to kicks than compliments as regards the administration of our finances that I welcome all the more the kind remarks which were made by my Honourable friend, Mr. Das, about the improvement which the Public Accounts Committee had noticed in this respect in the course of their consideration of the army accounts, and which he coupled particularly with the names of the Quartermaster General, the Master General of the Ordnance and the Engineer-in-Chief.

The first point with which I have to deal is the question of the Civil Grant for the Indian Territorial Force to which my Honourable friend, Mr. Mitra, referred. The Civil Grant had its origin in the Auxiliary and Territorial Force Committee over which General Sir John Shea presided. That Committee suggested that, as the Indian Territorial Force was largely a political and educational body, a grant should be made from civil funds to develop it in certain respects. The process of development has admittedly not been as fast as it might have been. We have been tied down by the terms under which the Civil Grant is given to spending it on a particular series of items of which I will refer to only three. One of the most radical innovations resulting from the Committee's report was the introduction of the Urban Units of the Indian Territorial Force, and we found these units bad starters in most cases ; in fact, I am sorry to say, that the Madras unit has never really started at all in spite of the very vigorous campaign conducted by Sir Sivaswami Aiyar in Madras itself. We budgeted for the full strength, but the actual strength never rose beyond three figures. Another item was the provision of senior-grade officers, that is officers of the rank of Second-Lieutenant, Lieutenant, Captain and above. It took us some time to get more than one or two of these for any of the units—I admit it was partly due to the over-elaborate system of selection that we had laid down—and as a result most of the pay that we had budgeted for for them lapsed. Again, though we had a considerable number of boys in the University Training Corps units which were paid for from this Grant, under the rules, the Corps does not draw any money for any individual unless he makes himself efficient. Efficiency includes attendance in camp and the attendance in camp was in every case very small. These were some of the difficulties that we had to contend with and as a result we only worked up gradually towards the original figure of Rs. ten lakhs which was reduced in 1931-32 to Rs. eight lakhs. In 1931-32, we got up to within half a lakh of the amount granted, and then came retrenchment. I am afraid that it is retrenchment that in recent years has made it difficult for us to spend the full amount granted. I would add that the total expenditure on the Indian Territorial Force is the one thing that in the whole of the Army Budget has not suffered a twenty per cent. decrease since 1931.

Next I pass to my friend, Mr. Das's point about the re-equipment programme, which arises, out of Annexure III to the Military Accounts

Committee's Report. I must say that I think the points that he raised in connection with the spending of the ten crores, at which the re-equipment programme was originally fixed, are all dealt with in the note which forms that Annexure. That note makes it absolutely clear, I think, that we have not gone outside the limits of the original programme and that the financial control by our own Financial Adviser and also by the Finance Department proper have been extraordinarily strict. There is one point in this connection that I would like to make. We have not really had a stabilized Budget for a long time, nor have we ever had the ten crores for the programme. The stabilised Budget was to go on for four years from 1928-29 at a figure of 55.10 crores, but the figure began to drop in 1930-31 and now in 1934-35 we are more than ten crores below it.

Finally, Sir, I have to deal with the reference to the Capitation Tribunal's award which is made in the report of the Home Auditor. My Honourable friend, Mr. Das, quoted what was said in that report, viz. :

"The net result of the settlement is highly beneficial to Indian revenues in that the contribution from the Imperial Government will approximately balance the estimated annual cost of the effective capitation charges."

This is not a new point at all. I would refer him to the speech made by the Honourable the Finance Member, Sir George Schuster, in January, 1932, in this House in which he said :

"In broad result the effect of this award is to wipe out the capitation charges, taking into account the amount of the general contribution."

We should all have liked the award to be greater, but it cannot be denied that it has been a wind-fall even though it produces a zero result if balanced against the capitation charges. (Applause.)

Mr. K. Sanjiva Row (Government of India : Nominated Official) : Sir, as the questions raised during this discussion relating to other Departments have already been dealt with, I shall confine myself to the points relating to the Finance Department. My Honourable friend, Mr. Mitra, criticized the delay in the discussion of the Report of the Public Accounts Committee by this House. Unfortunately it is true that there has been some delay in the past, but I may mention that this year the report was signed only ten days ago and it is being discussed in the House today, and I hope that we shall be able to do the same in future years. The next question raised by my friend, Mr. Mitra, was the question of allowing the Auditor General to have direct access to the Secretary of State. Sir, this question was first raised by the Auditor General himself. At present, the Auditor General is fully satisfied with the present position under which his comments on the Appropriation Accounts are incorporated in a letter which is forwarded to the Secretary of State by the Government of India.

Mr. S. C. Mitra : There has been a change of personnel ; the Auditor General who raised the question is no longer in office.

Mr. K. Sanjiva Row : The present Auditor General is satisfied with the present position.

Mr. S. C. Mitra : It is not a question of an individual ; it is a constitutional question, and it matters not whether a particular Auditor General is satisfied.

Mr. K. Sanjiva Row : And as the present Auditor General is satisfied with the position as it stands at present, the Government of India do not propose to take any further action in the matter.

Mr. S. C. Mitra : Was it not decided that the question should be referred to the Constitution Committee in London ? Why now have the Government of India been going back upon the opinion which they accepted formerly ?

Mr. K. Sanjiva Row : Because formerly the then Auditor General was pressing for it.

Mr. S. C. Mitra : Was it not decided by the Public Accounts Committee, and did not the Government of India accept the suggestion that this question should be referred to the Constitution-making Committee ?

Mr. K. Sanjiva Row : I do not think it is correct to say that the Government of India accepted the recommendation of the Public Accounts Committee ; that recommendation was made on a suggestion by the Auditor General but the latter now does not press the point.

Mr. S. C. Mitra : How many years before was that decided and when was that opinion revised ?

Mr. K. Sanjiva Row : I think it was decided about five years ago.

The next question raised by Mr. Mitra was that an opportunity should be given to the Public Accounts Committee or this House to express their views before the Governor General declares as non-votable an item of expenditure which has been hitherto votable. Sir, the question whether an item is votable or non-votable is to be decided by the provisions of section 67A of the Government of India Act, and, under the provisions of that section, the decision of the Governor General on any question of doubt is to be final. I have no doubt that the opinion which the Governor General would receive before deciding a question will be expert legal opinion and I do not think it will serve any useful purpose if the question is placed either before the Public Accounts Committee or before this House. It is purely a question whether the item is covered by section 67A of the Government of India Act. Mr. Mitra then referred to the question of the debit of the cost of residence of His Excellency the Commander-in-Chief to the Army Budget. Sir, the reason urged by him in favour of his proposal was that all expenditure relating to the Army should be included in the Army Budget. As this House is aware, there are several other items which the Honourable Members would like to be included in the Army Budget. The whole question is one which will have to be considered in detail when a definite contract grant is to be fixed for Defence after the inauguration of the new Constitution. In any case, the Government of India are at present of opinion that no change as regards this particular item is necessary. Mr. Mitra next referred to item No. 14 in the special appendix and desired to know what are the circumstances which would render it desirable to refer the case to arbitration, and, in dealing with this item, he referred to the expenditure on Persian Legation. I am afraid he made some mistake and thought that this item No. 14 related to the expenditure on Persian Legation. The expenditure on Persian Legation is shown against item No. 18 and against this item it has been noted that it is under the consideration of the Government of India in connection with the constitutional changes. Item No. 14

relates only to some expenditure which was incurred in Persia immediately after the war and about the incidence of which there was some disagreement. All that the Government of India meant by this remark was that if a similar occasion should arise in future, they would consider the suggestion made by the Public Accounts Committee.

I next come to the remarks of my Honourable friend, Mr. B. Das. He referred to the position of the Home Auditor and to the allocation of ecclesiastical expenditure between Civil and Army Budgets. As stated in the remarks column, both these items are under consideration at present. Mr. Das referred to the payment of Rs. 25 lakhs on account of Berar and desired to know why that amount was debited to the Central Government and not to the Provincial Government. Sir, under the Government of India Act all payments to be made in accordance with a treaty with any Indian State are treated as political charges and all political charges are Central under the Devolution Rules. I may also mention that the fact that the Central Provinces Government was getting all the revenue of Berar and the Central Government was paying this 25 lakhs was taken into account during the Meston Settlement.

Dr. Ziauddin Ahmad : May I ask one question ? Can the Honourable gentleman tell us what is the exact amount of the revenue of Berar ? Also what is the expenditure and what is the net profit ?

Mr. K. Sanjiva Row : I am afraid I cannot give the figures off-hand, but I can assure my friend that there is a definite allocation of revenues between Berar and the Central Provinces and in doing this the actual revenue realised and the expenditure incurred in Berar is taken into account.

Dr. Ziauddin Ahmad : Are these figures available ?

Mr. K. Sanjiva Row : I think they are. Mr. Das in the course of his remarks said that the Governments of Bombay and the Punjab have repudiated the loans taken by them from the Government of India. I do not know exactly what he meant by this. He added that the Bombay Development Scheme was not going to be a success and so the Government of Bombay were not paying interest on the loans taken by them for those schemes. I can assure him that the Government of Bombay is paying the full amount of interest on all the loans taken by them for their development schemes. It is only on the loan taken by them for the Sukkur Barrage that no interest is being paid and it was one of the arrangements, at the time the loan was taken, that during the period of the construction of the Barrage the interest which could not be paid from the sales of land is to be debited to capital.

Mr. B. Das : Did not the Government of Bombay suspend the payment of their interest charges last year because they had no money ?

Mr. K. Sanjiva Row : No, Sir, they did not suspend the payment of their interest charges. They do pay their interest charges but they have suspended only the repayment of capital owing to financial difficulties. If Sind is not separated from Bombay, the Bombay Government will continue to be responsible for the amounts advanced by the Government of India for the Sukkur Barrage. The difficulty has arisen because the question of the separation of Sind is now under consideration. My Honourable friend also desired that a careful examination of all the projects for which money is advanced by the Government of

[Mr. K. Sanjiva Row.] India should be made by them before the money is advanced. I can tell him that this is being done at present as carefully as we could. He also referred to the future relations between the Central Government and the Provinces. Sir, the Government of India realise that this is a matter of very great consequence and I may assure him that it is a matter which will receive the most careful consideration of the Government of India.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Assembly do approve the expenditure of Rs. 1,68,943 incurred in 1931-32 on additions and alterations to the Locomotive Running Shed at Bhusawal and of Rs. 54,713 incurred in the same year on installation of wireless sets on the Great Indian Peninsula Railway and the East Indian Railway."

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT.

CIVIL.

EXPENSES IN CONNECTION WITH CAPITAL OUTLAY ON SCHEMES OF AGRICULTURAL IMPROVEMENT AND RESEARCH.

The Honourable Sir James Grigg (Finance Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 7,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Expenses in connection with Capital outlay on schemes of Agricultural Improvement and Research'."

Sir, this is the first instalment of the capital expenditure on the removal of the Agricultural Institute from Pusa to the neighbourhood of Delhi. It has been carefully examined in the Standing Finance Committee and it has been ventilated a good deal in the press and in this House. I have no doubt that a number of Honourable Members wish to make observations about it and I do not want to detain the House longer than is required merely to move formally the motion. Any points which may arise in the debate will, of course, be dealt with by my Honourable friend, Mr. Bajpai, who is much more experienced in these matters than I am.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That a supplementary sum not exceeding Rs. 7,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of 'Expenses in connection with Capital outlay on schemes of Agricultural Improvement and Research'."

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadian) : Sir (Applause), in trying to resist the passage of this supplementary demand through the House I feel I am ploughing the sands of the sea shore. In the decision of a question of this kind, provincial jealousy and provincial points of view are apt to cloud our vision, but still I hope that Honourable Members will look at this question not from the provincial point of view, but from an all-India point of view and specially

from the point of view of the general rate-payer of this country who is going to be mulcted to the tune of over 36 lakhs of rupees. Sir, I should very briefly place before the House the history of this scheme. It was on 4th June, 1903, that the Government of India addressed a Despatch to the Secretary of State embodying a scheme for the establishment of an Agricultural Research Institute, an Experimental Farm and an Agricultural College at Pusa in the District of Durbhanga, and not in the District of Muzaffarpur as has been wrongly recorded in the official memorandum which was placed before the Standing Finance Committee. Lord Curzon, that far-sighted statesman (Hear, hear), devoted a great portion of the generous donation of £30,000 which had been given to him by an American gentleman, Mr. Henry Phippe of Chicago, to be applied to some object of utility preferably in connection with scientific research. Now, Sir, a large Government estate happened to be available to Lord Curzon at that time, and he utilised this money for the establishment of an institution which is now known as the Pusa Research Institute. Sir, the continuance of this institute at Pusa has been attacked from various points of view. It has been stated that the soil of that place or the climate of that portion of Bihar is not suitable to Agricultural research like the one we have there. In that connection, I will read out only a short passage from that agricultural Bible of the Government which is called the report of the Royal Agricultural Commission, by which many of my Honourable friends swear, and I presume my Honourable friend, Mr. Bajpai, who is going to speak, is very likely to quote from it. I will quote just one small passage from the report. It will be found at page 46 (Chapter III) :

"In this connection we should mention that we have given careful consideration to the question whether this handicap could not be removed by transferring the work now carried on at Pusa to some more eligible site."

—the handicap referred to is its supposed inaccessibility—

"We are, however, of opinion that so much has been spent on buildings and equipment and on the development of the estate that it would be impossible to justify such a proposal. Moreover, the climate is good and the soil fertile and well suited to the growing of important Indian crops. A district chosen by men with a good eye for country such as the early Dutch and English planters is not lightly to be abandoned."

I need not quote more. (Laughter.) If my Honourable friends want, I will read further :

"The second reason is the relative decline in the prestige of the Pusa staff."

I wanted to make no reference to this as I did not want to cast any sort of reflection on the staff of Pusa, and that is why I did not want to continue the quotation.

With regard to the comparative inaccessibility, I may state that it is not more inaccessible than most other parts of the country. The only thing is a journey by steamer and a journey by the Bengal and North Western Railway. With regard to this question of comparative inaccessibility I will read out one short passage from the *Times of India* which is generally inclined to view a particular question from the stand point of the Government.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadian Rural) : It has now been deposed by Government in favour of the *Statesman*.

Mr. Gaya Prasad Singh : However, with regard to this comparative inaccessibility, this paper in its leading article dated the 20th July, 1934, states as follows :

"Those of us who know our India would not regard such disabilities in too serious a light. They may sound rather tragic to people accustomed to the accessibility of all corners of England, but in this country such difficulties of access can be taken almost as a matter of course not only in getting to Pusa but in getting to many other parts."

One can as well argue that as Coimbatore is situated at a far off corner of the Indian Peninsula, the Agricultural Research Institute which is established there and which is doing such good work should be transferred to the neighbourhood of Delhi. This question of inaccessibility is not a very serious question. Of course, I know that on account of this comparative inaccessibility a few Members who are at the head of the Government of India are at present precluded from visiting the Pusa Research Institute twice or thrice a year.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly) : Non-Muhammadan Rural) : How many from South India could visit the Pusa Research Institute ?

Mr. Gaya Prasad Singh : How many from North India could visit the Agricultural Institute at Coimbatore, and will you, therefore, agree to the Research Institute at Coimbatore being transferred to the neighbourhood of Delhi ?

Raja Bahadur G. Krishnamachariar : Oh ! yes, if you can prove that Coimbatore is not really suitable, as Pusa is not suitable.

Mr. Gaya Prasad Singh : I find from the departmental memorandum which has been submitted to us that the mere cost of transfer of the equipment and other things from Pusa to the neighbourhood of Delhi would cost about 2½ lakhs of rupees. Now, let us look at the way in which this proposal has been hatched in darkness and comparative secrecy and placed before us almost as an accomplished fact. The sanction of the Secretary of State has already been obtained behind the back of the Standing Finance Committee and of the House, and a notification has already been issued for the acquisition of land.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I do not wish to interrupt my Honourable friend, but I should like to correct one particular statement, namely, that the sanction of the Secretary of State was obtained behind the back of the Standing Finance Committee. That statement is not correct, because Sir George Schuster, the then Finance Member, towards the end of the last Session, actually submitted to the Standing Finance Committee that the Government intended to obtain the sanction of the Secretary of State to the proposal for the removal of the institute from Pusa.

Mr. Gaya Prasad Singh : Sir, before the Standing Finance Committee or before this House gave its approval to the proposal, it is a fact that the sanction of the Secretary of State was obtained and a notification was issued for the acquisition of about five to six thousand acres of land, about 12 miles from Delhi.

Sir, I will refer very briefly to the objections filed by those people whose lands are going to be taken away for the purpose of locating this institution in the neighbourhood of Delhi. My object is merely to show

how far the land which is going to be acquired is fit for the purpose. In a petition which was filed by the villagers to the authorities at Delhi, the petitioners stated as follows :

"That the water of the wells in the village is extremely saltish and unpalatable for taste. Its drinking is not conducive to health and its use for agricultural purposes is sure to cause disappointment.

That the soil of the village is not fitted for the purpose for which village lands are being acquired. It is neither fertile nor productive. That it is wholly unsuited to an ideal farm is a matter which can little be disputed and can very well be tested by a scientific examination of the soil.

That the area of the village consists of low lands which, for most part of the year, specially during the rainy season, remains under water and are rendered unfit for cultivation."

And so on. As against this statement, there is nothing on record to indicate what experiment has been made, what inquiry has been instituted and what report has been submitted to Government that the lands are quite suitable for the purpose for which they are sought to be acquired. A meeting of the Standing Finance Committee was held the other day, and I repeatedly asked the Department to produce any sort of written record in order to rebut those allegations, but I regret to say that no report has been forthcoming up to this moment. Sir, in this connection, I should also like to say that one of the petitioners wrote a letter to Mr. B. C. Burt, the Agricultural Expert at Pusa, in which they repeat the same allegations to which I have just made reference. He suggests this :

"I would humbly suggest to you to do boring in a piece of land before starting farm work, otherwise the Government and the villagers of Tikri Kalan have to undergo a heavy loss."

A largely attended public meeting was held of about 30 villages in which among others the following Resolution was passed :

"Resolved that the Government expert and the district authorities must be challenged upon our past experience that the saltish water shall not be beneficial for the ideal farm for the Pusa Institute. Our boring wells are of no use at present. We offer the Government a piece of land free of charge, if the Government is inclined to make its own boring for this daylight truth."

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) : May I interrupt the Honourable Member ?

Mr. Gaya Prasad Singh : You will have your chance of stating your case.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member is not giving way.

Mr. Gaya Prasad Singh : Sir, my second point is that it is proposed that this expenditure should be met out of loan funds. Sir, I strongly object to such experiments being carried on on borrowed capital. If Government have got sufficient money in their coffers, I do not object to the expenditure being incurred for beneficial proposals. But simply because money can be available at a cheap rate, that is no reason why Government should incur expenditure for schemes which have emanated as a brain wave from some officer of the Government of India. Sir, public opinion in Bihar may not count for much, because it may be supposed to be tinged with local patriotism, but I venture to submit that public opinion outside as reflected in the public Press has opposed this proposed transfer. I will only refer to the *Statesman*, the *Amrita Bazar Patrika*, and the

[Mr. Gaya Prasad Singh.] Forward of Calcutta, the *Searchlight* and the *Indian Nation* of my Province, the *Leader* of Allahabad, and many other papers. I will not refer to a manifesto which has been issued by the leading gentlemen of Bihar, consisting of all shades of public opinion, disapproving of this proposal. I will read out one little passage from the *Times of India* to which I have already made reference. In its issue of the 20th July, it states as follows in its leading article :

"In these days when it is so difficult to get even the smallest sum for beneficial State activities, it is right and proper that an estimated outlay of Rs. 36 lakhs for the transfer of this Institute should be very critically regarded. Estimates of cost, particularly when they are put up by those supporting a scheme, naturally tend to be conservative. It is an open question whether the sum of Rs. 36 lakhs would be the end of expenditure on the transfer suggested."

And it concludes its leading article in these words :

"The proper way to judge the plan is solely in relation to the great financial stringency of the moment, and the inability of Government to finance many a measure of social importance, let alone reduce the crushing burden of taxation their first duty. It would be interesting to have more details as to how the Rs. 36 lakhs estimate of the cost of the transfer has been compiled, and whether it has been proved that the capital outlay will be recouped in a reasonable time by savings effected through removal from Pusa. There would be a case for the transfer if that were demonstrated beyond a doubt, but unless and until it can be, the Assembly should turn down the plan."

Sir, I have not got all the newspapers which have condemned this scheme. I will just refer to a paper from Madras, the *Federated India*, which, in its issue, dated the 1st August, 1934, says :

"India will condemn with one voice the monstrous proposal to spend 40 lakhs of rupees on the erection of an Agricultural Research Institute at Delhi to take the place of the Institute that has been located all along at Pusa. When the estimated expenditure is 40 lakhs, we may expect the final expenditure to close at a few annas less than 50 lakhs. The question that has to be faced is whether, when the agriculturist is in need of practical relief in so many directions, money should be wasted on research in this lavish and light-hearted manner."

I understand, though I speak subject to correction, that the *Hindu* also condemned this scheme.

Sir, with regard to the attitude which my Honourable friends, the Members of the European Group, may take on this question, I will refer to the opinion of one or two indigo planters of my Province. I will first read out the opinion of Mr. C. Ivan Parr of Hursingpore Concern, Samastipur, in the district of Darbhanga. In a letter to the *Statesman*, which has been reproduced in the *Searchlight*, dated the 3rd August, 1934, he states as follows :

"It would be difficult to write better articles on the transfer of Pusa than your two very able leaders though I think it would be wise to publish these leaders again in large print and bring them before the public to again make them realise the iniquity of this waste of public funds at a time when economy should be the watchword on every occasion to bring about a more stable position in the world at large." He has also characterised this proposal, in the course of his letter, as of "ministerial" kind. With regard to the estimate of cost he proceeds to observe : "Their estimate, I believe, at present is Rs. 35 lakhs. I do not accept it and I am pretty sure if you double that figure you would be nearer the mark."

With regard to damage which has been done to the buildings at Pusa, the letter proceeds to observe as follows :

"I know Pusa very intimately, and apart from the college buildings, the damage is not so very great : the college in spite of heavy rains and subsequent severe shocks we had afterwards still stands very much as it was after the day of the big disaster ; and having been over it, though admittedly not an engineer, I should say it was quite capable of repairs and that the cost would not be so enormous."

Further on he states :

"Pusa is an agricultural institute or is by name : it is situated in an agricultural Province and possesses lands that are eminently adapted for experiments and for the improvement and more proficient cultivation of crops, and so on."

I shall now refer to the opinion of a very influential organisation in Bihar—I mean the Bihar Planters Association. Mr. Meyrick, the Secretary of this Association, consisting exclusively of European indigo planters, writes as follows : (*Vide the Statesman* of the 28th instant) :

"After the lakhs or crores that have been expended on Pusa during the last decade, and just when the past 30 years of experiments are now bearing fruit, all this public money and all this valuable work shall not be wiped out at a minute's notice, without giving each Province time to ponder and realize what their action means. For Pusa is now at a state when each year they are producing new kinds of wheat, barley, oats, paddy, linseeds, pulses of all varieties, jute, hybrids of hemp, sugar cane and many types of tobacco, all of which are definite benefits to the agriculturist."

A question has been asked whether the Institute has failed in its object. I am not competent to pronounce any opinion on that. If it has failed in its object, I think the brunt of responsibility must fall upon the Government, because after all they do not find fault as much with the climate of Pusa or with the soil of Pusa as with the comparative inaccessibility of the place : in other words, a few Government officials do not want to undertake the journey which will be involved in visiting that institution. Now, a writer in the *Encyclopædia Britannica* says, writing in 1922 :

"The Institute has within the comparatively short period of its existence done magnificent service to Indian agriculture by producing improved varieties of crops. In particular it has achieved remarkable success by evolving strains of wheat which give a high yield, of powers of resistance to rust, are able to mature with less water than the generality of Indian wheats and give good results under diverse conditions of soil and climate."

In the course of interpellations which took place in this House sometime back, my Honourable friend, Mr. Bajpai, told us that he will seriously consider the proposal of retaining the Botanical section at Pusa, because if the Institute is transferred to Delhi there would probably be no need for having a duplication of the Botanical Institute at Karnal. I do not know what exactly he meant by that. I am thankful for what little promise—or what little expectation—he has held out, but it is cold comfort to us. I am looking at this not so much from the provincial point of view, but from the point of view of the rate-payers' money which is involved in this question of transfer. The other day, I asked a question as to how much money has been sunk in Pusa. My Honourable friend objected—I probably gathered from his reply that he objected—to the word "sunk" ; but I find the same expression has been used in the official blue-book which has been supplied to us—where it says in the foot-note :

"Rather than sink more money in repairs on an inaccessible and ill-adapted place like Pusa, it is proposed to transfer the Institute to a site near Delhi."

[Mr. Gaya Prasad Singh.]

I would conclude my observations by making an appeal to Honourable Members of this House to consider this question very carefully before they allow their provincial patriotism to run away with their intellects. (Laughter.) I know I am placing a case to which serious consideration, in my opinion, has not been bestowed. I will make only one observation and it is this, if, in the interests of all-India, it is necessary to transfer the Institute from Pusa—and I am assuming it without admitting the proposition—I suggest that Local Governments should be addressed on the subject to find out the best place for the location of the Institute. They have made this proposal without consulting the Government of Bihar and Orissa, without consulting any Government at all, without recording the opinion of those experts who have advocated this transfer. In these days of financial stringency, is it worth while really to undertake this change?

An Honourable Member : Now finish.

Mr. Gaya Prasad Singh : Shall I continue tomorrow, Sir?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should perhaps finish now.

Mr. Gaya Prasad Singh : When, on account of financial stringency, the five per cent cut on the salaries of Government servants has not yet been restored, when the increased income-tax rates introduced some time ago have not been brought down to their original level, is it, I ask, equitable on the part of the Government, at this fag end of the Assembly, to undertake an experiment which, on their own showing, involves a capital expenditure of about Rs. 40 lakhs, and which may exceed in course of time the original estimate? I, therefore, finally conclude my observations by asking the Government seriously to consider this proposal and to keep this thing waiting for a few months, in which interval they should obtain the opinion of the Local Governments and other experts, and bring this proposal up for discussion and decision in the January Session of this House. (Cheers.)

The Assembly then adjourned till Eleven of the Clock on Friday, the 31st August, 1934.

LEGISLATIVE ASSEMBLY.

Friday, 31st August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock. Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

REDUCTION IN THE NUMBER OF POSTAL DELIVERIES IN CAWNPORE CITY.

957. *Lala Rameshwar Prasad Bagla : (a) Will Government please state if they have received any representation from the commercial community of Cawnpore regarding the reduction in the number of postal deliveries in the city?

(b) Are Government aware that the reduction has caused great inconvenience and loss to the local business community?

(c) Will Government be pleased to state if they are now prepared to revert to the old system of postal deliveries?

The Honourable Sir Frank Noyce : (a) A representation on the subject signed by some members of the commercial community of Cawnpore has been received by the Director-General on the 20th August, 1934.

(b) and (c). The matter is one within the competence of the Postmaster-General, United Provinces, and a copy of the question and the answer will be sent to him.

STOPPAGE OF UP MAIL TRAIN AT KHURJA JUNCTION.

958. *Lala Rameshwar Prasad Bagla : (a) Is it a fact that Khurja Junction is a very important station both from the point of view of passenger traffic and of goods?

(b) Are Government aware that there is no train for Delhi stopping at Khurja Junction between the hours of 5 P.M. and 6 A.M., which causes great inconvenience to the passengers especially the people of the business community?

(c) Are Government prepared to arrange the stoppage of 1 Up Mail at Khurja Junction at least for two minutes?

Mr. P. R. Rau : (a) This is a matter of opinion. I can think of many stations on the East Indian Railway of much greater importance.

(b) Although there is no train leaving Khurja for Delhi between 6 P.M. on one day and 5 A.M. on the following day there are five trains between 5 A.M. and 6 P.M.

(c) I will communicate the Honourable Member's suggestion to the Agent, East Indian Railway, for consideration.

(2409)

FILING OF SUITS AGAINST RULING PRINCES.

959. *Mr. Sitakanta Mahapatra : (a) Is it not a fact that under the Civil Procedure Code a certificate or permission is necessary for filing a suit against the ruling princes, etc. ?

(b) Will Government please state whether the certificate will henceforth be given by the Government of India, on account of their transfer to the Government of India, or by the Local Governments as before ?

(c) Is it not a fact that a list has been issued by ruling chiefs against whom no suit can be brought without a proper certificate ?

(d) Will Government please state whether if the powers of the Local Governments are withdrawn, it will be necessary to issue a fresh list by the Government of India ?

Mr. H. A. F. Metcalfe : (a) Yes.

(b) By the Government of India.

(c) No.

(d) The question does not arise.

SITTING OF SWEEPERS ON THE BENCHES OF THE TRAM CARS IN DELHI.

960. *Mr. Gaya Prasad Singh : Has the attention of Government been drawn to a letter of Mr. Ayodhya Prasad Pathak (Delhi), published in the *Hindustan Times*, dated the 16th August, 1934, in which it is stated on his own evidence that two sweepers were not allowed to sit on the benches of the tram car in Delhi by the conductor, on the ground that the Delhi Electric Supply and Traction Company has a rule to that effect, although the people in the tram car were willing to let the sweepers sit ? Is there any such rule ; and if so, why is it not abrogated ?

Mr. G. S. Bajpai : Government have seen the letter published in the *Hindustan Times* to which the Honourable Member refers. The Delhi Electric Supply and Traction Company has no rule forbidding *Harijans* from sitting on the seats of their trams.

EDITING AND PUBLISHING OF THE KANNADA INSCRIPTIONS.

961. *Rao Bahadur B. L. Patil : (a) Are Government aware that they assured this House, about seven years ago, in reply to the questions of the then Honourable Member, Mr. D. V. Belvi of Karnatak that the whole work of surveying, collecting, editing and publishing the Kannada inscriptions in the presidencies of Bombay and Madras would be finished within about thirteen years ?

(b) Will Government be pleased to state :

(i) how many taluks have been surveyed during these seven years ;

(ii) how many still await surveying ;

(iii) whether these unsurveyed parts can be finished within the next six years ; if not, whether Government propose to take steps in order to complete the whole work of surveying, collecting, editing and publishing the Kannada inscriptions

within the next six years as per their assurances ; if so, what ?

(c) How many inscriptions have been collected upto now ?

(d) Have they all been published ? If not, what arrangements do Government intend to make for the early publication of the same ?

Mr. G. S. Bajpai : (a) Government are not aware of any such assurance, but they informed the President, Karnatak Historical Association, by letter in September, 1927, that they expected that the task of copying the Kanarese inscriptions in the Bombay Presidency would be completed in about thirteen years.

(b) (i) 12.

(ii) 40.

(iii) The work is not likely to be completed within the next six years owing to the drastic retrenchment on grounds of economy in the staff of the Epigraphical Branch. For the same reason the rate of progress cannot at present be materially accelerated.

(c) 1345 inscriptions have so far been collected since the search for Kanarese inscriptions in the Bombay Karnatak started.

(d) Inscriptions copied during the years 1926-27 to 1930-31 have been published. Lists of collections of 1931-32 and 1932-33 are in the Press, and inscriptions copied during the year 1933-34 are being transcribed and listed.

EDITING AND PUBLISHING OF THE KANNADA INSCRIPTIONS.

962. *Rao Bahadur B. L. Patil : Are Government prepared now to reconsider the advisability of creating temporarily a separate Epigraphical circle for Karnatak at Dharwar for speeding up the work of Kannada Inscriptions, as per representations made to the Director General of Archaeology several times by the Karnatak Historical Research Society of Dharwar and individuals ?

Mr. G. S. Bajpai : The Honourable Member is referred to the answer given to part b (iii) of the preceding question.

FORMATION OF A SEPARATE KARNATAK PROVINCE.

963. *Rao Bahadur B. L. Patil : (a) Will Government be pleased to state whether a memorial was submitted to His Excellency the Governor General and Viceroy of India by the central Karnatak Unification League in the month of April, 1934 ?

(b) If so, has the memorial been already considered ; if not when is it likely to be considered ?

(c) Are Government prepared to appoint a committee of Enquiry at least to test the genuineness of the demand of the Karnatak subjects of His Majesty and also to consider whether Karnatak if constituted as an independent administrative unit, would be financially self-supporting ?

(d) If the finances of the Government of India do not permit today the appointment of a committee of Enquiry, are Government prepared to receive contributions from individuals, associations and Local bodies on

voluntary basis? If so, what proportion of the total probable cost of the committee would induce Government to agree to the appointment of the committee?

The Honourable Sir Henry Craik : (a) Yes.

(b), (c) and (d). The attitude of Government in regard to the creation of new Provinces is explained in Sir Harry Haig's speech in the Assembly on the 26th July last, on the Resolution relating to the constitution of Malabar into a separate Province. I have nothing to add to that statement.

ENTRANCE EXAMINATIONS HELD FOR ADMISSION TO THE INDIAN MILITARY ACADEMY.

964. ***Rao Bahadur B. L. Patil :** (a) Will Government please state how many entrance examinations were held for admitting candidates to the Indian Military Academy up to now?

(b) Will Government further state the total number of candidates so far admitted in the Academy province by province?

(c) Will Government also state to what communities they belong?

(d) Will Government be pleased to state how many of them belong to Maharashtra, Karnatak and Madras?

Lieut.-Colonel A. F. R. Lumby : (a) Five competitive examinations.

(b), (c) and (d). A statement giving the information desired by the Honourable Member is laid on the table.

Number of Candidates admitted into the Indian Military Academy through the Examinations.

(i) By Provinces.

Punjab	..	..	..	..	..	44
United Provinces	..	..	..	..	..	10
North-West Frontier Province	..	..	..	..	..	5
Delhi	..	..	..	..	..	4
Kashmir	..	..	..	..	..	3
Punjab States	..	..	..	..	..	2
Mysore	..	..	..	..	..	1
Jaipur	..	..	..	..	..	1
Jodhpur	..	..	..	..	..	1
Madras	..	..	..	..	..	1
Coorg	..	..	..	..	..	1
Rajputana	..	..	..	..	..	1
Bombay	..	..	..	..	..	1
Burma	..	..	..	..	..	1
Bhopal	..	..	..	..	..	1
Central Provinces	..	..	..	..	..	1
Hyderabad	..	..	..	..	..	1
Total	..	..	..	..	..	79

(ii) By Communities.

Muhammadans	..	..	..	..	..	26
Sikhs	..	..	..	..	..	14
Hindus	..	..	..	..	..	29
Indian Christians	..	..	..	..	..	4
Parsis	..	..	..	..	..	1
Anglo-Indians	..	..	..	..	..	3
Domiciled Europeans	..	..	..	..	..	2
Total	..	..	..	..	..	79

Mr. S. G. Jog : May I know if the sense of discrimination is also lurking in the selection of candidates by the Selection Committee, because nobody from the Bombay Presidency, and, so far as I know, nobody from the Madras Presidency, nobody from Bengal, and.....

Mr. Gaya Prasad Singh : And nobody from Bihar.

Mr. S. G. Jog : and nobody from Bihar, and nobody from other Provinces have been selected?

Lieut.-Colonel A. F. R. Lumby : The figures that I have given in my statement include one candidate from Madras, one from Coorg, and one from Bombay.

Mr. M. Maswood Ahmad : Will Government be pleased to state how many candidates were taken from Bihar?

Lieut.-Colonel A. F. R. Lumby : I am afraid there is no candidate from Bihar in the list before me.

Mr. Lalchand Navalrai : May I know from the Honourable Member from what part of Bombay the candidate from Bombay was selected?

Lieut.-Colonel A. F. R. Lumby : I am afraid I have not got that information.

Mr. T. N. Ramakrishna Reddi : Does not the Honourable Member know that Coorg does not form part of the Madras Presidency, but, it is directly under the Government of India?

Lieut.-Colonel A. F. R. Lumby : I was aware of that fact.

MARKS ALLOTTED FOR PERSONAL INTERVIEW AT THE ENTRANCE EXAMINATION OF THE INDIAN MILITARY ACADEMY.

965. ***Rao Bahadur B. L. Patil :** (a) Is it a fact that out of the total number of 2,150 marks, as many as 500 are set apart for personal interview of the candidates appearing for the entrance examination of the Indian Military Academy?

(b) If so, are these marks assigned solely for the so-called qualification of belonging to a martial community of India? If not, how many marks are assigned for it?

(c) On what matters is the candidate expected to satisfy the Selection Board at the time of the personal interview?

Lieut.-Colonel A. F. R. Lumby : (a) Yes.

(b) No. The second question accordingly does not arise.

(c) The criteria by which a candidate can be adjudged suitable or unsuitable for a commission by the Interview and Record Board are so many that it is impossible to enumerate them. At the time of the interview, the Board have the record of each candidate before them. All that is required of the candidate is to furnish such additional information as the Board may require and to reply to such questions as they may ask relating to various topics, mainly concerning the Army.

Rao Bahadur B. L. Patil : May I ask whether the Indian Military College Committee did not recommend anything of the sort of martial race ?

Lieut.-Colonel A. F. R. Lumby : The question of soldierly tradition undoubtedly would be weighed by the Interview and Record Board, but it is not the sole guiding factor by any means.

Rao Bahadur B. L. Patil : May I ask whether it is only the outside activities of the particular candidate that the Board of Examiners should look into ?

Lieut.-Colonel A. F. R. Lumby : I think it may be said that the Board takes into consideration every kind of feature and characteristic in the candidate which may be suited to a military career.

Mr. S. G. Jog : Do they give any special preference to those classes which belong to the so-called martial classes, and they do not do the same in respect of non-martial classes ?

Lieut.-Colonel A. F. R. Lumby : I have not been on the Board myself, but there is certainly no prejudice against those who have no soldierly tradition if in other respects they appear to the Board suitable.

Mr. Lalchand Navalrai : Are there any subjects laid down for these personal tests ?

Lieut.-Colonel A. F. R. Lumby : None.

CONSTITUTION OF THE SELECTION BOARD TO INTERVIEW THE CANDIDATES FOR THE INDIAN MILITARY ACADEMY.

966. ***Rao Bahadur B. L. Patil :** Will Government be pleased to state what is the constitution of the Selection Board for the interview of the candidates for the Indian Military Academy ?

Lieut.-Colonel A. F. R. Lumby : The Board is constituted as follows :

Chairman.—A member of the Public Service Commission.

Members.—Two military officers, one a Major-General, the other an officer not below the rank of Colonel.

Two non-official members, one with military experience.

ADMISSIONS TO THE INDIAN MILITARY ACADEMY AND MARTIAL COMMUNITIES.

967. ***Rao Bahadur B. L. Patil :** (a) Will Government be pleased to state whether the result of the admissions so far made to the Indian Military Academy shows fairly sufficient number of candidates from all the provinces in India ?

(b) Do Government recognise the fact of belonging to a martial community as a qualification in the matter of admission to the Indian Military Academy ?

(c) If so, what is the test for determining a community as martial ? Have Government made enquiries in all the provinces as to what communities are martial ?

Lieut.-Colonel A. F. R. Lumby : (a) The attention of the Honourable Member is invited to the statement I have just laid on the table in reply to his question No. 964.

(b) and (c). The attention of the Honourable Member is invited to the supplementary questions and answers given on the 11th December, 1933, to starred question No. 1384. No inquiries have been made from provinces.

Maulvi Muhammad Shafee Daoodi : Is it a fact that the Province of Bihar and Orissa has not got any candidate up till now admitted into the Indian Military Academy ?

Lieut.-Colonel A. F. R. Lumby : I believe so, but we are still looking forward to some. (Laughter.)

REPLACEMENT OF UNQUALIFIED CLERKS BY QUALIFIED ONES IN THE GOVERNMENT OF INDIA OFFICES.

968. **Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government please state whether it is a fact that there are at present employed in the Government of India Secretariat and the attached offices a large number of non-Muslim temporary routine clerks who have not passed the necessary examination of the Public Service Commission ?

(b) Is it a fact that a large number of such temporary clerks are being allowed to continue in service for several years, some of whom are in service since 1930 ?

(c) Is it a fact that some of these temporary clerks are employed in provisionally permanent posts, semi-permanent posts or temporary posts of long duration ?

(d) Is it a fact that these clerks cannot, under rules, be absorbed permanently and will therefore have to go sooner or later ?

(e) Is it a fact that a large number of Muslims who have qualified at the examinations held by the Public Service Commission in 1932 and 1933 have not been able to get appointments in the Government of India and the attached offices ?

(f) Do Government propose to consider the desirability of replacing unqualified non-Muslims by qualified Muslims, and if not, why not ?

The Honourable Sir Henry Craik : (a), (b) and (c). There are a number of unqualified men of all communities at present temporarily employed, in some cases since before 1930 and in some cases against permanent vacancies.

(d) Yes ; that is to say, they can only secure permanent employment through the competitive examination.

(e) Vacancies are filled on the results of a competitive examination and this ordinarily means that no question of a qualifying mark arises. But

in accordance with the instructions in clause IX of paragraph 1 of the Home Department Office Memorandum No. F. 452-27-Ests., dated the 8th December, 1928, a copy of which is in the Library, the Public Service Commission supply each of the Government of India Offices with a list of candidates who did not obtain places in the last preceding examination, but whom the Commission consider suitable for temporary employment. I may mention, however, that under the clause referred to, Departments have discretion to appoint candidates who are not on the list.

(f) The question of replacing unqualified persons by others recommended by the Public Service Commission is under consideration.

Mr. Gaya Prasad Singh : Do I understand that there are unqualified Muslim clerks also appointed in the Government of India Secretariat offices ?

The Honourable Sir Henry Craik : I said that there are a number of unqualified men of all communities at present temporarily employed.

Mr. Gaya Prasad Singh : Is it the intention of the Government of India to scrap all these unqualified men whether they belong to Muslim or non-Muslim communities ?

The Honourable Sir Henry Craik : They can only secure permanent employment by means of the competitive examination. They can only be on a temporary basis until they pass that examination.

Mr. Lalchand Navalrai : Is it a fact that at any time these men can be employed permanently without the examination of the Public Service Commission ?

The Honourable Sir Henry Craik : They cannot be made permanent except as a result of the Public Service Commission examination.

Dr. Ziauddin Ahmad : What is the definition of qualification ? Does it mean efficiency of work or passing certain examination ?

Mr. Gaya Prasad Singh : You must ask the gentleman who put the question.

The Honourable Sir Henry Craik : It means passing the Public Service Commission examination.

Dr. Ziauddin Ahmad : Without regard to efficiency ?

REDUCTION IN THE NUMBER OF COMPOSITORS IN THE GOVERNMENT OF INDIA PRESSES, SIMLA AND NEW DELHI.

969. ***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that for want of work in the Government of India Presses at Simla and New Delhi, the number of compositors, etc., are reduced every year ?

(b) Is printing for Government done at private presses also at these places ? If so, to what extent and why ?

The Honourable Sir Frank Noyce : (a) No.

(b) Yes, to a very small extent. Such printing is confined chiefly to vernacular work for which the Government of India Presses at Simla and Delhi are not equipped. Work in English is also on rare occasions, entrusted to private presses for administrative convenience.

PRINTING OF THE *Fauji Akhbar*.

970. ***Mr. D. K. Lahiri Chaudhury :** (a) Is the *Fauji Akhbar* a Government paper ? If so, why do Government run it ?

(b) How does the *Fauji Akhbar* differ from private papers ?

(c) In what languages is the *Fauji Akhbar* printed and why ?

(d) Can Indian soldiers generally read Roman Urdu ? If so, why is not the *Fauji Akhbar* printed in Roman Urdu only ?

(e) Why is the *Fauji Akhbar* printed in Simla ?

(f) What will be the cost of printing it in a private press at Delhi or Lahore ?

(g) For whom is the *Fauji Akhbar* intended and what is their number ?

(h) How many copies of the *Fauji Akhbar* are printed ?

(i) What is the annual cost of (i) editing, and (ii) printing the *Fauji Akhbar* and what is its annual income ?

(j) What will be the annual cost of printing it in Roman Urdu in the Government of India Press ?

Lieut. Colonel A. F. R. Lumby : (a) Yes. In order to provide Indian troops and ex-soldiers and the agricultural classes from which they are drawn with reliable news, at a price within their means, regarding world and Indian events, the results of the latest scientific experiments in agriculture, the measures necessary for the improvement of rural conditions, the organization, activities and movements of the Army, the movements of officers touring the districts ; and any matters which it is to the advantage of the military community to know.

(b) It caters solely for the military community and is written in a simple style suitable for that community.

(c) Urdu, Hindi, Gurmukhi and English. The first three are the languages spoken by the great majority of the military community. The English edition is published mainly for the purpose of enabling British officers of the Indian Army to acquaint themselves with the contents of the paper which their men are reading.

(d) Although the majority of serving Indian soldiers can read Roman-Urdu, there are still many who cannot do so with sufficient fluency to enable them to digest the contents of a newspaper. Approximately, half of the recipients of the *Fauji Akhbar* are ex-soldiers, the majority of whom have not reached a high enough standard in Roman-Urdu to enable them to read with ease a newspaper so printed.

(e) It is essential that the editorial staff should be in close contact with the Army Headquarters and it has been considered convenient hitherto for the paper to be printed in the same place as that in which the editorial staff is located throughout the year.

(f) Tenders for printing by private presses in Delhi and Lahore have been received and are under consideration.

(g) I would refer the Honourable Member to the answer to part (a). I regret that it is not possible to estimate the number of persons for whom the paper is intended.

(h) During the financial year 1933-34 the weekly average was 10,351.

(i) Figures for the same period are as follows :

(i) The pay of the Translation Section of the Army Headquarters which carries out the editing, managerial and translation duties connected with the *Fauji Akhbar*, as well as the general translation work of Army Headquarters, and of the officer in charge thereof who is the editor of the paper amounted to Rs. 42,838, but it is difficult to say what proportion of this sum related to the *Fauji Akhbar*.

(ii) Rs. 29,158 for printing and wrapping and Rs. 16,693 for paper, blocks, postage, remuneration to contributors and office contingencies. The income was Rs. 36,944. It may be added that it was never the intention that this paper should be a commercial proposition. Numerous copies are distributed free in order to ensure the objects mentioned in my answer to part (a).

(j) It is not possible to furnish an estimate of cost of printing the *Fauji Akhbar* in Roman-Urdu in a Government Press. It is not desirable to print it in such a Press, as the printing of a newspaper, involving work at night and unusual hours, would dislocate and interfere with urgent Government work, such as that connected with the Legislature.

Mr. Vidya Sagar Pandya : May I know why such an important paper is not published in the Southern Indian vernaculars ?

Some Honourable Members : There are no military classes there.

Mr. S. C. Mitra : Is this a monthly magazine, and, if so, what is the difficulty in getting it printed at Lahore or Delhi if the rate is cheaper ?

Lieut.-Colonel A. F. R. Lumby : It is a weekly paper. As I said, tenders have been received from private presses in Delhi and Lahore and are now under consideration.

Mr. M. Maswood Ahmad : Would it not be better to publish the *Fauji Akhbar* in the Army Press ?

Lieut.-Colonel A. F. R. Lumby : I understand that a tender has been received from the Army Press and is under consideration.

Mr. Gaya Prasad Singh : The Honourable Member has used the expression "martial community". May I know what is meant by martial community ?

Lieut.-Colonel A. F. R. Lumby : The community which consists of soldiers and ex-soldiers.

Maulvi Muhammad Shafee Daoodi : In connection with the answer to part (e), is it a fact that the paper was published in Lahore previously. In 1919, there was some trouble and then the paper was brought to Simla.

Lieut.-Colonel A. F. R. Lumby : The paper used to be printed in Lahore. I am not aware of the reasons which led to the change, but I think

the most important one was the desirability of having the paper printed as near as possible to the editorial staff who must be close to Army Headquarters.

Mr. Vidya Sagar Pandya : The Honourable Member has not replied to my question why the paper is not published in the vernaculars of Southern India.

Bhai Parma Nand : May I know if, in considering the question of tenders for the printing of this paper, the point of economy will be given consideration, if the Government can save about Rs. 7,000 and the paper can be printed of the same quality and with the same convenience at another place.

Lieut.-Colonel A. F. R. Lumby : The Government always consider in matters like this whether the most economical is also the most suitable way.

Captain Sher Muhammad Khan Gakhar : Are Government aware that the educational standard of Indian soldiers has advanced after the Great War and that it is desirable that the size of the paper should be increased ?

Lieut.-Colonel A. F. R. Lumby : I will certainly bring that point to the notice of the authorities concerned at Army Headquarters.

Mr. M. Maswood Ahmad : Do Government propose to consider the question of why the paper was transferred from Lahore to Simla at the time of coming to a decision on the different tenders ?

Lieut.-Colonel A. F. R. Lumby : I am quite certain that all relevant considerations will be taken into account in deciding which tender to accept.

Maulvi Sayyid Murtuza Sahib Bahadur : When this paper was being published in Lahore, is it a fact that the cost of printing was more than 75 per cent. of what it is now ?

Lieut.-Colonel A. F. R. Lumby : I have not got the figures with me.

Mr. Jagan Nath Aggarwal : May I take it that this paper is not a commercial proposition, and if the printing of the paper is economically done in Lahore, will Government take that point into very serious consideration ?

Lieut.-Colonel A. F. R. Lumby : As I have said, all relevant considerations will be borne in mind when deciding which tender to accept.

Mr. Jagan Nath Aggarwal : My point is, if the tenders from Lahore are much cheaper than the cost of printing the paper in Simla, would Government consider printing the paper in Lahore ?

Lieut.-Colonel A. F. R. Lumby : I am not prepared to say what any of the tenders are.

PROMOTION OF SUBORDINATES OF THE AUDIT DEPARTMENT OF CERTAIN RAILWAYS.

971. ***Mr. D. K. Lahiri Chaudhury :** (a) Will Government please state the number of posts of Auditors and Assistant Auditors on the (i) Great Indian Peninsula, (ii) East Indian, and (iii) Burma Railways, respectively, before they were taken over by the State ? How many of them were filled by direct recruits ?

(b) What was the procedure followed in promoting the subordinates of the Audit Department of these Railways to the Superior Service? What was the proportion of recruitment by direct appointment and by promotion?

(c) Is it not a fact that the Superior Service on these Railways corresponded with the State Railway Accounts Service introduced on the State Railways?

(d) Is it not a fact that there was no Lower Gazetted Service, as now obtaining on these Railways?

(e) Is it not a fact that the subordinates of these railways get promotion only to the Lower Gazetted Service now, which service was not in existence before these Railways were taken over?

(f) Is it not a fact that after separation of the Accounts from Audit after these Railways were taken over, most of the posts are held either by the members of the Indian Audit and Accounts Service and State Railway Accounts Service?

(g) Will Government please state how the vacancies in the Accounts and Audit Departments of these three Railways have been distributed, viz., (i) to the members of the Indian Audit and Accounts Service, (ii) to the State Railway Accounts Service, and (iii) Lower Gazetted Service officers?

(h) Is it not a fact that the members of the Indian Audit and Accounts Service have gained most after the taking over of the Railways and the separation? Is it not a fact that they are now holding posts in the Railway Accounts as well as the Audit Departments of the State Railways?

Mr. P. R. Rau : The information is being collected and a reply will be laid on the table in due course.

ASSISTANT ACCOUNTS OFFICERS ON STATE RAILWAYS.

972. ***Mr. D. K. Lahiri Chaudhury :** (a) How many posts of Assistant Accounts Officers are there on the State Railways and how are these posts filled up?

(b) Is it not a fact that a number of the Assistant Accounts Officers, as well as Senior Accountants from the list of the Director of Railway Audit, have been transferred to the Railway Accounts Department?

(c) Is it not a fact that by doing so, the prospects for promotion of those who were on the Great Indian Peninsula, East Indian and Burma Railways before they were taken over by the State and those who were appointed locally later on, have been jeopardised?

(d) Is it not a fact that officers of the Lower Gazetted Service cannot expect any officiating promotion to the State Railway Accounts Service though there is no leave reserve for the latter?

(e) Is it not a fact that as a rule the members of the Lower Gazetted Service are not getting any promotion to the Railway Accounts Service?

(f) Is it not a fact that whenever there is any vacancy in the Railway Accounts Service, the post is filled up either by fresh recruitment or by members of the Indian Audit and Accounts Service?

(g) Is it not a fact that by filling up all the higher posts by the members of the Indian Audit and Accounts Service as well as Railway Accounts Service, the Senior Accountants and Assistant Accounts Officers have no prospect of promotion?

(h) Is it not a fact that the Second Report of the Pope Committee under "Accounting as an aid to efficiency" criticised the present system severely?

(i) Are Government prepared to promote a certain number of subordinates as well as Assistant Accounts Officers to the Superior Railway Accounts Service instead of filling up these posts by the members of the Indian Audit and Accounts Service and recruitment to the Railway Accounts Service?

Mr. P. R. Rau : (a) There are 25 posts of Assistant Accounts Officers. They are ordinarily filled by promotion from amongst the Accountants and Inspectors of the Accounts Department qualified for promotion as Assistant Accounts Officers.

(b) Yes.

(c) This is a matter of opinion.

(d) Yes.

(e) (f) and (g) No. A certain proportion of vacancies in the Indian Railway Accounts Service is intended to be filled by promotion.

(h) The report mentioned does not deal with the question of the promotion of Assistant Accounts Officers to the Railway Accounts Service.

(i) Promotions of subordinates to the proportion prescribed will be considered when vacancies arise.

PROMOTIONS OF SENIOR ACCOUNTANTS AND ASSISTANT ACCOUNTS OFFICERS ON STATE RAILWAYS.

973. ***Mr. D. K. Lahiri Chaudhury :** (a) Will Government please state the criterion which is followed in promoting Senior Accountants and Assistant Accounts Officers to the rank of Assistant Account Officers and Accounts Officers respectively? Is it done strictly in accordance with seniority?

(b) Will Government please state the number of Senior Accountants on the State Railways awaiting promotion?

Mr. P. R. Rau : (a) Promotion in the Railway Accounts Department is, at every stage, based on merit with due regard to seniority.

(b) There are 70 permanent senior Accountants in the Railway Accounts Department.

PROMOTION OF CLERKS AND ASSISTANTS IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

974. ***Mr. Sitakanta Mahapatra :** (a) Is it a fact that some of the clerks who have been doing the duties of assistants for the last three or four years, submitted representations to the Director General of Posts and

Telegraphs in the months of May and June, 1933, praying for the grant to them of higher pay, but no reply either in the affirmative or in the negative has yet been received by them ?

(b) Will Government please state whether any extra remuneration is granted to the clerks ? If not, why not ?

(c) Is it also a fact that whenever a vacancy, either permanent or temporary, in the Superintendent's grade in the said office occurs, the senior-most assistant in the office is allowed officiating promotion in that vacancy but no officiating promotion is allowed to a clerk in the vacancy caused by the promotion of the senior-most assistant to the Superintendent's grade, although the clerk is forced to carry on the duties of the assistant who is promoted to the Superintendent's grade ?

(d) If the reply to part (c) be in the affirmative, do Government propose to state the reasons for this differential treatment ?

(e) Will Government be pleased to state the total number of such clerks at present ?

(f) Do Government propose to regularise the matter by classifying the charges between clerks Class II, III and I ?

The Honourable Sir Frank Noyce : (a) It is a fact that certain clerks of the Director General's office asked for higher pay on the ground that they were performing the duties of assistants. The representations were examined and rejected, as it was found that the men were not in fact doing work of a standard expected of assistants. In this connection, the Honourable Member's attention is invited to Sir Hubert Sams' reply to the second part of Mr. Muhammad Anwar-ul-Azim's starred question No. 429 on February 11th, 1931.

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

(c) The facts, as stated by the Honourable Member, are substantially correct except that no clerk is forced to carry out the duties of the assistant who is promoted to the Superintendent's grade ; those duties are distributed among the other assistants.

(d) At present there are a large number of posts of assistants which are surplus to the sanctioned strength and any vacancy in such posts is accordingly filled by recruitment of qualified clerks in the third division.

(e) Does not arise in view of the reply to part (c).

(f) This will be done in due course.

ADVANCES MADE TO THE BAHAWALPUR STATE.

975. *Mr. Goswami M. R. Puri (a) Will Government please state the amounts of advances made to the Bahawalpur State and the dates on which they were made ?

(b) Will Government please state the dates on which the sanction of the Secretary of State was obtained in respect of each advance ?

(c) Is it a fact that the original sanction of the Secretary of State was only for Rs. two crores and that later advances, amounting to many crores, were made to the State without the previous sanction of the Secretary of State ?

(d) If the reply to part (c) be in the affirmative, who was responsible for making the advances without the sanction of the Secretary of State, the Political Department or the Finance Department ?

The Honourable Sir James Grigg : With your permission, Sir, I shall answer questions Nos. 975 to 977 together.

In September, 1926, the Secretary of State sanctioned a loan of Rs. 4.27 lakhs. In November, 1931, he agreed to the maximum being increased to Rs. 11½ crores, and in September, 1933, he sanctioned a further increase up to Rs. 12½ crores. Instalments of the loan have been advanced at various times in accordance with the requirements of the Project. The total amount outstanding at the end of the financial year 1933-34 was approximately Rs. 12½ crores. Of this amount about Rs. 9¼ crores represents principal and Rs. 2½ crores interest.

As regards the administration and financial prospects of the Bahawalpur section of the Sutlej Valley Project I would invite the attention of the Honourable Member to the reply given to part (c) of question No. 1387 asked by Sirdar Harbans Singh Brar on the 12th of December, 1933. The administrative arrangements have not changed, but the financial results for 1933-34 have proved to be more satisfactory than were then anticipated. The net receipts during the year amounted to about Rs. 48 lakhs and the ordinary expenditure was less than Rs. 40 lakhs, leaving a surplus of slightly over Rs. eight lakhs which has been utilised in reduction of the debt.

ADVANCES MADE TO THE BAHAWALPUR STATE.

†976. *Mr. Goswami M. R. Puri : (a) What is the total amount of advances made so far to the Bahawalpur State and what is the amount of interest which has accrued so far on these advances ?

(b) Have the Bahawalpur State made any payments towards the repayment of the capital or the interest ?

INCOME OF THE SUTLEJ VALLEY PROJECT.

†977. *Mr. Goswami M. R. Puri : What is the total income of the Sutlej Valley Project, the officer-in-charge of which is directly responsible to the Government of India, and what is the annual expenditure on the Project ?

DELAY IN MAKING FUNDING ARRANGEMENTS OF THE BAHAWALPUR LOAN.

978. *Mr. Goswami M. R. Puri : (a) Will Government be pleased to state the reasons for the continued delay in making funding arrangements of the Bahawalpur loan ? At whose instance are the making of funding arrangements being delayed, the Political Department or the Finance Department ?

(b) Will Government be pleased to state the period within which they propose to make definite and final funding arrangements of this loan ?

†For answer to this question, see answer to question No. 975.

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the statement made in this House by my predecessor on the 29th of March, 1934. I have nothing to add to the explanations which he then gave.

REFUNDS OF RENT IN RESPECT OF QUARTERS IN NEW DELHI FOR OVERLAPPING PERIODS BEFORE AND AFTER THE WINTER SEASON.

979. *U Ba Maung : (a) Is it a fact that the Simla house rent allowance is granted to the staff of the Government of India Secretariat in lieu of free house accommodation in Simla ? If not, for what purpose is it granted ?

(b) Is it a fact that the number of Government quarters in Simla is less than the number of men entitled to Simla House Rent Allowance ?

(c) Are Government aware that private houses in Simla are rented for the whole year ? If so, in what respects is the position of men occupying Government quarters in Simla different from that of those granted Simla House Rent Allowance, so far as the occupation of Government quarters in Delhi is concerned ?

(d) Is it a fact that the migratory clerks of the Government of India, who are entitled to the Simla House Rent Allowance, and occupied Government quarters in Simla, have been allowed refunds of the rent recovered from them since 1st October, 1931, and in future will not have to pay any rent in respect of quarters in New Delhi for short overlapping periods before and after the winter season ?

(e) Is it a fact that the migratory clerks, who are entitled to the Simla House Rent Allowance, but are not allotted Government quarters in Simla, have not been allowed the concession referred to in part (d) above ? If so, why ?

(f) Are Government aware that on account of the very high rent for private houses in Simla, most of the clerks referred to in part (e) above, have invariably to be out of pocket ?

(g) Are Government aware that clerks who are not allotted Government quarters in Simla, have to pay for their residential accommodation in Simla for the whole year and also for their actual stay at Delhi during the winter season ?

(h) If the answer to part (g) be in the affirmative, are Government prepared to reconsider their decision so as to accord them the concession referred to in part (d) above ?

The Honourable Sir Frank Noyce : (a) Simla house-rent allowance is granted under the three following schemes :

(i) As a fixed sum payable in cash whether the recipient occupies Government accommodation or not, when Government accommodation is occupied the full standard rent is payable ;

(ii) As a sum payable in cash only when Government accommodation is not available, and up to the actual amount of rent paid for private accommodation, when Government accommodation is available, it is occupied rent free ;

(iii) As a fixed sum payable in cash only when Government accommodation is not available. When Government accommodation is allotted, no allowance is drawn and rent is paid in the ordinary way.

The scheme applicable depends on the date when a particular official joined the service.

(b) I have not thought it worth while to ascertain the actual number of men at present entitled to Simla house-rent allowance. The applications for quarters indicate that demand exceeds supply only in respect of married orthodox clerks' quarters. In the other quarters supply exceeds demand.

(c) I understand that private houses in Simla are ordinarily let for the whole year, but, I believe that in some cases they are let for the season. The position of a man occupying private accommodation in Simla differs from that of a man occupying Government accommodation in Simla in that he cannot be a tenant of the Government all the year round.

(d) Yes.

(e) Yes. The intention of the rule is that an official occupying Government accommodation all the year round should not be charged more than 12 months' rent. The concession could not be allowed to persons occupying private accommodation for a part of the year without very elaborate enquiries which would clearly not be justified.

(f) No. I would point out that of 569 recent applicants for married orthodox clerks' quarters in Simla, 355 stated that they would prefer not to occupy the quarters. The inference is that the advantages of occupying Government accommodation are not great.

(g) Yes, if the accommodation in Simla is taken for the whole year.

(h) No.

Mr. Lalchand Navalrai : With regard to clause (c), the Honourable Member stated that sometimes the quarters are let for the season.

The Honourable Sir Frank Noyce : For the season ?

Mr. Lalchand Navalrai : For the season. With regard to that, if there is any suspicion on the part of the Government on the point of people getting the advantage of the quarters being let for the season only, why cannot the Government call upon the people concerned to furnish a certificate that they have been paying for the whole year ?

The Honourable Sir Frank Noyce : Sir, I am afraid my reply to this question has been a very long one, and it is not unnatural, therefore, that my Honourable friend should have misunderstood the position. (Laughter). The reply to part (c) was :

"I understand that private houses in Simla are ordinarily let for the whole year, but I believe that in some cases they are let for the season", etc.

Mr. Lalchand Navalrai : With regard to private houses, why is it not the case that, if the Government think that they are not let for the whole year and that sometimes they are let for the season only, they do not call upon them to furnish a certificate saying that they have paid rent for the whole season ?

The Honourable Sir Frank Noyce : Sir, it is extraordinarily difficult to explain the position in regard to these questions of house rent on the floor of the House ; but Government are in no way concerned with the arrangements that the clerks may make for private accommodation. That is not their concern. They are only concerned with Government quarters.

Mr. Lalchand Navalrai : Does the Honourable Member know that these persons residing here in Government quarters, when they go to Delhi, are charged rent for five months there, because they are charged rent here for seven months, whereas those who take on rent private houses here are charged for six months or even more in Delhi. Now, why should that be so ?

The Honourable Sir Frank Noyce : I may say that that point is engaging our attention.

Mr. Lalchand Navalrai : Thank you.

DEVELOPMENT OF SALT MANUFACTURE IN THE COASTAL DISTRICTS OF ORISSA.

980. ***Mr. Sitakanta Mahapatra :** (a) What steps have been taken by the Government of Bihar and Orissa to develop salt manufacture in the coastal districts of Orissa ?

(b) What measures do Government propose to take to exploit the natural advantages for manufacturing salt in Orissa ?

(c) What is the annual share of the Government of Bihar and Orissa towards additional salt duty ?

(d) Will Government be pleased to state the difficulties experienced, if any, by the Government of Bihar and Orissa to develop salt manufacture in Orissa coastal districts ?

(e) What is the share of the Bihar and Orissa province this year in additional salt duty, and when is the Bihar and Orissa Government likely to receive the amount from the Government of India ?

The Honourable Sir James Grigg : (a), (b) and (d). The required information is being obtained and will be laid on the table in due course.

(c) The share of the Government of Bihar and Orissa in the additional import duty in the last three years was :

	Rs.
1931-32	2,83,500
1932-33	3,19,200
1933-34	1,11,900

(e) It is not possible to say at present what the Local Government's share will be for the current year. Distribution is normally made at the end of each half year.

Mr. Sitakanta Mahapatra : May I know from the Honourable Member as to how it is that while as far back as the 20th April, 1934, the Honourable Member's predecessor, Sir George Schuster, replied to my question No. 786, thus :

"The information is being obtained, and will be laid on the table in due course."

and the Honourable Member is even now giving the same answer to a similar question ?

The Honourable Sir James Grigg : I am sorry I did not hear the Honourable Member's question. It had something to do with my predecessor, but beyond that I did not get.

Mr. Sitakanta Mahapatra : Sir, on the 20th April, 1934, I put a question, No. 786, to which Sir George Schuster replied :

"The information is being obtained, and will be laid on the table in due course",

Now, that reply was exactly the same as the Honourable Member gives today !

The Honourable Sir James Grigg : I am glad that in this matter at any rate there is complete concurrence between myself and my predecessor. (Laughter.)

INSPECTION OF INCOME-TAX ASSESSMENT FILES BY THE ASSESSEES.

981. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state whether they propose to embody instructions in the Income-tax Manual permitting the assessee free inspection of their own assessment file, similar to those issued regarding the supply of copies of assessment orders ?

(b) Is it a fact that petitions as distinguished from requests by assesseees to inspect their own assessment files have always been bluntly rejected in Bihar and Orissa ?

(c) Are not notices, intimating dates of hearing, sent to the parties by the Civil Courts in addition to the practice of hanging up the daily cause list ? If so, why is this facility denied to the Income-tax payers ?

(d) Are Government aware that the withholding of the daily cause list often causes serious inconvenience to the assesseees and at times results in summary assessment ?

(e) Has the attention of Government been drawn to such abuse of power in Bihar and Orissa as has been exposed in two recent decisions of the Nagpur Income-tax Commissioner's Court, repeated in A. I. R. 34 Nagpur, pages 175 and 183 ? If so, how do Government propose to stop such abuse of power ?

(f) Will Government please state if there is any form prescribed under Rule 21 for appeal against order under section 25 (a) and appeal under section 55 (a) ?

The Honourable Sir James Grigg : The information is being obtained and will be laid on the table in due course. (Laughter.)

COOLIES WORKING IN TEA GARDENS AT CERTAIN PLACES.

982. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state the number of coolies working in the tea gardens of (i) Assam, (ii) Dooars, (iii) Darjeeling including Terai, (iv) Tipperah, and (v) Southern India ?

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(b) What is the number of coolies in these tea gardens from the districts of Ganjam, Vizagapatam, Orissa, including Feudatory States, Singhbhum and Santal Purgannahs ?

(c) Are there any clerks, supervisors, doctors and teachers in the tea gardens coming from the districts whence the coolies are recruited ?

(d) What is the number of the children of school-going age of the workers in the tea gardens and what percentage of those children are given primary and secondary education in the tea gardens or in the tea districts ? If any of them is given secondary education, do the tea gardens, where such a boy is educated, give any employment to him befitting his education ?

(e) Is it a fact that education imparted to the children of the coolies from Orissa in the tea gardens in Assam, is in Assamese language ?

(f) Is it a fact that a boy of a cooly from Orissa, educated in Assamese language, finds himself a stranger and illiterate amidst his own people on his return to Orissa ? If so, do Government propose to take any steps to remedy this evil ?

(g) Is it a fact that the tea planters, with the help of the Assam Government, are attempting to Assamize the Oriya labourers by giving them Assamese education ?

(h) Are Government aware that there is a set of rules maintained by the planters of Assam, known as the "Labour Rules", guiding the procedure for planters with regard to wages and civil contracts, restricting one planter from paying higher wages than the rest of his neighbouring gardens, to keep down higher rate of wage ?

(i) Will Government be pleased to lay a copy of such rules on the table ?

(j) Is it a fact that the tea gardens prefer recruiting coolies in families to single male adults, however strong they may be ? If so, what is the reason ?

(k) Do Government propose to enforce the planters to appoint in the tea gardens clerks, doctors, and supervisors, from the district of the coolies, so that the coolies could talk to one of the officials at least in a tea garden in his own language while seeking redress on any difficulty or need ?

(l) Do Government contemplate engaging Indian Labour Inspectors in the tea districts to inspect the labour conditions, instead of the Commissioners and Deputy Commissioners of the tea districts, and to recruit such Indian officers only from the recruiting districts of the coolies to enable them better to understand their needs and difficulties and to suggest to the Government of the province from which the coolies are recruited, measures for their improvement ? If not, why not ?

• **The Honourable Sir Frank Noyce :** With your permission, Sir, I will deal with questions Nos. 982 to 985 together.

I have called for certain information from the Controller of Emigrant Labour and will lay a reply on the table of the House in due course.

FEE CHARGED FOR EACH COOLY RECRUITED TO THE ASSAM TEA GARDENS.

† 983. ***Mr. Sitakanta Mahapatra :** (a) What fee do Government charge for each cooly recruited to the Assam tea gardens ?

(b) Is it a fact that the cost of recruitment is recovered from the wages of the cooly in the tea garden of Assam and, before such time as he has not paid back the amount, he cannot leave the tea garden ?

MONETARY VALUE OF THE PROPERTIES ACQUIRED BY THE ORIYA COOLIES IN ASSAM.

† 984. ***Mr. Sitakanta Mahapatra :** (a) What is the monetary value of the properties acquired by the coolies in Assam from Orissa who have stayed there for more than ten years ?

(b) Do the Oriya coolies in the tea gardens ever send money to their homes and relations in the province from which they are recruited through the Post Office ? If so, what amount was sent by them since 1930 ?

(c) Are Government aware that coolies in the tea gardens are not given railway fare to go back to their country after any number of years of work in the garden, if the cooly desired to return to his province ?

RECRUITMENT OF COOLIES IN TEA GARDENS.

† 985. ***Mr. Sitakanta Mahapatra :** (a) Do Government propose to take steps so that the tea gardeners may recruit, along with coolies, such men as may be teachers to the coolies in their own language ?

(b) Are Government aware that if an intending worker, seeking to go to the tea gardens, looks a bit smart and intelligent, he is not recruited by the Agent for the tea gardens ? If so, what is the reason ?

(c) Are Government aware that only aboriginals are judged fit by the tea planters for recruitment to the tea gardens as workers ?

PERCENTAGE OF DEATHS OF COOLIES IN THE TEA GARDENS OF ASSAM.

986. ***Mr. Sitakanta Mahapatra :** What is the percentage of deaths of coolies in the tea gardens of Assam during the last year in comparison with the death rate in the Madras jails ?

The Honourable Sir Frank Noyce : The death rate per *mille* among the labour population in the tea gardens of Assam during the year ending the 30th June, 1933, was 20.49. The death rate in the Madras Jails during 1932 was 7.25. In case, however, the Honourable Member would prefer to compare like with like, I would point out that the general death rate during 1932 was 18.96 in Assam, 21.96 in Madras, and 20.6 in Bihar and Orissa, the Province from which my Honourable friend comes.

Mr. F. W. Hockenhull : Is it not a fact, Sir, that Tea Gardens render a monthly return of vital statistics ; that these are periodically checked by Government officers on the spot at their inspections ; and that the greater reliability of these returns will account for the disparity between the Tea Garden and Provincial death rates ?

• †For answer to this question, see answer to question No. 982.

The Honourable Sir Frank Noyce : I am quite prepared, Sir, to take that from my Honourable friend. From my knowledge of the Tea Gardens, I should say that the registration of births and deaths on those gardens is more accurate than of those throughout the Province generally.

PRINTING OF THE REPORT OF THE ROYAL COMMISSION ON LABOUR IN
IMPORTANT VERNACULARS.

987. ***Mr. Sitakanta Mahapatra :** Are Government prepared to print the report of the Royal Labour Commission in the important vernaculars of the country to give the benefit of its existence to the workers in India as most of them do not know English ? If not, why not ?

The Honourable Sir Frank Noyce : No. A similar suggestion was considered in 1931, at the time of the publication of the Report, and Government did not find it possible to accept it. The expense of publishing the report in several vernacular languages would be very considerable, and the advantages of doing so would be uncertain.

CONFIRMATION OF NON-GAZETTED POSTAL STAFF.

988. ***Mr. S. C. Mitra :** Will Government be pleased to state :

- (a) the number of vacancies in each Circle and in each cadre in the Postal Department remaining vacant under orders of the Director General, Posts and Telegraphs, issued in April, 1931 ;
- (b) whether the Director General, Posts and Telegraphs, has come to any decision as regards the confirmation of lower cadres as has been done in the case of gazetted officers ;
- (c) whether the ban against confirmation has been removed in respect of other departments of the Government of India and the gazetted staff of the Postal Department ;
- (d) whether they are aware of the discontent that exists in the minds of the non-gazetted staff of the Post Offices on account of the partial treatment meted to the gazetted staff of the same department in the matter of confirmation ;
- (e) whether they propose to confirm these officials immediately, and if so, when ; and
- (f) if not, whether the lien of officiating men will be suspended under Fundamental Rule 13 so as to give them the benefit towards pension ?

The Honourable Sir Frank Noyce : (a) Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

(b) to (f). Government have ordered that in regard to services and posts for which new scales of pay have been prescribed and to services and posts for which the existing scales of pay have been announced as applicable to new entrants also, the embargo imposed on confirmation should be removed with effect from the date of publication of the new scales or the date of announcement of no change, as the case may be.

Accordingly, the ban against confirmation has been removed in respect of those Departments of the Government of India with regard to such services and posts for which the new scales of pay have been announced. The ban against confirmation regarding the gazetted staff of the Postal Department has been removed for the same reason. Government recognise that the delay in the removal of the ban on confirmation in the case of a non-gazetted staff may, in some cases, result in a certain amount of loss. The question of the introduction of new scales of pay for the non-gazetted staff of the Posts and Telegraphs Department is under consideration and it is hoped to announce these scales of pay in the near future. The question of the removal of the ban against confirmation will be decided as soon as possible after the announcement of the new scales of pay. Government regret that they cannot accept the suggestion made by the Honourable Member in part (f) of the question.

INVESTIGATING INSPECTORS IN THE POSTMASTER GENERAL'S OFFICE, BOMBAY.

989. ***Mr. S. C. Mitra :** Will Government be pleased to state :

- (a) how long the present Investigating Inspectors, attached to the Postmaster General's Office at Bombay, have been working in their present appointments and whether they are not overdue for transfers ;
- (b) whether only in March 1934 several transfers of Sub-Divisional Inspectors were effected in that circle ; and
- (c) whether the retention of the present Investigating Inspectors is indispensable, and if so, the reasons thereof ?

The Honourable Sir Frank Noyce : (a) to (c). Government have no information. I may, however, inform the Honourable Member that, on account of the existing financial stringency, the orders which normally prescribe the intervals for transfers have temporarily been held in suspense, and transfers are being made only in those cases in which they are considered by the Head of the Circle to be specially desirable.

COMMUNAL REPRESENTATION IN PUBLIC SERVICES.

990. ***Mr. S. C. Mitra :** Will Government be pleased to state whether their orders regarding communal representation in public services and their restricted application to direct recruitment only and not to promotions, have been communicated to the Postal Department ?

The Honourable Sir Frank Noyce : Yes.

ASSISTANT STATION MASTERS SENT FOR REFRESHER COURSE TO CHANDAUSI.

991. ***Lala Rameshwar Prasad Bagla :** (a) Is it a fact that the old Assistant Station Masters are sent for Refresher Course to Chandausi ?

(b) Is it also a fact that they are required to receive training and to pass in more than half a dozen subjects in 21 days ?

(c) Will Government kindly state the necessity of introducing this system and whether it has actually increased the efficiency of even the old Assistant Station Masters ?

(d) Are Government aware that this is causing much inconvenience to the Assistant Station Masters of advanced age ?

(e) Are Government aware that many of the old Assistant Station Masters are not so well versed in English as to learn the course in English and pass the examination ?

(f) Will Government kindly state the monthly expenditure that they have been incurring on the Chandausi School ?

(g) Will Government kindly state the percentage of successful candidates at the last examination of the Chandausi institution ?

(h) Will Government be pleased to state whether the Assistant Station Masters had to receive any training and pass any examination before their appointment as such ? If so, what were the subjects taught in that training and why even after that examination they are now again required to pass the Refresher Course ?

(i) What is the fate of those Assistant Station Masters who fail in both the attempts ?

(j) Are Government prepared to exempt the Assistant Station Masters of advanced age from the examination if they feel the necessity of retaining the Refresher Course ?

Mr. P. R. Rau : I have called for certain information and will lay a reply on the table of the House in due course.

TENDERS FOR THE SUPPLY OF FOOD TO PILGRIMS ON PILGRIM SHIPS.

992. *Khan Sahib Shaikh Fazal Haq Piracha : (a) Will Government please state if they are aware that Messrs. Turner Morrison and Company, Limited, had given away to a contractor the contract of food supply to the pilgrims on pilgrim ships to Hedjaz in the last pilgrim season ?

(b) Is it a fact that the said contractor is a relation of a director of the said shipping company ?

(c) Will Government be pleased to state the rates of the accepted tender by the Company for supply of food to the pilgrims ?

(d) How many tenders in all were received by the shipping company for supply of food ?

(e) Will Government be pleased to state the names of the persons or companies who gave tenders, with the rates offered in the tenders ?

(f) Is it a fact that Abdul Sattar, Adamji, Jetporwala, 191, Furniture Bazar, Bombay, gave a tender to the shipping company with the following rates, of supply of food, but the tender was not accepted ?

Return Journey from Bombay, Rs. 16, A Class.
Return Journey from Bombay Rs. 8, B Class.
Return Journey from Karachi, Rs. 14, A Class.
Return Journey from Karachi, Rs. 7, B Class.
Return Journey from Calcutta, Rs. 26, A Class.
Return Journey from Calcutta, Rs. 13, B Class.

(g) Is it a fact that the company accepted a tender, with a much higher rate, viz., as follows ?

Return Journey from Bombay, Rs. 24, A Class.

Return Journey from Bombay, Rs. 16, B Class.

Return Journey from Karachi, Rs. 18, A Class.

Return Journey from Karachi, Rs. 12, B Class.

Return Journey from Calcutta, Rs. 34, A Class.

Return Journey from Calcutta, Rs. 24, B Class.

(h) Will Government be pleased to state the circumstances due to which tender with higher rates was accepted by the Company in the presence of a tenderer offering much lower rates ?

(i) Do Government propose to see that the pilgrims in future do not pay more for their food when they can get it cheaper ?

(j) Did Government receive any information of the Hajee's troubles during the last pilgrim seasons, and have Government considered how to remedy them ?

Mr. G. S. Bajpai : (a), (b) and (d) to (j). I would refer the Honourable Member to the answer given to Dr. Ziauddin Ahmad's starred question No. 61 on the 18th July, 1934, and connected supplementaries.

(c) A statement is laid on the table.

Statement.

Port of departure.	Scale of food.	Food charges for single journey.		Food charges for journey both ways.	
		Per pilgrim of the age of ten years and over.	Per child under ten years of age.	Per pilgrim of the age of ten years and over.	Per child under ten years of age.
		Rs.	Rs.	Rs.	Rs.
Bombay ..	" A " Scale ..	12	6	24	12
	" B " Scale ..	8	4	16	8
Karachi ..	" A " Scale ..	9	4½	18	9
	" B " Scale ..	6	3	12	6
Calcutta ..	" A " Scale ..	17	8½	34	17
	" B " Scale ..	12	6	24	12

APPOINTMENT OF MUSLIMS IN THE CUSTOMS DEPARTMENT, BOMBAY.

993. *Khan Sahib Shaikh Fazal Haq Piracha : (a) Will Government be pleased to state if their resolution regarding the reservation of 25 per cent. of the services for the Muslims, applies to the Customs Department as well ?

(b) Is it a fact that nine posts were recently to be filled, in the new Customs House, Bombay, one of an appraiser and eight of examining officers ?

(c) Will Government be pleased to state whether these vacancies were advertised or not ? If so, in which papers, and if not, why not ?

(d) Is it a fact that certain Muslims applied for the posts, nine out of which were graduates, but none was given an appointment ?

(e) Will Government be pleased to state whether it is a fact that the officiating Collector of Customs appointed a matriculate Parsee in the post of an appraiser, ignoring the graduate candidates ?

(f) Is it a fact that the said nine posts were filled as follows :

Four by Hindus, one by a Parsee, and one by a Christian ?

(g) Is it a fact that in the new Customs House, Bombay, thirty posts of appraisers and thirty posts of examining officers are held by various communities in the following order ?

	Muslims.	Hindus.	Christians.
Appraisers	3	8	7
Examining officers ..	5	6	11
	Europeans.	Parsees.	
Appraisers	3	9	
Examining officers ..	..	8	

(h) Do Government propose to interfere in the recent appointments made by the Collector of Customs, New Customs House, Bombay, and give the Muslims their due share of appointments ?

The Honourable Sir James Grigg : (a) Yes, but the Honourable Member's attention is specially drawn to paragraphs 6 and 9(3), which make it clear that on account of the special technical qualifications required in the Appraising Department, that Department has been excluded from the operation of the rules.

(b) The number of additional posts to be filled was three Appraisers and six Examining Officers.

(c) and (h). The Honourable Member is referred to the answers given yesterday to parts (b) and (g) of Maulvi Sayyid Murtuza Saheb Bahadur's starred question No. 948.

(d) Two Muslim graduates were appointed to vacancies in the grade of Candidate Examining Officer.

(e) Yes, but the Parsi candidate appointed as an Appraiser possessed special technical qualifications and experience of the kind required for an Appraiser's post.

(f) and (g). The facts are not as stated by the Honourable Member. A statement showing the correct position is laid on the table.

(a) Statement showing how 3 posts of Appraisers and 7 posts of Examining Officers, including one vacancy created by the promotion of one Hindu Examining Officer to the post of Appraiser, were filled up at the Bombay Custom House.

3 Appraisers	1 Hindu. 1 Parsi. 1 Indian Christian.
7 Examining Officers ..	by promoting 7 Candidate Examining Officers.
7 Candidate Examining Officers ..	3 Hindus. 2 Muslims. 1 Parsi. 1 Indian Christian.

(b) Statement showing the present strength of Appraisers, Examining Officers and Candidate Examining Officers including recent appointments at the Bombay Custom House.

	Muslims.	Hindus.	Indian Christians.	Europeans, and Anglo-Indians.	Parsees.	Jews.	Total.
Appraisers	3	9	8	3	10	..	33
Examining Officers ..	5	16	4	1	10	2	38
Candidate Examining Officers	2	3	1	..	1	..	7

Seth Haji Abdoola Haroon : May I ask, Sir, what sort of qualification is required for the appointment of Examiners and Appraisers in the Customs Department ?

The Honourable Sir James Grigg : I could not answer that question off-hand.

Seth Haji Abdoola Haroon : Is it not a fact that, because of some influence from here and there, the Muslim candidates are always rejected from entering into this Service on the general plea that they are not qualified enough ? I want the Government to make it clear what sort of minimum qualification is required for the appointment to the posts of Appraisers and Examiners ?

The Honourable Sir James Grigg : I will consider that matter. The difficulty is that different conditions prevail at different ports.

Mr. M. Maswood Ahmad : May I ask how many posts are to be filled in the office of the Collector of the Customs Department ?

The Honourable Sir James Grigg : My answer was " Two Muslim graduates were appointed to vacancies in the grade of Candidate Examining Officer ".

Seth Haji Abdoola Haroon : I saw the Collector of Customs in this connection, and he mentioned to me certain qualifications, such as, the

examining of goods. I told him that, in Karachi and Bombay, there are plenty of Muslims belonging to the mercantile community who will be quite suitable for these appointments, but he did not listen to our request, and thus the authorities are not carrying out the terms of the Resolution of the Government of India. Will the Honourable Member kindly see to it and inform the local authorities that whenever any vacancies occur, they must consult the local mercantile community before filling them?

The Honourable Sir James Grigg : I have already said in the first part of my answer that this is a special Department and it requires special technical qualifications, and, therefore, the Resolution of the Government of India does not apply to it. So, it would come to this that the best qualified man must be appointed to the post. Sometimes the best qualified candidate happens to be a Muslim, and, as I said, two Muslim graduates have actually been appointed.

Seth Haji Abdoola Haroon : May I ask, Sir, if the vacancies in the Customs Department are advertised?

The Honourable Sir James Grigg : That point was dealt with in an answer which I gave yesterday. I said :

“The vacancies are not advertised, but a register of selected applicants is maintained in the Customs House, and there were 114 names at the end of July on the Appraising Department register. In addition, 300 applications were received from all parts of India, and, out of these, 30 were selected for interview on the 3rd August, 1934.”

Maulvi Muhammad Shafee Daoodi : I hope the Government will see our difficulty. If the minimum qualification required for the filling of the post is advertised, we will be able to put forward candidates.

The Honourable Sir James Grigg : The fact that we have received over 300 new applications is proof enough that the vacancies are sufficiently known.

Maulvi Muhammad Shafee Daoodi : But Government should take only those candidates who are sufficiently qualified and should not take only those who are in contact with the Department or because they are the relations of some persons who are already in the Department?

The Honourable Sir James Grigg : I am sorry, but I cannot hear the Honourable Member because of the activities of the Railway Board outside. (Laughter.)

Seth Haji Abdoola Haroon : Is the Honourable Member aware that the registration in the Customs Department depends on the will of the Collector of Customs or his head clerk? In fact, without the permission of the head clerk, nobody can get himself registered.

The Honourable Sir James Grigg : Is it the accusation or the suggestion of the Honourable Member that nobody can get a job in the office of the Collector of Customs without the goodwill of the Collector of Customs?

Seth Haji Abdoola Haroon : Yes.

The Honourable Sir James Grigg : That is an obvious conclusion to be drawn from what I have said, but it does not necessarily mean that there is anything improper in it.

Sir Abdul Rahim : The Honourable Member has just said that the best qualified men are taken in the Department and that the qualifications required are of a technical nature. I should like to know if the Honourable Member can tell us whether there is a competitive examination by which it is ascertained who are the best qualified men?

The Honourable Sir James Grigg : No, Sir. There is an interview conducted by the Collector of Customs.

Sir Abdur Rahim : Does not the Honourable Member think that if as a matter of fact, the best qualified men are required, then there should be a competitive examination to find out who are the best candidates?

The Honourable Sir James Grigg : I certainly would not admit that, but I will consider this matter much more carefully later than I can do at the moment. As far as I know at the moment, the actual selection has proved satisfactory, and there is no lack of qualified candidates.

Sir Abdur Rahim : Does not the Honourable Member realise that if it is left to the will of the head of the Department to decide as to who are the best qualified men, then questions that have been raised here on the floor of the House are likely to arise, and there will be a good deal of suspicion that selections may not be free from some sort of favouritism.

The Honourable Sir James Grigg : I agree with the Honourable Member that that is an inevitable drawback of any selection system, but whether in this particular case a competitive system may not create equal difficulties or even greater difficulties in other directions is a matter to be weighed against the disadvantages of selection.

Sir Abdur Rahim : Even if it is desirable in the opinion of the Honourable Member that selection should be made by some officer without the test of a competitive examination, I suggest to the Honourable Member for his consideration whether it would not be better to leave the selection in the hands of the Public Service Commission or some similar body?

The Honourable Sir James Grigg : I will consider that point without making any attempt to anticipate final conclusions.

Mr. Gaya Prasad Singh : Will Government kindly consider seriously the suggestion made by the Leader of the Opposition, namely, that a competitive examination should be held to test the ability of candidates, not only for appointments in the Customs Department, but in other Departments of the Government of India?

Mr. President (The Honourable Sir Shammukham Chetty) : That question does not arise out of the present one.

Mr. Lalchand Navalrai : At present there is an unrestricted discretion with the Collector of Customs. Does the Honourable Member know that the Collector has appointed matriculates in preference to graduates?

The Honourable Sir James Grigg : There was one particular case, and I have already referred to it in the answer which I have just given. I may repeat that answer :

“(c) Yes, but the Parsi candidate appointed as an Appraiser possessed special technical qualifications and experience of the kind required for an appraiser's post.”

Apart from that, what I would say to the Honourable Member is that one swallow does not make a summer.

Mr. Lalchand Navalrai : Will the Honourable Member take it from me that in Karachi something like that has happened, and may I request the Honourable Member that, with a view to removing these grievances, will it not be better if actual qualifications are laid down and examination conducted through the Public Service Commission ?

The Honourable Sir James Grigg : Two suggestions have been made, the one is for a competitive examination and the other is selection through the Public Service Commission. I have already undertaken, in reply to a question by the Leader of the Opposition, to consider the question of selection by the Public Service Commission, and, naturally, I should consider the question of competitive examination also, but I can see great difficulty in the question of examination.

Dr. Ziauddin Ahmad : There is a standing grievance that the applicants from the up-country are not given a chance for appointment as customs officers, because they are not known to the Collector of Customs, and the applicants who are near about the place where the selection is made are well known to the Collector of Customs, and thus they have a very great advantage over the up-country applicants. Will the Honourable Member rectify this defect ?

The Honourable Sir James Grigg : I have myself investigated this question of selection of candidates from the up-country parts, and it is not the case that no up-country people are appointed. On the whole, I am satisfied that up-country candidates get a fair consideration.

†994*—995*.

PERMISSION GIVEN TO THE ELECTRICAL ENGINEER, PUSA RESEARCH INSTITUTE,
TO RUN A CINEMA.

996. *Maulvi Muhammad Shafee Daoodi : (a) Is it a fact that permission was given to the Electrical Engineer, Pusa Agricultural Research Institute, some months ago to run a cinema on the Pusa Estate, that the current used was from the Government supply, and that the whole staff of the Power House was busy with the cinema performances ?

(b) Will Government be pleased to state whether the current was metered, what amount was paid to Government for the use of this current, in whose name the cinema was run, and whether the permission of the Government of India was obtained as also that of the Electrical Department of the Government of Bihar and Orissa ?

(c) Do Government permit their officers like the Electrical Engineer, to indulge in private profit making enterprises, like running cinema shows, manufacturing soda water, etc. ? Are Government aware that such things usually lead to abuse of position and abuse of Government materials ?

(d) Will Government be pleased to state whether the Electrical Engineer has running water-supply in his house, a luxury which even the Director of the Institute does not have, whether he is charged for the water he uses and, whether the water is pumped into the reservoir using electric current ?

†These questions were withdrawn by the questioner.

(e) Are Government aware that the primary purpose of this reservoir has now become merely the supply of water to the Engineer, whatever the paper reason for it may be ?

Mr. G. S. Bajpai : With your permission, I shall answer question Nos. 996 and 997 together.

The information has been called for and will be supplied in due course.

RETRENCHMENT OF STAFF IN THE PUSA RESEARCH INSTITUTE.

†997. *Maulvi Muhammad Shafee Daoodi : Will Government be pleased to state the number of staff retrenched from the various research sections of the Pusa Institute in 1931, following the recommendations of the Retrenchment Committee, both superior and menial and the staff retrenched from the Power House ?

PROMOTION AND SENIORITY OF THE TRAVELLING TICKET EXAMINERS AND
INSPECTORS ON THE NORTH WESTERN AND EAST INDIAN RAILWAYS.

998. *Mr. S. G. Jog : Will Government please state the policy and procedure of promotion and seniority of the Travelling Ticket Examiners and Travelling Ticket Inspectors of the Accounts and Audit Department now transferred to the Operating Department of the North Western and East Indian Railways, respectively ?

Mr. P. R. Rau : I am not sure whether my Honourable friend is referring to their seniority *inter se* or with regard to other staff. If the former, the position could not have been altered by the control over them being transferred to the Traffic Department. If the latter, I cannot answer the question till he informs me what other staff he is comparing them with.

GRANT OF PASSES TO THE TRAVELLING TICKET EXAMINERS AND INSPECTORS
ON THE NORTH WESTERN AND EAST INDIAN RAILWAYS.

999. *Mr. S. G. Jog : (a) Will Government please state the policy and procedure for the grant of duty and privilege passes to the Travelling Ticket Examiners (under the Mody-Ward Scheme) of the North Western and East Indian Railways, respectively ?

(b) Will Government please state the policy and procedure in force regarding the grant of duty passes to the Travelling Ticket Inspectors under the Accounts and Audit Department on the East Indian Railway ?

(c) Will Government please state the distinction in the policy and procedure for the grant of duty passes to the Travelling Ticket Inspectors on the North Western and East Indian Railways under the Accounts and Audit Department and the Operating Department, respectively ?

Mr. P. R. Rau : I am obtaining information in regard to the East Indian Railway and will lay on the table of the House the particulars required regarding that railway. As regards the North Western Railway :

(a) The scheme recommended by the Moody-Ward Committee was not adopted over that line ;

†For answer to this question, see answer to question No. 996.

- (c) The rules governing the issue of duty passes to Travelling Ticket Inspectors who, prior to 1st June, 1931, were under the Audit Department, and, thereafter, under the Commercial Branch, are the same as for Special Ticket Examiners now employed under the Commercial Branch. No Special Ticket Examiners are under the Operating Branch.

Mr. H. P. Mody : Is it the Mody-Ward scheme as stated in the question ?

Mr. P. R. Rau : In my answer I have given the correct spelling, Moody.

PROMOTION OF STAFF OF THE OLD OUDH AND ROHILKUND RAILWAY.

1000. ***Mr. S. G. Jog :** (a) Will Government please state the policy and procedure for filling of the sanctioned posts on the Oudh and Rohilkund Section of the East Indian Railway ?

(b) Will Government please state the policy and procedure for promotion of the staff of the old Oudh and Rohilkund Railway ?

Mr. P. R. Rau : (a) and (b). Recruitment of subordinate staff on all sections of the East Indian Railway is generally made in accordance with the "Rules for the recruitment and training of subordinate staff on State-managed Railways", a copy of which is in the Library of the House. Promotions are made according to seniority and merit. I would invite the Honourable Member's attention to the information laid on the table of the House on the 12th December, 1933, in reply to Mr. Bower's starred question No. 1017.

POST OF THE ASSISTANT MASTER GENERAL OF ORDNANCE.

1001. ***Mr. S. G. Jog :** With reference to the answer to Mr. Bhuput Singh's starred question No. 104 of the 19th July, 1934, wherein it had been stated by the Army Secretary that the appointment of an Assistant Master General of Ordnance at Army Headquarters is quite a recent one, are Government aware that in reply to my starred question No. 672 of the 10th April, 1934, it had been stated that the post in question was not a new one ? If so, will Government please state which is the correct answer ?

Lieut.-Colonel A. F. R. Lumby : Both replies are correct in their context. The title of Assistant Master General of the Ordnance is new, but the appointment is an old one which was formerly designated Assistant Director of Technical Organisation.

INTERNATIONAL INSTITUTE OF AGRICULTURE, ROME.

1002. ***Mr. B. V. Jadhav :** (a) With reference to the International Institute of Agriculture, Rome, will Government be pleased to state :

- (i) the names of representatives of India on the Institute since its foundation ;
- (ii) what financial contributions have been made by India to the Institute since its foundation ; and what percentages they formed of the total contributions made by different countries ; and

(iii) if any Indian held any office in the Institute, paid or otherwise ?

(b) Does the Institute award any scholarship for research ?

(c) If the answer to part (b) be in the affirmative, has any Indian been awarded any such scholarship ?

(d) Does the Institute allow any one to work in the Institute in connection with advanced studies ?

(e) If the answer to part (d) be in the affirmative, has any Indian been given such facilities ?

(f) If the answer to part (e) be in the negative, are Government prepared to see that Indians are given such facilities ?

(g) Has India ever been represented by a non-official expert on the Institute ? If not, why not ?

(h) Are Government prepared to see that Indians are given facilities for carrying on research work, and also financial assistance, by the Institute ?

Mr. G. S. Bajpai : The information is being collected and will be supplied in due course.

SUB-LETTING OF ICE AND AERATED WATER CONTRACT ON CERTAIN SECTIONS OF THE NORTH WESTERN RAILWAY.

1003. ***Seth Liladhar Chaudhury :** (a) Is it a fact that the ice and aerated water contractors of the Northern and Southern Sections of the North Western Railway, have sold the out-stations to their sub-agents ? Are Government aware that this has caused great inconvenience to the travelling public on account of the poor quality of supplies ? Are Government aware that this is against the Railway rules ? If so, why have these sub-agencies been made ?

(b) Do Government propose to stop the sub-letting of such contracts to avoid inconvenience to the public who are directly hit ?

Mr. P. R. Rau : (a) and (b). The Agent, North Western Railway, states that he is not aware of the contractors having sub-let their contracts. Such sub-letting is not permitted under the rules.

STAFF IN THE CUSTOMS DEPARTMENT OF THE MADRAS PRESIDENCY.

1004. ***Maulvi Sayyid Murtuza Saheb Bahadur :** Will Government be pleased to state the total number of :

- (i) gazetted officers in the Imperial Customs Service in the Madras Presidency,
- (ii) departmental heads in the non-gazetted ranks thereof,
- (iii) deputy superintendents of the departments,
- (iv) permanently employed appraisers,
- (v) assistant inspectors,
- (vi) upper division clerks,
- and the number of Muslims under the respective divisions ?

The Honourable Sir James Grigg : I place on the table a statement which gives the required information.

		Statement.	Total Number.	Muslim.
(i)	..	..	4	....
(ii)	..	..	4	....
(iii)	..	..	5	....
(iv)	..	..	12	....
(v)	..	..	16	....
(vi)	..	..	19	....

COMMUNAL COMPOSITION OF STENOGRAPHERS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

1005. *Maulvi Sayyid Murtuza Saheb Bahadur : Will Government please state the number of stenographers, community-wise, working, either permanently or temporarily in the :

- (i) Home Department ;
- (ii) Finance Department ;
- (iii) Commerce Department ;
- (iv) Industries and Labour Department ;
- (v) Education, Health and Lands Department ;
- (vi) Foreign and Political Department ;
- (vii) Legislative Department ;
- (viii) Legislative Assembly Department ;
- (ix) Army Department ; and
- (x) Agricultural Research Council ?

The Honourable Sir Henry Craik : I lay on the table a statement which gives the necessary information.

Statement showing the number of Stenographers employed in certain Departments of the Government of India and the community to which they belong.

Name of Department.	Hindus.	Muslims.	Sikhs.	Europeans and Anglo-Indians.	Indian Christians.	Parsis.
Home	3	1*	1†	2	..	..
Finance	7	..	1†	..	..	..
Commerce	6	..	..	..	..	..
Industries and Labour	5‡	2	..	..	..	..
Education, Health and Lands.	4‡	1	..	..	..	1
Foreign and Political..	6§	1	..	1	..	..
Legislative	2	..	..	..	..	..
Legislative Assembly	2	..	..	..	..	..
Army	..	1	..	2	..	..
Imperial Council of Agricultural Research.	2	1	1	..	..	..

* On deputation. † Vice the Stenographer on deputation. ‡ One temporary. § Two temporary.

IMPOSITION OF FINES ON THE STAFF ON THE EAST INDIAN RAILWAY.

1006. *Sardar G. N. Mujumdar : With reference to the statement laid on the table of this House on the 18th July, 1934, in reply to question No. 531 of the 19th March, 1934, relating to the imposition of fines on the staff on the East Indian Railway, will Government please state the offences punishable by fines and the amount of fine leviable for each offences ?

Mr. P. R. Rau : The punishment depends on the circumstances of each case. Government have not laid down, nor are they prepared to lay down, any scale.

POSTS OF CONTROLLERS SANCTIONED ON THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

1007. *Sardar G. N. Mujumdar : Is it a fact that only three posts of Controllers (Rs. 310—10—350) are sanctioned for the Moradabad Division, East Indian Railway ? If not, how many are sanctioned ?

Mr. P. R. Rau : The information given by the Honourable Member in the first part of the question is correct according to the classified list corrected up to September, 1933.

AGE-LIMIT FOR RECRUITMENT OF EXECUTIVE OFFICERS OF CANTONMENTS.

1008. *Rai Sahib Badri Lal Rastogi : (a) Is there any age-limit prescribed for appointment of Executive Officers, Class II, under the present rules of recruitment to this service ?

(b) Have Government stopped recruitment for the posts of Executive Officers, Class II, pending re-organisation of the Cantonments Department ? If so, are Government aware that it would debar many officers from entering this service from the Army, who are now eligible for appointment so far as age-limit is concerned and would be ineligible hereafter if the re-organisation of the Department takes time ?

(c) Will the Indian officers and the officers of the Indian Territorial Force remain eligible for employment to the Cantonments Department under the new scheme as well ?

(d) Do Government propose to frame rules that the officers who are now eligible for appointment are not debarred from entering this service due to age-limit when recruitment under the new scheme opens ?

Lieut.-Colonel A. F. R. Lumby : (a) The limit is 35 years.

(b) The answer to the first question is in the negative. Officers are recruited as and when vacancies occur. One officer was appointed Executive Officer, Class II, as recently as May, 1934, and another has recently been placed under training and will be appointed in January, 1935. The second question, therefore, does not arise.

(c) and (d). The scheme is still under consideration, and, I am, therefore, unable to give a definite answer, except as regards the extension of the age-limit. This, I fear, will not be possible.

AMOUNT GIVEN TO INDIGO PLANTERS IN BIHAR, AND TO OTHERS OUT OF THE VICEROY'S EARTHQUAKE RELIEF FUND.

1009. *Mr. Gaya Prasad Singh : (a) Will Government kindly state the number of indigo planters in Bihar, and the total amount of money

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given to them collectively out of the Viceroy's Earthquake Relief Fund, and also the number of Indian gentlemen, and the total amount of money given to them collectively out of the same fund ?

(b) What plan of relief is being pursued to assist middle-class persons in Bihar, who have suffered from the earthquake ?

The Honourable Sir Henry Craik : I must draw the attention of the Honourable Member to the fact that the Viceroy's Earthquake Relief Fund is administered by a Central Committee appointed by His Excellency the Viceroy and a Provincial Committee appointed by His Excellency the Governor of Bihar and Orissa. Control of expenditure is not in the hands either of the Government of India or the Local Government. The manner in which funds have so far been allotted is shown in the Communiqué, a newspaper copy of which I lay on the table.

Government Communiqué.

No. 40.

The following communiqué has been issued by the reconstruction department of the Viceroy's Earthquake Relief Fund :—

The following details regarding the expenditure from the Viceroy's Earthquake Relief Fund are published for the information of subscribers and of the general public. Up to the 25th of July, 1934, the allotments made by the Bihar and Orissa Committee to each of the main heads of relief were as follows :—

Charitable and rural relief, Rs. 2,72,184.
House-building grants (urban), Rs. 11,09,642.
House-building grants (rural), Rs. 15,60,250.
Relief to the Planting community, Rs. 1,27,500.
Clearance of congested municipal areas, Rs. 70,000.
Semi-permanent housing and supply of building materials, Rs. 10,90,000.
House-building grants to the middle classes, Rs. 5,90,000.
Grants other than house-buildings to middle class, professional classes, etc., Rs. 3,25,000.
Miscellaneous, Rs. 80,425.
Total Rs. 52,25,001.

Allotments of Rs. 3,00,000 for the provision of sugar mills and Rs. 2,86,650 for sand clearance grants were originally made. But as these items of expenditure were subsequently transferred to the Government of India, and to the Famine Relief Fund of the local Government respectively, they have been omitted from the statement. It must be emphasized that the allotments specified above do not represent actual expenditure, but appropriations towards the different objects on which the fund is being expended.

2. Against these allotments, the committee places in the hands of controlling and disbursing officers the sums which they require for expenditure in the near future. The following sums have been placed in the hands of controlling and disbursing officers up to July 25th, 1934. The figures are approximate.

Charitable and rural relief, Rs. 2,68,000.
House-building grants (urban), Rs. 10,06,000.
House-building grants (rural), Rs. 14,95,000.
Relief to the Planting community, Rs. 1,27,000.
Clearance of congested municipal areas, Rs. 70,000.
Semi-permanent housing, and supply of building materials, Rs. 7,81,000.
House-building grants to the middle classes, Rs. 1,92,000.
Grants, other than house-building, to middle classes, professional classes, etc., Rs. 60,000.
Miscellaneous, Rs. 59,000.
Total Rs. 40,58,000.

Mr. M. Maswood Ahmad : Will Government please state whether the Committee is under the control of the Local Government or under the control of the Central Government or whether there is no control over that Committee ?

The Honourable Sir Henry Craik : I understand the Committee is an independent body, not subject to the control of either the Local Government or the Central Government.

Maulvi Muhammad Shafee Daoodi : Will Government kindly take into consideration the desirability of having the work of the local Committee supervised by the Central Committee, so that the distribution of the money.....

Mr. President (The Honourable Sir Shanmukham Chetty) : But the Government have no control over the Central Committee either.

Mr. Gaya Prasad Singh : Is it not a fact that this question of giving grants out of the Viceroy's Earthquake Relief Fund has been referred to in the Budget speeches of the then Finance Member and also of the Finance Secretary ?

The Honourable Sir Henry Craik : I am afraid I do not remember that.

Mr. Gaya Prasad Singh : Government referred to the Earthquake Relief Fund of the Viceroy for relief, and, at the same time, they disclaim any responsibility for the administration of the Fund and they do not disclose the amounts given to individual persons. That is rather unfair.

Maulvi Muhammad Shafee Daoodi : Will Government advise the Committees appointed for the distribution of the fund that they should publish their schemes so that people might know what they are going to do.

The Honourable Sir Henry Craik : They have published a long communiqué stating what they have done.

Maulvi Muhammad Shafee Daoodi : But I want to know what they are going to do hereafter, because there are so many things to be done still.

The Honourable Sir Henry Craik : I will pass on that suggestion to the Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : If Honourable Members are interested in this question, they ought to address the Secretary to the Viceroy's Earthquake Relief Fund which is an independent department with which the Government of India have absolutely no concern.

Mr. Gaya Prasad Singh : But a lot of suspicion exists, and that is why we put questions here.

Seth Haji Abdoola Haroon : What about the funds of the local Committee ? Has any money been granted.....

Mr. President (The Honourable Sir Shanmukham Chetty) : But the present question relates to the Viceroy's Earthquake Relief Fund.

PROPOSAL FOR CEDING THE SETTLEMENT OF THANGASSERI TO THE TRAVANCORE STATE.

1010. *Mr. Jagan Nath Aggarwal (on behalf of Mr. K. P. Thampan) : (a) Will Government be pleased to state whether there is any proposal for ceding to the State of Travancore the settlement of Thangasseri, which formerly formed part of Malabar and now is a part of the Tinnevely District in the Madras Presidency ?

(b) Is it a fact that the Collector of Tinnevely was ordered to ascertain the wishes of the inhabitants of Thangasseri in this matter and that he has submitted his report ? If so, will the report be laid on the table ?

(c) What method did the Collector adopt to ascertain the wishes of the inhabitants and what is the opinion of the majority ?

(d) Do Government propose to give sufficient publicity to the proposal before any definite action is taken ?

Mr. H. A. F. Metcalfe : The question is under consideration, and the Government of India are unable to make any statement regarding it at present.

LLOYD BARRAGE AND CANAL CONSTRUCTION SCHEME.

1011. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state what concern they have with the Lloyd Barrage and Canal Construction system, and its administration ?

(b) Who has spent money on its construction and how much ? Has the loan been given solely by the Government of India ? If so, has any interest been paid to them on that loan ?

(c) What special precautions are Government taking to see that the Barrage proves to be a success ?

(d) Is it a fact that Government have given large tracts of land in 'Tharparkar' District and elsewhere in Sind to Europeans on easy terms by way of leases for long terms ? If so, to whom and on what terms ?

(e) Is it a fact that Government are building in Tharparkar District new railways which will facilitate these European concerns mostly ?

(f) Was any attempt made to lease out these lands to indigenous people on similar terms before they were let out to these European companies ? If so, to whom ? If not, why not ?

(g) Is it a fact that people of Mirpur Khas District were refused land on terms on which they were given to the aforesaid European companies ?

(h) Do Government propose to let out lands in Sind on easy terms by way of leases to Sind people, and advertise the same, in view of the present times of depression and want of money ? If not, why not ?

The Honourable Sir Frank Noyce : (a) and (b). The Government of India are not directly concerned with the administration of the Lloyd Barrage and Canal Construction scheme. The funds required for its construction have been advanced by the Government of India. The total amount advanced upto the 31st March, 1933, amounted to Rs. 22.76 crores including 3.93 crores on account of interest. The amount of

interest in excess of the net receipts from the project is debited to capital during the period of construction.

(c) All possible steps are being taken to accelerate the development of the Lloyd Barrage area as a revenue producing asset so that the repayment of the advance from the Government of India may be expedited. I would invite the attention of the Honourable Member to the proceedings of the Standing Finance Committee dated the 13th July, 1934.

(d), (f), (g) and (h). These are matters for the Local Government. The Government of India have no information.

(e) The attention of the Honourable Member is invited to the proceedings of the meeting of the Standing Finance Committee for Railways held on the 13th August, 1934. The railway line has been so aligned as to afford the greatest facilities to agriculturists generally.

Mr. Lalchand Navalrai : If the Government of India have nothing to do with the sale, disposal and lease of this land, and if it is in the hands of the Provincial Government, why is this Government going to incur expenditure and how will Government get the interest back without a proper sale being done and giving it to Europeans and foreigners ?

The Honourable Sir Frank Noyce : Sales of land are obviously a matter for the Local Government. The Government of India have no local knowledge, and they have no reason to believe that the Government of Bombay are not exercising their discretion properly in this matter.

Mr. Lalchand Navalrai : Will Government then have some supervision over them ?

The Honourable Sir Frank Noyce : The Government of India are not in a position to exercise detailed supervision in a matter of that kind.

Seth Haji Abdoola Haroon : Is it not a fact that the Government of India sent an expert Road Engineer to Sind to examine the road conditions and report to the Government of India ? Has that report reached the Government of India, and, if so, what action have Government taken on it ?

The Honourable Sir Frank Noyce : I cannot answer my Honourable friend's question off-hand. But I can explain that the position is that that report was drawn up by an officer whose cost was met from the Road Development Fund. His report, I think, is at the moment under the consideration of the Local Government ; and when it comes up to the Government of India, it will be placed before the Standing Advisory Committee on Roads and will be duly considered by them. I have no doubt whatever that the Government of India on their advice will be glad to give all the assistance they can in the matter.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether this line mentioned in part (e) of this question is the Jhudo-Pithoro line or some other line ?

The Honourable Sir Frank Noyce : I am sorry I have no information on that point.

Mr. Lalchand Navalrai : If the Government of India are not prepared to take any responsibility with regard to the disposal of this land, may I know if they are prepared to send these questions to the Government of Bombay to see that the lands are properly disposed of ?

The Honourable Sir Frank Noyce : I shall be very glad to pass on my Honourable friend's question to the Government of Bombay.

APPOINTMENT OF AN ASSISTANT SURGEON IN CHARGE OF PHAGLI DISPENSARY, SIMLA.

1012. ***Mr. S. G. Jog :** (a) Will Government please state if it is not a fact that about 2,500 Government employees of the Government of India with their families are residing in Phagli, Ram Nagar, Nabha Estate, Tutikundi, and Boileungunj in Simla ?

(b) Are Government aware that the dispensary in Phagli is in the charge of a sub-assistant surgeon and not adequately equipped to meet the requirements of such a large number of Government employees and their families residing in the localities referred to in part (a) above ?

(c) Are Government aware that the localities mentioned in part (a) above are too far away from the Civil and Military Dispensary ?

(d) Are Government aware that the Government employees entitled to free medical attendance cannot avail themselves of the services of the sub-assistant surgeon in charge of the Phagli Dispensary free of charge and their prescriptions from their proper medical attendants are not dispensed in this dispensary ?

(e) Is it a fact that the dispensaries at Summer Hill and Mashobra are in charge of Assistant Surgeons ?

(f) Is it not a fact that the number of Government servants with their families residing in Summer Hill and Mashobra is much less than those living in Ramnagar, Phagli, Nabha Estate, Tutikundi and Boileungunj ?

(g) If the answers to the preceding parts be in the affirmative, are Government prepared to appoint an Assistant Surgeon in charge of an adequately provided dispensary in Phagli ?

(h) Will Government please state the locality in which the two Assistant Surgeons and one Sub-Assistant Surgeon, intended for attendance on clerks of Civil Secretariat and Attached Offices and one Assistant Surgeon and one Sub-Assistant Surgeon for Army Headquarters, reside ?

Mr. G. S. Bajpai : The subject-matter of parts (a) to (h) of the Honourable Member's question has recently been considered by the Government of India on a representation received from the Imperial Secretariat Association. At Phagli, there is a populous colony of entitled employees of the Government of India, but there are colonies in other parts of Simla as well, e.g., Bharari, Chota Simla, Kasumti, and so on. To provide medical aid for their ministerial staff, the Government of India maintain no less than three Indian Medical Service Officers; one R. A. M. C. officer, one Civil Assistant Surgeon, three Military Assistant Surgeons, and two military sub-Assistant Surgeons, and one main dispensary, viz., the Civil and Military. In their own opinion, this constitutes adequate medical provision for their staff. All that can

be reasonably expected is that these officers may be within practicable reach of all these colonies. Government consider that the present residences of these officers, which are enumerated in the statement which I lay on the table, fulfil this condition. Government regret that they cannot accept the principle of one medical attendant for each colony as this would be unnecessarily expensive.

Statement.

Secretariat and Attached Offices.

<i>Medical Officers.</i>	<i>Locality of residence.</i>
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- | | |
|--|--|
| 1. The Civil Surgeon, Simla East | .. Cranagh, East. |
| 2. The Civil Surgeon, Simla West | .. Balquholly, S. W. |
| 3. The Civil Assistant Surgeon in charge of the Junior Secretariat Establishment. | Falklands near Lakkar Bazar. |
| 4. The Military Assistant Surgeon in charge of the Junior Secretariat Establishment. | Grange Ville near Lady Reading Hospital. |
| 5. The Military Sub-Assistant Surgeon, Civil and Military Dispensary. | Oakley Lodge near Ripon Hospital. |

Army Headquarters.

- | | |
|---|--------------------------------------|
| 1. The Surgeon to His Excellency the Commander-in-Chief. | United Service Club. |
| 2. The Additional Medical Officer, Army Headquarters. | Oatlands East. |
| 3. The Military Assistant Surgeon in charge of the Army Headquarters Establishment. | Archdale, Jakko. |
| 4. The Military Assistant Surgeon in Sub-Medical Charge of the Summer Hill Depot. | Summer Hill quarters. |
| 5. The Military Sub-Assistant Surgeon in charge of the Army Headquarters Establishment. | Paragon Cottage near Ripon Hospital. |

UNSTARRED QUESTIONS AND ANSWERS.

LOANS ADVANCED BY GOVERNMENT TO PRIVATE INDIVIDUALS.

128. **Mr. Sitakanta Mahapatra :** Will Government please place on the table a statement showing the amounts they have advanced as loans to private individuals giving the names and rates of interests of the loans, as well as the reasons which induced them to advance these loans to private individuals, with a summary of the services rendered by each of them to Government ?

The Honourable Sir James Grigg : I regret that the information desired by the Honourable Member is not available, and I do not consider that any useful purpose would be served by collecting it from the local officers concerned.

APPOINTMENT OF LILLOOAH APPRENTICES AS TRAIN EXAMINERS.

129. Pandit Satyendra Nath Sen : (a) Are Government aware that it has been stated repeatedly in answers to unstarred questions Nos. 19 and 22 of the 5th September, 1932, and starred question No. 1530 (a) of the 5th December, 1932, relating to the appointment of Lillooah apprentices as Train Examiners that a certain Anglo-Indian apprentice had no training even in one shop as referred to by Government in reply to starred question No. 631 (a) of 4th March, 1932, for the post of Train Examiner ?

(b) Are Government aware that 40 per cent. is the standard of pass marks of the East Indian Railway Technical School at Jamalpore ?

(c) Are Government aware that it has been stated in reply to unstarred question No. 19 of 5th December, 1932, that the said Anglo-Indian obtained 36 per cent. marks in the Technical School ?

(d) Are Government aware that it has been stated in reply to unstarred questions Nos. 19 and 22 (b) of 5th September, 1932, that all the Indians of his batch obtained higher marks in the Technical School ?

(e) Are Government aware that the Indian *ex*-apprentices of the East Indian Railway Workshop, Lillooah, passed in the first divisions, worked in the Train Examining section throughout the last strikes (working daily for 8 hours on Sundays, Saturdays and even on all public holidays), and had also training in one or more shops as referred to by Government in reply to starred question No. 631 (a) of 4th March, 1932, and that the European or Anglo-Indian *ex*-apprentices of the same workshop failed or passed in lower divisions and had no training even in one shop as referred to by Government ? If not, will Government please state the reasons ?

(f) If the answers to parts (a) to (e) above be in the affirmative, will Government please state with reference to the answer to starred question No. 828 of 12th September, 1933 :

(i) how the Anglo-Indian apprentice possessed the qualifications for the appointment of Train Examiner ;

(ii) how he passed in the Technical School ;

(iii) whether they made any endeavour to select any better qualified Indian of his batch, and whether most of the Indians of his batch had training in one or more shops as required by Government, and whether most of them obtained higher marks in the Technical School, and whether they had training in one or more shops as referred to by Government for the post of Train Examiner ; if so, in what way ; if not, why not ; and

(iv) the reasons for not selecting any one of the two senior Indians ? If not, why not ?

(g) If the answers to parts (b) and (c) above, be in the negative, will Government please lay on the table copies of the certificates of theoretical and practical training of the Anglo-Indian who was referred to in reply to starred question No. 828 of 12th September, 1933 ? If not,

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 129 and 130 together.

I have called for certain information and will lay a reply on the table of the House in due course.

APPOINTMENT OF LILLOOAH APPRENTICES.

†130. Pandit Satyendra Nath Sen : (a) Are Government aware that the Deputy Chief Mechanical Engineer, East Indian Railway, Lillooah, informed Divisional Superintendent, East Indian Railway, Howrah, in reply to his letter D.O. No. E.T./R.S./15-D.S., Howrah, of the 11th January, 1934, that the two Indian *ex*-apprentices of 1930 who were referred to in reply to starred question No. 829 of 12th September, 1933, were not sent back to Lillooah for unsatisfactory working ?

(b) Are Government aware that those two Indians possess definite proof that they were not sent back to Lillooah for unsatisfactory work and irregular attendance as stated by Government ? Are Government also aware that one of them was retained there a few days more after the strike was over ?

(c) If the answer to part (a) above be in the affirmative, will Government please state :

(i) what justification they had for appointing the Anglo-Indian as referred to in answer to starred question No. 828 of 12th September, 1933, in preference to any one of those two Indians of his batch ;

(ii) why the said Anglo-Indian will not be replaced by an Indian of his batch ?

(d) Are Government prepared to appoint those two Indian *ex*-apprentices of 1930 who worked under the Divisional Superintendent, East Indian Railway, Howrah, during the last strikes to suitable posts under the Chief Operating Superintendent, East Indian Railway, when next vacancies arise and issue necessary orders to the officer concerned to this effect ? If not, why not ?

(e) If the answer to part (d) above be in the affirmative, will Government please lay a copy of the order on the table ? If not, why not ?

(f) If the answer to part (a) above be in the negative, are Government prepared to make an early enquiry into the matter and take necessary steps ? If so, in what way ? If not, why not ?

EAST INDIAN RAILWAY WORKSHOP STAFF AT JAMALPORE.

131. Pandit Satyendra Nath Sen : (a) Who is the special officer of the East Indian Railway appointed at Jamalpore and what are the terms and what are his duties and what has he done so far ?

(b) What suggestions, if any, have been made by the East Indian Railway Administration to Railway Board or Government regarding the Jamalpore staff ?

†For answer to this question, see answer to question No. 129.

(c) Will Government please state whether the Railway authorities are prepared to cancel the four day week order immediately and continue the six day week as before at Jamalpur in consideration of their loss due to earthquake and flood?

(d) Are the Railway authorities prepared to restore the 5 per cent. cut immediately at Jamalpur?

(e) What help has been given to the Jamalpur workers from the Viceroy's Earthquake Relief Fund?

Mr. P. R. Rau : (a) Mr. Bonar, a senior scale officer of the Mechanical Engineering Department of the East Indian Railway, was placed on Special Duty in connection with earthquake that took place at Jamalpur on the 15th January, 1934. The principal duties which he was required to perform were in connection with the housing, food-supply, financial assistance and general attendance to the staff who had been rendered homeless by the earthquake and also to keep in touch with the Civil and Police authorities. The Railway Board have not so far received a report of what has actually been done by him.

(b) No suggestions have so far been received.

(c) Full time working has been resumed in Jamalpur workshops with effect from the 4th August, 1934, with the exception of the Erecting Shop, Boiler Shop, Copper-Smith's Shop and Heat Treatment Shop which are at present working five days a week.

(d) No.

(e) Government have no information.

ALLOTMENT OF QUARTERS TO *Daftries* IN THE QUARTERMASTER GENERAL'S BRANCH AND THE INDIAN STORES DEPARTMENT.

132. **Rao Bahadur M. C. Rajah :** (a) Is it a fact that to the *daftries* of the Secretariat offices and several attached offices the quarters are allotted by seniority and that in the office of the Quartermaster General and Chief Controller of Stores, Indian Stores Department, this procedure is not observed?

(b) Do Government propose to take steps to have the same system introduced also in the offices of the Quartermaster General and the Chief Controller, Indian Stores Department as is in existence in other offices of the Government of India?

The Honourable Sir Henry Craik : (a) The procedure for allotment of quarters to *daftries* varies in the various Departments of the Government of India and attached offices. Quarters are generally allotted in order of seniority, but exceptions to this practice are made in some offices in the cases of persons (i) having liens, (ii) living with families and (iii) whose presence in proximity to office is considered necessary.

In the Quartermaster General's Branch and the Indian Stores Department quarters are allotted by rotation in view of the insufficient number of quarters available. This procedure is designed to give individuals a fair chance of bringing their families to Delhi in turn. In the Indian Stores Department the procedure was adopted as a result of a

representation from some of the *daftries* who have had no chance of obtaining accommodation for some years.

(b) It is not proposed to alter the existing arrangements.

PENSIONS TO *Daftries* OF THE ATTACHED OFFICES.

133. **Rao Bahadur M. C. Rajah :** (a) Will Government please state the amount of pension granted to the *daftries* in the Secretariat offices of the Government of India after putting in full service at the time of retirement?

(b) Will Government please state the amount of pension granted to the *daftries* in the attached offices of the Government of India after putting in full service at the time of retirement?

(c) Is it a fact that in the Secretariat offices of the Government of India half-pay pension is granted to the *daftries* and that in the attached offices not more than Rs. 4 are granted as pension to a *daftree* irrespective of the pay he is drawing at the time of retirement?

(d) If the reply to part (c) be in the affirmative, will Government please state the reasons for such disparity between the pensions of *daftries* of these offices?

(e) Are Government aware that there is much dissatisfaction among the *daftries* of the attached offices owing to this difference in the pensions and are Government prepared to take immediate steps to grant full half-pay pension to the *daftries* of attached offices also?

The Honourable Sir James Grigg : (a) Half pay not exceeding Rs. 20 a month.

(b) Half pay not exceeding Rs. 10 a month in Branches of Army Headquarters and half pay not exceeding Rs. 4 a month in other Attached Offices.

(c) Yes, except in Army Headquarters.

(d) and (e). The disparity is recognised and the question of revising the pension of *daftries* in Attached Offices will be considered when the financial position improves.

GRANT OF FAMILY TRAVELLING ALLOWANCE TO *Daftries* OF THE ATTACHED OFFICES.

134. **Rao Bahadur M. C. Rajah :** (a) Is it a fact that family travelling allowance is granted to the *daftries* and peons in the Secretariat offices of the Government of India at the time of move while only single travelling allowance is given to the *daftries* and peons of attached offices?

(b) Will Government please state the reasons for withholding this concession to the *daftries* and peons of the attached offices and are they prepared to take steps to extend this to them also?

The Honourable Sir Henry Craik : (a) Yes.

(b) Consideration of the matter has been deferred because of financial stringency.

MEETING OF THE EAST INDIAN RAILWAYMEN'S UNION, LUCKNOW.

135. Mr. S. G. Jog : (a) Is it not a fact that the East Indian Railwaymen's Union, Lucknow, is a registered trade union and is recognised by the Railway Administration ?

(b) Is it the policy of the Railway Board to encourage the trade union movement on the Indian Railways ?

(c) Is it a fact that the Railway Board desires that each railway system should have only one trade union organisation for the employees ?

(d) Are Government aware that the East Indian Railwaymen's Union called a conference on the 14th and 15th April, 1934, at Lucknow, for the purpose of amalgamating all the unions on the East Indian Railway ?

(e) Is it a fact that the Railway authorities tried to check the conference activities of the union officials ?

(f) Is it a fact that Mr. B. K. Mukerjee, the Secretary of the Conference, was reprimanded by the Employment Officer, Loco. Shops, Lucknow, just before the Conference, for the mere fact of receiving a notice of a meeting of the committee ?

(g) Is it a fact that the Works Manager prohibited collection of subscription for the conference even outside the Workshop gate, and are Government aware that the Mahajans and Kabulis are allowed to harass the workers at the shop gates ?

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

(b) The attitude of the Railway Board is that Union conducted on sound trade union principles ought to be encouraged.

(c) No.

(d) Government understand that a conference purporting to be of all East Indian Railway workmen was held at Lucknow on the 14th and 15th April, 1934.

(e), (f) and (g). The information is being collected and will be laid on the table in due course.

INCOME-TAX REALISED FROM PERSONS WITH AN INCOME BETWEEN RS. 1,000 AND RS. 1,999.

136. Lala Rameshwar Prasad Bagla : Will Government be pleased to state the amount of income-tax realised from persons whose annual income was between Rs. 1,000 and Rs. 1,999 during the financial year April, 1933, to March, 1934 ?

The Honourable Sir James Grigg : Approximately 82 lakhs.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 331 asked by Mr. S. C. Mitra on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

It is much regretted that it is still impossible to give a final reply. The matter which is of a complicated nature is under consideration and a final reply will be sent to the Honourable Member as early as possible.

Information promised in reply to starred question No. 334, asked by Mr. S. G. Jog on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

It is much regretted that it is still impossible to give a final reply. The matter is under consideration and a final reply will be sent to the Honourable Member as early as possible.

Information promised in reply to part (a) of starred question No. 751 asked by 'Rai Bahadur Lala Brij Kishore on the 17th April, 1934.

REMOVAL OF RELICS OF SANIPUTRA AND MAGLLANA TO THE BRITISH MUSEUM AT LONDON.

751 (a). Enquiries made from the authorities of the British Museum show that the relics of Saniputra and Mahamogalana are not in the British Museum.

Information promised in reply to parts (b) and (d) of starred question No. 229 asked by Mr. Vidya Sagar Pandya on the 25th July, 1934.

MADRAS TELEPHONE COMPANY, LIMITED.

(b) The Company's shares have appreciated from Rs. 10, the price at which they were issued in 1923, to Rs. 18-8-0, the last price shown for transactions in the local market.

(d) In 1929, existing shareholders of the Company were given the option to subscribe for 29,439 shares par value Rs. 10 at Re. 1 premium. At that time the Company's shares were quoted in the local market at Rs. 12, i.e., Rs. 2 premium.

Information promised in reply to unstarred question No. 25 asked by Mr. K. C. Neogy on the 31st July, 1934.

CESS ON SOFT COKE.

(a) Yes.

(b) and (c). The position appears to be as follows : The definition of soft coke for the purposes of the Soft Coke Cess Act is "coke unsuitable for metallurgical purposes". The partially coked residues of bye-product coke plants and open ovens were considered by the coal trade as unsuitable for metallurgical purposes and these have been on occasion booked as "soft coke". This practice has however now been stopped and under an arrangement between the East Indian and Bengal Nagpur Railways and the Soft Coke Cess Committee, samples of consignments of coke which

are suspected by the Railway to be of doubtful character are placed before the Chief Mining Engineer, Railway Board (who is also President of the Soft Coke Cess Committee) for opinion on the character of the coke. The Railways subsequently adjust the railway freight on consignments of coke wrongly declared as soft coke. As a result of the arrangement stated above, the quantity of coke wrongly declared as soft coke has been gradually reduced as will be seen from the following figures :

	Quantity reported by Mines Department.	Quantity on which cess collected by Railways.	Difference.
	Tons.	Tons.	Tons.
1931	722,597	759,780	37,183
1932	756,036	785,830	29,794
1933	823,073	843,037	19,964

The names of the Bye-product Coke Plants and their Managing Agents are :—

Name of Plant.	Managing Agents.
Bhowra Coke Plant	Messrs. Mackinnon Mackenzie and Company.
Barares Coke Plant	Messrs. Jardine Skinner and Company.
Loyabad Coke Plant	Messrs. Bird and Company.
Lodna Coke Plant	Messrs. Turner Morrison and Company.

There are in addition a number of second class collieries manufacturing both hard and soft coke, but Government are not aware which are actually responsible for despatching hard coke as soft coke.

(d) The Indian Railways Act does not provide for action being taken in such cases.

Information promised in reply to starred question No. 488 by Mr. Sitakanta Mahapatra on the 7th August, 1934.

ORIYAS EMPLOYED IN THE TELEGRAPH DEPARTMENT IN THE ORISSA CIRCLE.

The number of Oriyas employed in the Bihar and Orissa Circle in the "Telegraph Department", by which the Honourable Member presumably means the two branches, Telegraph Traffic and Telegraph Engineering, is :

Telegraph Traffic Branch	8
Telegraph Engineering Branch	54

Information promised in reply to part (b) of unstarred question No. 63 asked by Seth Laladhar Chaudhury on the 15th August, 1934.

RECRUITMENT OF INFERIOR POSTAL STAFF IN DELHI.

(b) During the period in question the Postmaster, Delhi, recruited three inferior servants, one Hindu and two Muslims.

Information promised in reply to starred question No. 682, asked by Mr. S. G. Jog on the 20th August, 1934.

INDIAN DOCTOR APPOINTED ON THE EXECUTIVE COMMITTEE OR SELECTION BOARD OF THE CENTRAL DUFFERIN FUND.

A doctor of Indian race, Dr. Alice Pennell, is a member of the Council of the Association and also a member of the Selection Committee for the Women's Medical Service. No Indian doctor has been appointed to the Executive Committee. There is only one elected member on the Executive Committee. The present elected member is Lady Ishore.

Information promised in reply to starred question No. 770, asked by Rao Bahadur M. C. Rajah on the 22nd August, 1934.

PROVISION OF MEDICAL FACILITIES AND POLICE ARRANGEMENTS IN THE AREA NEAR THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

(a) and (d). A Sub-Assistant Surgeon from the Willingdon Hospital attends a dispensary which has been opened in one of the press quarters by the New Delhi Municipal Committee for one hour every morning and arrangements are being made to extend his term of duty there to two hours in the morning. A compounder is on duty at this dispensary for about three hours in the morning and an hour in the evening. The Sub-Assistant Surgeon can also be summoned by telephone from the Willingdon Hospital in emergencies.

As regards the police arrangements, I understand that a police patrol visits the press quarters every night. Two police stations are within easy reach of the quarters. A proposal to have the area patrolled both by day and night is under the consideration of the Chief Commissioner, Delhi.

Government consider that the local authorities are taking adequate steps in regard to the medical and police needs of the locality.

(b) Two bungalows and 333 quarters are occupied by the Press staff. The number of new quarters built on the Minto and the Circular Roads is 627.

(c) The Willingdon Hospital is about 1½ miles away from the quarters. The nearest police stations are at Faiz Bazar and at Hauz Qazi, approximately three quarters of a mile and half a mile away from the quarters, respectively.

REPORT OF THE COMMITTEE ON THE OTTAWA TRADE AGREEMENT.

The Honourable Sir Joseph Bhole (Member for Commerce and Railways) : Sir, I lay on the table the report* of the Committee elected by the Legislative Assembly to examine the working of the Ottawa Trade Agreement between India and the United Kingdom together with explanatory notes, minutes of dissent, etc., by certain Members.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I ask one question ? Will Government be pleased to circulate among the Members of the Assembly the additional statistics and statements laid before the Select Committee ? Will they be available for us as well ?

The Honourable Sir Joseph Bhole : I am not in a position to say. I do not know whether we have a record of all,—I think we have,—but I shall certainly try to make them available to the Members of the House if that is possible.

*Printed separately and circulated to Honourable Members.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : But this is surely given in an appendix to the majority report.

The Honourable Sir Joseph Bhoré : I do not know if my Honourable friend is referring to anything which is not there.

Dr. Ziauddin Ahmad : I think it will be difficult for us to understand the recommendations unless we know all the facts on which the recommendations are based.

The Honourable Sir Joseph Bhoré : If my Honourable friend will read the reports and the minutes of dissent, I think he will find that all the information necessary to enable him to come to a final decision is probably there. But if he wants anything in addition to that, I shall be happy to supply it to him.

AMENDMENTS TO THE OTTAWA TRADE AGREEMENT RULES.

The Honourable Sir Joseph Bhoré (Member for Commerce and Railways) : Sir, I lay on the table the amendments to the Ottawa Trade Agreement Rules, 1932.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

Simla, the 18th August, 1934.

No. 780-T. (11)32.—In exercise of the powers conferred by sub-section (3-B) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Ottawa Trade Agreement Rules, 1932, namely :—

In the third Schedule to the said Rules, to the list of countries specified in the second column against the entry "Rum" in the first column thereof, the following shall be added, namely :—

"Leeward Islands, i.e., Antigua, Dominica, Montserrat, St. Christopher-Nevis and the Virgin Islands,

Mauritius.

Trinidad.

Windward Islands, i.e., Grenada, St. Lucia and St. Vincent."

T. A. STEWART,

Secy. to the Govt. of India.

THE GERMAN EXCHANGE POSITION.

The Honourable Sir Joseph Bhoré (Member for Commerce and Railways) : Sir, I regret that the information so far available to the Government of India does not enable me to answer categorically all the specific questions put by Mr. Neogy. I shall, however, set out as fully as I can the facts in respect of the German exchange position so far as we know them.

Towards the end of 1933, the trend of the German trade balance gave the German Government grave cause for anxiety. In the first quarter of 1934 the situation worsened and what had been a favourable balance had been converted by the end of March into an unfavourable

balance of 54 million marks. This was due, I am informed, to exceptionally large importations of raw materials and action was at once taken, in two ways, to protect the Reichmark from disaster. In the first place, imports of raw materials from abroad were strictly controlled and, in the second place, the amount of foreign exchange available for the finance of imports was further restricted. Up to the 1st of March, 1934, the amount of foreign exchange available for such finance was 50 per cent. of the average requirements of 1931. Since then the increasing difficulties of the exchange situation have necessitated progressively stricter measures of control. From the 1st March the percentage was reduced to 45 ; from the 1st April, to 35 ; from 1st May, to 25 ; from 1st June, to 10, and finally from the 1st of August to five per cent. of the basic figure. So great has become, in the view of the German Government, the necessity for strict control that the apportionment of foreign exchange for the financing of imports is arranged by the Reichbank from day to day, so that out-goings may never exceed incomings. It is inevitable that such drastic restrictions—which Germany regards as essential to protect her currency from disaster—must tend to hamper her foreign trade and to affect adversely her imports from India as from other countries. (I may add at this juncture that the German exchange restrictions are not directed against India alone.) The only specific complaints against the operation of these restrictions which have so far been received by us—and that very recently—have been (1) from a firm of Madras tanners, (2) from a sports requisites exporter in Sialkot, and (3) from a turpentine exporter in the United Provinces. It is reported also that the fur exporters of the Punjab have been adversely affected. Our more important exports, however, such as cotton, jute, rice, hides and skins and oilseeds do not yet appear to have been affected.

The Government of India have, however, been watching the course of Indo-German trade with some care, and when two months ago, it was suggested that Germany in defence of her exchange position intended to restrict the imports of Indian coffee into Germany with effect from the 1st of July, a very strong protest was made against such action by Germany which we have reason to believe has proved successful, at least for the time being. Again, more recently, immediately on receipt of information that our export trade in tanned hides and skins was threatened, the Government of India got into touch by cable with their Trade Commissioner in Hamburg asking for a full report on the circumstances adversely affecting India's export trade. He has been asked to report further whether any other countries enjoy more favourable treatment in respect of foreign exchange than India. The Trade Commissioner has not yet been able to give us information as to the nature of the agreements said to have been concluded by Germany with other countries, but he has confirmed what we understood to be the case that the importer of tanned hides and skins into Germany is afforded the same exchange facilities as the importer of other commodities.

The Government of India is also in communication with His Majesty's Government as regards the nature of the agreement which is said to have been concluded between the United Kingdom and Germany on the 10th of this month and have asked them to elucidate the position of India in relation to that agreement. They have also

[Sir Joseph Bhore.]

asked for full information as to the nature of the exemptions, if any, from exchange restrictions which are enjoyed by other countries, and if on receipt of the desired information it should appear that there is discrimination of any kind against India, the Government of India will do all in their power to have such discrimination removed and to place Indian exporters on equal footing with traders in other countries. (Cheers.)

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Are Government in a position to give any information as to what has happened regarding the transactions which took place before the exchange control became effective ?

The Honourable Sir Joseph Bhore : No : as regards that point also we shall ask for detailed information.

Mr. H. P. Mody : When a matter of such importance affecting our trade and commerce with a foreign country takes place, is it not the business of the Trade Commissioner to put himself in touch with commercial organisations throughout this country with a view to warning everybody ?

The Honourable Sir Joseph Bhore : I think that would naturally be done, but one explanation, I should say, is that events have marched so rapidly that he was probably unable to take the step suggested by my Honourable friend.

Mr. H. P. Mody : In view of the fact that more information may be filtering through, and more steps may be taken in Germany, will the Government of India themselves undertake to communicate whatever they learn to the various organisations throughout the country ?

The Honourable Sir Joseph Bhore : I have already given to the House the fullest possible statement of the information in possession of the Government of India ; but we shall certainly from time to time try to make available to the trade and commercial community any information that we are in receipt of and which may be of value and importance to them.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I understood the Honourable the Commerce Member to say in one place that the hides and skins import into Germany has not been affected, but in another part I thought he said it might be affected ?

The Honourable Sir Joseph Bhore : May I explain that the distinction I drew was between dressed hides and raw hides ? The trade in raw hides has so far apparently not been affected.

Sir Abdur Rahim : So far as undressed hides and skins are concerned, is it not a fact that very large quantities are now lying in London because of this exchange difficulty and other restrictions in Germany ?

The Honourable Sir Joseph Bhore : We have received, to the best of my recollection, one representation which contains the substance of my Honourable friend's suggestion.

Sir Abdur Rahim : Have Government been able to ascertain whether it is founded in fact or not ?

Maulvi Sayyid Murtuza Saheb Bahadur (North Madras : Muhammadan) : In view of the fact that dressed hides are generally exported

from Southern India, will Government be pleased to mend matters when they come to know that discrimination has been allowed there ?

The Honourable Sir Joseph Bhore : If there is discrimination, I have already given the assurance that the Government will do everything in their power to try and remove such discriminatory treatment.

Sir Abdur Rahim : There has been an Anglo-German Agreement as my Honourable friend has told us : but can the Honourable Member tell us that that will in any way help India so far as Indian business is concerned or whether it excludes India ?

The Honourable Sir Joseph Bhore : I ought to have explained to my Honourable friend and to the House that the first agreement which was entered into between the United Kingdom and Germany had reference to the questions of securing payment of interest on the Dawes Loan. In respect of that, so far as Indian nationals are concerned, their position, I understand is fully safeguarded. Later on, I understand that there was another agreement which dealt with commercial arrangements. In regard to that we have had no information. It is possible that the papers in connection therewith are now on their way out, but telegraphic reference has been made to the United Kingdom and to His Majesty's Government asking what the position of India is so far as that agreement is concerned.

Mr. H. P. Mody : Considering the severe restrictions that have been imposed upon Indian trade with Germany, do the Government of India think it desirable that there should be a free flow of German goods into this country ?

The Honourable Sir Joseph Bhore : I am not in a position to commit the Government of India with regard to this matter. It is a very delicate and important matter and it will require the most careful consideration.

Sir Abdur Rahim : Will Government consider whether it may not be desirable to enter into separate agreements with Germany ?

The Honourable Sir Joseph Bhore : My Honourable friend will, I hope, not press me on that point at the present moment ; we would like to ascertain the details of the position first, before we commit ourselves in that respect.

Sir Abdur Rahim : I simply want Government to consider the matter.

The Honourable Sir Joseph Bhore : We shall most certainly consider it.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Has the attention of the Honourable Member not been drawn to the press report of the provisions of the Anglo-German exchange agreement, in article 3 of which it is laid down that a limited utilisation of the special account is provided in respect of, firstly, goods other than United Kingdom goods described in article 3, if it is proved that the German buyer of these goods had purchased like goods before January 1st, 1933, through a firm established in the United Kingdom and regularly dealing with the same, and, secondly, of goods produced or

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[Mr. K. C. Neogy.]

manufactured in any British colony or overseas territory (any territory under British protection or any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom) ?

The Honourable Sir Joseph Bhore : My Honourable friend was good enough to bring that to my notice the other day ; we do not possess any official confirmation, but I have telegraphed for it from the United Kingdom ; and I can assure the Honourable Member that we are fully seized of the importance of this matter and we will do all we can to see that the position is safeguarded as far as India is concerned.

Mr. K. C. Neogy : Has the Honourable Member's attention also been drawn to a Reuter's telegram that appeared in this morning's papers in which it is stated among other things that Germany is pursuing undaunted her new policy of buying only what she is capable of paying for, and that this control will become even more strict when, on the expiration of current contracts, foreign currencies will be released by the Reichsbank only within the limits of the incoming currencies ?

The Honourable Sir Joseph Bhore : I have seen that.

Mr. K. C. Neogy : Has the Honourable Member's attention also been drawn to the last portion of this message which refers to the likelihood of encouragement of intensive production of substitute raw material ?

The Honourable Sir Joseph Bhore : Yes, I have also noted that.

Mr. K. C. Neogy : Is the Honourable Member alive to the seriousness of this threat and is the Honourable Member going to consider what steps Government should take to obviate this situation ?

The Honourable Sir Joseph Bhore : I do not think that we ought to regard that in the nature of a threat ; it is probably a measure of self-defence so far as Germany is concerned. I cannot anticipate the possible action that the Government of India may take. I can only reiterate the assurance that I have given to the House and to my Honourable friend that we shall do everything in our power to see that Indian trade is safeguarded so far as Germany is concerned : I am afraid I cannot go beyond that at present.

Mr. K. C. Neogy : On what information is my Honourable friend's statement to the effect that the more important exports from India have not been affected by these restrictions based, having regard to the general character of the restrictions themselves ?

The Honourable Sir Joseph Bhore : We have in the first place received no complaints from the trades concerned ; and we have no doubt that, had there been any such difficulty as my Honourable friend suggested, knowing the trade as we do, we should most certainly have received at the earliest possible moment some complaint in the matter. In the second place, we have received from our Trade Commissioner no information in regard to these main items of export.

DEMAND FOR SUPPLEMENTARY GRANT.

CIVIL.

EXPENSES IN CONNECTION WITH CAPITAL OUTLAY ON SCHEMES OF AGRICULTURAL IMPROVEMENT AND RESEARCH.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume discussion on the Demand for Supplementary grant.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, the opposition to the scheme of transfer of the Agricultural Research Institute from Pusa to Delhi is not a faked one ; it is real and genuine, and that is the reason why I lay so much stress on this. The main objection that is raised to Pusa is the ill-adaptability of the place. I have considered this question from all points of view, and I find that this ground is not at all justified. First of all, I presume that the authors of the scheme, when they wanted to establish an institute in India, must have taken into consideration all relevant facts in the matter, and, after due enquiry, would have spotted this place in the Province of Bihar and Orissa for the purpose of locating the institute. My intimate knowledge of the place confirms me in my belief that that was the finest place they could lay their hands upon at that time. I believe that at that time the Englishmen were desirous of having some suitable place where agricultural research could be carried on and profitable results obtained, and for that reason they could find no better place in those days than the one at Pusa. This choice of their was justified, I should think, by subsequent events. I believe I am perfectly right in saying that the adaptability or otherwise of Pusa for an agricultural research institute has never been denied by any student of agricultural research. We have never heard of any student complaining that the place is unsuited for this great task. The complaints that have been made, as it appears from the replies of the Honourable Member in charge of this subject, have come from the Directors of the Institute, from high officials who have difficulty in visiting the place. I believe, so far as my knowledge goes, the research students have done their work at Pusa wonderfully well, and they find the place an ideal one for an undertaking of that nature. During the last 32 years, the institute has been able to produce good results from which those who are real agriculturists have derived manifold advantages. It is for that reason that the intelligent planters of that part of the country have spoken so highly of the working of this institute at Pusa, and it is for that reason that they have raised a protest against the transfer of the research institute from that place. They have got no permanent interest there and so they cannot be accused of being partial ; they are men who look to the material side of it, the utility of the institute, and their protest in this matter is due to the fact that they have found it very useful during the last 32 years for the purpose for which it was established. I have quoted the planters in this respect, but I know for certain that many of us who are really interested in scientific Agricultural research have found the work at Pusa quite efficient in all respects. In fairness to the work done at Pusa, I think that Government should gratefully acknowledge the adaptability of Pusa for carrying on such hard and useful work. The result was produced by a combination of many forces. Climatic condi-

[Maulvi Muhammad Shafee Daoodi.]

tion was the first requirement of an institution of this nature. If an institution of this kind was not placed in a climate which was favourable to the hard mental work that was required of the students it would have proved a failure. I think that everybody concerned will testify to the fact that the climate of Pusa is ideal in respect of agricultural research. The climate is not extreme; it is not so hot in the summer, and not so cold in the winter; and Honourable Members very well know that Delhi will present a contrast to it. Delhi will be the worst place for the summer and I should think not very comfortable in the winter. In both seasons students of agricultural research will find the climate of Delhi unsuited to their task. There is no truth in the statement that the soils at Pusa are in any way undesirable for carrying on research work of any description whatsoever.

My Honourable friend, Mr. Gaya Prasad Singh, quoted yesterday from the report of the Royal Commission on Agriculture to show that the soil of the place has not been condemned by those great authorities. If they had had an opportunity of seeing the suburb in Delhi where it is going to be transferred, they would have declared it condemnable. I have no doubt that Honourable Members, after they have experience of the institute at Delhi some time after, will miss Pusa very much. In fact, as I find it, it has become a garden of 1,600 acres of land. I can very appropriately describe it as the Eden garden of agriculturists of India. (Hear, hear.) There is a block of 1,600 acres—a very large tract which has been cultivated with the sole object of making it fit for agricultural research. It has been turned into a veritable garden during these 32 years of hard work.

(Interruption by Dr. Ziauddin Ahmad.)

My friend, Dr. Ziauddin, has his own objection that it is in a place where nobody can see what is going on. But I would reserve that subject to a later stage. I have got that point in view and I shall tell my friend that his proverb does not apply to this case. I think that the past efforts of the Government of India and the students of agricultural research throughout India have made Pusa, so to say the least, the agricultural capital of India; just as there are political capital, commercial capital and industrial capital, Pusa is the agricultural capital. My difficulty in its transfer is not because it is in the Province of Bihar from which I come, but my trouble is that the very principle on which it is going to be transferred from Pusa is unsound, and will, in future, prove to be so unsound that they will have to rue the day of transfer. If the commercial capital of India, which is Calcutta, were to be taken away from that place and located somewhere else according to the whim of the Government of India, what would be the state of mind of the people there. I do not think any European dealing in commerce in Bengal would like the commercial capital removed from Calcutta to some other place which is centrally situated.

The Honourable Sir Frank Noyce (Member for Industries and Labour): May I ask my Honourable friend what is the population of the agricultural capital of India? (Laughter.)

Maulvi Muhammad Shafee Daoodi: I did not think that my Honourable friend, Sir Frank Noyce, would lay so much stress on the population of Pusa.

Mr. President (The Honourable Sir Shanmukham Chetty): The population of the garden of Eden consisted only of Adam and Eve. (Laughter.)

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): And the Serpent.

Maulvi Muhammad Shafee Daoodi: Pusa is indeed a place with a few men who are devoted to research in agricultural matters. It is not a question of a big population. It is really a place for a few and it is indeed not a place for millions. In a crowded place, you cannot carry on research as successfully as you can in a quiet place. It is impossible. Therefore, it is really the Eden garden inhabited by a few people. In the same way if the industrial capital of India, which is at present at Bombay was to be removed from there at the whim of the authorities, the House will agree that it will not be conducive to the industrial development of India. I believe Delhi to be the political capital. It is nothing more than that. My point is that Delhi has been chosen as the political capital. Whether it is good or bad, it is there. Our principle should not be to concentrate all the institutions of India in Delhi. That will not do. If we persist, the whole structure will certainly collapse. I firmly hold to the belief that agricultural research institutions should not be mixed up with politics. The removal of the institute to Delhi as a move to mix up the people in the research institute with the politics of Delhi, and I do not believe in that. In the very nature the two subjects, if not antagonistic to each other, are wide apart. Delhi is a place where we have got fluctuations of ideas every moment. The political centre of India cannot be expected to be calm and quiet. We have seen the fate of Delhi during the last so many centuries. It has been run over by ambitious powers in the world for their own aggrandizement.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would advise the Honourable Member to be brief, as there are a number of other speakers, and we have got one more subject to get through.

Maulvi Muhammad Shafee Daoodi: I think the Agricultural Research Institute should be located in a calmer atmosphere where people can think of nothing else but research work they have got in hand. That is not to be found in the suburb of Delhi. I have no doubt that Delhi will not provide the necessary facility of the discovery of the secrets of nature, which will help agriculturists. I believe that Sir George Schuster, if he had been here and had the opportunity of listening to the strong objections which we have, would have paused twice before giving his assent to this scheme, because he had the interest of the agriculturists at heart, and, therefore, he should have very patently seen that the object was not going to be fulfilled at Delhi. It will be a place not for the earnest students and professors engaged in research work but will be a place for gaiety; it will be a place for pleasure hunting. It will not be a place for that sort of great work which is expected of earnest students and professors. It

[Maulvi Muhammad Shafee Daoodi.]

would have been wiser if the research institute would have been allowed to remain where it is at present.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Then do you mean to imply that Delhi University should be abolished also ?

Maulvi Muhammad Shafee Daoodi : I do not want anything to be abolished. What I find is that my friends in large numbers, of course, are against hearing anything in favour of the retention of the institute at Pusa. I am quite convinced of that ; and it is for that reason that I am trying to put on record my protest, very strong protest in this respect so that it may be read by the future generation (Hear, hear) and they may understand that a minority, sometimes, is more expressive of the opinion and needs of the people at large than a great majority (Hear, hear), and especially when we find that the great majority has seen some "Provincial" good in the transfer of the institute from Bihar and Orissa to Delhi.

Sir, I am afraid that while up till now the students of the institute have been devoting themselves to real and earnest research work in agriculture, henceforward those students will, in the vicinity of Delhi, think more of something else than research work. First of all, the choice will fall not on the students who have got a natural capacity in them but such choice would be guided more by patronage, to be distributed by politicians to their favourites. Now, to Pusa, I am sure, only those students have been going who had liked to devote serious attention to that kind of research work. At Delhi, it will be something like a pleasure trip for those who want to earn their living, and the results of the research will be very very poor indeed. Now I shall say only a few words about the point of inaccessibility. Sir, I strongly object that Pusa should be damned on incorrect grounds ; it is by no means inaccessible, it is as accessible as any other part of India today. There are railway communications from all sides, and, Sir, if railway communications are not enough to render a place accessible, what else can make a place accessible ? (Hear, hear.) One can, moreover, have aeroplane grounds there, and one can supplement the existing communications in that way too. As it is at present, distance does not count in these days so much. I am pretty sure that that distance does not count these days, and you have got so many sources of communication at your disposal. Therefore, to take the plea of inaccessibility is absolutely wrong.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : It is absurd.

Maulvi Muhammad Shafee Daoodi : Sir, if it is inaccessible, then I think many important places in India should be termed as inaccessible. One word now about the earthquake. The excuse is taken that the situation has been changed on account of the earthquake. I find that other more important institutions than the research institute at Pusa are located in Bihar and Orissa. At Patna we have got that big High Court, which has also suffered owing to the earthquake, but it has been repaired, and in the same way, why cannot the Pusa Institute also be repaired ? For instance, Jamalpur has also suffered very

heavily from the earthquake. It is, I think, many many times more affected than the building at Pusa, but everything else is going to be repaired except this institute at Pusa.

Mr. Gaya Prasad Singh : Do not mention Jamalpur, as they might take that away also ! (Laughter.)

Mr. P. R. Rau (Financial Commissioner : Railways) : We are moving some workshops from Lucknow to Jamalpur.

An Honourable Member : By way of compensation ?

Mr. M. Maswood Ahmad (Patna and Chota Nagpur cum Orissa : Muhammadan) : But we object to that as well.

Maulvi Muhammad Shafee Daoodi : But my point was that the earthquake should not be put forward as an excuse for removing the Pusa Institute to Delhi.

I have considered this matter very seriously in all respects, and I find that the scheme of the Government of India is absolutely unsound, and they will have to repent in future, for helping to destroy all that had been done at Pusa during the last thirty-two years by so many devoted people. It is a sort of suicidal step the Government of India are taking for the agriculturists and, therefore, I very strongly oppose this scheme of transfer. (Applause.)

Raja Bahadur G. Krishnamachariar (Tanjore cum Trichinopoly : Non-Muhammadan Rural) : Sir, I congratulate my Honourable friend, Babu Gaya Prasad Singh, on the very able manner in which he tried to plough the sands on the seashore whereby he went on giving out what he considered to be his arguments. Sir, it is perfectly true that if it was an all-India question, Provincial and parochial patriotism should not find a place, but is the question of the establishment of an agricultural institute an all-India question ? Look at the Report of the Royal Commission. They say that the conditions differ in India from Province to Province, from district to district and as between various portions in the same district. So, however inaccessible a place might be, that plea would not do ; secondly, it has been our contention from the beginning that each Province, if not sub-Province, must have its own research institute. Supposing this is an all-India question, what is the position ? The question was viewed notably by a writer in the *Times of India* as if it was a sight-seeing matter and that persons who come to India for sight-seeing must reconcile themselves to the long distances which we have in India, and that, therefore, they must be reconciled to inaccessibility. Nor are we concerned with the difficulty of an official conveniently coming and going—by saying which, unfortunately, my friend, Mr. Gaya Prasad Singh, has completely given his case away ! He said—officials do not go there because of the difficulty of access. That is what I complain of ! If officials who are paid to do this duty find it difficult to go there and find it inaccessible in spite of all the arrangements, how much more then would the poor agriculturist suffer—I won't say an agriculturist like myself, because I know my friend, Mr. Mody, will jump up against me,—how much more would the poor agriculturist suffer in finding access to this place ? Sir, an experimental agricultural farm and research station is intended for the agriculturist, not for people with gloves and top hats, and, if you have a research station, it must be located in a place where most people can go.

[Raja Bahadur G. Krishnamachariar.]

My friend, Mr. Gaya Prasad Singh, has enunciated a very nice proposition. He says that we should not bring to bear the Provincial patriotism on this question. When I referred to the question of the inaccessibility, he immediately turned round towards me and said: "What about Coimbatore?" My friend does not know that long before Pusa came into existence, Coimbatore had an agricultural college. Originally it was at Saidaput and afterwards Government transferred it to Coimbatore. The research station with sugar-cane came into existence later. My friend thought that that research station was no good at all. On the other hand, the fact is, Sir, that experiment after experiment was conducted regarding sugar-cane, and if my friend is interested in sugar-cane cultivation, he should know that the best strains of sugar-cane are now obtainable from Coimbatore and the largest quantity of sugar is contained in them. That is the result of the research station at Coimbatore. Now, what is the result of the Pusa Institute? Sir, rice is one of the largest, if not the largest, product of India and I have no statistics to show whether wheat is better than rice. But I do claim that the majority produce of India is rice. May I ask my friend what have these people in Pusa done about rice? I seem to have read somewhere—I do not know whether this fact is mentioned in the proceedings of the Royal Commission on Agriculture—that the soil of Pusa was not particularly good for rice cultivation and for other experiments. But they say that the soil is so fertile that everything can grow there. My Honourable friend, Maulvi Shafee Daoodi, waxed eloquent for the garden that this desert has been converted into. I was immediately reminded of another garden which was very good in which, unfortunately, there was disobedience. I hope it is not that garden that my friend was talking of. However, whether the desert of Bihar has become a garden or not, I challenge my friend and anybody in this House to point out what good have these gentlemen done for us, the rice cultivators. Did they improve the strain? Did they find out other kinds of paddy which could grow under various conditions? Sir, I do not care whether the Agricultural Institute is in Pusa or anywhere else. I hope Delhi is equally good. I know that some of these experts are very much possessed of the idea of their selection. For instance, when there was a scarcity of water supply in Secunderabad, the Government of India engineers came and selected a spot which the villagers swore would never be useful for water supply.

Mr. President (The Honourable Sir Shanmukham Chetty) : Today is Friday, and the Chair must adjourn the House in another three minutes.

Raja Bahadur G. Krishnamachariar : I shall finish, Sir, in three minutes.

Of course, the engineers know better. They acquired a piece of land and an annual contribution of Rs. 50,000 is made for the acquisition of this land. The result has been that for three years there was good supply of water and in the fourth year it became absolutely dry. I hope the present scheme is not going to be like that. I want that this scheme should be carefully investigated and examined and the result made known to this House. Those gentlemen who made this investigation ought to have found out that salt water is not good for the improvement

of agriculture. Anyone, who knows even something about agriculture, would never agree to go to a place where there is brackish water. Therefore, I submit that all these considerations did not weigh with them as they ought to have done. Then you have got the earthquake which has spoilt the whole thing and they have got to put up new buildings. Consequently, I think the Government of India was well advised to remove the Institute from there, and, therefore, I strongly support this motion. Only I will ask your permission, Sir, to say one thing. Bihar has already been afflicted with this earthquake and now she is on the brink of a trouble due to huge floods. I hope God will take mercy upon this Province and it will not have to suffer too much on account of the extraordinary flood that we are experiencing in Bihar. But I do not know whether the Pusa Institute should be there. After all, they had a generation and each generation must decide things for itself. Therefore, I strongly support this motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : After lunch the Chair proposes to give only ten minutes to each speaker.

Some Honourable Members : Five minutes for each speaker will be enough.

Mr. President (The Honourable Sir Shanmukham Chetty) : Yes, five minutes would be better.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Khan Bahadur H. M. Wilayatullah (Central Provinces : Muhammadan) : Sir, I am in favour of the proposal that the Research Institute at Pusa should be transferred to a place in the neighbourhood of Delhi. Sir, India is an agricultural country and it is very necessary that the Agricultural Research Institute should be located in such a place that it will be easily accessible to all and be visited by a large number of persons. It was a mistake in the beginning to locate the Institute in a remote and far-off place like Pusa. Nobody would like to go to Pusa unless he makes a special effort for it. One cannot combine a visit to Pusa with a visit to the important cities of India. A very large number of people come to Delhi in order to see it along with the other important cities of Northern India, they will find it very convenient to pay a visit to the Agricultural Research Institute and those among them that are interested in agriculture will learn several things from the Institute. I cannot understand why there should still be some Honourable Members in this House who advocate that, even after the earthquake, when there has been considerable damage to the buildings there, that we should spend a large amount of money in renovating those buildings and let this opportunity slip of shifting that Institute from Pusa to Delhi. The Imperial Council of Agricultural Research, which is expected to exercise direct control and supervision over the Pusa Institute, is always at Delhi and Simla. Pusa is so far away that the Imperial Council of Agricultural

[Khan Bahadur H. M. Wilayatullah.]

Research cannot exercise that effective control and supervision from here which is necessary. Thus, in my opinion, this is a very good opportunity of shifting the Institute from Pusa to a place in the neighbourhood of Delhi. I am not convinced at all by the arguments which have been advanced by my Honourable friend, Maulvi Muhammad Shafee Daoodi, and others. I think they look at the question only from the Provincial point of view. It is an all-India question and I have no hesitation in saying that this is the best opportunity and that it will be in the interest of the Institute itself that it should be transferred from Pusa to Delhi. Sir, I support the motion.

Mr. T. N. Ramakrishna Reddi (Madras Ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I will strictly follow the dictum propounded by my Honourable friend, Mr. Gaya Prasad Singh, when he said that we must look at this question from an all-India point of view and that we should eschew all Provincial jealousies. My Honourable friend said that this question is raised because of the brain wave of some Member of Government, but he has completely forgotten the history that lay behind this question. This question is as old as the time when the unfortunate decision was taken by Lord Curzon to have the Institute located at Pusa. As my Honourable friend rightly pointed out it was a mere accident that the Institute was located at Pusa, because there happened to be at the time an extensive plot of ground ready at hand for the Government and so they immediately established that Institute at Pusa. This question is a very old one. At the time of the enquiry by the Royal Commission on Agriculture many witnesses deposed that that place was not good for carrying on useful work of the Institute. We find from the report of the Royal Commission on Agriculture which my Honourable friend, Mr. Gaya Prasad Singh, praises as the Bible of Indian Agricultural problems, in page 64 the following :

"In paragraph 40 above, we have pointed out that Pusa is not an ideal site for a central research institution for all India. It is not surprising, therefore, that it has been urged before us that much of the work carried on there is of little or no value to the tropical regions of peninsular India or to the vast agricultural tracts of the North-West."

Further on, they state :

"It must be admitted that there are many fundamental problems especially in relation to the crops grown in tropical India for work on which Pusa is not a very suitable centre."

Mr. Gaya Prasad Singh : Will you kindly read the next sentence.

Mr. T. N. Ramakrishna Reddi : Yes, I will come to that later on. I will also adduce reasons why they came to the conclusion that Pusa Institute is not to be transferred. It is because they allege, the Government have spent large sums of money on buildings and other things and that is why they were not in favour of transferring the Institute. Well, Sir, as I said this question is not a new one but a very old one. My Honourable friend, Maulvi Muhammad Shafee Daoodi, said that it is a misnomer to say that Pusa is not accessible, and said that it is very near the railway station and so on. Here again I will simply refer to what the Report of the Royal Commission on Agriculture has to say with regard to its accessibility. On page 45, the report says :

"The choice of Pusa as a site for an all-India Research Institute was, as we have seen, mainly determined by the fact that a large Government estate happened to

be available for the purpose. An ideal site for a central research institute for all India was doubtless impossible of attainment but we cannot but regard it as a matter of regret that the site actually selected was one six miles away from a railway station, in an out-of-the-way district to which access from most parts of India can only be obtained by a river crossing, and from all parts by a somewhat tedious railway journey."

Sir, it is clear from this that the place is very inaccessible. We might here ask the question how this inaccessibility has affected the working of the Pusa Institute. It has affected the utility of the institute in more than one way. It is elicited from the evidence before the Royal Commission on Agriculture that on account of its inaccessibility, many of the best and expert men would not accept appointments at Pusa Institute, so much so that it has lost its importance and it has become a second rate institution. I do not say so, Sir, without proper evidence and I will refer to the evidence of Dr. Clouston, who was the Director of the Institute and he said when he was examined before the Royal Commission.

This is what he says in his evidence :

"Q.—There is a serious risk that the Pusa staff might become somewhat second-rate?—Undoubtedly it will.

Does that tend to strengthen the position of Pusa as a centre for Imperial research?—No.

What other reasons can you mention as preventing officers going to Pusa?—I have mentioned them; there is the question of pay and there is the question of being very isolated; and there is the question of not having opportunities for touring and seeing what other workers are doing. I may add also that the climate from July till about the middle of October is not at all good; it is not so good as it is in most provinces."

Sir, the Royal Commission also refer to the fact of the isolation of Pusa. They are very particular to emphasise the fact that the work of the central institute should be co-ordinated with the work that is carried on in other Provinces and that the scientific workers there should come in contact, not only with the scientific workers in other Provinces, but also with the intelligent common people who are interested in agriculture. And this isolation has affected the work of the Pusa Institute. This is what the report of the Agricultural Commission says in paragraph 64 :

"The co-ordination of the research work carried on in the various sections of a research institute is only a degree less important than that of co-ordinating the work of the institution as a whole with that of other research institutions. Work is apt to get into a groove. Barriers are apt to arise, especially when research institutions are located in remote places where the intellectual stimulus provided by intercourse with intelligent outside opinion, not necessarily of a scientific character, is absent."

Sir, the inaccessibility and isolation of the Institute has affected the work of the Institute in these important directions. My learned friend yesterday quoted a passage from this report saying that the soil at Pusa is good and the climate excellent. He has not read the other paragraph wherein they say that the soil is no doubt suitable for crops that are grown in sub-tropical climates, but it is not at all suitable for crops grown in tropical climates, for instance, rice, cotton, ground-nuts, cocoanuts and so many other tropical crops.

Mr. Gaya Prasad Singh : Are cocoanuts grown in Delhi ?

Mr. M. Maswood Ahmad : And rice is grown in Delhi !

Mr. T. N. Ramakrishna Reddi : We have heard with patience the speech of my Honourable friend and I hope he will extend to me the same indulgence, especially as the time is short. If I had time I could have answered all my Honourable friend's points. Sir, I have just now read for his delectation that it is not possible to carry on any experiments at Pusa regarding the crops grown in tropical climates such as rice, etc. It is said that cotton could not be grown there even for experimental purposes. Therefore, since the research institute should subserve the whole of India, not cater only for a particular part of India, the institute at Pusa should be shifted elsewhere in order to widen the sphere of its usefulness. Then it is said that the soil is very fertile. The very fertility of the soil has its own limitations. There are vast tracts of land in India, specially in Southern India, where crops are grown by irrigation. On account of the high subsoil water level of the land at Pusa it is suitable to grow crops without the aid of irrigation. But for crops to be grown with the aid of irrigation that is not the proper place and hence, in that connection also, it is not very ideal place. Sir, my friends have said that Delhi is not a proper place and it cannot grow all the crops that are grown throughout India. The Royal Commission itself has clearly stated that you cannot find a single ideal place which will be suitable for experimental purposes, but we should select such a place which would be suitable as far as possible and practicable. And, as the Royal Commission have pointed out, the most essential thing that is required for this research work is contact with other research institutions and also contact with other men. That can be obtained in Delhi; and it is pointed out that Delhi is a place where more varieties of crops can be grown than at Pusa.

My Honourable friend said that the Royal Commission did not recommend the removal of Pusa. But, when they said that they should retain Pusa as the place for the research institute they were obsessed by the fact that there were a lot of magnificent buildings, and that the Government had invested a lot of money and hence it could not be transferred. But now the circumstances have completely changed. Now, after the havoc caused by the earthquake, the Government have to take a decision whether to retain this institute at Pusa after spending seven or ten lakhs of rupees for restoration of buildings and yet keep the institute in the zone of earthquakes or whether to take the time by the fore-lock and transfer it to some other convenient place and establish an institution so that it might serve a more useful purpose than it has been doing. Another thing of great importance to Southern India is that according to the evidence of Dr. Clouston before the Royal Commission, he recommended that there should be established another research institution somewhere in the Southern Presidency to carry on research work on crops such as rice which are grown in tropical climates and he has specially selected Coimbatore. After the Royal Commission report we find that Coimbatore has been selected by the Government for carrying on research work in sugar-cane,—research work of all-India importance. Further, Government have also started dairy research work at Bangalore, and so there is no difficulty in having research station at Coimbatore for carrying on research work in the matter of rice and other tropical products. Now, Sir, the one important question that was raised by my Honourable friend, Mr. Gaya Prasad Singh, is that in these days of economic depression we should not undertake such a big scheme

which requires the spending of 36 lakhs of rupees for the research institute. Sir, last year, over and over again, we were pressing Government to take up big irrigation works and other schemes of public utility so that they might give a stimulus to the purchasing power of the middle and lower classes. And, Sir, I submit that the amount spent for this purpose will be very useful in order to achieve that object. Sir, after all at present they have asked for seven lakhs of rupees of which four lakhs will be spent for the acquisition of land and so all the four lakhs will remain in India. With regard to the other three lakhs, they are intended to construct buildings and other things and the money spent on them will go to help the poorer people in raising their purchasing power. Sir, as the whole question of transfer of Pusa institute is reopened, I take this opportunity to press upon the Government the desirability to start one more research institute at Coimbatore in Southern India to carry on research work on tropical crops as recommended by Dr. Clouston. Sir, with these words I have great pleasure in supporting this motion.

Mr. F. W. Hockenull (Assam : European) : Sir, rarely has a plain issue been so clouded, if not obscured, by irrelevant consideration as the question of the proposed removal of the Imperial Institute of Agricultural Research from Pusa to Delhi. Sentiment and Provincial considerations on the one hand, and central and local considerations on the other, have provided their arguments. Questions in this House, an Adjournment Motion in another place, not to mention the wide-spread campaign in the Press, all go to show what interest is taken in the Government of India's proposals, the main consideration of which, summed up in a word, is, or should be, "the betterment of agriculture in this country". No question so widely affects the vast majority of the people of this land, for, however far we progress in the development of industry, agriculture will always remain immeasurably the most important occupation of its people. Of recent times, the grave problems arising out of the depression in prices and the falling demand for primary commodities have been the subject of anxious consideration, not only of the Government of India, but also of Provincial Governments, and these problems are closely allied to the progressively efficient working of the various agricultural institutes of this country. In according the support of this Group to these proposals, I would say that they have examined them as a business proposition and given them its blessing. But we do make this stipulation, that we would ask the Honourable Member in charge to give us an undertaking that the original estimates shall not be exceeded. Speaking for myself as an agriculturist, I would go further and venture the expression that these proposals are such as the country cannot afford to go without. Let us then for a moment address ourselves to the real issue involved and ask a few questions, the first of which is :

Is the Imperial Institute of Agricultural Research necessary ?

If so, is the Institute, as it exists at Pusa, calculated to confer upon Indian agriculture the benefits it has a right to expect ?

If not, are the proposals to remove the Institute to Delhi more likely to produce these benefits ?

First, then, is the question of necessity arising out of the development and material expansion of Provincial departments during the last fifteen

[Mr. F. W. Hockenhull.] or twenty years and also the progress which has been made by individual industries. For example, the tea industry has shown its appreciation of the value of agricultural research by its policy of maintaining a strong scientific department of its own, which has become a permanent feature of the industry and has contributed in many ways to the lowering of costs and the raising of quality and yields. If, as I contend, the basis of all agricultural progress is research, and as agricultural development is so vital to the prosperity of India as a whole, it is difficult to see how the Central Government could divest itself of all responsibility for its welfare.

The functions of the Central Institute are somewhat different from Provincial organisations. The necessity for some co-ordinating body is apparent. Problems of an all-India character and others of a more difficult or extensive range can only be undertaken at a detached centre. Provincial departments will be the first to acknowledge the assistance they have received from the centre. Moreover, the experience of other countries, whose population is widely devoted to agriculture—the United States of America and Australia are examples which come readily to mind—confirms the view that, however valuable the local effort, the greatest benefit can only derive when coordinated with a central research institute. That brings us to the second of our questions, as to whether or not Pusa is conferring the maximum benefit on agriculture as a whole.

It would not be an unfair summary of the observations of the Royal Commission on Agriculture to say that the Imperial Institute of Agricultural Research was at first an efficient machine yielding a reasonable dividend on the capital expenditure which it involved. But as time had gone on, it had proved less suited to the work which it was required to carry out, and one of its greatest failings was its isolation. When Pusa was first opened as a central research institute, it was the headquarters of the Imperial Department of Agriculture in India which had an Inspector General of Agriculture, who was in a position to dictate to the Provincial agricultural departments the lines which they should follow. Progressive measures of decentralization had changed the position before 1914. With the reforms of 1919 decentralization was completed with the establishment of agriculture as a Provincial Transferred subject. Henceforward Pusa was merely first among equals, relying no longer on authority but upon the excellence of its work. Gradually the connection between Pusa and the Provinces waned and in large measure this can be attributed to its inaccessibility. With the Council of Agricultural Research established at Delhi, the desirability and indeed the necessity of having an accessible institute near at hand became paramount, and it will offer facilities which Pusa never could afford. I would here stress the fact that there is no intention to underestimate the value of the work which has been achieved at Pusa. To do so would be as unfair as it would be inaccurate. But, setting aside the sentiment which must invariably play its part in these questions, the real issue surely must be whether or not Pusa is ever likely to attain the position it ought to hold, as the Mecca of agricultural research workers of this country. Considerations of a financial character alone prevented the Royal Commission from recommending that the work should be transferred to a more eligible site. Considerations which in the light of recent happenings—I refer to the earthquake damage and the relative fall in the value of money and labour—

may by no means be as serious as they were six years ago. It is hardly necessary to do more than mention the advantages which the Delhi site has over the existing one. It is more representative of large tracts in point of climate, soil, crops and irrigation. It is independent of any local administration. It is more central, not only in a physical but in a cultural sense, and it affords better facilities for live-stock experiments. One argument I must refer to which has an important bearing, and that is the break in continuity which this change might mean.

The Imperial Department of Agriculture consists of nine sections of which six are located at Pusa, *viz.*, agricultural chemistry, agricultural bacteriology, economy, botany and plant-breeding, plant diseases, agricultural entomology and the agricultural section proper, which is concerned with the technique of field experiments, fertilizer trials and the like. The sugar-breeding station is located at Coimbatore, the Physiological Chemist and the Imperial Dairy Expert at Bangalore. Special reasons have determined the location of three sections in South India and these arrangements will not be disturbed by the transfer of six sections from Pusa to Delhi. Of the sections now at Pusa, there are only two which are seriously concerned with continuity of field experiments, *viz.*, the Botanical section and the Agricultural section. In the case of the Botanical section, the Imperial Council of Agricultural Research gave a grant some four years ago which enabled a sub-station to be established at Karnal, thus providing the Imperial Economic Botanist with a station in North-West India as well as one in the North-East. This was done with the object of remedying, as far as possible, one of the defects at Pusa pointed out by the Royal Commission on Agriculture. This duplication of breeding work at two centres has been successful and has improved the efficiency of the section. When the new institute is fully established at Delhi, there seems no reason why the Karnal sub-station should not be discontinued as a Botanical sub-station—the lands and buildings which are situated on the Imperial cattle breeding farm at Karnal being utilised for general agriculture as previously and a sub-station established at Pusa in the North-East by the retention there of the present botanical section which is of suitable area. Perhaps there could also be retained a small portion of the agricultural section, which adjoins the botanical section, including the permanent fertilizers experiments, and some other permanent field experiments. Such an arrangement would not mean any actual change in the annual expenditure of the institute since it would merely involve the transfer of the sub-station from Karnal to Pusa. Generally, I understand that the buildings which are involved have been left intact during the earthquake damage. No new buildings or equipment of any kind would, therefore, be necessary. Should a scheme of this character mature, it would effectively reduce any break in continuity due to the transfer.

I now come to the last point, a consideration of the cost of the scheme. We are most anxious to impress upon Government that the most careful scrutiny of the estimates may be undertaken so that supplementary grants may be entirely unnecessary. Expenditure will be mainly under three heads: (1) land, (2) buildings, and (3) equipment. Land acquisition represents almost a fixed amount. I would deprecate any sacrifice of equipment at the expense of overspending on buildings.

In conclusion, let me say that the amount involved is no mean sum, but when we consider that we are planning for many years ahead and

[Mr. F. W. Hockenhull.]

that Indian agriculture is our particular concern, I think the House will agree that the object is a worthy one and should prove of lasting benefit to countless deserving agriculturists of this country. (Cheers.)

Mr. M. Maswood Ahmad : Sir it is useless to speak on the merits of the subject at this stage because reasons and arguments are not of much use to the Government. When they have decided that now it is night, whatever arguments may be placed before them by the representatives of India that it is day, they will never admit that it is day. It is useless to tell them that conditions of the soil differ from Province to Province. It is useless to tell them that the Royal Commission on Agriculture as well has come to the same conclusion. It is useless to tell them that the difference in the soil and condition requires that the research institutions be located at different places. It is useless to place before them that the rainfall in Delhi is about 19 inches in the year while that at Pusa is about 49 inches a year. It is useless to tell them that only higher research work is actually done in the institute and that the agriculturists cannot be expected to go there to learn. It is also useless to tell them that the argument which was placed before the House by my Honourable friend, Mr. Wilayatullah, that Delhi will be a suitable place, because visitors can come more easily to see the place is irrelevant. It is useless to remind my Honourable friend and also to the Government that the institute is not a cinema to which people should be able to go easily. It is useless to tell my Honourable friend that some research has taken years and years. If a man visits the institute at Delhi, for a minute or two or even for an hour, it will not be of much use to him. It is useless to tell the Government that Simla is more inaccessible than Pusa and to ask them as to why they do not stop the exodus to Simla.

My Honourable friend, Mr. Reddi, has quoted from paragraph 66 of the report of the Royal Commission on Agriculture but he did not read the next sentence where they have suggested a remedy as well. The remedy they have suggested is :

"It will be for the Council of Agricultural Research to determine how far the deficiencies of Pusa in this respect can be remedied by the establishment of small sub-stations."

It is useless to remind him that this was the remedy suggested by the Royal Commission on Agriculture. It is useless to place these facts before the Government because they have already made up their mind.

I admit that the earthquake of January, 1934, has caused extensive damage to the buildings of the Imperial Institute of Agricultural Research at Pusa. That is the main reason why they have decided to transfer the Institute to Delhi. But I find that the estimate for repairing those buildings was about Rs. seven lakhs. It is useless to tell them that to save that amount of Rs. seven lakhs they have prepared a scheme costing Rs. 36 lakhs ! (Hear, hear.) This is the economy they practise in the Government of India !

However, Sir, they have decided to transfer the institute. I want to inform the Government that those agriculturists who are interested in rice growing do not like this transfer to Delhi. The Government seem to have forgotten that cocoanut and paddy cannot be grown in Delhi.

Mr. Gaya Prasad Singh : Or tobacco.

Mr. M. Maswood Ahmad : Nor tobacco. For cocoanut and paddy Pusa is the only suitable place.

Mr. G. S. Bajpai : I do not wish to take up much of my Honourable friend's time, because it is limited, but I must draw his attention to the fact that so far as rice is concerned, Pusa has never done any work on rice because the conditions there are not considered to be quite congenial.

Mr. M. Maswood Ahmad : If Pusa has not carried on any experiments in paddy there can be no excuse. The Government must ask the Pusa men why no experiments in paddy were undertaken because there is 49 inches of water there and the climate and soil are quite suitable for paddy experiments. If my Honourable friend will study the statistics of the Province he will find that in the neighbourhood of that area a sufficient quantity of paddy is grown. In this connection, let me urge on the Government that they should lay great stress on research in paddy because about 59 per cent. of the total agricultural produce of the country is rice, and experiments in rice cannot be done properly in Delhi. I understand that the Government want to keep the botanical section in Pusa, and if so, the botanical section should be well-equipped, and the Pusa farm should be made to supply improved seeds to the agriculturists in Bihar and the adjacent provinces. The land should not be disposed of, rather it should be given to Bihar Government. I am afraid that this policy of the Government to centralise all departments in Delhi will not be liked by Indians. This and similar other institutes should be left to remain in those parts which are more suitable for the purposes they serve. I suggest to Government that the portion which is proposed to be left at Pusa should be well equipped and the Central Government should treat it as a sub-station at least and sufficient money should be spent in order to provide good seeds to the agriculturists and to have proper research work done for that area.

Sir Abdur Rahim : Sir, I find considerable feelings have been aroused over this question, but I must admit that I fail to understand the reason for it. I do not think,—and I want the representative of the Education Department in this House to tell me if I am wrong—that a research institute like that of Pusa is not meant to confer any special benefit on any particular Province. I do not think that the Province of Bihar and Orissa especially profits by the institute being located within the limits of that Province. I should like to ask those Honourable friends of mine who come from the United Provinces whether they really think that the transfer of the Institute to the United Provinces or Delhi would confer any particular benefit on that Province. I am perfectly sure that having regard to the scope and character of this institute the benefit which the Institute is likely to confer is of a character which may be shared and ought to be shared by all the Provinces of India. That being the position, I do hope that the Honourable Members from the different Provinces will not consider it a matter of Provincial patriotism, whether to oppose or to support proposed transfer. I think the Government will not disagree with me on this point. The point is perfectly plain.

Now, the real argument that has been advanced in favour of this proposal is that Pusa is inaccessible, and, therefore, we must transfer it

[Sir Abdur Rahim.]

to a place which will be more accessible to the public and to the officers of Government and other persons especially interested in the matter. I do not know how to regard this argument. But it does seem to me to come with very ill-grace from the mouth of the Government of India. The Government reside in Simla for nearly six months in the year.

Is it to be suggested that Simla is very accessible to the people of India for whose benefit the Government of India exists? Sir, if that were a valid argument, then I do say at once that the Government of India should, from next year, stop coming to Simla altogether and make its habitation in the plains. Take New Delhi. Is New Delhi itself very accessible? New Delhi has been founded for the location of the Government of India. We Members of the Assembly feel every day, when questions of great importance to the people are discussed in the Assembly, that we are discussing such questions in an atmosphere where no public opinion can penetrate. It is away from all centres where public opinion is strongest. Even from the City of Delhi itself I have noticed very few people come to New Delhi to watch the proceedings of the Assembly. Sir, having regard to the vast extent of the country, the question of accessibility or inaccessibility should not be emphasized too much. After all, what is the object of this institute? What is the work on which these professors are engaged? They are to carry on scientific investigation for the purpose of improving agriculture. I should have thought that, for purposes of scientific investigation, the thing that was most needed is absence of distractions, and, if I may say so without any offence, absence of official intervention. Nothing is more detrimental to research work of that character than official interference, and I say that, if I were engaged in research, the fewer the officials or other persons who are consumed with curiosity came and worried me, the better it would be for my work. From the point of view entirely of scientific research, I should say that it would be a mistake to bring Pusa near to Delhi and expose it to risk of too much interference on the part of officials and also from non-official visitors. It is all very well to talk in general terms about contact with this class of men or that class of men. But then you come to analyse the situation what is it that these professors of the Institute want? They want a proper laboratory, they want fertile fields with suitable soil to carry on their experiments. If they can get all these things, they may also want to know what other countries are doing in the matter and that could be ascertained from the literature of those other countries. I take it there is no difficulty on the part of these professors to have access to the latest researches in other countries. So far as India is concerned, I find from what is stated in the official memorandum that there are other scientists engaged in similar research, that conferences are sometimes held, and, therefore, the nearer Pusa is to Delhi the better will be the work turned out by Pusa. I for one entirely refuse to believe that the work of Pusa will be improved by bringing it into closer contact with the sort of officials and other persons who may like to have a look into what is going on. I heard from some of my friends in this House that they should like to know from time to time what work they are doing. I for one, if I am really interested in the work of the Institute, would not think for a moment of putting any sort of pressure on the persons engaged in research in an institute like this if you are going to improve its efficiency at all. I am

afraid you will, on the other hand, be really retrading and putting back valuable work. Sir, I for one do not believe in interfering with men who are engaged in research of this kind. The real question is, whether the soil and climate of Pusa are really such that we should be justified in removing the Institute from that place and locating it somewhere near Delhi. I take it that at the time the Institute was established at Pusa some investigation must have been made as to the suitability of the soil and climate of that place and I do not think I have yet heard that the soil and climate, for instance, of any place within the Province of Delhi will be more suited for the purposes of these experiments and research. (Hear, hear.) Can my Honourable friend, Mr. Bajpai, who I am sure, has studied the subject with his usual care, tell us if he is in a position really to tell us with any assurance that the soil and climate of Pusa are less suitable for scientific research and agricultural experiments than of the place to which this institute is sought to be transferred?

My Honourable friend, Mr. Gaya Prasad Singh, read out extracts from certain representations made by the poor peasants of the locality near Delhi whose land is going to be acquired. I think the House would like to be told by my Honourable friend, the Education Secretary, whether there is any foundation for those representations; and I should also like the Government to take into consideration the fact that a very large number of persons are presumably going to be ousted from their holdings if large tracts of land are going to be acquired for this purpose. I dare say, and there is no doubt, compensation will under the law be paid to them; but I am sure the Government realize that turning out large masses of cultivators from their land, even though accompanied by payment to them of some compensation, is not really helping them. Sir, the amount you give them will very soon disappear, and they will have no land left for purposes of cultivation! That is another point, the most important question that has to be answered by the Government is this. Has Pusa so far done any valuable work or not? It has been in existence for so long as the last thirty-one years. Is it the case of Government that during these thirty-one years the work done there has proved so unsatisfactory that you must move the Institute bodily to another place? If, on the other hand, in point of fact, the work that has been carried on during all these thirty-one years has been satisfactory, if it really has made any valuable contribution towards the improvement of agriculture in this country, then I do think that on the merits, the proposed transfer is difficult to justify. During the thirty-one years this institute has been in operation, a vast deal of work has been done not only in the laboratory but also in the fields. They have been able, during this long period, to develop the soil so as to suit their experiments and research. All this has been done in the course of a period of thirty-one years, and now you are proposing to dislocate all this work by transferring the Institute to Delhi!

Sir, I do think it is a serious question for the Government to consider whether, by this dislocation, by this transfer, by uprooting the institute from the soil in which it has grown in spite of whatever difficulties there might have been,—I say in uprooting this institute which has established itself there the Government would be incurring a serious and grave responsibility indeed. I repeat that it is a serious and grave responsibility that the Government are incurring.

[Sir Abdur Rahim.]

If, in fact, as many Honourable Members in this House believe, the Pusa Institute really has been doing good work,—if that is so—then the Government must assure themselves, before transferring it to a place near Delhi, that it will really be able to do better work or more useful work in its new site. The Government are, I am afraid, only speculating. They are transferring an institute, which has been so well-established, to another place, to another climate, to a place where the soil will be different, where the surroundings will be different, where they will have to start everything anew: if they wish to take a step of that character, then, I say, the Government ought to produce before us absolutely definite evidence that, as a matter of fact, the soil and the climate of Delhi are more suited for work of the character which Pusa has been doing. Sir, I do not think that that is the case of the Government, or that such a case has been put forward. The only ground which has been put forward is that of inaccessibility. If as a matter of fact Pusa has not been doing any really valuable work, then I suggest that Government ought to shut it down, now that the earthquake has come to their rescue. Do not then go on building, do not spend any more money, but, if it has been doing good work, then let it go on where it is. I come now to what I think ought to be special concern of the Finance Member, and that is the expenditure that the Government will have to incur owing to this transfer. They will have to spend no less than Rs. 36 lakhs: and, I am sure, it is likely to go on increasing if this institute is transferred anywhere near Delhi. I do not know whether the Finance Member finds himself so flushed with money that he can say safely, in good conscience—“go forward with a scheme like this and incur a loan of Rs. 36 lakhs for the purpose of expenditure on building a new institute”. Sir, it is very easy, I take it, for the Government of India, to incur a loan. We know money is cheap now. But is that any justification,—unless you are satisfied that you are spending money on a good cause—to incur a loan of Rs. 36 lakhs and thus saddle the Government and the country with interest on that amount? Sir, I am not in any way concerned with the Province of Bihar and I do not think, as I have said, that there is any question of Provincial patriotism or advantage involved. But I do think that, in times of financial stringency that we are passing through, a proposal like this, which involves an expenditure of thirty-six lakhs of rupees, should not be accepted by Government unless the Government is quite sure that there is an overwhelming case for it, a case the soundness of which cannot be doubted at all. I have given my best consideration to the subject and I do not believe that the Government is taking a wise step. They are taking a leap in the dark. Sir, Government generally accept whatever their experts tell them, but we know that experts very seldom agree. Every expert seems to think that his work alone is of value and is too apt to depreciate the work of others. Even if any experts have advised the Government, I do say, though I am a layman, that they are really speculating. Pusa might not have been an ideal site for an Institute like this, but it is too late now to go back. It has been there for 31 years and it has gone on and if it has done any valuable work, do not disturb the Institute at all. Sir, I do ask the Government to consider yet whether it is prudent on their part, especially in these difficult financial times, to take a step of this character and to speculate on what may be achieved if Pusa Institute is transferred somewhere near

Delhi. Sir, I know Government have practically decided the matter, but I still maintain that there are aspects of the question which ought to be seriously taken into consideration. I do not think that the argument of inaccessibility is a weighty argument in a matter of this nature.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I formed my opinion about the transfer of Pusa about 18 years ago when I was a member of the Calcutta University Commission. At that time I was travelling at the expense of the Government and was entitled to double first-class and halting allowances. I tried for 18 months to visit Pusa, but, unfortunately, I could never spare a week in order to be able to visit this important place. One of my colleagues, the late Professor Gregory, was the only person in the Commission who could visit Pusa and he came forward with the report that that was the most unsuitable place for an institute of that type. Sir, my friend, Maulvi Shafee Daoodi, calls it an Eden garden of India. But as the Urdu saying goes: *Jangal men mor nacha kis ne dekha*. If that place is really an Eden garden, it must be accessible to a large number of persons. Sir, there are two classes of persons who are really opposing it and it is just these two classes to whom this transfer will benefit the most. The one class is the people of Bihar and the other class are the villagers where this Institute is going to be placed. The people of Bihar do not realise that they have no teaching agricultural institution, because the Institute at Pusa does not teach at all. So, they are practically deprived of any teaching institution in agriculture. The moment this Institute is transferred, they will soon have a teaching college in Bihar.

Maulvi Muhammad Shafee Daoodi: No, no.

Dr. Ziauddin Ahmad: My Honourable friend is so hopeless of his Government that he does not expect a teaching institution from them. I am not. The second class of people who will be affected by this transfer are the villagers of the place where this Institute will be established; they will be able to get a definite employment in this Institute. Persons who have got a fixed income are better off in these days of depression than the people who are engaged in professions without fixed income. Sir, Pusa had been selected because of two incidents which happened accidentally to be simultaneous or synchronous. The first incident was that in 1903, a valuable Government property suddenly became available and the second incident was that £30,000 were given by a Benefactor to Lord Curzon. These two things happened at the same time, otherwise there is no earthly reason for selecting Pusa as the seat of agricultural research. Sir, the time of Diogenese has now gone. He could afford to do his research work in a tub, but now in these days of specialisation scientists like to live close to each other and to be in touch with the researches of each other. It is a great stimulus if one scientist knows what is the work going on in an allied subject done by the other scientist. Doubts were expressed by the Leader of the Opposition and he asked us to tell him what is now being done at Pusa? I would have myself enlightened the House had it been easily accessible. Had the Institute been close to Delhi, I would have often visited and mentioned on the floor of the House what work was being done there and whether they are or they are not wasting public money. Here, in Delhi, we have frequent meetings to attend which scientists come from

[Dr. Ziauddin Ahmad.]

all parts of India, such as University Conferences ; meetings of the Agricultural Research. These scientists can have opportunities to see what is being done here. They themselves will be benefited and probably they will be able to tell the professors of the Institute what other people are doing. In this age constant touch of the scientists with each other is considered to be exceedingly important and I may say indispensable. Therefore, this reason in itself is sufficient enough to locate the Institute in a place which is easily accessible to the scientists so that they may derive benefit from the researches carried on in the Institute.

Sir, this is my last speech in the present Assembly, and, before I sit down, I would like to detain the House for two or three minutes more. In the first place, I wish good-luck to all my colleagues in the next Assembly. (Applause.) I hope they will all be returned. (A voice : "All !") I wish good-luck to all in election. Sir, we have established one good tradition in this Assembly which is very valuable. We often abuse each other and we often use parliamentary language to each other, but the moment we go to the Lobby, we are as good friends as two persons can ever be. (Applause.) Our tradition is similar to the tradition of legal practitioners. When they go to the Bar Library, they forget all that they had been talking in the Court. Sir, coming to the Members on the Treasury Benches, there is nothing which we could say and we left unsaid, but, in spite of all that, our relations with Members on the Treasury Benches have been very friendly and very cordial and they have always helped us in every possible manner. They were always willing to place at our disposal all the facts and the materials on every subject although they knew that they would be used against them. We are much obliged to them for their kindness. We, on this side of the House, thank you, Sir, more particularly for the consideration and sympathy which you have shown to the individual Members, and to the Parties in the Assembly. (Continued Applause.) Of course, there have been occasions when we were placed in difficult positions and it was due to your tact, ability and courtesy which helped us to get out of those difficulties. I do not think there is any Member, either on this side of the House or on the other, who can have any complaint against your fair treatment, though some of the Rulings given by you did not suit particular individuals—some of them did not suit me. Still nobody can say that the Rulings have been unfair. Sir, we are carrying with us very good recollections of the manner in which you conducted the proceedings of this House. (Applause.) I should not omit to mention the good work of our Secretariat which is as efficient as any Secretariat could be. I also thank the staff of the Assembly Department who always gave us their willing assistance. They readily supplied us all the materials we required on a particular topic. We have been receiving ungrudging help from every individual from the Secretary down to the lowest. I wish *au revoir* to all.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I shall not take much of the time of the House, but I have to point out that when the Pusa Institute was first started 31 years ago, the whole of the Agriculture Department was under the Government of India and the Provinces had not much to boast of. But for the last 20 years there has been decentralisation and each Province has been developing its own Agriculture Department and these Departments have been conducting researches in their own Provinces with regard to the crops that are suitable

to the soil and the climate of that place. Madras, for instance, has developed the sugarcane research and they must have a research for their particular crop, the rice crop. In the same way, Bombay has been experimenting in sugar-cane, in tobacco, in rice and in some other commodities. It is well-known that a large portion of Bombay is exposed to famine conditions and now-a-days experiments are being carried on there to find means of raising crops on very scanty rainfalls. In the same way, research has been going on in other parts of the country, and, therefore, it is absolutely necessary, as has been pointed out by my Honourable friend, Dr. Ziauddin Ahmad, that all these research workers should have an opportunity of coming together and consulting each other. This necessity was not felt when Pusa was first selected as a matter of accident, as has been stated, as the central place for research. But now matters have changed a great deal and the Royal Commission on Agriculture has given its emphatic opinion that Pusa was not suited, but that Commission had to take into count an accomplished fact, and, therefore, the Commission did not recommend the removal of the Institute at a great cost. But, now the calamity of this earthquake has also visited Pusa and had done considerable damage to the buildings. Therefore, the question now before the Government has been whether to sink another seven or eight lakhs for the repairs of the buildings and also to run the risk of another earthquake damaging further the damaged buildings and to have been under the constant fear of having to spend larger and larger amount on the repairs of the buildings there or to remove the Institute out of the earthquake zone at this time. The Government, I think, have taken a correct decision, having come to the conclusion that it is much better from every consideration to remove the Research Institute from Pusa to the neighbourhood of Delhi. As I have pointed out, Delhi being more accessible, the research workers of all the Provinces in the country may come together and may come to know what has been going on in other parts of the country in a particular research question. As for the inaccessibility of Pusa, I need not say much, but I shall say that from my personal experience that I had when I visited the Pusa Institute in 1930, I found that the journey was a very inconvenient one. My journey was, of course, done at Government expense, but, even if I had another opportunity to do so, I would not take advantage of it and would avoid the journey altogether. It is a very inconvenient place, and I think that the same would be the experience of the majority of persons who had the fortune or misfortune to go there.

A great point was sought to be made of the fact that the Government of India took the sanction of the Secretary of State before consulting the Standing Finance Committee. I do not think that the Government of India took an improper step. It is now the policy to move the centre of gravity from London to Delhi. Sooner or later, India is to get complete financial autonomy and then all these questions will be decided without reference to the Secretary of State. Now, Sir, an opportunity has been given to the Standing Finance Committee and also to this House to decide whether the Institute should be removed from Pusa to Delhi and the Standing Finance Committee have given an emphatic decision that it should be removed. Therefore, I think the Government have done the right thing in taking the sanction of the Secretary of State beforehand ; because it would, I think, be awkward to take the sanction of the Secretary of State after the decision of this House has been ascertained. Then it would have meant that the

[Mr. B. V. Jadhav.]

Secretary of State had the power to revise the decision of this House. But in the present case, I take it that this House has got the last word to say and the decision of the House will determine the matter whether the Institute should be removed to Delhi or not.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, after the very eloquent speech of my Leader, Sir Abdur Rahim, it is not necessary for me to emphasize that there is a very strong opinion in the Province of Bengal that the transfer of the Research Institute should not be effected. When this great institution was first started, Pusa formed part of Bengal and it is natural that the people of Bengal should feel when this institution is sought to be transferred to Delhi. I think there is some misapprehension on this question. So far as higher research in agriculture is concerned, if the authorities or the experts think that it will be of greater use by transferring the Institute to a central place, I think there would not have been so much difference of opinion if people are assured that the agricultural sub-station and other works will be continued in that Province. We in Bengal think that Pusa being at a central place in India there may be experiments conducted not only in wheat and sugar-cane but also in paddy and tobacco and other crops which are prevalent in Central and Southern India. We should like to be assured that the facilities for research in these crops will not be in any way impeded if only the higher research section is transferred from Pusa to Delhi. The other point is that Government will stick to their promise that the expenditure will never exceed 36 lakhs which in itself is a very big amount.

Mr. G. S. Bajpai : Sir, when my Honourable friend, Mr. Gaya Prasad Singh, launched his attack on the proposals of the Government yesterday, he said that this issue must be judged not from the point of view of any Province but from the point of view of India as a whole. To that extent I entirely agree with him. I think that the House has to decide this matter with patriotic and not with a Provincial or a parochial outlook. But I would also claim this that if I can satisfy Honourable Members that the decision, which Government have taken, they have taken in order to benefit India as a whole, then I shall claim from them not merely an emphatic verdict in support of the proposal but I hope a unanimous verdict. (Hear, hear.)

Sir, the question falls, rather the argument falls into three parts ; first there is the scientific argument, second the financial and third the administrative. I will develop the scientific argument first. After what fell from my Honourable friend, Mr. Ramakrishna Reddi, and even more from my Honourable friend, Mr. Hockenhull, whom I wish to congratulate on his maiden speech, after what fell from him, Sir, I do not think it is necessary for me to try to demonstrate the necessity for agricultural research in an agricultural country like India. The example of countries like the United States of America or Australia points indisputably to that axiomatic conclusion. Then, again, the pages of the Report of the Royal Commission on Agriculture give ample evidence in support of the necessity of agricultural research. The question for consideration for the House is : Where should such a centre or centres of research be located ? I submit, Sir, the answer to that question depends upon a correct appreciation of the nature of agricultural research. This is of two kinds ; there

is fundamental research and there is field research. Now the latter kind of research involves investigation into the relation of particular crops to special conditions of soil and climate. That research or that kind of research, in so far as it concerns crops of value to more than one part of India, is being carried on at Coimbatore, is being carried on at Karnal, and since the Imperial Council of Agricultural Research came into being, it is being carried on also through Provinces by means of special grants relating to special crops. In its purely Provincial aspect, Sir, that kind of research is the function of Provincial Departments of Agriculture ; and the point which Honourable Members ought to appreciate is that field research, in the sense in which I have explained it, has never been the main function of Pusa, or for the matter of that, of central research institutes anywhere else. The function of a central research institute is to devote itself to all the main branches of agriculture, such as mycology, entomology, bacteriology, and so on.

Now, Sir, the point which I should like specially to emphasize is this, that that kind of research,—although my Honourable friend, Maulvi Shafee Daoodi, may differ from me,—cannot be carried on on the top of Mount Everest, because of its complete isolation from distractions. That is not so ; as a matter of fact, what you need in order that that kind of research should be most fruitful is cultural contact, easy, wide and stimulating. Inaccessibility for that kind of research involves inefficiency and rusticity. It does not really mean that the best results are achieved. It has been said that because the time-table of the Bengal and North Western Railway has been slightly improved recently, therefore Pusa has become much more accessible. But the fact remains that the Royal Commission on Agriculture went into this question very very carefully and said that the result of the location of Pusa in this isolated site was that the thread of association between Pusa and the Provinces had become progressively attenuated. Now, Sir, I have been asked a question by the Honourable the Leader of the Opposition. I find that he is unfortunately not in his seat just now. The question I was asked was this : In 1903 or 1904, when the Pusa Institute was established, the Government of India must have satisfied themselves that it was the best centre suited for agricultural research. That being so, why is it that Government are changing their mind now ? Well, Sir, the position is this. As the Royal Commission on Agriculture have stated in their report, the consideration which primarily weighed with Government at the time in selecting Pusa was that a large abandoned estate,—an estate which at one time had been used, I think, for breeding horses,—was available ; and let it not also be forgotten that, at that time, the Provinces had practically no Departments of Agriculture at all. The last 30 years, Sir, have seen rapid strides made by the Provinces in the development of their Agriculture Departments and their research work. Now, Sir, I do not for a minute maintain that accessibility is important only in so far as it enables the officials of the Government of India to come into touch with the work that is being done at Pusa. That is not the point at all. The point is that you must have your centre of research in a place where research workers from all over India, unofficial research workers, should be able to travel with ease and with comfort. That, Sir, is a condition which in the case of Pusa is not fulfilled.

Mr. S. C. Mitra : How is it done as regards forest research at Dehra Dun ?

Mr. G. S. Bajpai : My Honourable friend will agree that Dehra Dun is not so isolated as Pusa. If he would be so good as to accompany me to the Library downstairs where, I believe, there is a Railway map of India, I think, I shall be able to satisfy him on that point.

Now, it is perfectly true, that when the Royal Commission on Agriculture reported, they did not suggest that Pusa should be transferred to a more central site. But the situation has been altered and fundamentally altered because of the earthquake. My Honourable friends will ask, why and how? That brings me to the second part of the argument which is the financial argument. Perhaps it is not known to Honourable Members that Pusa costs seven lakhs of rupees a year to maintain. That is the reduced expenditure; it used to be nine lakhs a year at one time. Our engineers visited this place and they said that we highly should we have to spend seven lakhs of rupees on reconstructing Phipps laboratory which has been completely destroyed, but, by reason of the unascertained, and, I think, unascertainable subterranean ravages worked by the earthquake, it would be at least two years before we would be justified in starting construction work there. Now, Sir, seven times two is 14, and, adding seven which is the cost of reconstruction, the total comes to 21. That is 21 lakhs on the one side and 36 lakhs, which is the estimate of expenditure, on the other. The difference is 15 lakhs, and the question which was before Government, and which is before the House now, is whether 15 lakhs of rupees is too big a price to pay for making Pusa accessible for research workers from every part of India. Now, Sir, let me put the financial point in a different way. I do not think that there is any one in this House or outside the House whose authority in regard to agricultural work done at Pusa, or, for that matter, agricultural work throughout India, is entitled to greater respect than that of my Honourable friend, Sir Frank Noyce. I have discussed this matter with him and he says that the value of the work which is being done at Pusa and which costs seven lakhs of rupees per annum will be at least doubled if you bring the institute to a more central place. Again, putting it on a purely arithmetical basis, the question which I ask this House is whether an expenditure of 15 lakhs which would have the effect of doubling the value of research which costs us seven lakhs is worth it or not worth it.

The third point, Sir, which I was going to deal with was the administrative argument. It is no secret from anybody that inaccessibility is an obstacle to the exercise of effective administrative control. The potential value of that supervisory work or that supervision has greatly increased since the establishment of the Imperial Council of Agricultural Research with its staff of agricultural experts, and, what is even more important, its periodical conferences which are attended by representatives of agricultural research work throughout India. It would be admitted, Sir, that in order that the potential value of the supervision should be fully realised, we should bring this institute to a more central place.

There, Sir, I have dealt with the three parts of my argument, the scientific, the financial and the administrative. My Honourable friends may still say : " Yes, that's all very fine, but it does not necessarily follow that Delhi is the best place from the agricultural point of view."

Now, I think I am not making too bold a claim for the neighbourhood of Delhi, when I say that it is part of the Indo-Gangetic plain, of which the fertility is a historic fact. . . .

Maulvi Muhammad Shafee Daoodi : Fertility in warfare !

Mr. G. S. Bajpai : In this particular case we have had the assistance of science to test the truth of tradition. We have had the water analysed ; we have had the soil analysed. My Honourable friend, Mr. Gaya Prasad Singh, said yesterday that the value of this analysis is very little, because the *abracadabra* of scientific formulæ had not been communicated to the House or to Members of the Standing Finance Committee. I submit that this House, consisting as it does of laymen like myself, is not likely to be greatly edified by the presentation of chemical formulæ. If I said that $2\text{Na Cl} + \text{H}_2 \text{SO}_4 = \text{Na}_2 \text{SO}_4 + 2 \text{H Cl}$ no one would be much the wiser for it. What the House needed and what they are entitled to ask Government is that Government should satisfy themselves on the evidence of experts, whether the expenditure they propose to incur or the step that they propose to take is justified in accordance with the evidence that can be made available. We have satisfied ourselves in regard to that. And, I may point out that, although these written analyses were not presented to the Standing Finance Committee, the experts who had made those analyses were present at each meeting of the Standing Finance Committee, in order to answer any questions that might be asked of them by Honourable Members of the Standing Finance Committee. In any case, let me say that Government accept the rider which was made by the majority of the Standing Finance Committee in regard to this matter, namely, that before money is actually invested in the acquisition of a site, every precaution shall be taken to make sure that it is a suitable site.

Then, Sir, there has been a campaign in certain sections of the Press, as persistent as it has been perverse, to the effect that Government have reached their conclusion by some sinister and subterranean methods. One suggestion which has been made is that they had made up their mind to shift the Institute from Pusa to Delhi long before this earthquake took place. Another suggestion that has been made is that Government have taken this decision in order to satisfy the hankering of the staff at Pusa for the gaieties of Imperial Delhi. As regards the first suggestion and as regards the second, Sir, I may be using a strong word, but I am saying something which is only fair to us, namely, that both are calumnies. In regard to the first, namely, the decision of the Government before the earthquake, I say it is absolutely devoid of foundation. And, I think the House will agree—I am making this claim in no spirit of boasting or vain glory at all—that after the part which the Government of India have played and are playing in the reconstruction of Bihar, the very suggestion of spoliation is ungenerous to say the least. And, so far as the staff of the Institute at Bihar are concerned, they took no initiative in this matter at all. The responsibility is the responsibility of the Government and the Government alone. But I do not wish to. . . .

Sir Abdur Rahim : The Honourable Member says the staff took no initiative in this matter : have they supported the proposed transfer ?

Mr. G. S. Bajpai : The business of a loyal staff is to carry out the decision of Government. As I was saying, I do not wish to conclude what I have to say on a note either of controversy or of resentment. The issue, as I said when I began, in order to be judged correctly, must be judged dispassionately. Government in reaching the decision that they have reached have been animated by a desire solely to serve the best interests of agriculturists throughout India without damage or detriment to any

[Mr. G. S. Bajpai.]

part of it. Pusa was doing work, not for one Province, but for India as a whole. To the extent that that work benefited Bihar, the transfer is not going to reduce the benefit to that Province by one jot or tittle. As for the minor but important part which Pusa played in the agricultural economy of Bihar through the Botanical sub-station, it is our intention to continue it. For Government are considering, even now, the feasibility of transferring or rather devoting to the maintenance of that sub-station in Bihar the expenditure which is being incurred at present on the sub-station for North-West India at Karnal and which really would, I think, become unnecessary when the institute is moved to Delhi. That would, I hope, satisfy even my Honourable friends from Bihar, that the Government of India have in this matter taken into account what is the true interest of Bihar as well as the true interest of India. And so, Sir, I ask the House to support the proposal of Government as a proposal conceived in a spirit of service to all and of malice to none of the constituent parts of this country. (Cheers.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That a supplementary sum not exceeding Rs. 7,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1935, in respect of expenses in connection with 'Capital Outlay on schemes of Agricultural Improvement and Research'."

The motion was adopted.

The Honourable Sir James Grigg (Finance Member) : Sir, it has already been obvious for some hours that the debate on the proposal to amend the Salt Resolution could not be carried on under very favourable circumstances : it has been quite clear that neither the Honourable Member opposite, who has put down the proposal to amend the Resolution, nor I would have time to expose fully our respective points of view. As soon as that became clear, the two Honourable Members most interested in this together with myself and the Honourable the Law Member decided to have an informal discussion. Certain suggestions which emerged from that discussion are being pursued and there was general agreement on both sides that in view of the fact that the debate could not be carried on satisfactorily, it had much better be postponed till a more suitable occasion ; and that is the proposal that I have to make, with the concurrence of the two Honourable Members opposite, that this motion be not moved and that the discussion on this subject of salt be postponed till the next Session.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, the House must have learned with great relief that I do not propose to move the Resolution which stands in my name. (Laughter.) As the Honourable the Finance Member has said, we had a very full informal discussion which was characterised by the usual frankness of the Honourable the Finance Member, and we, on this side, hope that we have been able to enlist his active sympathy in the cause which we wanted to advocate through this Resolution. Speaking for the last time in this House, may I express the hope that whatever happens in future, the Government will not give up the policy which they had solemnly adopted, namely, that of making India self-supporting in regard to our salt supplies and protecting the salt industry of this country.

Mr. President (The Honourable Sir Shanmukham Chetty) : Gentlemen, our labours have now concluded. Before I adjourn this House for the last time, I wish to express to all Honourable Members my deep appreciation of the courtesy they have shown to me personally and my thanks for the co-operation they have extended to the Chair in enabling the Chair to conduct the proceedings of this House smoothly. Ever since you called upon me to occupy this great position of honour and responsibility, I have set before myself one supreme task, and that is to maintain to the best of my ability, the authority, dignity and the independence of the Chair. (Hear, hear.) If, during the last two years, I have given offence to any individual Members in anything that I may have said or done, I would take this opportunity of assuring every Honourable Member that what I did was done in the interests and the convenience of the House as a whole. During the last eleven years during which it has been my privilege to be a Member of this House, I have looked upon that membership in a very high light. I think that the value of the work in the Legislative Assembly is not to be measured merely in terms of the legislative output of every Session. To my mind, the Indian Legislative Assembly is the one great institution which offers a unique opportunity for representatives from all over our great country to meet together and exchange their ideals and aspirations, and this institution from that point of view has indeed a greater value to India than if it is looked upon merely as a legislative institution. Honourable Members will go back, some to fight their elections and give an account to their constituencies ; others go back probably to other walks of life. To all of them, I say, let good luck attend every one of you. It has been the immemorial custom of the Mother of Parliaments that, at the end of every Parliament, every Member of the House of Commons comes up to the Dais and shakes hands with the Speaker. This ceremony, in this instance, may, in the case of certain Members, be a good bye, in the case of others it may simply be *au revoir*. But in every case it would be a symbol of that amity and co-operation which have existed between the Chair and every section and Member of this House. (Cheers.) I would now invite the Honourable Sir Joseph Bhowe as the Leader of the House to come and shake hands with me and lead. (Loud and Prolonged Applause.)

(All the Members then shook hands with Mr. President.)

The Assembly then adjourned *sine die*.

(2489)

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APPENDIX.*

Mr. N. R. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : Sir, I have already opposed Honourable Mr. Ranga Iyer's Temple Entry Bill : today also I am opposing it emphatically. The Assembly is not the forum where religious and social legislation should be passed.

For the last fifty or sixty years, departed leaders like Lokmanya Tilak, Lala Lajpat Rai, Babu Bepin Chandra Pal and Mr. Dadabhai Naoroji, after undergoing imprisonment and hardships, strived hard for establishing and securing to us democratic rights in this country. Does not Mr. Ranga Iyer realise that the souls of these worthies must be writhing in agony over his Bill and ridiculous pranks in the Assembly.

This Bill has been wounding the religious susceptibilities of the Hindus ; it strikes at the root of their long standing social order, namely, *Chaturvarna*. This Assembly is no place for such legislation. It has only a political field. Here, people's representatives should only strive for securing national betterment and saving the people from the oppression of the British bureaucracy.

Turning to the opinions received on the Bill, I find that the consensus of opinion of the high or low officials in British India is against the Bill. The Bombay Government say : " The Sanatanist Hindus are strongly opposed to the Bill, and, if passed, there will be a danger to the peace." The Advocate-General of Bombay, Sir Kanga, says : " The majority of the Hindus do not support the Bill ; therefore, I do not support it." The Public Prosecutor of the Bombay High Court, Mr. P. B. Shingne, is opposed to this Bill. Almost all the District Judges and the District Magistrates and other officials are opposed to it ; so also all the Sanatanist institutions. Even Jaina and Lingayat communities are opposed to it. The different organizations of the untouchables also do not seem to be so keen on temple entry as on their economic and industrial betterment ; they do not attach much importance to the Bill. Similarly, the United Provinces, the Central Provinces, the Punjab, Bengal, Burma, Bihar and Orissa, the North-West Frontier Province, Ajmer-Merwara, Coorg and the Delhi Province are all opposed to the Bill. It should specially be noted that Rohilkund, which constituency my Honourable friend, Mr. Ranga Iyer represents, is equally opposed to the Bill. Religious heads like His Holiness Shri Shankaracharya, Sankeshwar, H. H. Shri Shankaracharya, Puri, H. H. Shri Madhwacharya of the Wallabha cult and also of the Veer Vaishnava cult, the Ramanujacharya and the Mahants of Warkari cult do not endorse the Bill. Under these circumstances, is it not ridiculous for Mr. Ranga Iyer to move for reference of the Bill to a Select Committee ?

The Congress was started with the object of political advancement of India. In 1895, a session of the Congress was held in Poona, when it was resolved that the Congress should leave alone religious and social matters. The Congress policy was, in former times, directed by the moderates, but, later on, in 1908, at Surat, Lokmanya Tilak captured it, and made it, after strenuous efforts, really representative of the public opinion in India. The Congress policy was directed upto 1920 by Lokmanya Tilak, and the establishment of a democratic form of Government was the result. Mr. Tilak died in 1920 and Mahatma Gandhi, who calls himself a disciple of the late Mr. Gokhale, came at the helm of the Congress. He started con-

*Translation of the speech delivered in vernacular on the 23rd August, 1934.

[Mr. N. R. Gunjal.]

denning and despising the Maharashtra and Lokmanya's followers. He expressed his want of faith in them. He started non-violent non-co-operation and civil disobedience movements, advocated boycott of schools, colleges, Courts, and suspension of practice by lawyers; he promised Swaraj within one year and collected a crore of rupees in the name of the late Mr. Tilak. The people also have an idea as to how this fund and the Khaddar Fund were disbursed. That his policy has proved detrimental to the interests of the people is the experience of many.

Suspending those activities, he has now undertaken the Harijan uplift and temple entry movements, for which he is collecting funds amounting to lakhs; it is to be seen how this fund is going to be utilized. Temple Entry *satyagraha* was first started at Poona at the Parvati Temple; but we opposed it. When Mahatma Gandhi realized that his precepts fell flat on the people, he resorted to the very Legislative Assembly, whose boycott he once preached.

His right-hand man, Mr. Rajagopalachariar, intrigued with Mr. Ranga Iyer and several other Members of the Assembly to get the Temple Entry Bill passed. At the instance of Mahatma Gandhi, he also wrote us letters that non-Hindu Members should abstain from voting on the Bill. If the matter is to be left to the opinion of the Hindus alone, I may point out that the majority of them is opposed to the Bill; and since the majority of the official and public opinion is against the Bill, the Government must also oppose the Bill. But I do not think that it is proper for Mr. Ranga Iyer to withdraw the Bill after the Government actually oppose it. It seems necessary for me to give this hint to Mr. Ranga Iyer as he is the representative of the people.

Now, if we take into careful consideration the ownership of temples, the people who desire entrance thereto, the legislators, I think it is not possible for the untouchables to get entrance to any temple. The managers and trustees of the temples will not at all be amenable to this Bill. Mr. Ranga Iyer is unnecessarily siding with the untouchables and fickle-minded leaders; he is sure to come to grief. What sacrifice has he made for the untouchables? Has he ever given them even a single tattered shirt of his? If any temple was ever built by his predecessors, what was the original arrangement and what is the present one? Can he say whether untouchables are allowed free entry to it?

I shall now quote what some of the past Hindu saints have said about this question of untouchability. Shri Sant Tukaram says this about immemorial customs and rights of the *Chaturvarna* :

- (1) *Chaturvarna rakshishi tu shreshtha, Tari tu pavsi uttam lok.*
- (2) *Dharma rakshāvayāsānhi, Karne āti āmhasi, Vāche bol ved nēeti, Karun santi kelenten.*
- (3) *Mārg dākhwooni gele āndhi, kripānidhi sant te.*
- (4) *Dharmāche pālan, karne pākhand khand.*
- (5) *Ohokhāmela sant, jivāche soyire, nāpadō visare yānchā ghadi.*

the Maharashtra, a cult of the Vedic religion started by Dyaneshwar Maharaj.

Sir, we zamindars have been giving, in recognition of the right of the untouchables, a portion of the crops that we raise from the land for their subsistence. But for this, the untouchables would have long ago discarded the Hindu fold. The champion of the cause of the untouchables, I mean Mahatma Gandhi, celebrated the occasion of the breaking of his recent fast of a week by reciting prayers from the Bible and the Koran. Have the untouchables ever thought about this? Is there no Hindu prayer to Mahatma Gandhi's liking?

The Honourable Mr. Ranga Iyer has given quotations from the opinions of Messrs. Tilak and Gokhale to show that they supported temple entry by means of legislation. He says, this opinion has been expressed in the *Gitarahasya*. Can he quote any sentences to that effect from that book?

Loknayak Aney and Pandit Madan Mohan Malaviya, both ex-members of the Assembly, are opposed to this Bill and are of the opinion that social and religious legislation should not be brought before the Assembly.

I would have spoken on the Bill for a couple of hours more; but since you, Sir, desire me to curtail my remarks, I shall now bring them to a close. I am thankful to you, Sir, for allowing me a couple of hours to speak.

A word to my friend, Mr. Ranga Iyer. He should not bring forward such measures as would cause dissensions among the Hindu community. He should devote his intellect to other fields of beneficent and patriotic activities. I hope he will withdraw the Bill before it is opposed by Government. In this action, he will merely be following the public opinion. Lastly, I express my admiration for the work of the *Arnachram Swarajya Sanga* in voicing the true public opinion in the country. The Bill has served for the followers of the Sanatan Dharma as an incentive to national work. It is adversity that prompts to action.

Sir, on behalf of Maharashtra and as a humble follower of the Sanatan Dharma, I strongly oppose Mr. Ranga Iyer's motion to refer the Temple Entry Bill to a Select Committee.

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